

AGENDA

PLANNING COMMITTEE MEETING



Date: Thursday 21 November 2013
Time: 6.00 p.m.
Venue: Council Chamber, Sessions
House, County Hall, Maidstone

Membership:

Councillors Ash, Chittenden, Collins, Cox,
Harwood, Hogg, Lusty (Chairman),
Moriarty, Nelson-Gracie, 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 Items withdrawn from the Agenda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 - 28 November 2013

Continued Over/:

Issued on 13 November 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.
10. Minutes of the meeting held on 31 October 2013 1 - 8
11. Presentation of Petitions (if any)
12. MA 12 0842 - JARMONS FARM JARMONS LANE COLLIER STREET TONBRIDGE KENT 9 - 23
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22. Chairman's Announcements

PLEASE NOTE

Due to refurbishment work being undertaken at the Town Hall, this meeting will be held in the Council Chamber, Sessions House, County Hall, Maidstone.

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 31 OCTOBER 2013

Present: Councillor Lusty (Chairman) and Councillors Ash, Chittenden, Cox, Garland, Harwood, Hogg, McLoughlin, Moriarty, Nelson-Gracie, Paine, Paterson, Mrs Robertson and J A Wilson

169. APOLOGIES FOR ABSENCE

It was noted that:

- Apologies for absence had been received from Councillor Collins.
- Councillor Hogg had indicated that he would be late in arriving at the meeting.

170. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Garland for Councillor Collins
Councillor McLoughlin for Councillor Hogg until his arrival

171. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

172. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

173. URGENT ITEMS

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

174. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Harwood stated that he was a Member of Boxley Parish Council, but he had not participated in the Parish Council's discussions regarding application MA/13/1163, and intended to speak and vote when it was considered.

175. EXEMPT ITEMS

RESOLVED: That the exempt Appendix to the urgent update report of the Head of Planning and Development relating to application MA/13/1163 be considered in public, but the information contained therein should remain private.

176. MINUTES OF THE MEETING HELD ON 10 OCTOBER 2013

RESOLVED: That the Minutes of the meeting held on 10 October 2013 be approved as a correct record and signed.

177. MATTERS ARISING FROM THE MINUTES OF THE MEETING HELD ON 10 OCTOBER 2013

MINUTE 163 - MA/13/0941 - REDEVELOP REDUNDANT SITE FOR A HOUSING ASSOCIATION SUPPORTED AFFORDABLE RESIDENTIAL DEVELOPMENT SCHEME THAT COMPRISES 37 FLATS, ASSOCIATED CAR PARKING AND CYCLE STORAGE - 22 TONBRIDGE ROAD, MAIDSTONE, KENT

The Committee considered the urgent update report of the Head of Planning and Development recommending that since the Council was in the process of selling the application site and was unable to enter into a S106 legal agreement with itself, the resolution contained in Minute 163 relating to application MA/13/0941 should be amended to refer to the completion of an appropriate legal agreement obliging the purchaser to enter into a S106 agreement upon completion of the sale.

RESOLVED:

1. That the resolution contained in Minute 163 of the meeting held on 10 October 2013 relating to application MA/13/0941 be rescinded.
2. That subject to the prior completion of an appropriate legal agreement so as to secure the execution of a S106 legal agreement upon completion of the sale to ensure:
 - The provision of 100% affordable local needs housing (12 shared ownership and 25 rented) in accordance with the adopted Development Plan Document on Affordable Housing and subject to the Housing Association nominations process;
 - A contribution of £58,275 for Maidstone Borough Council's Parks and Leisure towards the upgrade, improvement and renewal of amenity space and play equipment within a radius of one mile of the development site; and
 - A contribution of £5,973.90 for Kent County Council to cover the additional demands placed upon community facilities, libraries and adult social services facilities within a radius of

2.5 miles of the application site as a result of this development,

the Head of Planning and Development be given delegated powers to approve application MA/13/0941 subject to the conditions and informatives set out in the report to the meeting held on 10 October 2013, as amended by the urgent update report to that meeting, and the additional condition set out in that urgent update report.

178. PRESENTATION OF PETITIONS

There were no petitions.

179. DEFERRED ITEM

MA/12/1910 - SIGN 3.2 METRES WIDE BY 3 METRES HIGH, TO BE NO MORE THAN 1.5 METRES ABOVE GROUND LEVEL AND SIGN ILLUMINATION NOT EXCEEDING 100CD/SQR METRE - PILGRIMS RETREAT, HOGBARN LANE, HARRIETSHAM, MAIDSTONE, KENT

See Minute 186 below.

180. MA/13/1163 - OUTLINE APPLICATION FOR THE DEVELOPMENT OF A MEDICAL CAMPUS COMPRISING UP TO 98,000SQM OF ADDITIONAL FLOOR SPACE (INCLUDING ADDITIONAL HOSPITAL FACILITIES, CLINICS, CONSULTATION ROOMS AND A REHABILITATION CENTRE (CLASSES C2/D1); EDUCATION AND TRAINING FACILITIES WITH RESIDENTIAL ACCOMMODATION (CLASS C2/D1); KEY WORKER ACCOMMODATION FOR NURSES AND DOCTORS (CLASS C3); PATHOLOGY LABORATORIES (CLASS B1); BUSINESS USES (CLASS B1); ANCILLARY RETAIL SERVICES (CLASS A1, A2, A3)); AND UP TO 116 CLASS C2 NEURO-REHABILITATION ACCOMMODATION UNITS; INTERNAL ROADS AND CAR PARKS, INCLUDING CAR PARK FOR RESIDENTS OF GIDDS POND COTTAGES; HARD AND SOFT LANDSCAPING INCLUDING CREATION OF NEW WOODLAND AREA WITH ACCESS FOR CONSIDERATION AND ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION - LAND SOUTH OF KENT INSTITUTE OF MEDICINE AND SURGERY, NEWNHAM PARK, MAIDSTONE, KENT

All Members stated that they had been lobbied.

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

Mr Dickmann addressed the meeting on behalf of the applicant.

RESOLVED: That subject to:

- A. The final details of highway mitigation and trigger points being agreed and secured by the most appropriate method through either a legal agreement or by way of a condition in conjunction with the Kent

Highway Services and the Highways Agency and the withdrawal/expiry of the Holding Direction;

AND

- B. The completion of further negotiations with the applicant to secure the satisfactory phasing of development to ensure the delivery of the most beneficial aspects of the proposals and this phasing being included as a clause in the legal agreement;

AND

- C. The prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to secure the following:
- The provision of a minimum level of medical facilities and services (including research and training) on the site for a period of five years and to ensure that insofar as the NHS may require to 'purchase' services, the applicants commit to make such provision available to the NHS to a level of at least 25%;
 - The occupation of the neuro-rehabilitation village to be restricted to those signed up to at least a minimum level care package;
 - The limitation of any residential (C3) units to those key workers directly employed in the medical services on the site;
 - A site-wide Framework Travel Plan including the minimising of car parking, together with a Travel Plan Monitoring Fee of £10,000;
 - The provision of an extension to the Sittingbourne Road Park and Ride bus service to serve the site, at a trigger point to be agreed with the Local Planning and Highway Authorities. As a minimum, the service should provide a 10-12 minute peak time and 15 minute off-peak frequency between the site and Maidstone Town Centre until 6 p.m. and an hourly frequency between 6 p.m. and 10 p.m. on Mondays to Saturdays. A minimum 30 minute frequency service should operate on Sundays;
 - The implementation, maintenance, management and monitoring of the proposed landscape and ecology mitigation and enhancement works through the Landscape and Ecology Management Plan;
 - A contribution of £20,000 for future parking controls to be implemented on the highway, should parking over spill become evident;

- Primary school contributions for the residential (C3) elements – new school build costs at £1,000 per applicable flat and £4,000 per applicable house ('applicable' means all dwellings except 1 bed of less than 56sqm GIA, and sheltered accommodation);
- Primary school contributions for the residential (C3) elements – land cost contribution of £675.41 per 'applicable' flat and £2,701.63 per 'applicable' house;
- Secondary school contributions for the residential (C3) elements – £589.95 per applicable flat and £2,359.80 per applicable house;
- Library contributions for the residential (C3) elements – £73.67 per household;
- Adult Education contributions for the residential (C3) elements – £30.70 per household;
- Youth contributions for the residential (C3) elements – £8.44 per household;
- Social Services contributions for the residential (C3) elements – £47.44 per household;
- The establishment and funding of a Monitoring Committee to review all aspects of the development; and
- The implementation of training programmes during the construction process to secure a local workforce,

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

Voting: 7 – For 4 – Against 2 – Abstentions

Note:

Councillors Chittenden, Cox, Harwood and Paterson requested that their dissent be recorded.

Councillor Hogg entered the meeting after consideration of this application (7.10 p.m.), and Councillor McLoughlin took a seat in the public gallery.

181. MA/13/0028 - ERECTION OF ONE PAIR OF SEMI-DETACHED DWELLINGS WITH ACCESS - ALBION INN, CHURCH STREET, BOUGHTON MONCHELSEA, MAIDSTONE, KENT

All Members except Councillors Paine and Paterson stated that they had been lobbied.

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

Mr Coates, an objector, and Mr Gosling, for the applicant, addressed the meeting.

RESOLVED: That subject to further negotiations regarding the materials and architectural details, including window headers, eaves, fenestration, eaves and chimneys, and the incorporation of swift bricks and bat boxes, the Head of Planning and Development be given delegated powers to grant permission subject to the conditions set out in the report amended as appropriate following the negotiations.

Voting: 12 – For 0 – Against 1 – Abstention

182. MA/13/1435 - APPLICATION TO VARY CONDITION 4 OF MA/96/1132 TO ALLOW AN EXPANSION OF THE AREA USED FOR SITING STATIC CARAVANS AND OPERATIONAL DEVELOPMENT TO ALTER LAND LEVELS (PARTLY RETROSPECTIVE AND RE-SUBMISSION OF MA/13/0724) - PILGRIMS RETREAT, HOGBARN LANE, HARRIETSHAM, MAIDSTONE, KENT

All Members except Councillor J A Wilson stated that they had been lobbied.

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

Councillor Taylor of Harrietsham Parish Council (against) and Mr Southerton, for the applicant, addressed the meeting.

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

Voting: 12 – For 0 – Against 1 – Abstention

183. MA/13/1405 - CONVERSION OF REAR PART OF GARAGE AND ERECTION OF A FIRST FLOOR SIDE EXTENSION - 8 PEVEREL DRIVE, THURNHAM, MAIDSTONE, KENT

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

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

Voting: 13 – For 0 – Against 0 – Abstentions

184. MA/12/1466 - CHANGE OF USE OF EXISTING OUTBUILDING/SHED TO ANNEX ANCILLARY TO EXISTING HOUSE - BYDEWS FARM COTTAGE, FARLEIGH HILL, TOVIL, MAIDSTONE, KENT

All Members stated that they had been lobbied.

Councillor Hogg stated that since he had pre-determined this application, he would speak but not vote when it was discussed.

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

RESOLVED: That subject to the receipt of corrected plans, the Head of Planning and Development be given delegated powers to grant permission with the following informatives:

Please note that the use of the outbuilding remains as ancillary accommodation to the main dwelling house (Bydews Farm Cottage), and the building should only be used in that capacity. Any other use, including as an independent dwelling house, will require the benefit of planning permission.

The applicant is reminded of the need for compliance with Building Regulations.

The applicant is advised that appropriate approved connections are required to ensure adequate discharge of foul and surface water drainage.

Voting: 8 – For 3 – Against 1 – Abstention

Note: Having stated that he had pre-determined this application, Councillor Hogg did not participate in the voting.

185. MA/13/0397 - DEMOLITION OF EXISTING DWELLING AND OUTBUILDINGS AND REMOVAL OF EXISTING HARDSTANDING AREAS AND ERECTION OF DETACHED REPLACEMENT DWELLING WITH SEPARATE GARAGE BUILDING/WORKSHOP AND STAFF FLAT - THE WHITE COTTAGE, FLINT LANE, LENHAM, MAIDSTONE, KENT

All Members stated that they had been lobbied.

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

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

Voting: 13 – For 0 – Against 0 – Abstentions

186. MA/12/1910 - SIGN 3.2 METRES WIDE BY 3 METRES HIGH, TO BE NO MORE THAN 1.5 METRES ABOVE GROUND LEVEL AND SIGN

ILLUMINATION NOT EXCEEDING 100CD/SQR METRE - PILGRIMS
RETREAT, HOGBARN LANE, HARRIETSHAM, MAIDSTONE, KENT

The Committee considered the report of the Head of Planning and Development.

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

Voting: 13 – For 0 – Against 0 – Abstentions

187. MA/13/0432 - CHANGE OF USE OF GROUND FLOOR TO A MIXED USE OF
A RESTAURANT AND TAKEAWAY, AND INSTALLATION OF EXTRACT FLUE -
4 COLMAN PARADE, KING STREET, MAIDSTONE, KENT

The Committee considered the report of the Head of Planning and Development.

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

Voting: 13 – For 0 – Against 0 – Abstentions

188. APPEAL DECISIONS

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

RESOLVED: That the report be noted.

189. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that:

- He wished to draw the Committee's attention to forthcoming training sessions.
- A meeting of the Chairman and the Political Group Spokespersons of the Planning Committee would be held on 28 November 2013. Attendees had been asked to submit items for inclusion on the agenda by 15 November 2013.
- He had asked that arrangements be made for a site visit to assist Members in their consideration of applications for the construction of solar farms.

190. DURATION OF MEETING

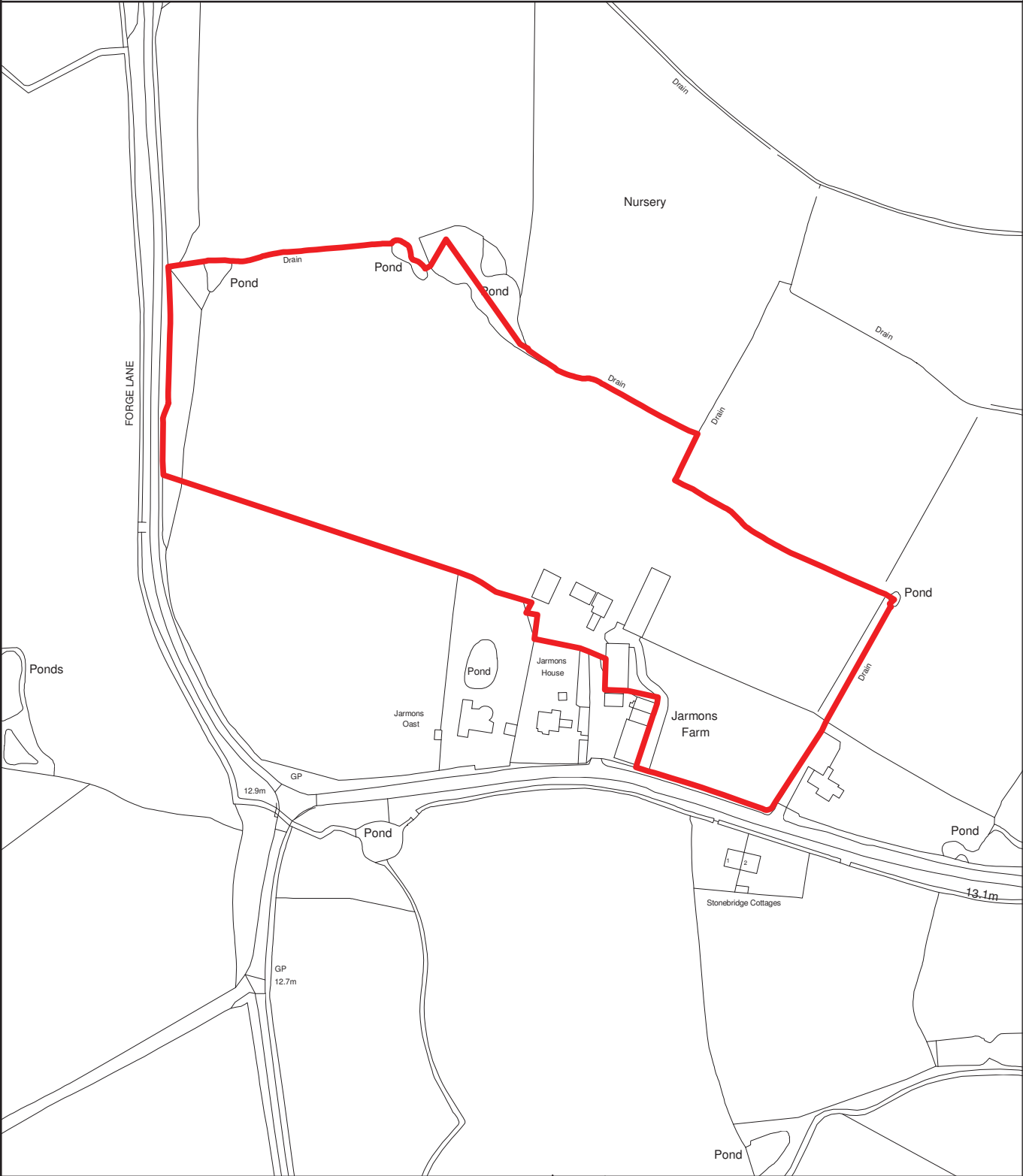
6.00 p.m. to 8.30 p.m.

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/12/0842

GRID REF: TQ7047

JARMONS FARM, JARMONS LANE,
COLLIER STREET.



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Rob Jarman
Head of Planning and Development

APPLICATION: MA/12/0842 Date: 28 May 2012 Received: 28 October 2013

APPLICANT: Mr P Lewis, Jarmons Farm Limited

LOCATION: JARMONS FARM, JARMONS LANE, COLLIER STREET, TONBRIDGE, KENT, TN12 9PU

PARISH: Collier Street

PROPOSAL: Change of use of land to the keeping of horses; with demolition of existing structures and erection of a new building to accommodate stables, a hay store and a machinery store. Provision of an exercise arena. Change of use of redundant agricultural buildings to holiday accommodation (within Use Class C1), including alterations to increase roof height as shown on drawing nos. M11-1525:01B, 03B, 07B, 08B, 11D received on 10/5/13; 06C received on 13/9/13; and 02G, 04J, 05G, 09F, 10F received on 28/10/13.

AGENDA DATE: 21st November 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 Collier Street Parish Council and committee consideration has been requested

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV44, ENV46, ENV49, T13
- Village Design Statement: N/A
- Government Policy: NPPF

2. HISTORY

The relevant planning history is considered to be:

MA/02/1173 - Change of use of land to the keeping of horses for private purposes and erection of a stable block and exercise arena - Permitted

3. CONSULTATIONS

3.1 COLLIER STREET PARISH COUNCIL states: "The Parish Council wish to see the application REFUSED and REQUEST the application is reported to the Planning Committee for the planning reasons set out below:-

1. Overdevelopment of the site
2. We are not convinced that the buildings are suitable for residential use without substantial rebuilding.
3. There is an existing Barn – why create a new one?
4. Inadequate screening of the parking area to adjacent residential properties.
5. Flood Risk Assessment is entirely inadequate and does not address the issues.

Additional comments

We are of the firm opinion that this development is not suitable for a flood plain.

Drawing M11-1525 – 09D - the floor level shown on the revised section does not appear to relate to the elevation in that the floor would be interrupting the doors. We also raise a concern over the ability of the disabled to negotiate these raised levels.

6. We would ask what would happen to the residents in the event of flooding.
7. In view of the fact that other developments have been approved in the Parish can we see a business plan?
8. There is only one entrance are we are concerned with emergency access to the property."

3.2 THE ENVIRONMENT AGENCY has been in discussion with the agent and has examined the Flood Risk Assessment prepared by Monson Consulting Engineers. No objection is raised provided the floor levels in the holiday accommodation are adhered to.

3.3 THE MBC EMERGENCY PLANNING MANAGER has no objection.

3.4 KCC HIGHWAYS AND TRANSPORTATION has no objection subject to conditions on the setting back of entrance gates and the provision of visibility splays.

3.5 RURAL PLANNING LTD comments that the nearby dwelling 'Seven Acres' should be sufficient to provide proper security and care for horses pursuant to the requirements of Local Plan Policy ENV46. The development proposed is appropriate to the stated equestrian purposes and is not excessive in scale. The

design of the buildings intended for holiday accommodation is such that they are inherently unsuitable for any obvious modern commercial agricultural function.

3.6 THE KCC BIODIVERSITY OFFICER has no objection.

3.7 THE MBC ENVIRONMENTAL HEALTH MANAGER has no objection subject to conditions to cover contamination, storage of stable waste and disposal of run-off.

4. REPRESENTATIONS

4.1 LETTERS OF OBJECTION HAVE BEEN RECEIVED FROM (OR ON BEHALF OF) THREE NEIGHBOURING HOUSES. The following summarised points are made:

a) The development would have an adverse impact on neighbours in terms of noise (often at unsocial hours) from the holiday accommodation and 'comings and goings' involving vehicles and pedestrians. There would be disturbance and fumes. There would be a loss of privacy.

b) Given a lack of on-site management there may be security problems and anti-social behaviour. Management and security by way of 'Seven Acres' may be difficult.

c) The increase in the height of buildings would cause harm to the outlook of local residents and visual harm generally. Lighting could cause harm to the countryside. There is doubt as to whether these buildings could be converted or would actually need to be rebuilt.

d) The proposed holiday accommodation use is too open-ended and raises questions as to exactly how the premises would function.

e) The Flood Risk Assessment is not accurate in that local properties and nearby land were flooded in 2000. Residences were cut off. The evacuation plan is inadequate.

f) The ecology report's conclusions are challenged by local residents who state that a variety of fauna and flora, including protected species, are found in this area.

g) Traffic flows would increase on a country lane.

h) Contrary to what is said in the application the land hereabouts is very productive in an agricultural sense.

i) Details of disposal of waste and drainage are lacking.

j) The MA/02/1173 change of use permission was not implemented. That permission was for a less harmful equestrian scheme.

k) Local Plan Policy ENV46 makes it clear that converted buildings should be used in preference to new buildings.

l) The long term plan is not clear here including what is to happen to the existing barn. Mention is made of a fishing lake complex. There is no business plan to explain matters.

m) Neighbouring properties are not accurately plotted which makes consideration difficult.

Officer comment: I await any further comments that consultees, local residents, etc. may have on the latest set of amended plans that reduce the parking provision and reorganise the holiday accommodation so that there would be no bedrooms in Unit B. My considerations are based on these latest amended details.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 The application site is located in the countryside well beyond the bounds of any town or village. The site is roughly equidistant between Yalding (to the north west) and Marden (to the south east). Land hereabouts is generally low-lying flat land that is not the subject of any particular designation.

5.1.2 The site is located on the north side of Jarmans Lane, a narrow country lane which links Forge Lane (to the west) and Collier Street (to the east). The land the subject of this application is in the main located behind the short series of dwellings that front the lane: these being Jarmons Oast, Jarmons Farmhouse and Foxbrush Barn.

5.1.3 A concrete access road from the lane leads around the eastern flank of the frontage development before arriving at a group of modest agricultural/equestrian buildings of utilitarian design. The principle elements of this group involve two low level agricultural sheds of concrete blocks under sheeting roofs, small stables buildings and (at the western extremity of the group) a dutch barn. The majority of the remainder of the application site involves a swathe of grassland stretching across to Forge Lane to the west bordered in the main by significant hedging. Just beyond the eastern margins of

the site is the detached dwelling 'Seven Acres' which is also within the applicant's ownership.

5.2 Proposal

- 5.2.1 This application proposes the change the use of the site to an equestrian 'DIY' livery with stabling for 6 horses and the formation of holiday accommodation (within Use Class C1 and linked to the equestrian use) by conversion of the aforementioned two agricultural sheds.
- 5.2.2 The existing stables buildings in the middle of the group would be demolished and replaced with a new structure to accommodate the 6 stable units, a hay barn and a farm machinery store. The new building would be approx. 22.6m by 9.9m with an overall height of approx. 4m. and would be constructed of dark green steel corrugated sheeting with a brick plinth, under a dark green sheeting roof. The stables units would face north and would have a weatherboarding finish. The existing dutch barn would be retained.
- 5.2.3 Holiday accommodation (within Use Class C1) would be formed by a conversion of the two sheds (with a combined floorspace of approx. 470 sqm) providing 5 units of family accommodation in Unit A and communal facilities in Unit B including a site reception, kitchen, communal areas and a manager's office. The conversion of both buildings would require the raising of the eaves and ridge lines of the roof to facilitate raised floor levels: in both cases the ridge height would be raised by approx. 0.6m. The buildings would be converted with a low brick plinth and weatherboarding under a dark green corrugated steel roof. Changes to the fenestration would be necessary, the main change being the removal of a series of windows on that part of the west elevation of Unit B which lies directly adjacent to the garden of Foxbrush Barn.
- 5.2.4 Turning away from the buildings to the general layout, the existing access road would still serve the development albeit with improved sight lines onto Jarmans Lane and gates set back from the highway. Parking for 7 cars would be provided alongside holiday Unit B and a further 5 alongside Unit A. A new landscaped 'buffer' area, free from buildings, parking spaces, etc., would be put in place, approx. 10m deep, between the new stables building and the southern boundary of the site (ie the boundary with the residential gardens). Finally a manege would be constructed in the field to the north of the stables building, approx. 60m by 20m, with a sand surface and post and rail fencing around.

5.3 Principle of Development

- 5.3.1 Development Plan Policy and Central Government Guidance seek to protect the countryside from inappropriate development. As an exception to the general

theme of restraint equestrian-related development may be acceptable in principle and 'saved' Local Plan Policy ENV46 is particularly relevant here. Similarly, holiday accommodation may be acceptable in the right circumstances and this is largely governed by 'saved' Local Plan Policy ENV44.

- 5.3.2 Again on the principle of the scheme, an equestrian redevelopment of part of this site has been allowed here previously through permission MA/02/1173 (Change of use of land to the keeping of horses for private purposes and erection of a stable block and exercise arena). The stables block was to be located to the north of the existing range of buildings but the exercise arena was to occupy a similar position to that applied for now. The building works have not been carried out and, whilst horses appear to have been kept on the land for some time, I share local residents' doubts as to whether that permission was lawfully implemented. Nevertheless the fact remains that this Council has previously permitted an equestrian development in this locality.
- 5.3.3 Recent amendments to The Town and Country Planning General Permitted Development Order 1995 allow (in the right circumstances and subject to 'prior notification' procedures) the change of use of buildings up to 500sqm floorspace from agriculture to (amongst other uses) C1 use. This provision to establish leisure uses in agricultural buildings, essentially without significant planning control, must be given significant weight as background to this case. Similarly the NPPF, notably at paragraph 28, encourages the development of rural business as a means of stimulating the economy of the countryside.
- 5.3.4 There is no 'in principle' objection to the uses applied for here. However, the on-site circumstances and the detail of the scheme must be appropriate in terms of the character, amenity and functioning of the countryside.

5.4 Visual Impact and Landscaping

- 5.4.1 Turning to the detail of the scheme, the site currently has something of a run-down appearance and, to my mind, the proposed scheme represents an opportunity for the site to be re-invigorated and generally improved in terms of its impact on the character of the area. Old buildings would be removed and the new stables building would be low level and of a general design and materials commonly approved throughout the Borough. The re-cladding of elements of the two holiday accommodation buildings in weatherboarding under a dark green corrugated steel roof would be a visual improvement on the existing situation. I recognise that the eaves and ridge heights of these buildings would increase (by approx. 0.6m at the ridge) but I consider this a very modest increase to low level buildings. Local residents question whether the buildings are capable of conversion without rebuilding. It seems to me that the buildings are of permanent and reasonably sound construction and this is an application for

conversion: if the applicant wishes to demolish and rebuild then that would need to be the subject of a new application which would need to be dealt with on its own merits.

- 5.4.2 Looking at the general layout, the manege would clearly constitute low level development which would have little impact, being located behind existing buildings and being reasonably well screened by field boundaries. Existing and new buildings would be well grouped, whilst the access and parking areas would be closely related to those buildings. As a general comment, this whole development would be located behind an existing built frontage and there are no close public views of the site. Longer range views are interrupted by field boundaries in a generally flat landscape.
- 5.4.3 In my view there are no trees of significant value here that would be affected, nor is there any need for new landscaping other than one particular area of the site; that being the area in the southern part of the site close to the boundary with the rear gardens of the three adjoining dwellings. The application recognises the noise concerns of local residents there by proposing a landscaped 'buffer' zone (of varying depth but approx. 10m) between the new stables building and the southern boundary. Clearly the landscaping of that zone would 'soften' the appearance of the buildings when viewed from the housing.
- 5.4.4 I conclude that the proposals generally would have no adverse impact on the character of the countryside.

5.5 Residential Amenity

- 5.5.1 I understand the clearly expressed concerns of local residents on potential noise and disturbance issues from both the equestrian and holiday accommodation uses but I do not consider that a refusal on such grounds is appropriate. It must be borne in mind that there is an existing access and group of buildings here that could be used for agriculture without the need for further permission and that an equestrian development has previously been deemed acceptable in this general locality. I do not regard equestrian use or holiday accommodation use to be inherently noisy or disturbing.
- 5.5.2 Looking at more detailed matters, the new stables block would have no openings facing towards the neighbouring housing and there is the aforementioned 'buffer' zone to help protect outlook and amenity. I recognise that holiday accommodation Unit B is right on the boundary of the garden of Foxbrush Barn but the proposed conversion of that building shows no openings on the southern end, whilst the existing windows on the western elevation that directly border the garden area would be blocked up. Unit B would contain no bedroom accommodation. I understand that local residents may be concerned as to noisy

behaviour at unsocial hours but that would potentially be the subject of the normal environmental health controls that are in place to safeguard amenity. There would be some noise and disturbance from vehicular and pedestrian 'comings and goings' along the access track, parking areas, etc. but I am not convinced that any increase would be so great as to warrant a refusal of permission. In terms of potential nuisance from waste, a condition can be imposed to control the location and method of waste disposal and it seems to me that there is adequate opportunity to site such functions away from the residential boundaries. Given the design and layout proposed there would be no significant loss of light, outlook or privacy here.

5.5.3 I conclude that there would be no loss of residential amenity here such as to warrant a refusal of permission.

5.6 Highways

5.6.1 To my mind this is a small scale scheme that would have no significant impact on the highway. There is no objection from the highways officer. Access, parking and turning arrangements are appropriate to the uses proposed. I propose conditions be imposed to safeguard parking spaces and visibility splays; the drawings already show the setting back of entrance gates. After discussion with the highways officer I see no need for the provision of a secondary access for emergency purposes.

5.6.2 The nearest services are in Yalding approx. 3km away. It seems to me inevitable that rural leisure facilities will be located in countryside areas that, like this one, are not well related to basic services and public transport opportunities. This site can not be described as 'remote' and is small scale: in my view it would not be appropriate to raise objection on sustainability grounds.

5.7 Ecology

5.7.1 The application is accompanied by a phase one habitat survey and protected species report. The report concludes that the site had low potential to contain rare and/or protected plants or habitats within the footprint of the proposed development area. Buildings had a low potential for bats to be present and a precautionary approach is recommended but there is a need for an updated survey to be carried out: due to the low potential of bats being present, on this occasion it is acceptable to condition the survey. Only the land directly next to the ditches contained suitable habitat for reptiles but no surveys are recommended as that habitat would be retained - however if some of the habitat would be directly impacted by any construction vehicles a precautionary approach is recommended to clear the vegetation before works began. The ponds and ditches on and around the site were found to have the potential to

contain great crested newts but the proposed development would not impact on foraging or resting habitat, but only on potential commuting habitat. In the circumstances it is recommended that surveys be carried out and, if newts are found, then amphibian exclusion netting fencing would be put in place to stop animals moving onto the development site during the construction period. A European Protected Species Licence would be required for such works. No evidence of barn owls was found.

- 5.7.2 The KCC Biodiversity Officer has no objection to the report and its recommendations. A condition needs to be imposed to secure an ecological mitigation and enhancement strategy, particularly for great crested newts, reptiles and amphibians, and bats. I note the comments of local residents that the ecological assessment underestimates the ecological value of the site but the Biodiversity Officer is satisfied with the conclusions of the report and I see no justifiable ground to refuse this application on ecology grounds.

5.8 Flooding

- 5.8.1 This site lies within Flood Zone 3 on the Environment Agency's data base. The Environment Agency has engaged in discussions with the agent and examined the Flood Risk Assessment and now has no objection. The Agency states: "This FRA states finished floor levels will be raised to 13.465metres Ordnance Datum (mOD) with sleeping accommodation raised to 13.765mOD. We are satisfied these levels are sufficiently high enough to minimise the risk of internal flooding to the proposed holiday accommodation and based on all other flood mitigation proposals, believe the proposed design minimises the risk of internal flooding to a minimal level. We therefore remove our objection to this aspect of the proposal." The Council's Emergency Planning Manager has examined the evacuation plan and has no objection. I note that local residents state that their houses endured significant flooding in 2000 but, in the absence of objection from the Agency, I consider there to be no justifiable reason to refuse permission. I also agree with the comments in the Flood Risk Assessment drawing a distinction between the impact of flooding of peoples houses as opposed to the flooding of holiday accommodation where visitors would be likely to be able to leave at short notice. I raise no objection to this application on flooding grounds but recommend the inclusion of an informative on flood risk.

5.9 Care and Security

- 5.9.1 Policy ENV46 requires that adequate care and security be provided for the horses. The application indicates that the detached residential property 'Seven Acres' to the east of the site could provide the necessary supervision. I agree with Rural Planning Ltd. that the property is suitable and recommend a condition tying the equestrian use to the occupation of that property.

5.10 Other Matters

- 5.10.1 The application states that the holiday accommodation would fall within Use Class C1 and seeks an unrestricted use. C1 usage involves hotels, boarding and guest houses where no significant element of care is provided (hostels are excluded). Local residents state that this is too 'open' a use but I see no need to unduly restrict usage if (as I have concluded) there would be no significant amenity problems.
- 5.10.2 On the issue of floor levels it seems to me that proposed floor levels would not interrupt doorways or significantly hinder access to the buildings. I see no justifiable reason to request a business plan in this case: this is a small scale development for the redevelopment of buildings for equestrian/holiday accommodation use. I am satisfied that the relationship between the site and neighbours is sufficiently clear on the submitted plans to enable proper judgement. Local residents question the intentions as to the use of the existing barn but it seems to me that it would simply be used for the normal storage functions associated with an equestrian use. Finally, as to long term plans for this site, the Council can only determine the proposals before it: future proposals would need to be determined on their own merits.

6. CONCLUSION

- 6.1 Policy and guidance allow for equestrian development and generally support the establishment of rural business. It must be borne in mind that there are now many circumstances where sizeable C1 uses can be established within farm buildings without the need for full planning permission. I note the concerns of local residents but I do not consider that their amenities would be significantly threatened. I do not consider that the development proposed here would have any negative impact on the character, amenity and functioning of the countryside and I recommend that permission be granted.

7. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions and informative:

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. M11-1525:01B, 03B, 07B, 08B, 11D received on 10/5/13; 06C received on 13/9/13; and 02G, 04J, 05G, 09F, 10F received on 28/10/13;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

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.

4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines. The scheme shall include details of the extent of, and the means of surfacing, of any access roads, parking areas and hardstandings and details of any proposed boundary fencing.

Reason: In the interests of visual amenity and residential amenity.

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: In the interests of visual amenity and residential amenity.

6. The holiday accommodation buildings Units A and B shall be converted with finished floor levels as stated on the approved drawings and those levels shall be subsequently maintained;

Reason: In order to safeguard the occupants of those units in times of significant flooding.

7. Before the equestrian use commences details of the means of disposal of surface water run-off from the stables, hardstandings, manure heaps and hay soaking areas shall be submitted to and approved by the Local Planning Authority. No contaminated run off shall be directed to soakaways or any watercourse;

Reason: To ensure adequate drainage arrangements in order to avoid pollution.

8. Before the equestrian use commences details of the means of storage prior to disposal and the means of disposal of faecal, bedding or other waste arising from the animals housed on site shall be submitted to and approved by the Local Planning Authority;

Reason: To safeguard the residential amenities of neighbours.

9. Use for the stabling and keeping of horses shall only take place under the management of the occupiers of Seven Acres (i.e. the dwelling edged in red on the attached plan);

Reason: In order to provide adequate care and security for the horses and to avoid undesirable pressure for a new dwelling.

10. No floodlighting or other external means of illumination of the site shall be provided, installed or operated at the site, except in accordance with a detailed scheme which shall have been submitted to and approved in writing by the Local Planning Authority;

Reason: To safeguard the character of the area and amenity of local residents.

11. The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the Local Planning Authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: In order to ensure that potential contamination is adequately dealt with.

12. The visibility splays at the point of access shown on drawing no. 02E shall be formed with no obstruction to visibility above 0.9m above ground level before the uses hereby approved are first implemented and shall be subsequently maintained in that condition;

Reason: In the interests of highway safety.

13. The development shall not commence until an ecological mitigation and enhancement strategy has been submitted to and approved by the Local Planning Authority. The strategy must be informed by the great crested newt and bat surveys and include a timetable for implementation and maintenance. The development shall thereafter be implemented in accordance with the approved details;

Reason: In the interests of the ecology of the area.

Informatives set out below

The applicant is advised to connect to the Environment Agency's flood warning service and ensure that occupiers of the holiday accommodation are made aware of the risk of flooding and the procedure for evacuation.

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

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Item no. 12 **Page no. 9**
Reference no. MA/12/0842

Address Jarmons Farm, Collier Street

COLLIER STREET PARISH COUNCIL states:

“The Parish Council notes the changes that have been made but are not convinced of the financial viability. This is one of a number of similar applications of this kind that we have received of late.”

LETTERS BEEN RECEIVED FROM TWO NEIGHBOURING HOUSES essentially reiterating their opposition and pointing out their objections as to the conclusions of the flood risk assessment and the ecology reports.

THE MBC ENVIRONMENTAL HEALTH MANAGER confirms no objection.

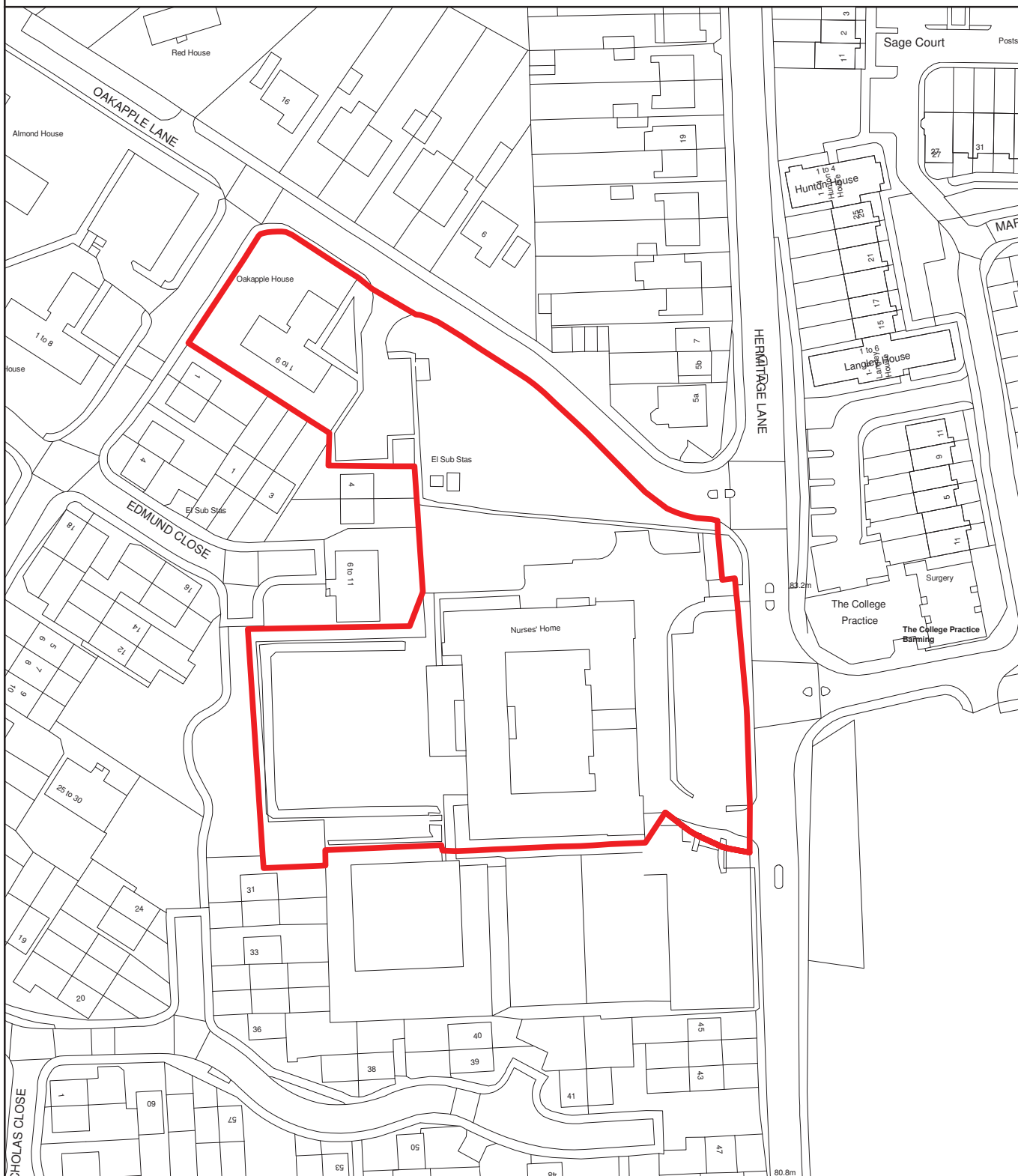
MY RECOMMENDATION REMAINS UNCHANGED

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/12/2255

GRID REF: TQ7355

NURSES HOME, HERMITAGE LANE,
MAIDSTONE.



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Rob Jarman
Head of Planning and Development

APPLICATION: MA/12/2255 Date: 14 December 2012 Received: 18 December 2012

APPLICANT: Mr Roy Davis, Maidstone & Tunbridge Wells Hosp Trust

LOCATION: NURSES HOME, HERMITAGE LANE, MAIDSTONE, KENT, ME16 9NN

PARISH: Maidstone

PROPOSAL: Outline planning permission for the erection of 53 residential units with all matters reserved for future consideration as shown on drawings A/1, 100, 101, 102, 103, 108, 109, 110, 112 and 11150/P1.

AGENDA DATE: 21st November 2013

CASE OFFICER: Chris Hawkins

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

- Councillor Gooch and Councillor Vizzard have requested it be reported for the reason set out in the report.

1. POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6, CF1, T13
Government Policy: National Planning Policy Framework (2012).

2. RELEVANT HISTORY

MA/10/0365: Conversion of nurses home and training accommodation to office premises and training facility including demolition of existing rear extension the addition of disabled access ramps to external doors and the creation of an additional 61 car parking spaces with associated landscaping – APPROVED-01-Jun-2010

3. CONSULTATIONS

- 3.1 **Maidstone Borough Council Parks and Open Space Officer:** Raises no objection subject to contributions of £1,575 per dwelling being sought. These contributions would be spent on the enhancement of open spaces within the locality of the application site.

3.2 Maidstone Borough Council Conservation Officer made the following comments:

3.2.1 'The site contains two existing buildings – the original, large Nurses' Home and Oakapple House, a smaller building of late 20th Century date. The latter is a building of no architectural or historic value and I have no objections to its demolition, but the original home is a grand building of architectural quality, historic interest and townscape importance which I consider should be regarded as a non-designated heritage asset.

3.2.2 The NPPF refers to the importance of heritage assets as a consideration when determining planning applications. Paragraph 131 states that in determining planning applications local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

3.2.3 Heritage assets are defined in the NPPF as:

3.2.4 "A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing)".

3.2.5 The Historic Environment Planning Practice Guide originally published to accompany and elucidate PPS5 still remains as the latest Government guidance on historic environment matters and was not cancelled with the PPS. The Practice Guide describes the distinction between designated heritage assets, which include listed buildings, conservation areas, scheduled ancient monuments and registered parks and gardens, and other heritage assets which are not the subject of national or statutory designations but nevertheless have heritage value in their local area. Paragraph 15 of the Practice Guide notes that these may be formally identified by a local authority, for example by local listing, but continues to say that the "process of deciding planning permissions...may also lead to the recognition that a heritage asset has a significance that merits some degree of protection."

3.2.6 The original nurses' home comprises a large and impressive building developed around a central courtyard. It is in an attractive neo-Georgian style with Baroque touches to the impressive central gateway feature. It was designed by the Kent

County Architect, Wilfrid Harold Robinson, probably in 1926. It was formally opened on 7th June 1927 by H R H The Princess Mary, an event which was extensively covered in The British Journal of Nursing in July 1927, which noted:-

- 3.2.7 "...the many excellencies of the design selected. A handsome, substantial, red-brick building, standing four square on rising ground, with steeply pitched roof covered with red tiles, and having dormer windows, being painted white, it is a Home to which the Nurses of the Hospital can point with pride, as comparable with any, and superior to most, of the Nurses' Homes attached to hospitals in this country. Owing to the form adopted every room is light and airy, looking out either on to the green sward of the quadrangle, or over the beautiful Kentish Downs"
- 3.2.8 The Home not only provided living accommodation for the nurses but also acted as a training centre and included a lecture room, a silent room, a demonstration room and recreation rooms.
- 3.2.9 I am of the opinion that this building should be considered as a non-designated heritage asset for the following reasons:-
- i) Architectural Quality – it is a fine example of the inter-war neo-Georgian style which was particularly popular for civic and public architecture at the time. Buildings by the architect, W H Robinson, were widely published in the architectural press of the day.
 - i) Townscape Quality – it is an impressive building which is a prominent feature in Hermitage Lane and adds to local distinctiveness.
 - ii) Group Value – although separated by Hermitage Lane, the Nurses' Home forms a good group with the statutorily listed original hospital buildings to which it was also functionally related. It adds to the significance of this group of listed buildings.
 - iii) Social Historical Value – it is a fine example of a modern nurses' home of its day, a period when such facilities were expanding with the increasing view of nursing as a profession trying to attract a well-educated intake. It is particularly apposite that such a well-regarded facility was provided at Oakwood Hospital which had gained a reputation as being one of the more progressive mental hospitals in the early 20th Century.
- 3.2.10 Paragraph 135 of the NPPF states that:-
- 3.2.11 "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of harm or loss and the significance of the heritage asset"

3.2.12 In this particular instance, total demolition of the heritage asset is proposed, amounting to substantial harm to its significance; I also consider that harm would be caused to the significance of the listed buildings at the Oakwood Hospital site by the loss of this important ancillary facility.

3.2.13 I am not persuaded that the existing building could not be converted to some other viable use – either residential or office would seem to be possible – and should not, in my view, be any more difficult to achieve than the conversion of the listed hospital buildings already carried out on the main site. If the building were retained, additional new-build accommodation could still be developed on the remainder of the site. Although the current application is in outline with all matters reserved, reasonably detailed plans and elevations have been submitted as illustrative material; these do not indicate a scheme of equivalent or better architectural quality to that exhibited by the existing building. It does not appear to make a positive contribution to local character and distinctiveness.

3.2.14 Examples of appeal decisions exist elsewhere where development proposals have been dismissed on the grounds of loss of non designated heritage assets.'

3.3 Kent Highway Services; No objection subject to provision of a Transport Assessment with any reserve matters planning application, should this application be approved. **Chase**

3.4 Southern Water: Raised matter of capacity within the locality but are satisfied **that an informative upon any permission would suffice** to ensure that the proposal would provide adequate infrastructure.

3.5 KCC Developer Contributions: These are sought as follows:

- Primary School Requirements: Identification and acquisition of a new primary school site local to the development. This is to be funded on the basis of £1389.99 per applicable flat and £5559.96 per applicable house towards the new build costs. An additional contribution is sought of £675.41 per applicable flat and £2701.63 per applicable house for land acquisition costs.
- Secondary Schools: Funding to support extension of existing secondary school local to the site on the basis of £589.95 per applicable flat and £2359.80 per applicable house.
- Local Libraries: £7667.64
- Community Learning: 1521.57
- Adult Social Services: 2454.68

3.6 UK Power Networks: No objection.

4. REPRESENTATIONS

4.1 Councillors Vizzard and Moss were consulted and made the following comments:

4.1.1 'The proposed application will have a great impact to the existing poor road infrastructure. As a nurses home, the building formally served Maidstone Hospital and prior to that, Oakwood Hospital with nursing staff. This meant little or no vehicular movement as the staff simply walked across the road.

4.1.2 If this application is granted, a building of local historical value will be lost and, with the provision of over 50 houses, create something in excess of 200 vehicle movements daily onto an already excessively used, poor road network that has been in excess of its design capacity for many years.

4.1.3 The Integrated Transport Strategy had identified this area of Hermitage Lane as being in need of both air quality improvement and traffic management improvement at the junctions.

4.1.4 A further 200 additional traffic movements will cause harm to the residents in health problems and cause immense inconvenience and danger from the traffic. This brings into question, the volume of properties proposed to be built on the site.'

4.2 Neighbouring properties were notified and three letters of objection have been received. The concerns raised in these letters are summarised below:

- Noise;
- Increased traffic;
- More careless and inconsiderate parking;
- A greater risk of road accidents;
- Further difficulties with access to and from our estate;
- General disruption during development;
- The design is poor;
- The number of units proposed is excessive;
- Impact upon the existing trees;
- Where will all of the bins go?
- Will there be sufficient bicycle storage?
- Will the properties be built to a lifetime homes standard?
- The proposal would change the character and appearance of the locality;
- A buffer zone of planting should be provided to protect existing residents;
- The density should be reduced.

4.3 In addition, Teston Parish Council (the site does not fall within their Parish) made the following representation:

4.3.1 The proposed application will have a great impact to the existing poor road infrastructure. As a nurses home, the building formally served Maidstone Hospital and prior to that, Oakwood Hospital with nursing staff. This meant little or no vehicular movement as the staff simply walked across the road. If this application is granted, a building of local historical value will be lost and, with the provision of over 50 houses, create something that is in excess of its design capacity for many years.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 The application site is located within the urban confines of Maidstone. The nurses building, which is unoccupied, occupies an extremely prominent position on the west side of Hermitage Lane just opposite the junction with Marigold Way. The site also fronts Oakapple Lane to the north.

5.1.2 Immediately in front of the nurses building fronting Hermitage Lane is an area of hardstanding used for parking. The nurses building has a rectangular footprint set around a quadrangle. Immediately abutting the building to the north and east are open areas. Abutting these areas are a mix of mainly two storey residential development however abutting the north west corner of the site is a three storey block of flats.

5.1.3 On the opposite side of Hermitage Lane the street scene is characterised by a wide grass verge and footpath. Beyond this is a ragstone wall which is a significant boundary feature along this part of Hermitage Lane separating the road from new housing and existing open space.

5.1.4 In a wider context the area has been the subject of significant recent, mainly housing development, principally in the form of terraced housing and flats.

5.2 Proposal

5.2.1 Outline planning permission is sought, with all matter reserved, to redevelop the site for 53 dwellings (involving demolition of the nurses building and Oakapple House) and development on the open areas abutting the site to the north and west. The application has been accompanied by indicative design and layout details seeking to demonstrate that it is possible to develop the site for the

number of units proposed while still meeting the Council's design and layout standards.

5.2.2 A dwelling mix has been specified being 12 no: 4 bedroom three storey houses, 4 no: 4 bedroom two storey houses though with rooms in the roof; 8 no: 3 bed three storey houses as affordable rented units, 5 no: 3 bed three storey houses for private sale along with 6 no: two bedroom flats and 18 no: 1 bed flats. The applicants advise that the affordable units will be 'lifetime' homes while the private houses would have the capacity to meet lifetime homes standard if required.

5.2.3 The indicative site layout shows a U shaped three storey block fronting Hermitage Road and separated from it by an area of communal parking. The forward line of the block shows it coming significantly closer to the Hermitage Lane than the existing nurses building.

5.2.4 To the rear/west of the block, the currently open area is shown developed by a mix of terrace and semi-detached houses. To the north of the proposed U shaped block and on currently open land, three storey terraced development is shown while fronting onto Oakapple Lane and returning along Springwood Road for a short distance two storey terraced housing is proposed.

5.2.5 Indicative vehicular site access is shown being gained onto Hermitage Road and Oakapple Lane.

5.3 Determining Issues:

5.3.1 The key issues in relation to this proposal are considered to be as follows being (a) Principle (b) Density (c) Loss of non-designated heritage asset (c) Design and layout (d) Impact on development overlooking and abutting the site (e) highway and parking considerations (f) sustainability and (g) affordable housing and developer contributions.

5.4 Principle of Development

5.4.1 The application site lies within the urban area on brownfield i.e. previously developed land. The site occupies a sustainable location well related to existing infrastructure, services and public transport. Irrespective of the Council's position regarding the five year supply of housing land and emerging Local Plan, given (a) the general presumption in favour of sustainable development in built up areas and (b) the past use of the site for nurse's accommodation, no objection is identified to the principle of redeveloping the site for housing and matters therefore turn on detailed considerations.

5.4.2 The Council do not currently have a five year land supply for housing, and as such, the provision of new housing is a strong material consideration in the determination of planning applications. This is not to say that it overrides all other considerations, but that it gains increased weight when a 'balancing up' exercise is undertaken. In this instance, as this is a brownfield site, within the urban area, with facilities close by, this is a suitable site for housing provision.

5.5 Density:

5.5.1 Concern has been raised that the density of development is excessive and will appear out of character with the local area. However in assessing the impact of density regard must be had to existing built mass commitments on a site. In this case, there is already the significant bulk and site coverage of the existing nurses home. Whilst the plans are illustrative, it is shown that it would be possible to erect on the footprint of this a building a building of similar size and scale to accommodate both flats and three storey houses. This would sit comfortably within the pattern and grain of the existing development.

5.5.2 Turning to the remainder of the development, this comprises a mix of mainly two and three storey terraced houses. As such it is not dissimilar in density terms to the mix of flats and houses already characterising the immediate area. Again, this is illustrative only, and as such, I am of the view that alternative layouts could be achieved within the site. This may result in a lower density, but likewise, should more flats be incorporated see the density increase. To my mind, the key consideration is the scale, and the form of the blocks, and the ability for these to assimilate with the development within the locality.

5.5.3 There is also the need to maximise the development potential of a site where the opportunity exists. Given the sustainable location of the site and nature of the surrounding area, it is considered that subject to the development meeting accepted planning criteria, it represents an appropriate response to securing the proposed development mix.

5.5.4 As such it is considered that it would be difficult to sustain an objection on development density having regard to the existing character of the site and that of the surrounding area.

5.6 Loss of non-designated heritage asset

5.6.1 A key concern raised in connection with this application is the loss of the nurses building. This is an imposing building of some character and historic significance occupying a highly prominent position in the street scene. While not Listed it is considered to represent a Non Designated Heritage Asset as set out in the NPPF.

- 5.6.2 Given the weight that must be afforded to heritage issues and the significance of this building on the local area, the Council must first be satisfied that it is not possible to renovate the building and incorporate it into a development package for the site before agreeing to its demolition. Certainly the Council's own heritage advisor is strongly opposed to the demolition of the building given its architectural and historic significance while he also contends that its loss would harm the significance of the listed buildings at the Oakwood Hospital site.
- 5.6.3 The applicants advise that the building is surplus to requirements of the Hospital Trust no longer providing facilities meeting modern standards. Furthermore the building has a maintenance backlog such that the Trust no longer considers it viable to refurbish and reuse it.
- 5.6.4 Nevertheless, it is considered that demolition of this non-designated heritage asset would represent a considerable loss to the area. As such its loss can only be justified on the basis that the building had deteriorated to such an extent that it was wholly unviable to restore and that its retention would stand in the way of much needed housing.
- 5.6.5 The applicant has submitted a viability report which it is considered, demonstrates that it is not viable to convert the building to housing or be retained as part of wider proposals capable of delivering a viable housing scheme. It should also be noted that the building, although prominent, is not listed, and as such could be lost in any event. As such, given the pressing need for housing in Maidstone and in order to minimise the possibility of releasing fresh land for housing outside the existing built confines, though highly regrettable, it is considered that, on balance, the loss of this significant, imposing and highly prominent heritage asset is justified in the circumstances.

5.6 Design and layout considerations:

- 5.6.1 Acknowledging that loss of the nursing building is justified for the reasons set out above, it needs to be assessed whether the indicative siting and layout details demonstrate that the site can be redeveloped for the number of units proposed in an acceptable manner.
- 5.6.2 Given the imposing physical presence and highly articulated detailing of the heritage asset to be lost and the longstanding impact that this building has had on the urban fabric, grain and character of the wider area, any building replacing it must self-evidently be of sufficient design quality and presence to replicate this impact.
- 5.6.3 The indicative size and siting details of the U shaped block intended to replace the nurse's home show a three storey building having a similar frontage width

and height coming slightly closer to Hermitage Lane. Given the design quality and presence of the nurse's home, any replacement building of contemporary design must, it is considered, be of exceptional design quality to compensate for what is being lost. It must also be taken into account that development surrounding the nursing home is all relatively recent. The nursing home represents to all intents the last remaining heritage asset in this section of Hermitage Lane and its very difference compared to modern development surrounding and encroaching onto its setting, further emphasises the need to ensure that any replacement building seeks to replicate this. I would however, not expect to see the large amount of car parking provision to the front of the site, as set out within the submitted plans, instead, the provision of soft landscaping should be encouraged here at reserved matters stage.

5.6.4 The applicants state that the replacement building is intended to take on a townhouse form with projecting bay windows lending a vertical emphasis with the main elevations having a render finish. The long façade facing onto the key Hermitage Lane frontage when compared to the highly articulated nursing home façade, lacks design articulation and visual interest not helped by the suggested use of render. As such it is not considered that the illustrative details indicate a scheme of equivalent or better architectural quality to that exhibited by the existing building while failing to make a sufficiently positive contribution to local character and distinctiveness. As this is outline in form at present, and because the plans are illustrative only, I am satisfied that this can be addressed within any future submission – appearance is not for consideration at this stage.

5.6.5 As such, any permission which may be granted should include an informative making clear that the proposed indicative design substantially fails to meet the design threshold acceptable as a replacement for the nurse's home.

5.6.6 Moving onto the remaining elements of the proposal, it is considered that the principle of a three storey block sited to the north of and set well back from Hermitage Lane, will respect the primacy and setting of the main block fronting Hermitage Lane. This approach will, it is considered help retain the 'memory' of the former nurses home as the prime building along this part of Hermitage Lane. It is also considered that this siting will not materially harm the outlook of the flats and houses abutting the site to the west.

5.6.7 Regarding the two storey housing fronting Oakapple Lane and returning for a short distance along Springwood Road, and that proposed to the west of the U block, given the character and layout of prevailing development, no objection is raised to the indicative design and layout approach of these parts of the development.

- 5.6.8 As a general comment, it is considered that the indicative layout demonstrates that it is possible to achieve block spacing, privacy and garden size standards for development of the scale proposed. Regarding the flats fronting Hermitage Lane in the U Block, a small private communal space is shown to serve these and in conjunction with the likely provision of balconies provides sufficient indication that the need of the occupants of the flats can also be met. The only significant conflict relates to potential privacy issues from 1st/2nd floor windows in the flats looking down into the rear garden of the houses attached to the flats. At this stage there is no indication how this could be addressed but by a combination of the use of oriel windows and internal flat layout, there is no reason why this could not be satisfactorily resolved.
- 5.6.9 There is also the matter of parking provision and the indicative layout shows mainly communal parking scattered in relatively small parcels around the site. It is considered that this demonstrates that the site is capable meeting parking requirements in a manner that can be acceptably integrated into the wider layout.
- 5.6.10 The layout also shows areas of communal open space/landscaping mainly on the site frontage and along Oakapple Lane. Given that the nurse's home stands in an open landscaped setting, it is considered that the proposed landscape approach will serve to maintain this impression when seen from the principal Hermitage Lane perspective.
- 5.6.11 The key landscaping area to be secured is along the Hermitage Lane frontage. Bearing in mind that surrounding development includes the provision of ragstone walls with planting, it is considered that this proposal should also reflect this approach. A condition is therefore recommended requiring provision of a ragstone wall no less than 900mm high along the whole site frontage in a position to be agreed with tree planting at regular intervals along its length.
- 5.6.12 It is also recommended that a condition be imposed requiring development to be set back at least 10 metres from the highway, to ensure good landscaping provision and to secure an acceptable living environment for future occupiers.
- 5.6.13 It would also normally be the case for a development of this size and dwelling mix to incorporate an area set aside for on site play provision. No such provision is being made. However subject to the applicants entering into a legal agreement to secure financial contributions to carry out improvements to nearby play areas likely to be used by children from the development, it considered that matter of play provision can be addressed.
- 5.6.14 Finally it is considered that though the illustrative proposal is generally unacceptable in design terms, the indicative layout provides a largely acceptable

solution to unlocking the development potential of the site for the proposed number of units – the purpose of this outline submission. In addition, to ensure that any development remains in scale and character with the area the height of the development should be restricted to that shown.

5.7 Impact on development overlooking and abutting the site

5.7.1 The negative impact of the development on the Hermitage Lane street scene has already been addressed above. With regards to any material impact on residential amenity of houses abutting and overlooking the site in Oakapple Lane and Springwood Road, the indicative layout shows that existing flank to flank siting arrangements and separation distances are capable of being maintained. As such it is considered that the indicative details demonstrate that the site can be developed at the scale proposed without materially harming the amenity of houses abutting and overlooking the site in Oakapple Lane and Springwood Road.

5.8 Highway and parking considerations

5.8.1 Concern has been raised regards the impact upon the existing road network should planning permission be granted on this site. As Members are aware, significant work has been undertaken with regards to the potential strategic sites within the locality. Given the potential existing use of the site, and given that the application does not provide details of numbers of units at present, I consider it appropriate, should permission be granted to request the submission of a full Transport Assessment as part of any reserved matters application. This would identify the level of harm to the nearby highway, together with the mitigation that would be required to address this harm.

5.8.2 I am mindful of the potential existing use of the site, as well as the potential use for offices which has previously been approved. This previous permission included the provision of an additional 61 parking spaces. This site lies on a busy road, but it is not considered that the additional movements are likely to be unacceptable, subject to mitigation being provided, once the number of units proposed is known.

5.8.3 The draft Integrated Transport Strategy has identified a number of particular projects that would require funding should housing proposals come forward within the North West of Maidstone. However, these have not yet been through full consultation, and the strategy has not yet been adopted. As such, it would be inappropriate to seek specific contributions to any enhancements at this stage. Nonetheless, any contribution for mitigation could be sought at a later stage should it prove necessary – and this would be known once the certainty of housing numbers was provided at reserved matters stage.

5.8.4 In terms of parking provision, from the plans submitted to date, I am of the view that there would be suitable land within the site to be able to provide the necessary parking spaces within the development. This would ensure that there would not be overspill on to the neighbouring highways to the detriment of highway safety. As such, no objection is raised on this basis.

5.9 Sustainability Considerations:

5.9.1 The application has not been accompanied by a detailed sustainability appraisal. However given that this is an outline application, it is not considered that this represents a fundamental omission and is a matter that can be left to be addressed by condition.

5.9.2 Nevertheless, given the brownfield nature of the site, and the fact that the proposal is well served by local facilities, I do consider this a relatively sustainable location. I would seek to further enhance this by requesting that the development be constructed to a minimum of level 4 of the code for sustainable homes. This would be controlled by condition.

5.10 Section 106 Requirements

5.10.1 The applicant has submitted a draft S106 agreement following discussions with the Authority. Any request for contributions needs to be scrutinised, in accordance with Regulation 122 of Community Infrastructure Regulations 2010. These stipulate that an obligation can only be a reason for granting planning permission if it meets 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.

5.10.2 The applicants have submitted a draft Section 106 agreement that sets out that a minimum of 40% affordable housing would be provided within the development. This is in accordance with the Council's adopted Development Plan Document (DPD) and accords with the requirement through the National Planning Policy Framework for authorities to provide affordable housing. I consider that the provision of affordable housing is necessary to make the development acceptable, and is related and reasonable in scale. I therefore consider that this element of the proposal is acceptable in accordance with the regulations.

- 5.10.3 The County have requested that £2,701.63 per dwelling be provided towards primary school education (or £675.41 per flat). This would contribute to a new two form entry primary school within the locality that would be required due to the additional strain placed upon the existing school network by virtue of this development. There is an identified need for primary school provision within the locality, and there is a realistic opportunity for a new school to be provided through the site allocation process of the emerging Local Plan. This contribution would go towards meeting the additional strain placed upon the school facilities within the locality, and is considered to be a reasonable sum, related to the scale of the development. I am therefore satisfied that this contribution meets the tests as set out above.
- 5.10.4 A financial contribution of £144.67 per residential unit towards the provision of new bookstock within the existing library in Maidstone has also been requested. Again, a significant level of justification has been submitted by the County for this provision, which would be brought about by the additional demand placed upon the facilities by the new development. I consider that the contribution would be necessary to make the development acceptable, and that it would be of a scale related to the development. I therefore consider that this would be in accordance with the regulations.
- 5.10.5 A financial contribution of £28.71 per dwelling towards community learning within the locality of the application site. Suitable justification has been submitted with regards to the proposal, and is considered to meet the test as set out above.
- 5.10.6 Maidstone Borough Council Parks and Open Space were consulted and requested that a contribution of £15,75 per dwelling be provided to enhance the existing facilities within the area, to address the additional strain placed upon them by this development. There is an existing playing field and children play area to the south of the site that would benefit from the contributions, as it is most likely that residents of this development would use that facility. The contributions sought are in accordance with the Council's Open Space DPD. I consider that this request is reasonable, and is directly related to the development. I also consider it to be necessary to make the development acceptable.
- 5.10.7 The National Health Service have not requested that any contributions be made as they are selling the site, and will therefore receive the capital receipts from the sale.
- 5.10.8 The applicant has agreed to make all of the contributions set out above.

6. CONCLUSIONS

6.1 These are considered to be as follows:

- Given that the site lies within the built up area, is already surrounded by residential development and proposes redevelopment of brownfield land, there is no objection to the principle residential redevelopment of the site which is located within a sustainable location, close to local services and amenities.
- Given the lack of a 5 year land supply for housing, the need to provide for housing to address this shortfall, I consider that this proposal would go some way to reducing the reliance upon greenfield development.
- Having regard to existing built mass on the site, nature of the surrounding area and requirement to maximise the development potential of sites where appropriate, no objection is identified on density grounds.
- Notwithstanding the undoubted contribution that the nurse's home makes to the character of the area and despite that it comprises a non-designated heritage asset as defined within the NPPF, it is acknowledged that its condition is such that it is not capable of being viably renovated or integrated into the development proposals for this site.
- The indicative design of the building to replace the nurses home is wholly unacceptable.
- The principle of a three storey block sited to the north of and set well back from Hermitage Lane is considered acceptable while the illustrative details showing the siting and size of the remainder of the development, parking provision and landscaping all demonstrate that the site is capable of accommodating the scale of the development proposed while meeting the Councils normal standards and maintaining the outlook and amenity of development overlooking and abutting the site.

6.2 In the circumstances, despite the regrettable loss of the nurses home and subject to its replacement with a building of high design quality to compensate for its loss, it is considered, that, on balance, the proposal is acceptable and the grant of outline planning permission is justified accordingly.

7. RECOMMENDATION

The Head of Planning and Development be given DELEGATED POWERS to APPROVE subject to:

The completion of a legal agreement providing the following:

- (1) A minimum of 40% affordable housing;

- (2) Contributions to KCC for primary school provision (£2,701.63 per dwelling and £675.41 per applicable flat);
- (3) Contributions to KCC for library book stock – to be spent within Maidstone (£144.64 per dwelling or flat);
- (4) Contributions to KCC for community learning and skills – to be spent within Maidstone (£28.71 per dwelling or flat)
- (5) Contributions of £1,575 per residential unit for the enhancement of open space within a 1 mile radius of the application site.

1. 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 buildings 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.

2. Details submitted pursuant to condition 1 (reserved matters submission relating to landscaping) shall include details of tree planting at regular intervals along the site frontage onto Hermitage Lane.

Reason: In the interests of visual amenity.

3. The dwellings shall achieve at least Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.

Reason: To ensure a sustainable and energy efficient form of development in accordance with the NPPF 2012.

4. The height of the development shall be restricted to that shown on drawing no: /A/112.

Reason: To ensure that any development remains in scale and character with the area.

5. No part of the development hereby approved shall come closer than 10 metres to the back edge of the public highway fronting the site.

Reason: To ensure good landscaping provision and to secure an acceptable living environment for future occupiers in the interests of amenity.

6. The approved details of the accesses submitted pursuant to condition 1 shall be completed before the commencement of the use of the land or buildings hereby permitted and the sight lines maintained free of all obstruction to visibility above 1.0 metres thereafter;

Reason: In the interests of road safety.

7. The approved details of the parking/turning areas submitted pursuant to condition 1 shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

8. As part of the reserved matters submitted pursuant to condition 1, details shall be provided of the siting of a ragstone wall no less than 900mm high running along the whole site frontage. The approved wall shall in place before first occupation of the development hereby permitted and retained as such at all times thereafter.

Reason: In the interests of amenity.

9. The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

a. Layout b. Scale c. Appearance d. Access e. Landscaping

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

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

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

10. The development shall not commence until, details of all fencing, walling (which shall include ragstone walling at the point of access, and railings) and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the buildings or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

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

Reason: No such details have been submitted and in the interest of amenity.

12. 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 buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development.

13. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) 'Trees in Relation to Construction-Recommendations'. No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local

Planning Authority;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development.

14. The development shall not commence until details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways within the site, and the design of kerb-stones/crossing points which shall be of a wildlife friendly design, have been submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a high quality external appearance to the development.

15. The development shall not commence until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To prevent light pollution in the interests of the character and amenity of the area in general.

16. The development shall not commence until details of foul and surface water drainage have been submitted to and approved by the local planning authority. The submitted details shall incorporate inter-alia wildlife friendly drainage gullies and design features. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of pollution and flood prevention.

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

Reasons: To protect vulnerable groundwater resources.

18. No development shall take place until a sample panel of the ragstone wall, and brickwork has been constructed on site, and agreed in writing by the Local Planning Authority. Such details as are approved shall be fully implemented on

site.

Reason: To ensure a high quality design.

19. No development shall take place until the applicants or their successors in title have submitted a full Transport Assessment which shall include the full mitigation required to address the harm of the proposal upon the highway network. Any mitigation that is required shall be provided prior to the first occupation of the dwellings hereby permitted, unless otherwise agreed in writing.

Reason: In the interests of highway safety.

Informatives set out below

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

Given that the nurse's home is an imposing and prominent building only a building of exceptional design quality and detailing will be considered acceptable as a replacement. You are therefore advised that the proposed indicative design for the building to replace the nurse's home is wholly unacceptable on design grounds, and that any proposal that comes forward on this site would need to be of a high standard of design to reflect its historic setting. Should a contemporary approach be taken, the development would be required to have a high level of articulation, and high quality detailing, responding positively to the character and appearance of the locality, and to mitigate the loss of the existing building.

It is considered that the indicative layout concept generally represents an appropriate response in unlocking the development potential of this site in an acceptable manner. Nevertheless, and reserved matters application should incorporate a significant increase in soft landscaping to the front of the site (fronting Hermitage Lane), with the proposed car parking at a reduced level and well screened from the public vantage point.

You are advised that the indicative layout shows potential privacy conflicts between 1st/2nd floor windows in the flats looking down into the rear garden of the houses attached to the flats. This will need to be addressed at the reserved matters stage

Any reserved matters application should incorporate features to enhance biodiversity within the application site. The use of bat boxes, swift bricks, log piles (where appropriate) and a suitable landscaping scheme is requested to form part of any future submission.

Any layout as submitted at reserved matters stage should respond positively to the siting and form of existing trees within the application site. Where possible, trees of value should be retained and utilised as positive features of any development.



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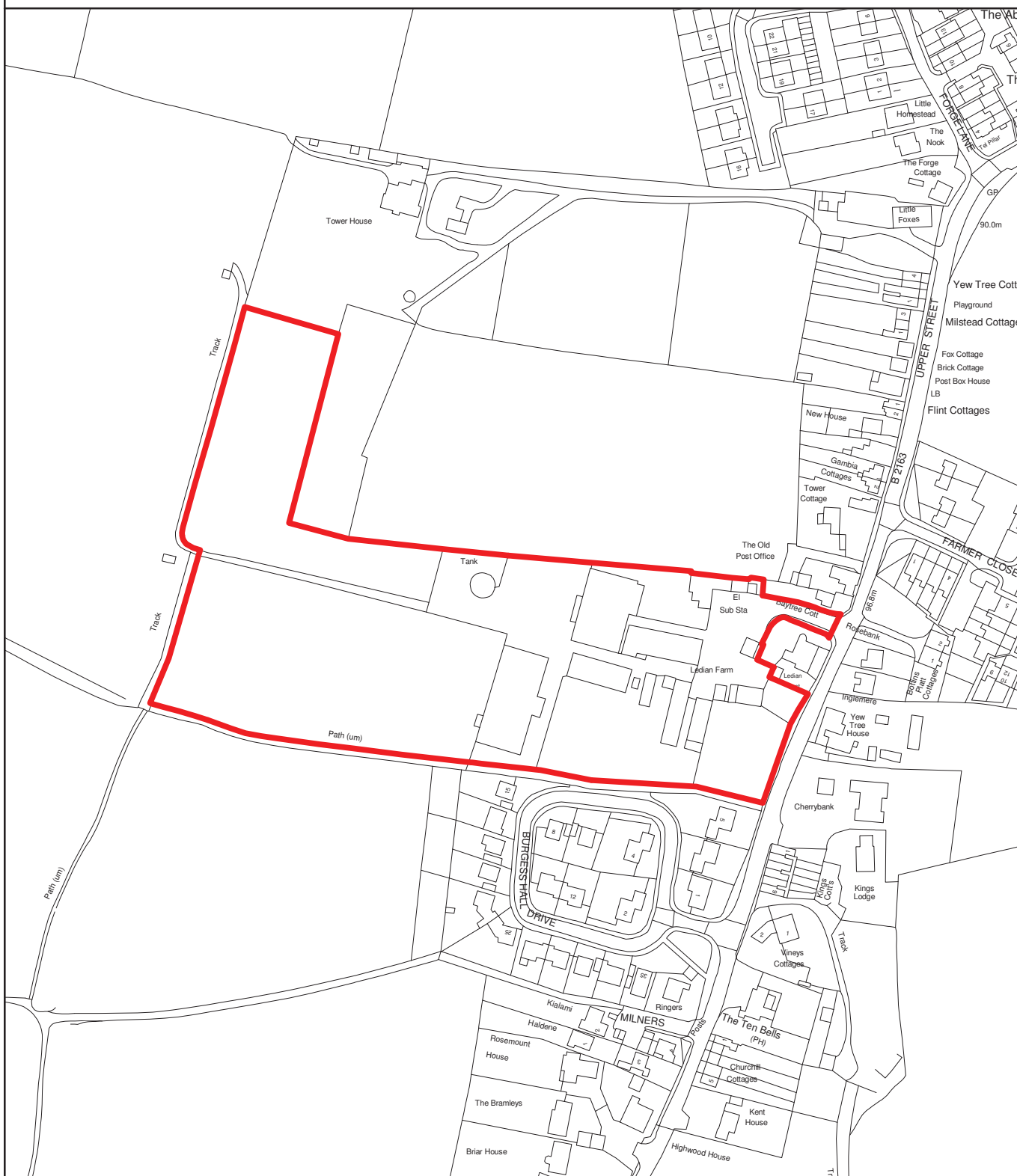
14. 11. 2013

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/12/2046

GRID REF: TQ8152

LEDIAN FARM, UPPER STREET,
LEEDS.



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Rob Jarman
Head of Planning and Development

APPLICATION: MA/12/2046 Date: 12 November 2012 Received: 23 November 2012

APPLICANT: English Care Villages & Gallagher Props.

LOCATION: LEDIAN FARM, UPPER STREET, LEEDS, MAIDSTONE, KENT, ME17 1RZ

PARISH: Leeds

PROPOSAL: Hybrid planning application for the redevelopment of Ledian Farm to provide a Continuing Care Retirement Community scheme (C2 Use Class).

Detailed planning application for the demolition of existing buildings and erection of 16 Assisted Living Units, conversion of Ledian Oast to form 2 Assisted Living Units, erection of Village Centre building comprising 36 Care Bedrooms, 25 Close Care Units, 16 Assisted Living Units, Wellness centre, ancillary shop (open to the public), restaurant, cafe, bar, library, craft room, laundry, kitchen and administration areas, with alteration to existing access and creation of new pedestrian and vehicular accesses to Upper Street, access roads, parking and landscaping.

Outline application with access to be determined and all other matters reserved for future consideration for the erection of 38 Assisted Living Units.

as shown on drawing nos. 2222.011, 2222/100E, 101D, 102C, 103, 110, 111, 112, 120B, 121, 122, 123A, 124A, 125A, 200B, 201B, 07-69-01, 02, 03A, 1253/L/6revE 1253/L88, booklet of typical unit types and sustainability statement, design and access statement, transport statement, landscape and visual impact assessment, planning statement, flood risk assessment, sustainable travel statement, contamination report, ecology report, tree survey report and arboricultural method statement received 12/11/2012, drawing no 1253/L/7revD received 22/11/2012, suggested heads of terms received 31/01/2013, drainage strategy report and preliminary risk assessment received 19/02/2013, Ready for Ageing? report received 18/03/2013 and additional information on need received on 27/03/2013 and 21/05/2013, 23/08/2013 and 12/09/2013.

AGENDA DATE: 21st November 2013

CASE OFFICER: Steve Clarke

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

- The recommendation is contrary to the views of Leeds Parish Council.
- The proposals represent a departure from the Development Plan and have been advertised as such

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, H26, H27, T13, CF1
- Government Policy: NPPF 2012

2. HISTORY

2.1 The front part of the site closest to the B2163 Upper Street, has a number of businesses currently operating in approximately 22 units created from the former agricultural buildings on the site. The uses include a number of car repair, metal working storage and office uses. The existing uses are not subject to hours of use or days of use restrictions. The most relevant planning history is set out below.

- MA/13/0723: An application for a new planning permission to replace extant outline planning permission MA/09/1514 (Outline application for the erection of 64 bed residential care home with 7 close care bungalows, day centre with 6 close care apartments, conversion of Ledian Oast to provide two dwellings and erection of 12 dwellings with access and garaging. With access considered across the site at this stage and appearance, layout and scale to be considered in respect of the 12 dwellings and oast conversion. Landscaping reserved for future consideration across the site) in order to extend the time limit for implementation: Delegated Powers to Approve subject to the prior completion of a s106 agreement or Unilateral Undertaking: Agreement not yet completed.
- MA/12/2047: Application for listed building consent for partial demolition of existing ragstone boundary wall to Upper Street to provide pedestrian access and re-building and repair where required: APPROVED 09/01/2013
- MA/12/2040: An application for conservation area consent for partial demolition of existing boundary wall to Upper Street to create pedestrian and vehicular

access to new Continuing Care Retirement Community development: APPROVED 28/12/2012

- MA/12/1788: Request for a screening opinion as to whether the proposed Continuing Care Retirement Community (consisting of a village core with 36 care bedrooms, 25 close-care units, 16 linked assisted living units, administration, welfare and communal areas, village square comprising shop, cafe, laundry, hairdressers, and Wellness centre, 56 Assisted living units including conversion of existing oast, access, parking and landscaping) at Ledian Farm Upper Street Leeds is development requiring an Environmental Impact Assessment: ENVIRONMENTAL STATEMENT NOT REQUIRED 25/10/2012
- MA/09/1514: Outline application for the erection of 64 bed residential care home with 7 close care bungalows, day centre with 6 close care apartments, conversion of Ledian Oast to provide two dwellings and erection of 12 dwellings with access and garaging. With access considered across the site at this stage and appearance, layout and scale to be considered in respect of the 12 dwellings and oast conversion. Landscaping reserved for future consideration across the site: APPROVED 20/05/2010
- MA/08/1523: Decommissioning and complete removal of existing base station and relocation to open land to the west, of a 15 metre lattice tower including head frame with 3 sector antenna, equipment housing and ancillary works: APPROVED 19/09/2008
- MA/04/1591: External alterations to existing building, comprising of installation of 4 no. roller shutter doors, 4 no. access doors and other alterations: APPROVED 03/02/2005
- MA/95/1639: Prior notification of telecommunications development for the erection of a 15 metre high tower together with associated equipment cabin 2 microwave dishes and aerial: APPROVED 06/12/1985
- MA/85/0609: Continuation of use of buildings for vehicle repairing, light industrial and ancillary purposes: APPROVED 26/02/1986
- MA/85/0606: (Units 8a, 8b & 8c) Replacement of building with temporary single garage for storage and two single storey workshops, extension of garden to Ledian Farmhouse: APPROVED 05/03/1986
- MK/2/72/0535: Erection of 13 new houses and garages and conversion of existing building into 5 flats: WITHDRAWN 25/12/1972

3. CONSULTATIONS

3.1 Leeds Parish Council: Do not object and comment as follows:

'The Parish Council has considered the above planning application and does not wish to raise any objections to the proposals. However we would like consideration to be given to a Section 106 agreement being placed on the application for the enhancement and improvement of the playing facilities at Leeds Playing Field. There is a need for the children's play area, tennis courts and car park to be refurbished.

We would therefore ask that consideration is given to our request and that if necessary this application is reported to the Planning Committee to enable the Parish Councils views to be taken into account.'

3.2 Environment Agency: Originally objected to the proposals on the following grounds:

1: There is insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable.

2: The submitted FRA has not included sufficient detail to support the proposals at this stage.

Reasons for objections

1: Risk to controlled waters

There are two strands to this objection. These are that:

1. We consider the level of risk posed by this proposal to be unacceptable.
2. The application fails to give adequate assurance that the risks of pollution are understood and that measures for dealing with them have been devised. The risk therefore remains unacceptable.

The site lies on the Hythe Formation. The formation is classed as a Principal Aquifer in terms of the large amounts of water it can yield for supply and our national position for the protection of groundwater. The aquifer may be vulnerable to pollution from any contaminants present at the site. Insufficient information has been submitted with the planning application.

The planning application contains a report called Due Diligent Commercial Environmental Report, dated January 2007, which indicates that site uses may have included vehicle repair and bodywork business. The report also recommends a phase 1 Environmental Risk Assessment should be undertaken. A phase 1 report has not been submitted with this application.

National Planning Policy Framework paragraph 109 states that the planning

system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Paragraph 120 states that local policies and decisions should ensure that new development is appropriate for its location, having regard to the effects of pollution on health or the natural environment, taking account of the potential sensitivity of the area or proposed development to adverse effects from pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

2: Flood Risk

The site is situated within Flood Zone (FZ) 1, an area associated with a low probability of flooding. For development proposals on sites comprising one hectare or above, the vulnerability to flooding from other sources as well as from river and sea flooding, and the potential to increase flood risk elsewhere through the addition of hard surfaces and the effect of the new development on surface water run-off, should be incorporated in a Flood Risk Assessment (FRA). The submitted FRA has appraised these risks but has not included sufficient detail to support the proposals at this stage. Although we have no objections to the principal of the development, we are obliged to object due to the lack of supporting detail.

Overcoming objections

1. Risk to controlled waters

The applicant should provide information to satisfactorily demonstrate to the local planning authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures. This should include a land contamination assessment covering risks to controlled waters.

As this part of the Government planning guidance suggests, the submitted document does not meet the minimum requirement for information to be submitted with a planning application for this site. What is required is a suitable document as described above, namely a report of a desk study and site reconnaissance (walk-over) which uses this information to develop a site conceptual model. Such information is routinely put together by environmental consultants in documents variously referred to as "desk studies", "preliminary risk assessments", "phase 1 reports" or similar.

The minimum requirement that should be provided by an applicant is the report of a desk study and site reconnaissance (walk-over). This will, in some cases, be sufficient to develop a conceptual model of the source of contamination and pathways by which it might reach vulnerable receptors as well as the means by which the identified pollutant linkages can be broken. While they may provide a

useful indication of the possible presence of contamination, the commercial searches provided on the internet will not be sufficient to establish the presence or absence of contamination.

All investigations of land potentially affected by contamination should be carried out by or under the direction of a suitably qualified competent person and in accordance with BS10175 (2001) *Code of Practice for the Investigation of Potentially Contaminated Sites*. The competent person would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

Advice on the assessment and development of land affected by contamination is contained in guidance published by the British Urban Regeneration Association (BURA), the National House Building Council (NHBC) and the Environment Agency. The BURA Guide includes checklists for the desk study, site investigation and remediation.

2: Flood Risk

The Masterplan included with the Flood Risk Assessment includes an attenuation pond at the North West corner of the site, however no other drainage features are included. The surface water system should be designed as early on in the scheme as possible, particularly for this type of development which will need to incorporate source, site and regional control. It is prudent to have an outline design which factors in the size and location of the proposed drainage features which will be included as this will have a major influence on the design and layout of the development. The FRA appraises potential problems with the location of soakaways for example due to the local ground instability, and suggests that any soakaways are located a minimum of 10m from any foundations/structures. Also the space requirements of swales and filter strips also need to be taken into account. Paragraph 5.3.3 states that the proposals will be verified by site investigation to confirm the detailed design prior to the commencement of construction but we are unable to agree to the proposals until an outline proposal has been realised. This will require some estimation of storage requirements and further site investigation. On receipt of satisfactory detail, we can recommend a condition of planning for which a full network analysis and drainage strategy will be required to discharge that condition.

The submitted FRA references several Sustainable urban Drainage System (SuDS) measures which may be incorporated into the development including soakaways, permeable paving, filter strips, swales, and ponds. We welcome these measures to deliver benefits to the development and local community through the provision of amenity and the enhancement of biodiversity.

We would also encourage the developer to install grey water recycling facilities and methods for rainfall collection for domestic purposes. Although the benefits of such systems are small regarding reduced storm water storage and discharge from the developments, there is the additional benefit of reduced consumption of domestic potable water. Depending on the design of the development, green roofs may also be feasible, and are increasingly being used by architects to add a different dimension to house design.'

3.2.1 Subsequent to the receipt and consideration of the comments set out above, the applicants submitted a Drainage Strategy Report and a Preliminary Risk Assessment (in respect of contamination) seeking to address the concerns that had been raised by the Environment Agency.

3.2.2 This result in the following additional comments being made in respect of flood risk:

'We can **remove our flood risk objection** based on details supplied in the Outline Drainage Strategy Report prepared by PBA, ref: 3444 and dated February 2013. However, we would recommend that the report is used to inform final detailed design of the means of surface water disposal, which should be covered by the following condition of planning:

Condition: Prior to completion of the development, a sustainable surface water drainage scheme for the site should be submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on- or off-site. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.'

3.2.3 Subsequently further comments in relation to the Preliminary Risk Assessment were made as follows:-

'I can now confirm that the preliminary site report or phase 1 investigation has been carried out in line with relevant guidance. The recommendations for further investigations at the site to determine any required appropriate remediation works should be carried out and relevant proposals agreed with the LPA before any site clean-up works are commenced.

Surface water drainage

Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system.

There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater.

The site is located in the Hythe formation. The use of soakaways in the Hythe Beds can promote instability of the geology via washout of the sandier horizons, leading to the opening and enlargement of fissures within the Hythe Beds, and subsequent collapse. The use of soakaways the Hythe Formation should be carefully designed to reduce the risk of washout of the sandier horizons.'

3.3 Natural England: Do not raise objections:-

They have considered their standing advice in relation to bats in their comments and conclude that the proposals are licensable. They state that permission may be granted subject to a appropriate conditions including a detailed mitigation and monitoring strategy.

3.4 English Heritage: Were consulted as the site area affecting the Upper street Leeds Conservation Area is greater than 1000m². They have commented as follows:-

'We do not wish to comment in detail, but offer the following general observations.

English Heritage Advice

Leeds Upper Street Conservation Area is characterised by its linear pattern of development hugging the line of Upper Street. There are several pockets of modern housing centred around Farmer Close and Burgess Hall Drive that extend away from Upper Street, but these developments are compact in form and the conservation area still derives significance from the manner in which its morphology illustrates the settlement's historic dependence on the road. The overriding sense of the place is consequently a linear historic settlement bounded by agricultural land.

Ledian Farm on the west side of Upper Street includes remnants of a historic farmstead, but now consists mainly of modern agricultural sheds. It currently extends westwards into the countryside no further than the adjacent Burgess Hill

Drive housing and a previous application for a residential care home fell within the existing developed site (ME/09/1514).

The detailed element of the current application for a retirement care home remains within the existing farm site and English Heritage does not wish to comment on this aspect of the current proposals. However, this application also includes a proposal in outline for further development in a field to the west which we consider requires careful consideration in relation to its effects on the conservation area. The NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset (such as a conservation area), great weight should be given to the asset's conservation.

Although this site is just outside the conservation area, we recommend that in determining this application your Council should take account of its likely impact on the significance that the conservation area derives from its characteristic linear form.

Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.'

3.5 **KCC Social Services**

Have confirmed that the Families and Social Care section are developing an accommodation strategy which will detail the need for extra care and care homes down to district level but that this will not be available until later this year (2013). They confirm that they have provided a letter of support for this scheme but state that the scheme is more likely to attract individuals with their own funds rather than requiring support from KCC and this makes it difficult to confirm need. They also state that it is felt that a scheme would benefit that area of the district and the demographics do show an increase in older people and those with dementia.

3.5.1 Further comments on the applicant's latest information are awaited and will be reported to Members at the meeting.

3.6 **Kent Highway Services:** Raise no objections and comment as follows:-

'The application proposes the provision of 133 retirement and care units with associated facilities. 47 full time staff and 56 part time staff are to be employed.

The existing site access onto the B2163 Upper Street has substandard visibility splays and this is to be replaced with a new access, approximately 30m to the

south of the existing access where improved vision splays can be achieved; this is to take the form of a simple priority junction.

Tracking diagrams have been presented which indicate that the access arrangements and turning areas are adequate for refuse collection, service vehicles and emergency services. 105 parking spaces are proposed and this level of provision has been calculated using parking demand patterns at similar sites with comparison also made to SPG4. The level of parking is considered to be acceptable.

Traffic generation has been estimated based on data obtained from existing care communities and then checked and compared against TRICs data. The site is likely to generate 17 vehicle trips during the AM peak with 20 during the PM peak and 289 daily (two way trips). This has been compared to the level of traffic generated by the previously permitted outline application (MA/09/1514) and there is little difference in the level of traffic movements. It is considered that this level of traffic generation can be accommodated on the existing highway.

The crash history of the surrounding highway has been analysed and no road safety issues have been found.

A Sustainable Travel Statement has been prepared which includes measures to encourage alternative modes of transport to the private car and includes a Village Transport Service providing a mini bus service to local facilities and also a residents car club in order that residents can use a hired vehicle when required. The existing bus service through Leeds is the number 13 bus which travels between Hollingbourne and Maidstone. There are services available on weekdays and some on Saturdays but the provision of the mini bus service for residents would assist in enabling residents to travel by public transport. I would recommend that the bus stop on west side of Upper Street to the south of the site be improved by the provision of bus boarders to aid accessibility for the residents of this development.

Links are provided between the development site and the public footpath to the south of the site and this is to be improved; please note however that the use of resin bonded gravel is no longer recommended by KCC Highways due to the aggressive nature of the material and the injuries sustained in a fall, instead asphalt concrete is recommended.

Additionally I would recommend that an emergency access be provided, perhaps between the site and Burgess Hall Drive. If it is not possible to provide an emergency access I would recommend that consultation be made with the

emergency services to ensure that they are satisfied with this layout in the event of an emergency occurring.

Traffic calming should be provided along the main access road into the site to prevent speeding I would suggest the use of chicanes.'

3.6.1 Kent Highway Services have now confirmed that there will be no requirement for an emergency access to be provided following further discussions with the applicant. They have also welcomed the applicant's agreement to provide a 'bus-boarder at the bus stop just to the south of the site access. This can be secured through the s278 agreement that will be necessary in relation to the provision of the new access and works within the highway.

3.7 **KCC Heritage Conservation:** Raise no objection and comment as follows:-

'The site of the application lies within an area of archaeological potential associated with prehistoric and Roman potential. The site is also within the historic village of Leeds which has medieval origins. Ledian Farm is noted as a post medieval or earlier farm complex and although it seems none of the historic buildings survive anymore, structural remains may survive below ground.

In view of this heritage interest I recommend the following condition is placed on any forthcoming consent:

AR1 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.'

3.8 **KCC Biodiversity:** Commented originally as follows:

'The *Ecological Scoping Survey* report (2012) has been submitted in support of this application. The report focuses on reviewing the site's suitability for bats, reptiles and amphibians compared with the status at the time of surveys conducted during 2008.

The report refers to an initial scoping survey undertaken during 2007 and specific bat, reptile and amphibian surveys carried out during 2008. These reports have not been submitted with this application and the *Ecological Scoping Survey* report (2012) contains insufficient detail regarding the previous surveys for Maidstone BC to be satisfied that the survey standard and methods used were appropriate and adequate.

We have been able to locate the *Badger Survey & Report (2008)*, *Full Bat Survey & Report (2008)* and *Full Herpetile Survey & Report (2008)* submitted in support of the previous application (MA/09/1514), but have not found the initial 2007 ecological scoping survey.

Sufficient information needs to be provided regarding the potential ecological impacts that could arise as a result of the proposed development. Consideration of protected species impacts is particularly key; up-to-date information regarding the protected species that are present and likely to be affected must be available to inform Maidstone BC's determination of the application, and European protected species presence necessitate further consideration by Maidstone BC to ensure that the requirements of the EC Habitats Directive are adequately met.

While we have not seen the initial 2007 ecological scoping survey report, we advise that we are satisfied that the protected species with potential to be present and affected by the proposed development have been identified; badgers, bats, reptiles and amphibians. However, the level of detail provided regarding the assessments of impacts is not sufficient to enable an informed decision to be taken by Maidstone BC.

Bats

Detailed descriptions of all of the buildings on the proposed development site have not been provided. We have reviewed the *Full Bat Survey & Report (2008)* and the *Ecological Scoping Survey* report (2012) to try to get a clear picture of the site status and potential for bat use. This has not been straightforward as a result of inconsistent references to the buildings between and within the reports. The *Full Bat Survey & Report (2008)* refers to the "*the main house and adjacent period barn*" offering medium to high roosting potential, whereas the *Ecological Scoping Survey* report (2012) advises that "*buildings A, B, C and L*" have features preferred by bats for roosting. Both reports consider that the industrial units on the site provide low potential for roosting bats, although it is also stated within the *Full Bat Survey & Report (2008)* that "*there are many significant or notable opportunities identified in most of these buildings which may be exploited by bats*".

Emergence and return surveys were undertaken during 2008. The *Full Bat Survey & Report (2008)* lacks clarity and reaches confusing conclusions; despite the fact that bats were recorded during the surveys, it is concluded that "*overall this site is of low potential for bats, with medium to good potential for the house and the period barn*".

It is stated within the *Ecological Scoping Survey* report (2012) that "*visual*

observations of all buildings (internally and externally)” were undertaken during the site visit on the 2nd August 2012. The report refers to 13 buildings and we do not consider a 2.5 hour visit (which included a reptile survey) adequate to have carried out a detailed survey of all the buildings.

A bat roost was identified in the oast house (building L) during the August 2012 survey. We advise that as the emergence/return surveys are now 2.5 years old, it is appropriate and necessary for new emergence/return surveys to be undertaken with the results submitted to inform Maidstone BC’s determination of the application. There needs to be a greater understanding of the roost’s status, and given that this building was not identified as a potential roost during the 2008 surveys, there may also have been changes to other buildings on the site.

Prior to determining the application, Maidstone BC needs to reach a conclusion as to whether a European protected species mitigation licence will be required, and if so whether it is likely to be granted (requiring consideration of the three tests). Further emergence/return surveys will inform the need for a licence to enable the demolition of buildings A, B and C to take place.

There is some uncertainty in the *Ecological Scoping Survey* report (2012) regarding whether the conversion of the oast house will affect the roof, and therefore whether the roost can be retained during and post development. Confirmation of this must be sought.

The report makes some recommendations with regard to lighting and we advise that the guidance in *Bats and Lighting in the UK* must be followed. We include a summary of the requirements at the end of this advice note.

Reptiles and amphibians

Full Herpetile Survey & Report (2008) presents the results of the reptile survey. Grass snakes and viviparous lizards were recorded in low numbers during the ten-visit survey. While grid references are provided for the refugia used in the survey, the lack of visual representation or description makes it difficult to gain any understanding of reptile use of the site. The highlighted sentences within Appendix 1 of the *Ecological Scoping Survey* report (2012) also result in some confusion regarding the survey results.

In addition to the two reptile species identified during the 2008 surveys, slow worms were also recorded on the site during the 2012 survey visit.

We have some concern that the cessation of arable production in the fields that form the western side of the site has potential to result in rapid increases in their suitability for reptiles. While recommendations are provided in the *Full Herpetile Survey & Report (2008)*, no advice has been provided in the *Ecological Scoping Survey* report (2012) and there is some uncertainty as to whether the 2008

recommendations have been implemented. If the fields are allowed to naturally re-colonise with no habitat management, their ecological interest will increase and when works to this area come forward, if permission is granted, there will be a need for more significant mitigation than currently anticipated.

There is no indication that the suitability of the eastern part of the site has changed since the 2008 surveys, but we consider it appropriate for further surveys to be sought by Maidstone BC due to the age of the previous survey results. We advise that these could be secured by condition due to the minimal changes to the site and the retention/creation of habitat proposed in the western section of the site, though as further surveys for bats are required, the reptile surveys could be undertaken and these results also submitted to inform the determination.

We advise that the proposed mitigation for reptiles (*Ecological Scoping Survey* report, 2012) appears excessive for the numbers recorded during the 2008 survey. Mitigation will be required but we advise that this must be appropriate to the likely numbers of animals present; the updated survey will inform the levels that are likely to be necessary.

We advise that the lack of suitable ponds within 500m of the site limit the potential for great crested newt presence and we do not advise further survey work for this species.

Badgers

The *Badger Survey & Report (2008)* did not record badgers using the site, though signs were identified during the survey of the wider area. The location of the signs is connected to the site and there remains potential for badger presence on the site. We advise that further surveys for badgers will need to be undertaken to ensure that their status on the site has not changed. This requirement could be a condition of planning, if granted, though regular checks should be undertaken before construction begins to ensure that no badgers have moved on to the site.

Other matters

Work to vegetation or built structures that may provide suitable nesting habitats should be carried out outside of the bird breeding season (bird breeding season is March to August) to avoid destroying or damaging bird nests in use or being built. Mitigation measures should be included in the development plans and implemented during construction in order to protect breeding birds that may use the vegetation, or any built structures that will be removed, if it falls in the breeding season mentioned above. This includes examination by an experienced ecologist prior to starting work and if any nesting birds are found during work development must cease until after the juveniles have fledged. Any work that

affects possible nesting sites should be completed outside of the breeding season.

We advise that the area of habitat creation/retention to the west of the site has potential to present significant ecological enhancement opportunities, in keeping with the NPPF principles. However, the outline nature of this part of the site presents some uncertainty regarding the habitat creation, the potential for this area to be used as a receptor site for reptile translocation and the function of the area as part of the SuDS design for the wider site. We advise that clarification is sought as to how the timing of the development of the two parts of the site will be integrated to ensure that the site as a whole functions appropriately with regards to ecology and SuDS.

- 3.8.1 Additional information was subsequently submitted by the applicants seeking to address the issues set out above. This resulted in the following additional comments being received.

The agent's e-mail does provide clarification on the points that we queried. Particularly the confirmation that the oast house loft will not be subject to conversion and could therefore be available for use in the mitigation/compensation scheme, if required.

We would like to clarify that consideration of the potential for impacts is not restricted to roosts alone; works to a wider area may result in changes that could impact bats and bat use of the area, including their ability to enter and leave the roost unobstructed by lighting and the presence of hedgerows as features that guide commuting behaviour and provide foraging habitat.

If the application was proposing the removal of the hedgerow to the north of the oast building we would have some concern that flight-lines to and from the roost would be impacted. This does not appear to be the case for this application.

The information provided in the email and ecology reports suggests that it is likely that a European protected species mitigation licence will be required; the oast building has a confirmed roost and three of the buildings that are proposed for demolition have been assessed as of high potential for bats.

We advise that there is sufficient clarification provided to conclude that it is unlikely that a licence would not be granted, though a licence application would need to be accompanied by updated emergence surveys.

As such, with regards to impacts to bats, we recommend that further emergence surveys are required as a condition of planning permission, if granted. We advise

that the applicant should use a licensed bat ecologist with an appropriate level of mitigation experience to make the process as smooth as possible.'

- 3.8.2 Subject to the above recommendations being secured by means of appropriate conditions no objections are raised by the KCC Biodiversity team.
- 3.9 **KCC (Mouchel):** Have confirmed the following:-
'Being (Use Class) C2, KCC will not be seeking any contributions towards those services we normally deal with, namely Education, Adult Education, Libraries, Youth or Social Services.'
- 3.10 **KCC Public Rights of Way Officer:** No objections and considers the public footpath to be unaffected.
- 3.11 **West Kent PCT:** Have made the following comments:-
'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 noted above is expected to result in a need to invest in the most immediate local surgery premises at The Orchard, Horseshoes Lane, Langley ME17 3JY.

This contribution will be directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade to the surgery premises in order to provide the required capacity.

The application identifies unit sizes to calculate predicted occupancy multiplied by £360. All units have been calculated on an assumption of single-bedded units. Care Homes are presumed to be single occupancy and calculated as one person occupancy. The PCT reserve the right to re calculate if this is incorrect.

The application lists a number of smaller developments within two linked submissions:

Detailed submission

Assisted Living units: 38

Care bedrooms: 36

Close Care Units: 25

99 units/bedrooms

Outline submission

A further 38 Assisted Living Units

For this particular application the contribution has been calculated as such:

- 99 units (Detailed submission) @ £360 = £35,640
- 38 units (Outline submission) @ £360 = £13,680
- Total contribution requested £49,320

NHS West Kent therefore seeks a contribution of £49,320 plus support for our legal costs in connection with securing this contribution.'

3.11.1 The applicant subsequently queried the request for the contribution and a further detailed response was subsequently received. (The concerns of the applicant are set out in italics and the PCT response produced below.)

1. We have proposed to the PCT that we would make available much needed intermediate care beds to reduce bed blocking by elderly patients. This allocation of some 12 beds in an inward investment of some £1.8m would serve local people, and is the subject of continuing discussions with the PCT.

The principle of providing intermediate care beds is accepted but this will be reliant on the securing of a contract with the Clinical Commissioning Group and Secondary care providers. It can be argued that any effort to keep patients from hospital admission will undoubtedly place additional burden on the primary care services locally. Patients will require regular monitoring and continued and this is likely to increase access to nursing and GP services. This will place pressure on the limited primary care facilities available within the village.

2a. The care village will provide day care for older people living locally with the availability for them to consult the domiciliary care team regarding any health concerns.

Whilst the domiciliary care team may be accessible, patients will still have issues and symptoms that will need to be addressed by the GPs and Nursing team, meaning that they will still require access to the local primary care facilities.

b. The Wellness Centre will run fitness programs and wellness clinics for those living outside the village as well as those within it.

This is a good principle for the residents however it will be unlikely to replace the need for access to GP/Nursing services.

c. Village Transport will provide appropriate vehicles for elderly local people with care and personal mobility issues to access services and facilities including hospitals, GPs, dentists and opticians.

The issue of transport to the services is not an issue. The statement suggests however that the Developer is aware of the need of its residents to access primary and secondary care services. The PCT can foresee this need and is therefore seeking contributions to support the expansion of the services required to provide the appropriate capacity for the proposed residents of the Care Village.

d. The result is a substantial reduction in home visits by GPs and district nurses, an enormous and hugely inefficient deployment of their time and resources.

Unless the Practice is able to physically accommodate the additional clinics and appointments needed to support the additional residents, the reduction in home visits will not be seen and instead, the practice may be put under further pressure to visit those clients within the care village.

e. Healthcare professionals, both private and NHS will be able to use the facilities to deliver a range of clinics and services appropriate for older people living in the area.

This facility will certainly be welcomed, however it is unlikely to address the need for dedicated GP facilities. Whilst a range of private and complementary services may be provided, it may not be considered appropriate or convenient for commissioned NHS services to be provided from the site. To deliver outreach GP and Nursing services, there is a requirement for a high quality facility, with all the appropriate IT networking and clinical standards. Within small GP surgeries, it may not be cost effective, or feasible for outreach services to be provided.

f. A clinical room will be available for use by visiting GPs. Their 'surgeries' will be for patients whose condition will already have been assessed by the domiciliary care team to ensure its relevance.

Your provision of a clinical room for visiting GPs defeats the object of access to a multi-disciplinary centre. Your offer relies upon a local GP agreeing to provide a service off-site. Such outreach clinics are not easy to manage and can be a waste of resources for the practice. The limited facility may only provide opportunity for a GP or a Nurse to practice and would rely heavily on the appropriate IT systems being in place. Although detail is limited at this stage, your proposal does not appear to provide for co-location of a range of clinicians. Modern NHS Guidelines would seek to see clinicians working as part of a team and no longer supports lone-working in this way.

g. We believe that the services and facilities we will provide greatly mitigate the appropriateness of any contribution but we are receptive to learning the basis of

your request, and how any contribution would actually be utilized by the local GP practice.

In reality, the level of contributions is minimal compared to the cost of the scheme and the expected profits to be drawn by the Developer. The impact however on the local primary care services is far greater. The contribution requested at £49k is unlikely to provide any substantial development by way of additional facilities, but can go some way to improving the local GP surgery to provide an additional room to improve access to the services resulting from the proposed increase in the population within the village of Leeds.

The PCT's request for contributions still remains valid.'

3.11.2 The applicants have since confirmed that they are prepared to make the requested contribution.

3.12 **Southern Water:** Have advised that there is a public foul rising main sewer crossing the site, the line of which should be established before final plans are drawn up. It may be possible to divert the main but there needs to be a 3m easement either side of the main free from development. The applicants are advised to contact Southern Water to enable the necessary agreements to be made with the developers to secure foul water drainage. They also request that a condition is imposed requiring details of foul and surface water drainage to be submitted and approved in consultation with them. Advice over the proposed SUDS drainage system and the need to ensure its future maintenance is also provided.

3.13 **MBC Conservation Officer:** Does not object and provides the following detailed comments:-

'The very front strip of the site along Upper Street lies within the Leeds (Upper Street) Conservation Area. Ledian Farmhouse lies within this strip (but outside the application site) and is a Grade II Listed Building. Other listed buildings in the immediate vicinity are Yew Tree Cottage and Tower House.

Behind Ledian Farmhouse lie former agricultural buildings previously associated with the farm. With the exception of the oast house (which is to be retained and converted) these are all modern buildings of an industrial nature which are currently in use for a number of industrial purposes. Both in terms of their visual impact and the impact of the current uses they currently detract from the setting of the former farmhouse and the conservation area. In principle, therefore, I welcome their removal and redevelopment; the principle of redevelopment has already been accepted by virtue of the previous permission.

The retention of the oast house, as the last remaining traditional agricultural building associated with Ledian Farmhouse is to be welcomed, as it enhances the significance of the listed farmhouse. The proposed scheme of conversion is appropriate in its design and includes the restoration of the original roof form of the kilns, which will be a positive gain. The masonry chimney included would not normally be considered appropriate, but as it is an extant feature its retention is considered to be acceptable.

With regard to the new-build element, whilst this is substantial in its footprint it has been carefully designed so that by articulation of the elevations and the use of varying eaves and ridge lines it is visually broken up and a monolithic appearance is avoided. Stylistically, the architects have chosen an Arts and Crafts vernacular idiom which has evolved from a study of local buildings and which I consider to be appropriate. Buildings in general are sited further away from Ledian Farmhouse than in the previous scheme resulting in a better preservation of its setting.

Recommendation: I RAISE NO OBJECTION to this application on heritage grounds subject to conditions re samples of materials, joinery details and landscaping. A further condition would also be appropriate requiring the oast kiln roofs and cowls to be reinstated prior to first occupation of that building.

- 3.14 **MBC Environmental Health:** No objections comment as follows:
'This application seeks to consolidate a previous extant permission granted for the redevelopment of the farm site, and comes with a land contamination assessment. It appears to be the same one that was submitted for application MA/09/1514. I commented at the time (29th October 2009) for that application that this type of assessment is inadequate, though it does indicate that the site does have potential environmental concerns. This issue is still relevant and consequently another more suitable assessment is still required as part of a condition.

No objections to the proposals, though there is a significant potential contamination issue from previous uses of the site. I would therefore recommend the imposition of a land contamination condition.'

It is also advised that the applicant should be made aware of the following informatives covering hours of operation and conduct on site during construction and site waste management and neighbour relations.

- 3.14.1 Further details were subsequently submitted by the applicants responding to concerns expressed by the Environment Agency relation to flooding and contamination issues. In response, further comments have been received from the Environmental Health team.

'We would accept the Environmental Scientific Group (ESG) Land Contamination Preliminary Risk Assessment for Gallagher Properties Ltd at Ledian Farm, Leeds, Maidstone Kent (February 2013) as the Phase I report and recommend you use the following contamination or words to that effect:

Land Contamination

The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment submitted at the application stage entitled "The Environmental Scientific Group (ESG) Land Contamination Preliminary Risk Assessment for Gallagher Properties Ltd at Ledian Farm, Leeds, Maidstone Kent (February 2013) has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - developed a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.

This report is accepted as suitable by the LPA.

- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
4. A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.'

3.14.2 Subject to the imposition of a condition requiring the details set out above, no objections are raised by the Council's Environmental Health team.

4. REPRESENTATIONS

4.1 **Four** letters of objection have been received. Objections are raised on the following (summarised) grounds:-

- The development would generate unacceptable additional traffic that the village roads will not be able to cope with.
- How will visitors be stopped from parking in Upper Street and other local roads?
- The jobs will be low paid and will offer little to the local economy.
- The development will cause further problems to already stretched local infrastructure and local services such as the doctors' surgery at Langley.
- The site has too high a density and will have an unacceptable impact on adjacent listed buildings.
- It will generate unacceptable additional noise.
- The plant room building is close to existing residential properties and could result in noise and fumes.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 The application site is located on the west side of the B2163 Upper Street Leeds. It amounts to approximately 3.06ha in area and roughly 'L-shape' in form. It has a frontage to Upper Street of approximately 95m and a depth of approximately 280m. The first 140m back from the street frontage to Upper Street lie within the defined village envelope of Leeds village. The remainder of the site (a depth of approximately 140m) is currently farmland.

5.1.2 Compared to the scheme approved under planning application MA/09/1514, the current application site extends a further 40m westwards into the farmland and includes an additional area of land of some 40m x 90m to the north. On the approved scheme, part of the care home, a service yard and staff car park lay beyond the village boundary, together with the approved landscaped amenity area.

5.1.3 The site is currently occupied by a farmhouse and by a number of former agricultural buildings that have over the years been converted into business uses of various types including car repairs/servicing, metal fabrication and offices. None of these uses are subject to hours of days of use restrictions. The site has

no employment designation in the Maidstone Borough-wide Local Plan 2000. The loss of these units should however be considered. The rear part of the site is currently land in agricultural use.

- 5.1.4 The frontage to the site is occupied by Ledian Farmhouse and the existing site access to the north of the farmhouse. The land to the south of the farmhouse comprises its garden and is separated from Upper Street by a ragstone wall surmounted by an existing hedgerow. The wall merges into the banking of the hedgerow at places along the site frontage. Ledian Farmhouse is listed Grade II and is, along with its garden, part of the site access and the dwelling to the north of the site access sited within the Leeds Upper Street Conservation Area. There are other listed buildings located on the eastern side of Upper Street opposite the site and these are also within the Conservation Area.
- 5.1.5 To the south of the site lies Burgess Hall Drive an estate of detached and semi-detached dwellings. The houses are separated from the site by public footpath KH245. West of the site and Burgess Hall Drive lies agricultural land predominantly in fruit production and largely covered in polytunnels, although some land is in arable use. The land to the north of the site is also agricultural in nature apart from dwellings fronting Upper Street.
- 5.1.6 Upper Street and the associated Conservation Area is comprised largely of a clear linear form of development with little development along its length set back significantly from the road frontage. Only the existing buildings at Ledian Farm and Burgess Hall Drive (immediately to the south) which extends as far back as the existing built development on Ledian Farm on the west side of Upper Street and Farmer Close on the east side of Upper Street extend built development away from the B2163 frontage.

5.2 Proposal

- 5.2.1 The application has been submitted as a hybrid application. It seeks permission for the development of a new Continuing Care Retirement Community. The development would provide a range of units for occupiers with differing levels of care needs from those who are able to live a more independent life (but would still be in receipt of a minimum level of care) to those requiring full 24 hour/day nursing care. Occupiers would be able to move within the development as their care needs change over time. The development is considered to fall within Use Class C2.
- 5.2.2 Detailed permission is sought for Phase 1 of the development and outline permission sought for the remainder. All matters with the exception of access are reserved for future consideration for the outline Phase 2 element, although

illustrative plans and upper scale parameters are provided to give clarity over the scale of development that would come forward as Phase 2.

5.2.3 Phase 1, the detailed submission, includes the construction of the main Village Core with 36 care bedrooms, 25 Close Care Units, 16 Linked Assisted Living Units and communal facilities including the restaurant, Wellness Centre, shop, laundry and administration. Also included in Phase 1 are 18 Assisted Living Units, which include the conversion of Ledian Oast to provide 2 Assisted Living Units.

5.2.4 Phase 2 to the rear of the site would comprise the erection of a further 38 Assisted Living Units.

5.2.5 Four main accommodation types are to be offered at the site

- Care Bedrooms

Care Bedrooms will be available for those with the most acute needs for care and are the closest accommodation type proposed to the more traditional care home. Each bedroom will have an en suite wet-room and be of size to allow family and friends to visit residents. The bedrooms will be arranged into three family groups of 12 each with a day/dining room, an approach which means residents are able to interact with other residents and staff and ensures their needs are best met.

Residents will have full use of the Village Centre facilities and either take meals in the Village Core restaurant, their unit day/dining room or have these delivered to eat in their own rooms or dining room.

- Close Care Units

Located within the Village Centre, the Close Care Units offer slightly more independence than the Care Bedrooms, being apartments with separate sitting-rooms and a small kitchenette to prepare basic meals and snacks. Residents of the Care Units will have all meals provided either delivered to their apartment or taken in the restaurant, as well as being provided with a comprehensive care service (including daily overview of wellbeing, maid service, cleaning, food delivery etc.).

- Linked Assisted Living Units

Also located within the Village Centre, the Linked Assisted Living Units will be more suited to more independent individuals or couples and some include a second bedroom/study (allowing couples to stay together who for example require a level of care that necessitates separate rooms). They will also have a fully fitted kitchen. These units remain integrated within the Village Centre to enable more immediate and responsive care and support than the Assisted Living Units.

- Assisted Living Units

The Assisted Living Units offer the most independent form of accommodation at the site. They are fully self-contained and detached from the Village Centre. They are however functionally linked to the Centre, making use of all communal facilities to the extent that residents require or desire, and benefit from a servicing package which is part of an integrated whole across the site. If someone purchased an Assisted Living Unit and over time as a result of changing personal needs required an increased level of care, this can be provided to them without necessarily needing to move to a unit within the Village Centre itself.

5.2.6 The Village Centre would be a two–two and a half storey building located at the heart of the development and would front onto the proposed village square. It will contain all of the communal facilities that are available to all residents of the site, including:

- Reception and Waiting Room;
- Wellness Centre (approx 325m²) comprising: Small Gymnasium, Beauty suite and Hairdressers, Spa Suite, Treatment Suite (available for use by local GPs and other visiting health professionals);
- Craft Room (approx 32m²);
- Library (approx 32m²);
- Village Shop offering everyday basic items (bread, milk, papers etc) (approx 64m²);
- Café, Bar and Dining Room/restaurant (approx 160m²);
- 2 Private Dining and Club Meeting Rooms (approx 32m² each);
- Kitchen and catering facilities;
- Administration and Back of House;
- Laundry;
- Storage and Plant Room.

5.2.7 As well as being available to all residents, a number of the Village Centre facilities will also be made available to members of the local community.

5.2.8 The village shop will be open to all and will therefore offer somewhere for villagers to purchase everyday needs and basic groceries without needing to travel out of the village to the nearest supermarket (as there is currently no village shop).

5.2.9 The Wellness Centre will also be made available to qualifying existing local residents (i.e. over a qualifying age) for a reasonable monthly fee. As such, it will not function as a commercial gym, but will enhance the range of facilities currently available to the local community.

- 5.2.10 The treatment room will be made available to local GPs who have already confirmed that they will be able to provide NHS services to residents, and will allow surgeries from GPs and other visiting health practitioners to be run within the village.
- 5.2.11 For the other facilities (craft room, library etc), it is also proposed to offer qualifying local residents the opportunity to utilise these as and when desired for a nominal annual fee.
- 5.2.12 A new vehicular access to the site is proposed to the south of Ledian Farm, at the same location as previously approved for planning permission MA/09/1514. The existing access to the north of the farmhouse is to remain as a private drive serving the farmhouse and Baytree Cottage.
- 5.2.13 The proposal includes the provision of 105 parking spaces, which are laid out in a series of informal courtyards. The main Village Square will include a number of visitor parking spaces, ensuring that there is ample parking for those using the community facilities or shop.
- 5.2.14 In addition to the proposed on-site parking, the development will also include a comprehensive resident transport service which comprises the provision of operator owned vehicles stationed on site that make regular trips to local services and places of interest for residents, avoiding the need for them to have a car on site. This service, like those in the Village Centre, will also be made available to qualifying local residents for a nominal annual fee, supplementing the existing public transport serving the village. A Transport Statement and a draft Travel Plan have been submitted as part of the application
- 5.2.15 The adopted design approach proposes an 'Arts & Crafts' style of treatment to the buildings, using a mix of vernacular materials prevalent in Leeds and the Conservation Area, together with a varied building form with a range of ridge and eaves and ridge heights to break up the massing of the buildings and provide vitality and interest. Indicated materials show clay tiles for roofing and a combination of brick, render, tile-hanging, and painted timber boarding with areas of natural stone for walling. Joinery would be painted timber.
- 5.2.16 The scale of development reduces as you move westwards through the site, with development west of the Village Centre reducing down to a mix of two, single and one and a half storeys in height. The upper scale parameters of development within the outline part of the site will range between 10m down to 7.5m. The Village Centre building will measure up to a maximum of 12.5m in height, comparable to the existing large commercial buildings on site and comparable with the approved upper scale parameter of 12m for the care home in the extant scheme.

- 5.2.17 The application is accompanied by a landscape strategy and a visual impact assessment for the site and a detailed landscaping scheme for the detailed application site. Landscaping is integral to the scheme with a wide range of planting proposed including new tree planting and the retention of existing important trees and hedgerows wherever possible. The scheme also includes a large area of dedicated landscaping north-west of the site, which will incorporate a newly wooded copse, grassland meadow, wildlife pond and attenuation pond for SUDS drainage. This area will be accessible to the general public and include a variety of native species to enhance biodiversity and amenity value.
- 5.2.18 The Village Centre is designed to achieve a BREEAM rating of 'Very Good' and the Assisted Living Units are designed to achieve Code for Sustainable Homes Level 4. This will be achieved through a number of initiatives and design features, including Combined Heat and Power (CHP) plant to serve the site. The details are outlined in within a Sustainability Statement that accompanied the application.
- 5.2.19 The supporting documentation indicates that the development will support 103 jobs (47 full-time and 56 part-time) across a range of management, administration and care roles. The applicants submit that from their experience with other such development elsewhere at similar village locations, that a large proportion of these jobs will be filled by local people.
- 5.2.20 In addition to the supporting documentation referred to above, the application was accompanied by a design and access statement, planning statement/statement of community involvement, ecology report, contamination report, flood risk assessment, and an arboricultural implications assessment. A drainage strategy and preliminary risk assessment were submitted at a later date

5.3 Principle of Development

- 5.3.1 The application site lies partly within (the first 140m approximately of the site from the boundary with Upper Street) and partly outside (the remaining 140m approximately) of the existing defined village envelope of Leeds village. As such, the principle of the proposed development should be considered in two parts. Firstly, the redevelopment of the Ledian Farm industrial site, and secondly the part of the development proposed to the rear, which falls outside of the existing village boundary and in the countryside.
- 5.3.2 The current Ledian Farm complex of buildings which are currently in a range of employment uses which would ultimately be lost, does however, comprise previously developed land within the village confines of Leeds as defined on the

Borough-wide Local Plan 2000 Proposals Map. Accordingly, this part of the proposal accords fully with the sustainable development aims of the NPPF in making the best use of previously developed land. This part of the site comprises the village centre and its proposed core facilities including the shop, (the detailed element of the application).

- 5.3.3 The existing employment uses are not recognised or protected by policy and are small scale and low-key in nature, comprising mainly of general industrial automobile workshop and other related uses but are still operational and provide varying employment opportunities. The premises are low-grade and do not contribute positively to either the local stock of industrial premises or the character of the surrounding area. The redevelopment of the existing farm buildings (with the exception of the listed farmhouse and the oast house) was accepted in principle under the 2009 application, which as Members will have noted, is in the course of being renewed.
- 5.3.4 The principle of redevelopment of the existing units to an alternative type of employment use in the form of a care home, close care bungalows/apartments and a day care centre, has previously been accepted by the Council through the previous permission MA/09/1514. As Members will have noted, there is a resolution to grant permission for the renewal of this permission (application MA/13/0723 refers), subject to the completion of a satisfactory s106 Unilateral Undertaking or S106 agreement. The detailed element of the development now proposed is in accordance with the sustainable economic development strategy set out within the NPPF.
- 5.3.5 However, with regard to the outline submission, the entire 140m length of the area for which outline permission is sought, lies outside of the defined village boundary and is therefore subject to policy governing development in the countryside. The development would see a substantial expansion westwards of built development beyond the limits of the existing development within the defined settlement boundary which would result in significant changes to its character, appearance and openness.
- 5.3.6 Saved Local Plan Policy ENV28 clearly states that permission will not be granted for any development that is demonstrated to result in harm to the character or appearance of the area or amenities of surrounding occupiers. Whilst policy ENV28 also allows for public or institutional uses for which a rural location is justified, the key consideration here is whether harm to the character or appearance of the countryside would occur. This aspect is dealt with in detail later in the report in Section 5.5, but in summary it is concluded that the visual impact and harm are unacceptable.

5.3.7 In addition, it is also necessary to consider whether the development should be located on this site rather than in Maidstone or a larger village/Rural Service centre.

Location of development

5.3.8 A strong argument can be made against the development that siting it at Leeds is not appropriate due to the fact that Leeds is not a Rural Service Centre and is poorly served by existing community facilities. In terms of other potential sites no specific sequential test has been undertaken by the applicant. They have also relied on the previous permission as a justification for the scheme to be built around.

5.3.9 Most developments of this type including more traditional care home developments require a certain 'critical mass' to render them viable and to enable the provision of facilities to serve their residents. Statutory space standards have also been improved in recent years such as a move away from double rooms and a drive towards minimum space standards for all rooms all of which have had an impact on the size of buildings and hence land required. The applicants have stated that the application site represents the minimum space required.

5.3.10 It is unfortunate that as a result of this land requirement, built development will be significantly extended westwards into the countryside outside the defined settlement boundary.

5.3.11 Whilst the applicants have provided information that the development proposed at Leeds would be the smallest of their existing sites, it would still result in a significant development in a village which is not a rural service centre and does not exhibit a wide range of existing community facilities and is not well served by public transport and is not seen as taking growth in the draft Local Plan.

5.3.12 I do not consider that the proposed facilities within the development that would be made available to village residents, whilst clearly welcome as a potential addition to the village facilities, are in and of themselves sufficient to set aside the concerns regarding the location of the development outside the urban area or a rural service centre. It remains the case that Leeds village is poorly related to public transport and lacks an existing level of community facilities that would be able to support and addition of the magnitude of the proposed development.

5.3.13 I consider therefore that objections should be raised to the principle of development.

5.4 Benefits of the development

5.4.1 However, it is also necessary to weigh in the balance the following potential benefits arising from the development:-

(i) The enhanced community facilities for the village.

(ii) Whether given demographic trends, the development would secure significant enhancements to the quality and range of local care provision and assisted living and care for the elderly, generally;

(iii) The employment generated and the support of the local economy in line with the advice in the NPPF.

Community facilities

5.4.2 An integral part of the proposed development is the provision of communal facilities, which in this instance comprise a small village shop offering everyday essentials to the local community and potential access to other facilities including the Wellness Centre. Whilst the primary function of these is to serve the residents of the development itself, they will also be accessible and available to members of the local community.

5.4.3 At present as detailed above, Leeds suffers from a lack of local services and has no village shop. This deficiency is recognised within the Parish Plan produced in 2008 and was identified as the amenity that most people would like to see. Provision of local services is a key component of sustainable development, making settlements and villages sustainable, reducing the need to travel and helping to foster community cohesion.

5.4.4 The applicants have agreed that community use of facilities at the site would be secured through a s106 agreement. The applicants would in effect be subsidising the provision, (which would not otherwise occur) as the facilities are to be provided as part of the range of services available to potential occupants of the scheme in any event. Such an approach also concurs with advice in the NPPF which encourages local planning authorities to promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

5.4.5 The fact that a shop and the other facilities are to be provided as part of the development is welcomed and it is fair to say that such a provision would not be made were it not for the development now proposed, given the fact that the village does not support a shop at present.

5.4.6 However, the applicants themselves contend that in order for such facilities to be sustained a certain 'critical mass' of development is necessary. It is contended that the extent of the proposed development represents that critical mass, below

which the level of service provision proposed could not be sustained or justified. This has resulted in this case in the spreading of development across a larger area than with the extant scheme for the more traditional care home which has taken development further beyond the village boundary into the countryside.

Impact on care provision

5.4.7 The Maidstone Strategic Housing Market Assessment 2010 (SHMA) came to a number of conclusions relevant to this issue:-

- (i) 16,043 households in the Borough contain only older people (defined as at or over state pension eligibility age), equating to 17% of all households;
- (ii) 52.2% of older people-only households live in rural areas (compared to 42.3% of all households), meaning that 30.4% of rural households are older people-only households;
- (iii) The over-60's population is forecast to increase by 33% in the Plan period (i.e. 2010-2026), three times the growth rate of the population as a whole, with over-85's forecast to increase by 93% in the same period;
- (iv) More than three quarters of older person-only households are owner-occupied without a mortgage;
- (v) 99.8% of older person-only households comprise only one or two persons, yet 60.5% of older person-households reside in accommodation with three or more bedrooms;
- (vi) Older person only households are less likely to move than other household types, despite the reality that in time some will need to move due to care needs;
- (vii) There is a perceived lack of sheltered housing available to purchase or rent within the Borough.

The SHMA concluded at paragraph 8.17 SHMA that: There could be potential scope to free up larger units for younger families if older person households should choose to move into suitable smaller units.

5.4.8 The applicants have cited a number of other statistics in support of the need for development such as proposed here

- The number of Over-60s is projected to increase by 7 million over the next 25 years (ONS, 2009);
- By 2025, men will live an average of 6.8 years and women 9.1 years of their life with a long-term illness (Age UK);
- The number of people over the age of 65 with a limiting long-term illness will rise 45% (up to 6.1 million) by 2025 (Age UK);
- The numbers of over-55's in Kent and Medway will rise by nearly 50% by 2031 (Kent Housing Group, 2012);
- There are 495,000 people living within a 20-minute drive time of the site; 16,000 of them are over the age of 80 and this will more than double to over 32,000 between now and 2030;

- There is an existing estimated national shortfall in Assisted Living Units alone of 200,000, and this is increasing with time (Savills).

5.4.9 The House of Lords Select Committee on Public Service and Democratic Change published a report 'Ready for Ageing?' on 14 March 2013. The Committee focussed their deliberations on the implications for public policy in the decade 2020-2030 against the following projections given in the evidence presented to the Committee; (para 2).

- 51% more people aged 65 and over in England in 2030 compared to 2010
- 101% more people aged 85 and over in England in 2030 compared to 2010
- 10.7 million people in Great Britain can currently expect inadequate retirement incomes
- Over 50% more people with three or more long-term conditions in England by 2018 compared to 2008
- Over 80% more people aged 65 and over with dementia (moderate or severe cognitive impairment) in England and Wales by 2030 compared to 2010.

5.4.10 The report states that 'The Government have made efforts to improve access to housing for younger people, but if the country had an adequate supply of suitably located, well designed, supported housing for older people, this could result in an increased release onto the market of currently under-occupied family housing, expanding the supply available for younger generations. **Central and local government, housing associations and house builders need urgently to plan how to ensure that the housing needs of the older population are better addressed and to give as much priority to promoting an adequate market and social housing for older people as is given to housing for younger people.'** (Para 271)

And:

'Local government should signal their intention to ensure better housing provision for older people by insisting that local planning agents both encourage the private market in housing provision for older people, and by making specific mention of older people's needs when drawing up their planning strategies' (Para 273)

The report also highlights the need for older people's housing to be well served by local amenities. The proposed development offers this as an integral part of the scheme. The development will also serve to enhance the wider amenities of the community and its existing population of older people.

5.4.11 Additional information derived from the NHS Kent and Medway Public Health Observatory Health and Social Care Maps has also been provided.

- The published data indicates that between 2012 and 2016 the population growth in over 65s and over 85s is greater in Maidstone than in West Kent as a whole.
- There are currently 1256 care beds in the Borough some 340 or more of these do not have an en-suite facility suggesting a lack of quality provision
- Of the 1256 care beds only 89 (which are all located in one location) accommodate people with a physical disability.

5.4.12 Data from SHOP@ (Strategic Housing for Older People Analysis Tool) indicates that there is currently a 70% shortfall in extra care provision in the Borough to meet existing needs and a 25% shortfall in residential registered care provision in the Borough to meet existing needs. The database shows in respect of future needs a 30% increase in future needs by 2020 and an 81% increase by 2030, equating to a need for 415 extra care bedspaces by 2020 and 580 by 2030 and in terms of residential registered care bedspaces a need for 1826 by 2020 and 2552 by 2030.

5.4.13 The above information shows a growing need for development of this type, given the trends outlined above. The development would lead to an enhancement in care provision available within the Borough as a whole, both in terms of quantity and also quality. Existing care provision in the Borough predominantly comprises the more traditional care home accommodation, which is often reserved for the very frail and those with acute needs, meaning that there is an absence of intermediate and flexible accommodation which allows people to maintain as independent and active a lifestyle as possible, utilising the care and support on offer only as and when needed. Whilst there have been a few developments of this nature recently (e.g. Mote House), they remain the exception rather than the rule and offer significantly greater choice and more flexible care for residents than a traditional care home.

5.4.14 However whilst there would appear to be a general need for this type of accommodation, it is clear from the information submitted with the application that the need is not specific to Leeds village. Development of the type proposed could equally be provided in a more sustainable location in terms of existing community facilities and public transport options in or immediately adjacent to a rural service centre or the urban area of Maidstone where such a loss of countryside and openness would not be the result.

Employment

5.4.15 The existing employment uses on site are not protected by policy, are low-grade units in need of considerable investment. They also do not represent the optimum neighbouring use for the nearby residential properties. Replacement of this employment with alternative service-related employment has previously

been accepted by the Council through the extant permission. This application will deliver over 100 jobs, more than would have been delivered through the extant care home scheme. The jobs created will cover a range of skill sets including management, administration, maintenance and primary care and will also support a number of secondary businesses further down the supply chain. From experience with other existing operational sites in similar village locations, the applicants anticipate that a number of these jobs will be filled by those living locally to the site, making a direct contribution to the local economy.

5.4.16 The applicants have also advised that development itself represents a capital investment of over £9 million into the village and the local economy, being an investment into community facilities, care accommodation, the Wellness Centre and the proposed transport service. This injection into the economy will also deliver a significant boost to the construction and associated service industry.

5.5 Visual Impact

5.5.1 A detailed Landscape and Visual Assessment has been undertaken and submitted with the application. This assesses close views, within 1km (such as Burberry Lane to the south east of the site) and distant views, 3-5km away, including from sites on the North Downs escarpment. I have assessed the statement and undertaken my own analysis of the site. From the Downs it is very difficult to identify the site and detail within it cannot be picked-out. Woodland and trees to the north of the site including those around Tower House provide very effective screening.

5.5.2 From Burberry Lane to the south east, the North Downs escarpment forms a prominent backdrop to the views towards the site. However, the ridge line of the escarpment would not be breached by the development as proposed. From this area some of the roofscape of the village centre would be visible, further west whilst storey heights and building heights fall, elements of the roofscape would be visible above existing hedgerows and vegetation. They would however, be below the buildings closer to Burberry Lane in the foreground of the views northwards but would extend the apparent built development further westwards away from Upper Street, which Members will have noted earlier has a strong linear form along its length.

5.5.3 I consider that the biggest impact of the development will be felt close to the development particularly from the adjacent PROW and nearby PROWs that cross farmland in the vicinity of the site. It is clear that it represents a significant westwards extension of built development. Whilst the site boundary may have only extended some 40m westwards compared to the 2009 application, built development associated with the current application would extend rearwards by approximately 140m from that indicated in the 2009 application. This is a

significant encroachment of development into the countryside beyond the defined village envelope and one which in my view will result in harm to its character and appearance by reducing openness and accentuating the non-linear form of development on the site compared to the main pattern and grain that currently exists in the area. The comments of English Heritage relating to the significant westwards extension of built development compared to the largely linear development along Upper Street which provides the predominant character of the existing Conservation Area are acknowledged and concurred with.

5.5.4 In a recent appeal decision (20/08/2013) relating to land at Forsham Stables, Forsham Lane, Chart Sutton (application MA/12/2023), where the proposals involved a significant extension of residential curtilage, a new driveway and the erection of a substantial new building (a detached garage and store) in the countryside, on a site close to a bridleway and a public footpath, the inspector considered that:-

'The development would be seen from the nearby public footpath and bridleway, and by adding significantly to the existing isolated domestic development and would detract from the predominantly open character of the surrounding landscape.'

5.5.5 He went on to state that additional landscaping would provide some screening but that this would not disguise the presence of an enlarged residential use in the countryside. In that case he concluded that the development would be a prominent intrusion of a residential use and built development into open countryside. This would cause moderate harm to the character and appearance of the area and thus the development would be contrary to the objectives of national policy and local plan policies relating to the protection of the countryside.

5.5.6 In this case the proposed development is far greater in scale. It would also be sited immediately adjacent to a PROW from which it would be very clearly visible even accounting for any landscaping as it matures in the medium to long-term. I consider that the development would clearly cause at the very least moderate harm to the character and appearance of the countryside and its openness. To permit the development would therefore in my view be contrary to national and local plan policy objectives relating to the protection of the countryside.

5.5.7 The applicants have sought to address the setting of 'Tower House' a Grade II listed building located on the west side of Upper Street but set a considerable distance back (225m or so) behind Upper Street and set in well landscaped and mature gardens. Tower House is located some 150m-160m to the north of the application site although part of its garden reaches the site boundary, this

section is well treed however. The proposed development has sought to retain views to and from Tower House in the design and siting of the open space and buildings at the western end but there is no escaping the fact that significant elements of built development compared to the 2009 application have been introduced into what is a currently undeveloped area and what in the 2009 application was also to remain free from built development.

5.6 Design

- 5.6.1 The proposed design reflects an 'Arts and Crafts' style and utilises a palette of materials and vernacular features found in the Leeds village area. The various buildings within the development have differing eaves and ridge heights and as you move westwards through the site building heights become lower and the development more spacious with greater separation between buildings and increased landscaping.
- 5.6.2 The frontage to Upper Street will be improved with the inclusion of the two-storey assisted living units on the south side of the access road set back behind the retained/re-built ragstone wall.
- 5.6.3 The village core is located fronting a new square at the east end of the site. The development forms a series of courtyards and informal open spaces as you move westwards through the site. A croquet lawn is proposed along with an ornamental potager/allotment garden and a topiary garden. Parking courts are closely related to the proposed units and are shown to be landscaped. As indicated earlier the western end of the site will be more open and landscaped providing an orchard, attenuation and wildlife ponds set in a managed wildflower meadow and new woodland areas. A 6m wide easement for an existing sewer in the centre of the site helps to add further openness and 'breathing space' in the development.
- 5.6.4 As indicated earlier in the comments of the Conservation Officer, the setting of Ledian Farmhouse will be enhanced by the development as it will be given more 'breathing space' and enhanced landscaping around it compared to the extant permission. The retention and conversion of the oast house is also welcomed and the conversion scheme is considered to be acceptable in its detail.
- 5.6.5 I am satisfied that the development will have an acceptable and largely beneficial impact on the immediate character and setting of the Conservation Area and Listed buildings given the design proposed and the removal of the existing former agricultural buildings (excluding the oasthouse) and uses.

5.7 Residential Amenity

- 5.7.1 The development site is adjoined to the south by Burgess Hall Drive a small estate of two-storey dwellings that runs in a loop. It is separated from the development site by the existing PROW that runs along the southern boundary of the Ledian Farm site. Two dwellings have flank walls that face onto the Ledian Farm site and lie immediately adjacent to the footpath. Number 15 is located approximately 15m from the closest building on the site and no 5 approximately 8m from flank wall of the two-storey frontage units facing Upper Street within the development site separated by an existing ragstone wall along no.5's boundary and the PROW. Three others (4-8 even) are located to the south of the loop in Burgess Hall Drive, two (nos. 6 and 8) face towards the site whilst no. 4 has a flank wall facing the site. These dwellings would be located some 35m or more from the development proposed separated by Burgess Hall Drive the PROW and the internal development site access road.
- 5.7.2 I do not consider that the development would be likely to result in a loss of privacy to the dwellings in Burgess Hall Drive given the separation, and orientation of the properties as existing and proposed and the existing and proposed planting along the PROW and the application site boundary. The southern elevation of the Village Centre has been designed to ensure that there are no windows (other than those serving a stairwell) with direct views into the private garden areas of properties into Burgess Hall Drive to the south.
- 5.7.3 The replacement of existing unrestricted industrial uses with a residential-led scheme, a more compatible relationship of uses will be secured.
- 5.7.4 The level of noise and disturbance from the use of the access road is also considered unlikely to give rise to an unacceptable impact on residential amenity again given the separation involved.
- 5.7.5 I also consider that the relationship across Upper Street to the existing dwellings on its eastern side will be acceptable.

5.8 Highways

- 5.8.1 A Transport Assessment accompanies this planning application, assessing the predicted impact of the development upon the local highway network having regard to the nature of the use, the existing use on site and the extant planning permission. Access to the site is to be relocated to the south of Ledian Farmhouse, where a new junction with Upper Street will be formed. This new access accords with the previously approved access in the extant scheme and has therefore already been accepted as suitable in principle and highway safety terms. This junction will benefit from visibility splays in both directions that

exceed the corresponding standards, and will represent an improvement upon the existing access. This existing access is to remain but will only be used as a private drive to serve Ledian Farmhouse and Baytree Cottage to the north.

5.8.2 Conservation Area Consent and Listed Building Consent have been granted for the demolition/rebuilding of the existing ragstone wall along Upper Street to facilitate the construction of the access.

5.8.3 Kent Highway services have considered the transport statement and have raised no objections to the development in terms of its potential impact on the local road network or in terms of the level of parking proposed. The suggested improvement to provide a bus boarder at the nearby `bus-stop can be secured as part of the s278 agreement under the Highways Act that will be required to enable the development to proceed. Kent Highway Services have also now confirmed that an emergency access will not be required.

5.8.4 A draft travel plan with targets and initiatives has also been submitted. The targets comprise;

(1) A minimum 10% reduction in staff single occupancy car mode share from 77.5% to 69.8%.

(2) A minimum reduction in resident car ownership by 5% from 22% to 21%.

(3) An overall reduction in vehicle trips generated over a 12 hour period (07:00 to 19:00) by the site by a minimum of 5%

These targets would result in a total reduction in daily vehicle trips by 7%, with a 7% reduction in total trips in the morning peak and a 6% reduction in total trips in the afternoon peak.

5.8.5 The Travel Plan will include a suite of measures to help achieve these targets, encouraging walking and cycling, public transport use, reducing car ownership and single occupancy vehicle trips, these measures will include:

- As part of the Welcome Pack a plan indicating the walking and cycle routes to key services will be provided.
- The development will provide adequate footway and cycle routes through the site to improve legibility, and create a safe and high quality environment. Ensuring that footways and cycle routes are clearly marked and well lit to improve safety.
- Encourage staff to participate in a Cycle to Work scheme, such as a Bike to Work week and provision of cycle training schemes for staff.
- Secure cycle parking will be provided for staff and visitors on-site in accordance with local standards. Aim to provide shower or changing and locker facilities on-site in the future.
- Promoting the health benefits of walking and cycling via newsletters or on a website and advertising local services and shops, including information on how to reach them by alternative methods other than by car.

- Plans indicating the location of the nearest bus stops with bus routes, and train station with service details will be provided within the Welcome Pack, along with the relevant bus timetables.
- Future updates including changes to bus or rail services and timetables will be provided to residents in the form of a newsletter.
- Making staff, residents and visitors aware of on-line information and journey planners such as Traveline and Transport Direct, in newsletters or via a website. Also providing information on discounted tickets and monthly and weekly passes.
- Investigate cheaper options for public transport, such as season tickets, or subsidies towards staff public transport fares.
- **Village Transport Service:** A transport service would be provided to all residents providing daily journeys to services including retail, banks, post offices, or doctors and hospital appointments. Further to this a number of scheduled outings including to Garden Centres or National Trust sites would be arranged.
- An in-house car sharing database set up for staff to identify those travelling from similar locations, or promotion of the Kent Journey Share Scheme (kentjourneyshare.com).
- Provision of training or information on greener driving techniques for staff.
- Designated parking spaces close to the entrance to those who use more energy efficient cars or issued parking permits.
- Carry out viability studies for more on site facilities (e.g. cash machine, post office)
- **Residents Car Club:** A scheme would be available to all members whereby a subscription fee and mileage charge is paid to gain access to a fully serviced, valeted and fuelled car for use as needed.

5.8.6 The submission and approval of a travel plan can be secured by condition. No objections are raised to the development on highway grounds.

5.9 Landscaping and ecology

5.9.1 A landscape masterplan has been submitted as part of the application and its proposals take account of the landscape and visual impact assessment referred to earlier. A plan showing planting principles for the village centre area in more detail has also been submitted.

5.9.2 The submitted plans provide an acceptable framework to guide a detailed landscaping scheme. Existing trees and hedgerows are retained where appropriate. I consider that the principles shown are acceptable subject to a detailed planting scheme being submitted and approved.

5.9.3 Appropriate ecological studies have been undertaken and as can be seen from earlier in the report the KCC Biodiversity team are satisfied that appropriate

account has been taken of bats and other protected species potentially to be affected by the development.

5.9.4 The proposed woodland area, ponds and wildflower meadow in the western part of the site has through appropriate long-term management the potential to enhance biodiversity.

5.9.5 Subject to appropriate conditions relating to mitigation and a further bat emergence survey and badger survey no objections are raised to the proposals from an ecology/biodiversity aspect.

5.10 Other Matters

5.10.1 A Preliminary Risk Assessment has been submitted that addresses the issue of potential contamination on the site arising from its current and previous uses. Both the Environment Agency and the Council's Environmental Health section have considered the report and conclude that it provides a satisfactory basis for further detailed site investigation work and the production of a remediation strategy. Both recommend a suitable contamination condition is imposed on any permission.

5.10.2 An outline drainage strategy report has also been submitted following initial objections raised by the Environment Agency. Having considered the report they have no objections to the development on flood risk grounds subject to the imposition of a condition requiring submission and approval of a scheme of sustainable surface water drainage.

5.10.3 The development would achieve sustainability in its construction and energy use meeting Code level 4 and BREEAM very good for the assisted living units and the core facilities building and converted oast house respectively and does include the use of a combined heat and power source for the main building and the assisted living units as a central plank to achieving this.

5.11 S106 obligations

5.11.1 Any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the CIL Regulations 2010 and para 204 of the NPPF 2012. This has strict criteria that set out that any obligation must meet the following requirements: -

(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.

5.11.2 The request from West Kent PCT for a contribution of £49,320 towards the provision/enhancement of Primary Health Care facilities at The Orchard Surgery, Horseshoes Lane, Langley is considered to meet the tests outlined above.

5.11.3 The proposed obligations offered by the applicant seek to secure:-

The provision and operation of a Care Home and a Domiciliary Care Agency subject to the following requirements:-

(i): To ensure Care Units are only occupied by Qualifying Persons or their surviving spouses or dependents.

"Qualifying Person" means a person who is either aged 65 years or more or is under 65 years and registered for Disability Living Allowance or in receipt of a General Practitioner certificate stating a disability or is registered with the Council as visually impaired and in each case is the subject of a Care Plan and has contracted through the obligations in the estate and services charge to receive Personal Care for a minimum of 1.5 hours per week.

(ii): To make the reception, shop, restaurant and café bar available to the public subject to standard operating conditions.

(iii): To make the Village Transport available to persons with care and personal mobility issues living in Leeds Parish as well as those on site, subject to standard operating conditions.

(iv): To give priority to local residents in accordance with a Local Marketing Plan.

(v): To secure public access to the proposed woodland and amenity area

(vi): To enable meeting rooms and the Wellness Centre to be available, subject to qualifying criteria, to the public

5.11.4 The above obligations are also considered to meet the necessary tests and would provide substantial potential benefit to the community and Leeds village as a whole, and would increase the level of available local services and also the sustainability of the settlement.

5.11.5 The contributions to the enhancement and improvement of the playing facilities at Leeds Playing Field through refurbishing the children's play area, tennis courts and car park) requested by the Parish Council are not however considered to meet the tests outlined above in that they are not necessary and also not directly related to the development and thus cannot be supported.

5.11.6 I am satisfied therefore that if the proposals were considered to be acceptable in principle that it would be appropriate for a s106 legal agreement to be completed in accordance with the Heads of Terms set out above with the exception of the request from the Parish Council.

6. CONCLUSIONS

- 6.1 I consider that the development would not have an unacceptable impact on the residential amenity of nearby properties. No objections have been raised on highway, flood risk or contamination grounds subject to appropriate conditions being imposed on any permission that may be granted.
- 6.2 It is clear that the development would bring some benefits to the area if approved. It would support some 103 full and part-time jobs and represents a significant level of investment into the local economy of some £9million. There would be an enhancement to the existing facilities in Leeds village which would also be of benefit to the community. The detailed designs are acceptable.
- 6.3 However, such benefits can be applied to any development, however, the fact that the development will also result in a wider choice of care facilities in the Borough for the older section of the population is also welcomed as this will help to meet a growing need. However as stated earlier in the report this need is not specific to Leeds village and could be accommodated in a more sustainable location overall elsewhere that would not result in such a significant loss of countryside and openness.
- 6.4 The site is partially covered by an extant permission for a care home with assisted living units and residential development that does partly extend beyond the village envelope (predominantly through the landscaped amenity area to the rear of the development).
- 6.5 However, this current proposal would extend built development significantly further beyond the edge of the defined settlement into the countryside (some 140m or so). I consider that the development will as a result cause unacceptable harm to the countryside within and surrounding the site. The site is very visible from the adjacent PROW that runs alongside the southern boundary and from other footpaths in the vicinity. The openness of the site and area would be significantly reduced and thus harm to the character and appearance of the countryside caused.
- 6.6 Whilst the proposed development will provide a well-designed facility that will enhance the community facilities within Leeds village itself thus having some potential to increase the sustainability of the village, it is fact that Leeds is not a

rural service centre and has very few existing community facilities and is not well served by public transport. It is considered that it would be more appropriate for the development to be located within or adjacent to a rural service centre or the Maidstone urban area where there are likely to be better existing community facilities and a greater and more accessible workforce.

- 6.7 Whilst the benefits of the scheme are noted, the significant encroachment into the countryside of the development and its resultant impact on the character and openness of the countryside that would result is considered in this instance to outweigh the benefits of the scheme. The development would also result in a significant and adverse change to the existing well defined linear form and character of Upper Street and as a result, the existing Conservation Area, arising from the 140m approximately westward extension of built development into the countryside. The following recommendation is therefore considered appropriate.

7. RECOMMENDATION

REFUSE planning permission on the following ground:-

1. The proposed development would result in a significant encroachment into countryside beyond the defined settlement boundary of Leeds village. The resultant development would substantially reduce the openness of the area causing harm to the overall character and appearance of the countryside in the vicinity. To permit the development, in the absence of any overriding need for the development to be located on the site adjacent to a settlement which is not a rural service centre or where the likely benefits of the development are not of overriding weight, would be contrary to the provisions of policy ENV28 of the Maidstone Borough-wide Local Plan 2000 and the advice in the NPPF 2012.

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 application was considered to be fundamentally contrary to the provisions of the Development Plan and the NPPF, and there were not considered to be any solutions to resolve this conflict.

The applicant was given the opportunity to address the Planning Committee and promote the scheme.

Item no. 14

Page no. 46

Address

Reference no. MA/12/2046

Ledian Farm Upper Street LEEDS

Officer comment

I wish to apologise to Members and to correct an error in the ground of refusal as set out on page 89.

Amendment to recommendation

Amend ground of refusal to read.

The proposed development would result in a significant encroachment into countryside beyond the defined settlement boundary of Leeds village. The resultant development would substantially reduce the openness of the area causing harm to the overall character and appearance of the countryside and the conservation area. To permit the development, in the absence of any overriding need for the development to be located on the site adjacent to a settlement which is not a rural service centre or where the likely benefits of the development are not of overriding weight, would be contrary to the provisions of policy ENV28 of the Maidstone Borough-wide Local Plan 2000 and the advice in the NPPF 2012.

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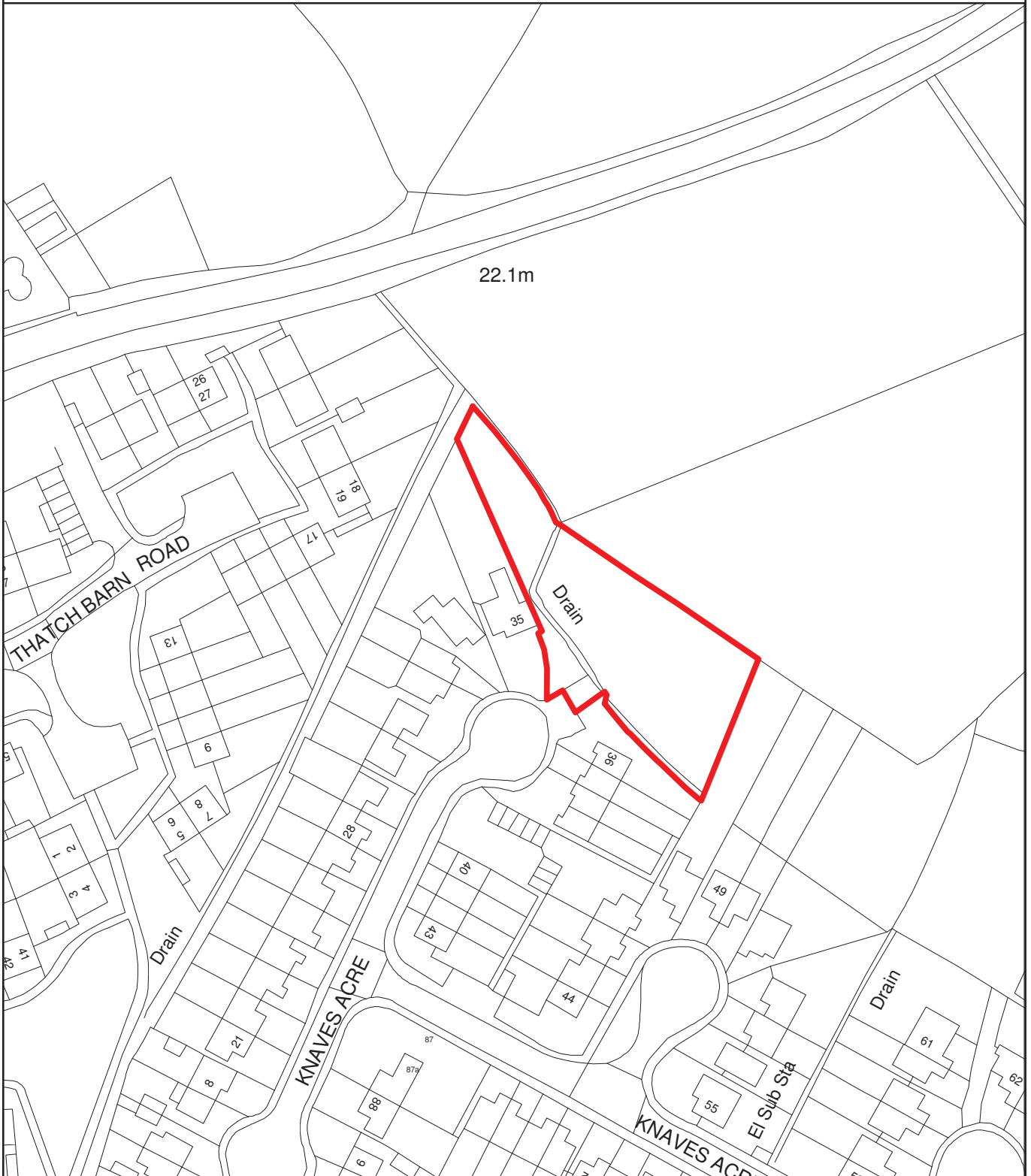
Agenda Item 15

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/0682

GRID REF: TQ8344

35 KNAVES ACRE,
HEADCORN.



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Rob Jarman
Head of Planning and Development

APPLICATION: MA/13/0682 Date: 25 April 2013 Received: 25 April 2013
APPLICANT: Mrs E Drewett
LOCATION: 35, KNAVES ACRE, HEADCORN, ASHFORD, KENT, TN27 9TJ
PARISH: Headcorn
PROPOSAL: Erection of new 4/5 bedroom dwelling with detached double garage as shown on the Site Location Plan, AM/KA/01, AM/KA/02, AM/KA/03, AM/KA/04, AM/KA/05, AM/KA/06 and the Design and Access Statement received on the 19th April 2013.
AGENDA DATE: 21st November 2013
CASE OFFICER: Annabel Hemmings

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

- it is contrary to views expressed by the Parish Council; and
- a departure from the development plan.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, T13
- Government Policy: National Planning Policy Framework 2012: Chapters 4, 6, 7

2. HISTORY

MA/06/0274 – Certificate of lawfulness for an existing development being the use of land for residential purposes ancillary to no 35 Knaves Acre. Granted 10th April 2006.

MA/96/0308 – Outline application for the erection of two detached dwellings with all matters of external means of access, siting, landscaping and design reserved for future consideration. Refused 1st May 1996.

3. CONSULTATIONS

Parish Council: Would wish to see this application refused as this development is on a Greenfield site and is in the open country, this is contrary to Maidstone Borough Council saved policies. Feel that this application is premature as the Local Plan has not yet been adopted along with the village's emerging

neighbourhood plan which is currently under consultation. Would wish this to be reported to the planning committee.

4. REPRESENTATIONS

Neighbours: One letter of objection has been received from a local resident. They raise the following summarised concerns:

- Would be unable to continue with my astronomy activity from my house as the proximity of the proposed building would mean that viewing conditions, due to both light and heat, would be too poor to make observations;
- There are already 17 cars in the close from 10 homes and parking can be difficult when one or more of the houses have visitors;
- Children play in the close and increasing the density of cars will create a dangerous environment;
- The development would mean that the close becomes a through fare rather than an enclosed space; and
- The close is plagued with poor drainage and floods regularly. The site is partly over a soakaway and this will increase drainage problems.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 The land to which this application refers is at the end of one of the branches of Knaves Acre. At the head of the cul-de-sac, it is fronted by a turning circle and small parking area. There are a variety of house types and sizes within this part of Knaves Acre. Whilst Knaves Acre lies within the defined built up area of Headcorn, the application site itself is outwith the village envelope.

5.1.2 In 2006 a certificate of lawfulness was granted confirming the site as residential amenity land serving 35 Knaves Acre. A drainage ditch defines its south and west boundaries and presently access is gained across this western boundary via a wooden bridge from the rear garden of no. 35. It is separated from grassed agricultural fields to the north east by a post and wire fence with a conifer hedge along half of this boundary. Tall conifers also separated the site from the rear garden of 48 Knaves Acre to the south east. The site is currently laid to lawn and at the time of the site inspection it housed a number of children's toys including a climbing frame.

5.2 Proposal

- 5.2.1 This application seeks full planning consent for the erection of a 4/5 bedroom family dwelling with a detached double garage.
- 5.2.2 The proposed dwelling would have a footprint of approximately 165sqm and be largely rectangular in form with small projections to the front and rear, and a conservatory on the south east elevation. The ground floor accommodation would comprise a kitchen/diner with utility room, play room, lounge, living room and conservatory. The first floor would house the master bedroom with ensuite, 3 further bedrooms one with an ensuite, a family bathroom and a study/office. The proposed dwelling would measure 9.4 metres to the ridge of the roof.
- 5.2.3 The house and garage would be constructed using multi-red stock facing brickwork, broken up with protruding plinth stretcher courses at window sill height and with facing brick soldier courses above windows and doors. The roof would be Redland clay plain tiles.
- 5.2.4 The dwelling would be served by a detached double garage, measuring some 6.3m by 6.2m together with off road parking for several vehicles. Access to the property would be via the existing drive of no 35 Knaves Acre. All the paving would be permeable. The existing turning circle, car parking and landscaping at the head of the close would not be affected by this proposal and the proposed dwelling would be served by adequate amenity space.

5.3 Principle of Development

- 5.3.1 The application site lies in the countryside outwith the village envelope of Headcorn as set out in the Maidstone Borough Wide Local Plan 2000. Within the countryside there is a general presumption against development unless it relates to uses such as agriculture, forestry, the winning of minerals or open air recreation. It is clear that the proposed new dwelling does not fall within any of those uses.
- 5.3.2 It is noted that in 1996 an outline application for the erection of two detached dwellings on the application site were refused on the basis that it would conflict with the countryside policies and their presumption against development and the potential for the erosion of undeveloped countryside to the detriment of rural and visual amenity.
- 5.3.3 In considering this application, whilst the proposal would clearly be a departure from the adopted Development Plan, it can be concluded that the character, appearance and nature of the site is somewhat different to that which presented itself in 1996. It has been used for a number of years as amenity/garden land

for No. 35 Knaves Acre and a certificate of lawfulness was granted for this use in 2006. The site is laid to lawn and appears domestic in character. It is clearly separated by mature landscaping to the agricultural land beyond.

- 5.3.4 The National Planning Policy Framework (NPPF) was published in 2012, and the transition period for local plan compliance with the NPPF ended in March 2013 and there is now a presumption in favour of development in sustainable locations unless any adverse impacts would significantly and demonstrably outweigh the benefits of the development when assessed against the NPPF as a whole. Although the NPPF still encourages local authorities to make best use of brownfield land, the 60% target has been removed, and local authorities can set out their own approaches towards housing densities. The NPPF moves away from the urban capacity study approach and local authorities must identify deliverable sites for 5- year housing land calculations and specify developable sites or locations for years 6 to 10 and (where possible) years 11 to 15.
- 5.3.5 The November 2012 Cabinet report highlighted the fact that, although the Council continues to experience high levels of dwelling completion rates on sites with planning permission, the windfall sites on previously developed land (brownfield land) that formerly contributed towards the borough's 5-year housing land supply at a steady pace are no longer materialising at the same rate.
- 5.3.6 Until such times as a 5-year supply can be demonstrated, planning applications on greenfield sites cannot be refused on the grounds of prematurity and must be assessed on individual merit (including sustainability). A dwelling in this location would make a contribution, albeit a small one, to the Borough's housing supply. The site could be considered as a windfall site.
- 5.3.7 The National Policy Framework published in 2012 states that "*the purpose of planning is to achieve sustainable development.*" In this instance, given the site's character and proximity to the village boundary, the site would be seen in the context of the residential development within Knaves Acre rather than the open undeveloped countryside and would be an example of sustainable development.
- 5.3.8 The concerns of the Parish Council about the prematurity of this application are noted, but given that the scheme is for a single dwelling, it is considered that its significance in relation to the emerging plan is limited. The determination of this application at this stage would not introduce any prejudice to this process.

5.4 Residential Amenity

- 5.4.1 The proposed dwelling has been located and designed to minimise any effect on the residential amenities of the existing occupiers of Knaves Acre. There would inevitably be some additional noise and traffic movements from the proposed dwelling, but these would be seen against the existing noise and movements within the cul-de-sac and would have a negligible effect on residential amenity.
- 5.4.2 It is noted that access to the proposed dwelling would be achieved by sharing the driveway which currently serves no. 35 Knaves Acre. This has the potential to cause some limited disturbance to the occupiers of no 35. Shared drives are not, however, uncommon within the local area and in this instance the occupiers of no 35 are the applicants behind this proposal. It is not considered that this shared access would have any material effect on residential amenity.

5.5 Design

- 5.5.1 The proposed dwelling is of a scale and height that reflects some of the larger dwellings within Knaves Acre and the surrounding area. But as set out in the supporting Design and Access Statement, in terms of design, the proposed dwelling does not seek to mimic the other dwellings within Knaves Acre. This approach has been adopted due to the degree of separation and screening enjoyed by the site.
- 5.5.2 This approach is welcomed and allows innovation and originality to develop. In this instance, the applicants have taken inspiration from development both within Knaves Acre and the surrounding area. It is considered that the proposed dwelling would be well designed and would not be out of keeping with this part of Knaves Acre, which has a mix of house types and scales.
- 5.5.3 The site's well landscaped boundaries would be retained allowing the site to be developed without introducing overlooking or overshadowing of adjoining properties. The well defined boundary to the open farm land beyond allows a clear physical and visual boundary between the site and the open countryside. Whilst the proposal would introduce a building to the head of the cul-de-sac, its design and location with the site would allow it to be developed without appearing cramped or adversely affecting the residential amenities of existing occupiers of Knaves Acre.

5.6 Highways

- 5.6.1 This application for one dwelling will bring some additional traffic generation to the cul-de-sac. This would, however, be seen against the existing traffic and would have a negligible effect in this context.

5.6.2 The proposed dwelling would be served by a detached double garage with space for further vehicular parking on the drive. It is also noted that the proposal retains the existing parking area to the front of the site and this part of Knaves Acre as a cul-de-sac. It is not, therefore, considered that this application would result in on street parking or other adverse highway issues.

5.7 Landscaping

5.7.1 The application site is currently used as amenity land serving 35 Knaves Acre and is largely laid to lawn, with some mature planting to the boundaries. Its frontage with Knaves Acre and the end of cul-de-sac parking area contains several mature trees. This area is outwith the application site and would not be altered by this scheme.

5.7.2 This application was not supported by a landscaping scheme, but it is considered that there is the opportunity to enhance the appearance of the site with appropriate landscaping and to ensure that the existing planting is retained as appropriate. This will also offer opportunities to enhance the ecological value of the site. This would be secured by a landscaping condition.

5.8 Sustainability

5.8.1 At the heart of the NPPF is a presumption in favour of sustainable development, this is reflected in Council policies. Code for Sustainable Homes is the national standard for the sustainable design and construction of new homes. The code aims to reduce emissions and create homes that are more sustainable. It was introduced in May 2008, but public consultation on the code was carried out from December 2005 to March 2006.

5.8.2 In this instance, the agent advises that the proposed dwelling would achieve Code Level 3. This is welcomed and it is considered appropriate to secure this by the imposition of a condition.

5.9 Other Matters

5.9.1 The comments from the neighbour are noted and are largely dealt with in the body of the report above. Two issues have not yet been considered – the disruption to the neighbour’s hobby and drainage/flooding issues. These are considered in turn below.

5.9.2 The neighbour advises that the light and heat generated from the proposed dwelling would prevent him from carrying out their astronomy hobby from his

dwelling. Whilst this is not a planning consideration, the amount of heat and light generated from the proposed dwelling would not be excessive.

- 5.9.3 Drainage and flooding are planning considerations and the proposed dwelling would not be acceptable if it made these issues worse. The application site is not an area identified by the Environment Agency, although it is noted that there is a drain running through the site. The agent has recognised this and has designed the scheme to avoid any adverse impact with a culvert and bridge formed across the existing brook as part of the driveway construction. With these safeguards in mind, it is not considered that the proposal would result in drainage or flooding issues.

6. CONCLUSION

- 6.1.1 Whilst this application would be a departure from the Development Plan, there are strong reasons to justify why this development could be considered acceptable. It would be seen against the backdrop of Knaves Acre and contribute to the supply of residential dwellings within the Borough, not adversely affect the residential amenities of surrounding occupiers, have an adverse effect in terms of highways, flooding or drainage.
- 6.1.2 In formulating the recommendation, all other matters which were drawn to the Council's attention have been taken into account, but nothing of sufficient weight was found to override the factors which led to this recommendation.

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. No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a scheme of landscaping, 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 of maintenance. All planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding season following commencement of the development (or such other period as may be agreed in writing by the Local Planning

Authority) and any trees or plants which within a period of 5 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 that the proposed development is satisfactorily integrated with its immediate surroundings and provides for landscaping as required by policy ENV6 of the Maidstone Borough Wide Local Plan 2000 and central government policies and guidance as set out in the National Planning Policy Framework 2012.

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of the locations, heights, designs, materials and types of all boundary treatments to be erected on site. The boundary treatments shall be completed in strict accordance with the approved details before the development hereby permitted is occupied.

Reason: In the interests of visual amenity, privacy and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings as set out in policy ENV6 of the Maidstone Borough Wide Local Plan 2000 and central government policies and guidance as set out within the National Planning Policy Framework 2012.

4. The areas shown on the approved plan as car parking spaces and garages shall be provided prior to the first occupation of the dwelling hereby permitted and thereafter kept available for such use. Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995, or any subsequent re-enacting Order, no permanent development shall be carried out on the site so as to preclude vehicular access to these parking spaces or garages.

Reason - In the interests of highway safety and amenity.

5. Prior to the commencement of development details of porous surfacing (including its depth) for the vehicle access / driveway / parking area shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out in accordance with the agreed details prior to the occupation of the dwelling hereby permitted.

Reason: In the interests of the health and stability of adjacent landscaping, in the interests of amenity.

6. Notwithstanding the information on the approved plans, no development shall take place until samples of the materials to be used in the construction of the

external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved details.

Reason: In the interests of amenity and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings as required by central government policies and advice within the National Planning Policy Framework 2012.

7. Prior to the commencement of any development, details shall be submitted to, and agreed in writing by, the Local Planning Authority showing the existing and proposed site levels and the finished floor level of the dwelling hereby permitted. Development shall be in strict accordance with the details agreed.

Reason: In the interest of amenity.

8. The development hereby permitted shall be built to a minimum three star rating within the Government's 'Code for Sustainable Homes' (2006). Prior to first residential occupation of the individual residential units hereby permitted a copy of the post construction review certificate produced by the relevant assessor for that dwelling (or for the totality of the development or parts thereof) verifying that the aforementioned minimum star rating has been achieved for that residential unit shall be submitted to the Local Planning Authority.

Reason: To ensure that development takes place in an environmentally sensitive way, to assist the Government in meeting its targets of reducing carbon dioxide emissions and in accordance with its policies and guidance in the National Planning Policy Framework 2012.

9. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout construction periods. The Statement shall provide for, but not necessarily be limited to:
 - i) the parking of vehicles of site operatives and visitors
 - ii) measures to control the emission of dust and dirt during both demolition and the construction of the development
 - iii) details of construction traffic routing, including details of the access to be used during construction
 - iv) the location of construction compounds
 - v) details of wheel washing facilities. Mud and other debris from wheels and the undercarriage of all vehicles leaving the site during the period of works shall be cleaned off prior to such vehicles entering the highway
 - vi) loading, unloading and storage of plant and materials

Reason: In the interest of residential amenity.

10. The development hereby permitted shall be carried out in accordance with the following approved plans:
Site Location Plan, AM/KA/01, AM/KA/02, AM/KA/03, AM/KA/04, AM/KA/05, AM/KA/06 and the Design and Access Statement received on the 19th April 2013.

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers in accordance with central government policies and guidance as set out within the National Planning Policy Framework 2012.

Informatives set out below

Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays.

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 application was acceptable as submitted and no further assistance was required.

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. 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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THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/0914

GRID REF: TQ7454

61 CHARLTON STREET,
MAIDSTONE.



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Rob Jarman
Head of Planning and Development

APPLICATION: MA/13/0914 Date: 17 May 2013 Received: 15 July 2013
APPLICANT: Mrs Sarah Stribbling-Williams, Merryhills Properties Ltd.
LOCATION: 61, CHARLTON STREET, MAIDSTONE, KENT, ME16 8LB
PARISH: Maidstone
PROPOSAL: Change of use from a single dwelling to a house of multiple occupation (HMO) as shown on 3no. existing floor plans and 3no. proposed floor plans received on 22nd May 2013, and A4 site location plan received on 15th July 2013.
AGENDA DATE: 21st November 2013
CASE OFFICER: Richard Timms

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

- Councillors Black and Paine have requested it be reported for the reason set out in the report.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: H22, T13
- Government Policy: National Planning Policy Framework 2012

2. HISTORY

MA/08/0551 An application for a Certificate of Lawfulness for a proposed single storey rear extension – APPROVED

3. CONSULTATIONS

3.1 Kent Highways: No objections.

"There will be an increase in the number of bedrooms from 3 to 5 but no additional floorspace. There is no parking provision however Charlton Street is a one way street with no parking restrictions. The site lies in a sustainable location within walking distance of public transport connections and the town centre. I confirm that I do not wish to raise objection to this application."

3.2 Environmental Health: No objections.

4. REPRESENTATIONS

4.1 8 neighbour representations received raising the following (summarised) points:

- Significant parking problems in the local area.
- Highways safety issues.
- Increased noise and disturbance.
- Concern over security due to a right of access.
- Loss of family home in school area.
- Not sufficient room for bins to the front.
- Does not comply with policy H22.
- Room sizes below housing standards.

4.2 **Councillors Black and Paine** have requested the application be reported to Committee for the following reasons:

Councillor Black: *"Concerns re. on street parking – excessive number of cars on-street already; over-intensive use of the property."*

Councillor Paine: *"Highway Safety - the road is already over-capacity, which leads to cars being parked on the pavement. The pavements are narrow and this results in a width restriction that poses threat to ambulance or fire engine access in an emergency. There have been accidents in the vicinity, and access to Upper Fant Road is a blind spot. Impact on residential amenity - the introduction of 5 new households in this single dwelling represents an over-intensification in this already-densely populated part of Maidstone. The impact on neighbours has to be taken into consideration."*

5. CONSIDERATIONS

5.1 Introduction

5.1.1 This is an application for the change of use from a dwelling to a house in multiple occupation (HMO) with 5 bedrooms at 61 Charlton Street, Maidstone.

5.2 Site Description

5.2.1 The application relates to a two storey, three bedroom terrace house on the south side of Charlton Street towards its northwest end. Charlton Street is a one way street in a southerly direction. The property has a walled front garden with no off-street parking and a rear garden. The house is set over three floors (cellar, ground and first floors). The entrance door is on the side of the property

and is accessed via a covered alleyway, which also leads to the front door of no. 63 to the north.

5.3 Proposal

5.3.1 Permission is sought for a change of use of the dwelling to a HMO with 5 bedrooms. Two bedrooms would be provided within the basement; one bedroom, a communal room, kitchen, and bathroom would be provided on the ground floor; and two bedrooms and a bathroom would be provided on the first floor. No external changes are proposed.

5.3.2 As background, planning permission is not required to change a dwelling to an HMO for 3-6 people, but in this case the owner is seeking that 7 people would live at the property and has therefore applied for permission. However, the final number of occupants will be determined under a separate licence application (which has not yet been made). Any decision on this planning application does not dictate the number of occupants, only the change of use of the building to an HMO.

5.4 Principle of Development

5.4.1 Policy H22 of the Local Plan relates to HMO's with consideration given to the amenity of future and existing residents, the character and appearance of the area, the type of uses within the local area, car parking and traffic impact.

5.4.2 The Council has no policy relating to the mix of housing in specific areas, or that family housing should be protected. Therefore the principle of a change from a dwellinghouse to another form of housing can be acceptable.

5.4.3 I therefore consider the main issues are -

- Parking and highway safety.
- Residential amenity.
- Impact upon the character and appearance of the area.

5.5 Parking & Highway Safety

5.5.1 There is no off street parking at the property as is the case for the majority of houses within the area. There are no current locally adopted parking standards and in my view the main issue is whether a lack of off-street parking would lead to highway safety issues, whilst bearing in mind the Government objectives to reduce the reliance and use of the private car.

- 5.5.2 It must firstly be borne in mind that the property is a 3 bedroom house which could produce a parking level of 2/3 cars and that the fallback position is that the property could be used as an HMO with up to 6 occupants without planning permission. As such the proposal would not necessarily lead to a significant increase in parking. It is also relevant that the site is at a sustainable location within walking distance of local convenience shops (200m), and public transport links on Tonbridge Road (250m), and so any occupants could manage without a car.
- 5.5.3 If occupants do have cars there is a residents parking scheme in operation so any residents would be eligible for this. Whilst an increase in residents permits in the area could mean that they, or existing users may not be able to park close to their properties, such inconvenience is not sufficient grounds for objection in my view.
- 5.5.4 Any extra demand for parking spaces in an area does not necessarily mean that highway safety issues would occur. In this case, there are controls in place within the local area, such as double yellow lines to prevent parking where deemed dangerous, so I do not consider the change of use would lead to any significant highway safety issues that warrant objection. I note reference to cars parking over the pavement and local parking conflicts, however, this is a current occurrence in the local area, and I do not consider it would not be made significantly worse by this proposal.
- 5.5.5 It is also important to note that the KCC Highways Engineer raises no objections to the application. With this in mind and having regard to Government advice to reduce car usage; the sustainable location of the site; that there would be no significant highway safety issues arising from the development; and the fallback position, I consider an objection to the lack of off-street parking could not be sustained.

5.6 Residential Amenity

- 5.6.1 A local resident has stated that the room sizes are below the Council's housing sections standards for HMOs. Three bedrooms are just below the 2 person bedroom standard and one is just below the 1 person standard. Having discussed this with my housing colleagues they have advised that there is some flexibility and informally advise that a licence for 5 people (1 person for each room) could potentially be granted based on the room sizes. Notwithstanding this, and importantly, policy H22 does not set minimum room sizes for HMOs but seeks "*no harm to the amenity of intended occupiers*". With this in mind and that it is likely to be granted a licence, I consider the rooms would all be of sufficient size and would receive sufficient light to provide acceptable living conditions for

this type of use. As outlined above, the HMO licence would determine the final number of occupants.

- 5.6.2 The neighbouring property has raised concerns regarding noise in the shared walkway. Whilst this type of use can have a different outward impact than say, a single dwellinghouse, this can be very much down to the individuals who live there, over which there is no planning control. My view is that the proposed use would not result in unacceptable neighbouring living conditions through noise and disturbance. This is also a mixed area with family houses and self-contained flats and for this reason, I do not consider that such a use is out of character.
- 5.6.3 I note that policy H22 advises that HMO's should only be granted in an area with a predominately commercial character with some residential use. The policy provides no explanation for this criteria but I would assume this is due to the potential outward impacts of such a use, which may have more of an impact within a solely residential area. However, because I do not consider there would be any harm to residential amenity from this use, I do not consider there are grounds to refuse the application on this basis.

5.7 Impact upon the character and appearance of the area

- 5.7.1 The main impacts that may occur on the character and appearance of the area would be from refuse facilities at the property. I am aware through previous discussions with the waste management section for an HMO for up to 9 persons, that two standard refuse bins, two food bins and a recycling bin would be allocated. This would only be one additional refuse and one additional food bin above its use as a house, and I do not consider this would result in any significant harm to the appearance of the area if positioned to the front. Many other properties have bins stored to the front.
- 5.7.2 The proposal would result in the loss of a potential family house, however there is no local plan policy to protect such housing. I do not consider that the change of this single property to an HMO would result in any significant or harmful change to the neighbourhood character to warrant objection.

6. CONCLUSION

- 6.1 For the above reasons, I consider the proposals would not result in any significant change to the local parking situation or create highway safety issues above the existing situation; that living conditions would be acceptable for existing and prospective occupiers; and there would be no harm to the local area. I therefore consider the proposals are in accordance with policy H22 of the Local Plan and recommend permission subject to the following 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 development hereby permitted shall be carried out in accordance with the following approved plans:

3no. existing floor plans and 3no. proposed floor plans received on 22nd May 2013, and A4 site location plan received on 15th July 2013.

Reason: in the interests of residential amenity.

Informatives set out below

Please note that a separate HMO licence will be required for this use.

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 application was acceptable as submitted and no further assistance was required.

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

14.11.2013





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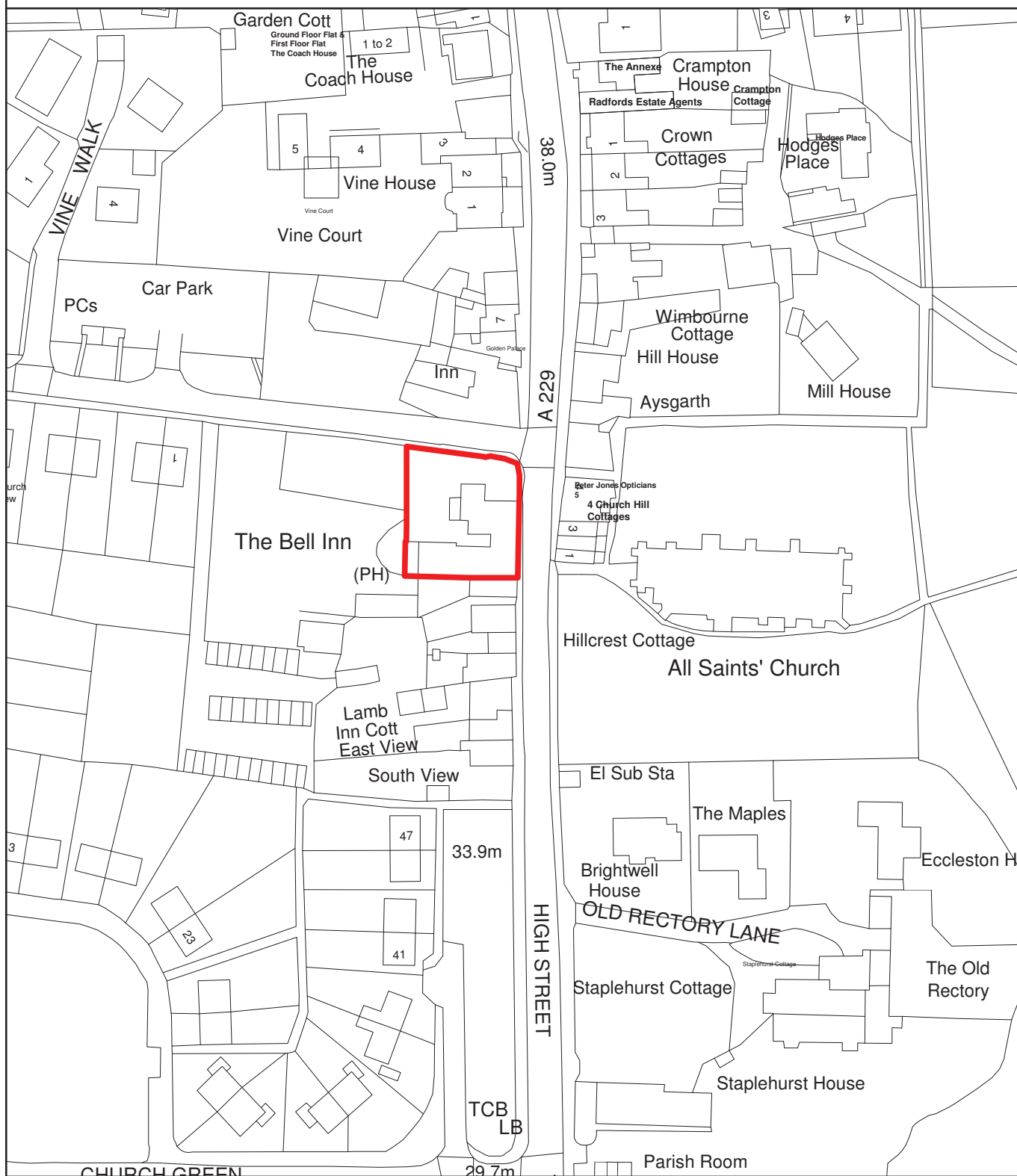
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THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/1127

GRID REF: TQ7842

**BELL HOTEL, HIGH STREET,
STAPLEHURST.**



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Rob Jarman
Head of Planning and Development

APPLICATION: MA/13/1127 Date: 24 June 2013 Received: 2 October 2013

APPLICANT: Mr Richard Scutt

LOCATION: BELL HOTEL, HIGH STREET, STAPLEHURST, TONBRIDGE, KENT,
TN12 0AY

PARISH: Staplehurst

PROPOSAL: Conversion of public house to 4No. residential units as shown on drawing numbers A1300-PL-001, A1300-PL-010, A1300-PL-100, A1300-PL-101, A1300-PL-102, A1300-PL-104, A1300-PL-200, A1300-PL-201, A1300-PL-202, A1300-PL-204, A1300-PL-400, A1300-PL-401, A1300-PL-402, A1300-PL-403, A1300-PL-410 and A1300-PL-411, supported by a design and access statement and highways statement, planning statement and viability report, all received 25th June 2013; drawing numbers A1300-PL-412/A, A1300-PL-413/A, 29066-001-002 rev D and 29066-001-003F, and Lloyd Bore landscape report, all received 2nd October 2013; and drawing number A1300-PL-250/E received 7th November 2013.

AGENDA DATE: 21st November 2013

CASE OFFICER: Catherine Slade

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

- **Staplehurst Parish Council** wish to see the application refused for the reasons set out below, and have requested that the application be reported to Planning Committee.

1. **POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV6, T13, R11
- Government Policy: National Planning Policy Framework 2012, PPS5 Planning and the Historic Environment – Practice Guide
- Other: Kent Design Guide 2009, Circular 11 of 1995 Use of Conditions in Planning Permission

2. **HISTORY**

- MA/13/1128 - An application for Conservation Area Consent for works to facilitate the conversion of the public house to 4No. residential units including

the demolition of a single storey extension – APPROVED SUBJECT TO CONDITIONS

- MA/06/2000 - Erection of children's play equipment with the formation of a children's play area and associated site fencing - APPROVED WITH CONDITIONS
- MA/06/1799 - Installation of a mushroom roof vent cowl for the trade kitchen extract - APPROVED SUBJECT TO CONDITIONS
- MA/95/0639 - An application for listed building consent for internal alterations to ground floor - WITHDRAWN
- MA/87/1151 - Listed building consent for internal alterations - WITHDRAWN
- MA/87/1150 - Internal alterations, erection of porch under existing roof and alterations to public bar extension – APPROVED

2.1 The proposed demolition works to the building have been the subject of a concurrent application for conservation area consent under application reference MA/13/1128, the details of which are set out above. The application was approved on 19th August 2013. Due to changes to the legislative framework in October 2013 which amended the procedures for applying for conservation area consent, a separate conservation area consent is no longer required for the proposed works, and this element of the proposal falls to be considered fully under the scope of the current application.

3. CONSULTATIONS

3.1 **Staplehurst Parish Council:** wish to see the application refused on the following grounds:

3.2 *"The committee noted the comments made in public forum and by correspondence in respect of loss of amenity, the ringing of church bells and issues of parking. After discussion councillors agreed that their principal concerns were the lack of sufficient parking and the proposed highway access which they considered to be hazardous in the context of traffic volume and speed on the A229."*

3.3 Following consultation on the amended plans received in October, the Parish Council maintained their objection, making the following detailed comments:

3.4 *"Councillors noted the new access arrangements and voiced a range of views about the loss and viability of a public house on the site. Councillors' principal concern remained insufficient parking provision, noting that the amended*

proposal contained one fewer space, and for this reason they voted nem con to recommend refusal and requested that it be reported to MBC Planning Committee."

- 3.5 **Maidstone Borough Council Conservation Officer:** raises no objection to the proposal subject to conditions requiring the submission and written approval of details of materials, joinery, landscaping (including hard surfacing), boundary treatments, and the removal of permitted development rights. The officer makes the following detailed comments:
- 3.6 *"The Bell Inn occupies a historic inn site, a public house having probably existed here since medieval times. The site was previously occupied by a timber-framed building, probably of 16th Century date, of which the adjacent Bell Cottage remains (and is a listed building). Bell Cottage is not affected by these proposals.*
- 3.7 *The original buildings burnt down in the early years of the 20th Century and had been replaced by the current structure by 1908. The destroyed buildings stretched further to the north, right up to the junction with Bell Lane; however, the rebuilt structure was truncated, leaving the current gap to the side towards Bell Lane. The original building was apparently not razed to the ground by the fire, as parts of the lower walls of the existing building on the High Street frontage appear to incorporate fabric from the original building in the form of 16th or 17th Century brickwork and ragstone. For this reason, and because of the sympathetic quality of the Edwardian rebuild, in my view the existing building should be considered as a non-designated heritage asset; it makes a positive contribution to the character of the Staplehurst Conservation Area and therefore deserves to be preserved.*
- 3.8 *The loss of the pub could be considered to have some adverse effect on the character of the conservation area because of loss of vitality, although it is accepted that trading has been difficult in recent years and that the premises have been vacant for a while. The adjacent King's Head continues to provide a similar facility and if the viability arguments are accepted, residential use is probably the best alternative. The conversion proposals are sympathetic to the building's character. A small part of the building is proposed for demolition. It is unclear whether this forms part of the original Edwardian rebuild or is a later extension; whichever is the case, it is a relatively insignificant part of the building and its loss is acceptable."*
- 3.9 **Maidstone Borough Council Landscape Officer:** Raises no objection to the proposal subject to a condition requiring the submission and approval of a landscaping condition, and makes the following detailed comments:

- 3.10 *"I would refer you to my previous comments dated 30 July 2013 whereby, whilst I have said that the trees on the northern boundary do not merit protection, I indicated that it is important that landscaping is continued along this boundary due to the lack of space for further planting.*
- 3.11 *In view of the current proposal to put an access in the middle of the northern boundary as well as replace the fence, the few trees left will offer little, if any, long term amenity value. I would therefore like to see a proposal to also remove these remaining trees and the area widened and replanted with a couple of standard trees and hedgerow shrubs to improve the appearance of the amenity of the area and soften the streetscene. A landscape condition will, therefore, be required if you are minded to grant consent for the application."*
- 3.12 Maidstone Borough Council Environmental Health Officer: Raises no objection to the proposal subject to conditions requiring the development to satisfy Part E (resistance to passage of sound) of the Building Regulations and informatives relating to good working practices during construction phases. The officer makes the following detailed comments:
- 3.13 *"The site is in a mixed residential area and although it is located alongside the busy A229 it is within the 30mph section of the road as it runs through Staplehurst, so I do not consider that traffic noise is likely to be a problem.*
- 3.14 *The site is 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 will definitely have an impact on local residents and so the usual informatives should apply in this respect. The main building to be converted plus the small rear extension to be demolished, should be checked for the presence of asbestos and any found must only be removed by a licensed contractor.*
- 3.15 *There is no indication of land contamination based on information from the Maidstone Borough Council's contaminated land database and historic maps databases, but there is an indication from the latest British Geological Survey maps that there is a significant chance of high radon concentrations.*
- 3.16 *The site is in a "radon affected area" and has a 3-5% chance of having high radon concentrations, (radon is a naturally occurring radioactive gas which enters buildings from the ground). The Health Protection Agency recommends that protection methods should be used to keep radon levels at or below the "Action Level" of 200 Becquerels per cubic metre (200 Bq m⁻³) in radon affected areas; where a building has a greater than 3% probability of having an annual radon concentration above the HPA Action Level. An indication of high radon potential does not necessarily mean that an individual property will have a high*

radon concentration, this can only be established by having the building tested. The HPA provides a radon testing service. [NB. It should also be noted that the Health Protection Agency produced a consultation document on radon in June 2009 and this document suggested that the present system of domestic radon Action Level of 200 Bq m⁻³ should be reduced.]

- 3.17 *It should also be noted that Section 54 of the Clean Neighbourhoods & Environment Act 2005 requires developers to produce a site waste management plan for any development which is over £300,000. The plan must be held on site and be freely available for view by the local Authority at any time."*
- 3.18 **Kent County Council Highway Services:** Raise no objection to the proposal subject to conditions and make the following detailed comments:
- 3.19 *"I confirm that these (details) are acceptable. The original submission showed access to the site from the A229 adjacent to the junction of Bell Lane. The revised access via Bell Lane is in my opinion preferable and safer. This access is adequate in terms of width and visibility, parking provision is satisfactory and tracking diagrams indicate that sufficient space is available within the site for turning.*
- 3.20 *The gap in the railings has been provided at my request to allow the occupants of the new homes a pedestrian access through the site to the High Street. Without this, pedestrians from the new homes will need to walk from the site access and along Bell Lane to the High Street.*
- 3.21 *The amendments to the road markings to provide edge of carriageway markings, as opposed to the existing broken white lines, is in line with the guidance given in the Traffic Signs Regulations and General Directions Manual. I have spoken to our Agreements Engineer who has suggested that the lines can be provided without a S278 agreement or letter of agreement subject to a recognized and approved contractor undertaking the works; details of this should be agreed with KCC Highways.*
- 3.22 *With regard to the footway along Bell Lane I realise that the number of pedestrian movements arising from this development will be less than that generated by the pub and the residents of the new homes will be able to walk through the site to the High Street (subject to there being a gap in the railings). With this in mind I am content for the footway to be provided when the adjacent site is developed but the land required for the footway along the Bell Lane frontage should be transferred to highway. Please note that a land transfer is required as opposed to the dedication of the land following advice from our Agreements Engineer."*

3.23 **UK Power Networks:** Raise no objection to the proposal.

3.24 **Southern Water:** Raise no objection to the proposal.

4. REPRESENTATIONS

4.1 Five representations were received as a result of the publicity procedure. These raised the following concerns:

- Inadequate onsite parking provision.
- Loss of a public house and failure to retain the premises as a community asset.
- Loss of green space and the future of the land immediately to the west of the site (the former car park and beer garden).
- Access rights to the rear of neighbouring properties.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 The application site is located to the south west of the junction between High Street, the A229, and Bell Lane, an unclassified public highway.

5.1.2 The site comprises the public house formerly known as "The Bell" and some land to the north and west of the main building, including the existing site access to High Street and the eastern part of the premises' car park, but excluding the majority of the car park and the public house's beer garden. The majority of the site not covered by the main building is laid to hard surfacing, with the exception of a narrow landscaped buffer running along the northern boundary of the site with Bell Lane.

5.1.3 The main building is a handsome and prominent two storey building purpose-built as a public house in the early twentieth century following the loss of the pre-existing structure in a fire. The Edwardian rebuild, considered by the Council's Conservation Officer to be "sympathetic", incorporates 16th or 17th Century brickwork and ragstone fabric of the original building in the frontage of the replacement building at ground level, and its design makes use of traditional Kentish materials and forms.

5.1.4 Although not listed, the building and site is located in its entirety within the Staplehurst (south) Conservation Area, and a number of neighbouring properties are Grade II listed buildings, including Rosemary, Hillcrest, Craybrook Studios and Kent Cottages located to the south of the application site, numbers 1 to 4 Church Cottages (inclusive) located on the opposite side of High Street, and the Kings Arms, a public house located on the opposite side of Bell Lane to the north

of the site. In addition, the Church of All Saints, located to the east of High Street adjacent to Church Cottages, is Grade I listed.

- 5.1.5 As set out above, the existing building is considered to be of some local architectural and historic value, and to constitute an undesignated heritage asset. It is prominent in the streetscape, and makes a positive contribution to the conservation area and the setting of nearby listed buildings.
- 5.1.6 The site is located within the defined settlement boundary of the rural service centre of Staplehurst, in an edge of village centre location. The site has no designations in the Maidstone Borough-Wide Local Plan 2000 other than the heritage designation discussed above.

5.2 Proposal

- 5.2.1 The application seeks planning permission for the change of use of the existing buildings on site from a public house to four self contained residential properties, and external alterations to facilitate the change of use.
- 5.2.2 The change of use of the existing building would provide two houses, one being two bedroom and the other three bedroom, and two flats, each single bedroom units, by way of the conversion of the existing building. No new build elements are proposed. Each house would have an outdoor private amenity area to the rear of the building, as would one of the flats.
- 5.2.3 The application also seeks planning permission for external alterations to the building including the introduction of four rooflights to the northern and eastern roof slopes of the southern wing of the building, and alterations to the existing arrangement of openings to the ground floors of the north and west elevations. Conservation area consent has previously been granted for the demolition of an existing single storey extension to the rear (west) elevation of the main building under the scope of MA/13/1128.
- 5.2.4 The scope of the proposed alterations to the building are limited, but include the rendering of an area of pebble dash to the north elevation to match existing infill panels, the introduction of timber cladding to the north elevation in place of existing openings, and the making good of the west elevation following removal of the existing single storey extension.
- 5.2.5 In addition to the conversion of the existing buildings to provide flatted accommodation, the application includes ancillary development to remove the existing hard surfacing and provide private garden space for the two houses and one of the flats in the rear of the site; five onsite car parking spaces (one per unit) and vehicle access and turning areas; and enclosures for the storage of

refuse and recyclables in the north west of the site. The existing vehicle access to High Street is to be closed up, and a new access to be formed to Bell Lane, approximately 14m to the west of the junction of High Street and Bell Lane. A metal railing is proposed to the site frontage with High Street and Bell Lane in order to allow separation of the public and private spheres, whilst maintaining the open character of the site.

- 5.2.6 The proposal includes the transfer of land adjacent to the public carriageway along the northern boundary of the site to Kent County Council Highway Services in order to facilitate the future provision of a pedestrian footway along the highway, and the introduction of landscaping, including hedge and tree planting, within the site along its boundaries with the public realm.

5.3 Principle of Development

- 5.3.1 The proposal site is located within the defined settlement of Staplehurst in a sustainable location in close proximity to bus routes and a railway station, and the village centre. It is well served by local facilities and amenities. The site is a former public house and associated land, and as such falls within the definition of previously developed land as set out in the National Planning Policy Framework 2012. For these reasons the principle of residential use in this location is considered to be acceptable, being in accordance with central government planning policy in the National Planning Policy Framework, which states in paragraph 51 that Local Authorities should seek to bring empty buildings into residential use, and should, in suitable locations, "normally approve planning applications for change to residential use from commercial" where there is no strong economic case for the proposed development being inappropriate. The National Planning Policy Framework also sets out a presumption in favour of sustainable development, which in the context of decision making is defined as approving development proposals that accord with the Development Plan without delay, and where the Development Plan is silent, granting planning permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits.
- 5.3.2 Notwithstanding the above, Local Plan Policy R11 of the Maidstone Borough-Wide Local Plan 20000 states that in assessing applications which would result in the loss of facilities including public houses, particularly in villages, consideration will be given to the impact on the local community and the availability and accessibility of alternative facilities in the local area.
- 5.3.3 A viability report has been provided in support of the application, which states that the viability of the public house is limited at the current time as a result of the cost of upgrading the existing facilities (estimated by the surveyor as being between £50,000 to £150,000, with the cost of provision of a catering kitchen

estimated as being between £25,000 and £35,000), and competition from other establishments including the King's Head, a "period" public house located immediately opposite the application site on the north of Bell Lane. In addition, the premises has been unsuccessfully marketed on at least three occasions (in 2000, 2005 and 2010).

- 5.3.4 For these reasons, I consider that the change of use of the public house, particularly in light of the absence of significant alterations to the building which would preclude the change of use of the premises back to an A4 use class, is not contrary to the spirit of the policy and guidance in the National Planning Policy Framework 2012.
- 5.3.5 For the reasons set out above, it is considered that the principle of the change of use is acceptable in the context of local, regional and national planning policy and guidance, subject to all other material considerations.
- 5.3.6 Leaving the principle of the proposed change of use aside, to my mind in the circumstances of this case the key issues in the assessment of the application are the design of the proposed development and its impact upon the surrounding heritage assets; highway safety, including parking; landscape and arboricultural matters; and residential amenity.

5.4 Design and impact upon the surrounding heritage assets

- 5.4.1 The National Planning Policy Framework 2012 requires that development positively responds to the physical and natural environment, using innovative design to create a high quality built environment whilst respecting and enhancing the character and distinctiveness of settlements. Proposed development is required to promote design solutions appropriate to context, which build upon local character and distinctiveness and sense of place, including the sensitive reuse of redundant historic buildings. In the wider context of development affecting heritage assets, the National Planning Policy Framework 2012 seeks to protect, enhance and conserve the historic environment, and supports proposals which bring underused heritage assets into appropriate use.
- 5.4.2 In this case, the proposal site comprises an unlisted building considered to represent an undesignated heritage asset, located within a conservation area and in close proximity to listed buildings. Whilst the impact of the proposal on the undesignated heritage asset is a key consideration in the determination of the application, the impact of the proposed development on the designated heritage assets is of utmost importance. Consequently, the design of the proposal is paramount in assessing the acceptability of the proposal.

- 5.4.3 In this case, the overall character and appearance of the building would be retained, which is considered appropriate in view of the heritage value of the building and its prominence in the streetscape of the conservation area. The works to the building are limited in extent, and would not be overly obvious in public views of the conservation area or listed buildings. The main alteration proposed is the removal of the existing rear single storey extension (previously granted conservation area consent under MA/13/1128), and as a relatively recent addition of limited architectural or historic merit, there is no objection to this element of the proposal. The alterations proposed are considered, as set out in the Conservation Officer's comments, to be sympathetic and acceptable, and to my mind would enhance the appearance of the original building. In order to ensure that these alterations are of an acceptable quality and appearance, a condition is suggested requiring the submission and approval of materials and external joinery. It is noted that drawing number A1300-PL-413A received 2nd October 2013 shows the area of the west elevation to be made good following removal of the single storey extension to be rendered in textured cream, however this is not considered appropriate in the context of the existing wall surfaces, and the use of red brick should be secured by way of condition.
- 5.4.4 For these reasons it is considered that the proposed alterations to the building and the existing fabric of the site are acceptable, subject to the conditions set out above.
- 5.4.5 Notwithstanding the above, no details have been provided of the bin stores and limited detail of boundary treatments, including the metal railing to the site frontage and the means of enclosure to the private garden areas, and as such it is considered appropriate and necessary in the circumstances of this case to require the submission of details of these elements of the proposal. The condition should ensure the use of an alternative, more open and visually appropriate, means of enclosure of the western boundary of the site than that of a 1.8m close boarded fence as shown on drawing number A1300-PL-250/E received 7th November 2013, the introduction of which would result in an overly enclosed appearance to the development and be detrimental to views of the conservation area and un-designated and designated heritage assets from Bell Lane.
- 5.4.6 Furthermore, unrestricted additions to the two houses that would result from the proposal would potentially result in development that would be detrimental to the character and appearance of both the proposal site and the conservation area, and cause harm by way of the loss of open garden spaces within the site. As such, the restriction of permitted development rights has also been requested by the Council's Conservation Officer, a view with which I concur, considering it to be appropriate in this case in respect of Part 1 and Part 2 of the Town and

Country Town Planning (General Permitted Development) Order 1995 (as amended).

5.4.7 For these reasons, it is considered that the design of the development, and its relationship to and impact upon neighbouring listed buildings and the Staplehurst (South) Conservation Area, are acceptable, subject to the conditions set out above.

5.5 Highways

5.5.1 The site is located on the junction between a busy classified A road and an unclassified road, both of which are subject to a speed restriction of 30 miles per hour in the vicinity of the site. The existing access to the public highway allows access and egress directly to the High Street (the A229).

5.5.2 The proposal originally sought to retain the use of this access, however in response to objections received from the Kent County Council Highway Services Officer, an alternative arrangement has been put forward which would close the existing access and result in the introduction of a new access from Bell Lane located 14m from the junction of the two highways. Pedestrian access from the site to High Street would be provided immediately to the north of the main building. Kent Highways have confirmed that this arrangement is considered to be acceptable in terms of highway safety. The developer has undertaken to amend the road markings to provide edge of carriageway markings, as opposed to the existing broken white lines, however it is not considered necessary to require this by way of condition given that the cessation of the use of the access would be secured by way of the introduction of the railings to the relevant parts of the site frontage, as shown on drawing number A1300-PL-250/E received 7th November 2013.

5.5.3 As set out in the comments of the Kent Highways above in paragraph 3.22, it is considered desirable that the land in the immediate north of the site is retained for future use as a pedestrian footway along the southern side of Bell Lane. It is recognised that the provision of a footpath or contribution to secure the same by the applicant in respect of the current application would fail to satisfy the tests for conditions as set out in Circular 11 of 1995 as a pedestrian access to both the High Street and Bell Lane has been provided for the future occupiers of the development.

5.5.4 However, it is not unreasonable to expect that the remainder of the land associated with the Bell Public House (the beer garden and car park, which are now redundant), which comprises blue land and is therefore currently within the control of the applicant, will come forward for housing or other development in the future. This circumstance is such that pedestrian traffic will be generated

between the High Street and Bell Lane which would justify the provision of a pedestrian footway, and as such it is considered appropriate and necessary that the land is transferred by way of an appropriate legal mechanism to the ownership of Kent County Council for the purpose of providing future highway improvements and safeguarding highway safety. The extent of the land to be transferred is shown on the drawing attached as Appendix 1 to this report. This matter has been the subject of negotiation between the applicant and Council Officers, and has been assessed by the Council's legal officers as being compliant, in the circumstances of this case, with the Community Infrastructure Levy Regulations and paragraph 204 of the National Planning Policy Framework 2013.

- 5.5.5 In respect of onsite parking, the proposal would provide five off road parking spaces, one per unit, and adequate turning space within the site boundaries as shown on the tracking diagrams on drawing number 29066-001-003F received 2nd October 2013. The comments received from Staplehurst Parish Council are noted, however this element of the proposal has been fully assessed by the Kent Highways and considered to be acceptable given the scale of the units proposed, the sustainable location, and the close proximity of a public car park on Bell Lane for use by visitors, subject to a condition securing the areas for these purposes.
- 5.5.6 For these reasons it is considered that the proposal is acceptable in regard to considerations of highway safety and parking subject to the legal mechanism and condition detailed above, and therefore no objection is raised in regard of highway safety.

5.6 Landscape

- 5.6.1 As set out above, the proposal would result in the introduction of a new vehicular access which would result in disruption of the existing landscape buffer between the north of the site and Bell Lane, and as such a landscape report has been provided in support of the application.
- 5.6.2 The Council's Landscape Officer has confirmed that, whilst this element of the proposal would result in the loss of trees protected by virtue of their location within a conservation area, the specimens involved are of limited amenity quality and in some cases poor structural condition. Indeed, the removal of all existing landscaping and its replacement with a wider band of landscaping within the site adjacent to its boundary has been suggested by the Landscape Officer.
- 5.6.3 It is considered that the proposed replacement planting of appropriate trees, suitable for the limited planting environment and of appropriate size and form, together with hedging, as shown on drawing number A1300-PL-250/E received 7th November 2013, would effectively provide an equivalent softening of the site

to that currently in place, and through its introduction after the completion of the development and use of suitable species be more likely to provide long term benefit than the retention of the existing landscaping. The proposed landscaping would thereby secure the character and appearance of this frontage of the site, notwithstanding the introduction of the access itself, and enhance the character and appearance of the Staplehurst (South) Conservation Area and the setting of neighbouring listed buildings.

5.6.4 The proposed landscaping would be located within the site, but would be visible in public views by virtue of the open structure of the proposed boundary treatments, and would thus be effective in protecting public amenity. The landscaping would be located entirely within the enclosed part of the rear of the site in order that its long term survival would not be compromised by the transfer of land along the northern boundary of the site from the applicant to Kent County Council and subsequent future introduction of a pedestrian footway, as discussed above in paragraph 5.5.3 and 5.5.4. Kent Highways has confirmed that this can be achieved without detriment to the safe turning and manoeuvring of vehicles, and therefore landscape and landscape implementation conditions are suggested in accordance with the comments of the Landscape Officer in order to secure the appearance of the site and the conservation area, and prevent net loss of biodiversity.

5.6.5 For these reasons it is considered that the proposal is acceptable in regard to considerations of landscaping subject to the conditions detailed above, and therefore no objection is raised in this regard.

5.7 Residential amenity

5.7.1 It is considered that the two houses and flat 2 would provide a reasonable standard of living conditions for future occupiers. However, the openings to the main living area (living/dining area and kitchen space) of flat 1 (located on the ground floor) would be overshadowed by two storey elements of the existing building, failing the BRE 45° rule, a matter which would be exacerbated by the north facing aspect of these windows. However, the proposed layout is a sensitive treatment of the building and no alternative arrangement has been put forward. To my mind, the principle of "buyer beware" would apply in this case, and this would not have any detrimental impact upon the occupiers of existing dwellings. Therefore, it is not considered that the proposal should be refused on this ground. However, the condition restricting permitted development rights suggested above in paragraph 5.4.5 for reasons relating to the conservation of heritage assets would go a considerable way towards preventing this situation from worsening over time through the introduction of inappropriate and harmful additions to houses 1 and 2.

- 5.7.2 It is not considered that the change of use of the building would result in any significant additional harm to the amenity of the occupiers of neighbouring dwellings of itself when assessed against the existing lawful use of the building as a public house. Whilst new openings are proposed as detailed above, the spatial relationship between them and nearby residential properties, particularly in respect of separation distances, are considered to be such that no loss of privacy or light or harm to outlook would result to habitable rooms of existing properties.
- 5.7.3 For these reasons it is considered that the proposal is acceptable in regard to considerations of residential amenity, subject to the permitted development restrictions stipulated above which should be secured by way of a condition.

5.8 Other matters

- 5.8.1 Concern has been raised in regard to the provision on site provision of storage of refuse and recyclables. The application contains details of the provision of such facilities, and no objection to the proposal has been raised by the Environmental Health Officer. As such it is considered that no objection is raised to the proposal in this regard. However, it is considered that the sensitivity of the site is such that in the circumstances of this case details of the bin enclosures should be required to be submitted and approved in writing by condition in order that the visual impact of the structures can be minimised through the use of appropriate design.
- 5.8.2 Concerns over the loss of a green space, the failure of the pub to be retained as a community facility and the future of the remainder of the land associated with the public house are noted. However, these are beyond the scope of the current application, and cannot be taken into consideration in its determination.
- 5.8.3 It is noted that the Council's Environmental Health Manager has requested the imposition of a condition requiring the development to be undertaken in accordance with Part E (resistance to passage of sound) of the Building Regulations, however to do so would duplicate legislation and thereby fail the tests for conditions set out in Circular 11 of 1995.
- 5.8.4 The scale of the proposed development falls short of the thresholds for contributions to local community infrastructure and affordable housing, and as such none are sought.
- 5.8.5 The proposed development is for the conversion of an existing building, and as such the Code for Sustainable Homes cannot be imposed on the development.

5.8.6 Members will be aware that private covenants and rights of access are not planning matters, and cannot be taken into consideration in the determination of applications for planning permission.

6. CONCLUSION

6.1 For the reasons set out above, it is considered that the principle of residential development in this location is acceptable, that the loss of the public house would not be contrary to Local Plan policy R11, and that the design and scale of the proposal are such that the character and appearance of the Staplehurst (south) Conservation Area and the setting of the neighbouring listed buildings would be preserved. The proposal would not result in any harm to residential amenity and is acceptable in regard to highway issues and in all other material considerations, subject to the conditions detailed above.

6.2 It is therefore concluded that, subject to an appropriate legal mechanism, as detailed above in paragraph 5.6.4, the Head of Planning and Development be granted delegated powers to grant planning permission subject to conditions.

7. RECOMMENDATION

SUBJECT TO: THE PRIOR COMPLETION OF AN APPROPRIATE LEGAL MECHANISM SECURING THE TRANSFER OF THE LAND IDENTIFIED IN RED ON THE PLAN ATTACHED AS APPENDIX 1 TO THIS REPORT TO THE HIGHWAY AUTHORITY, THE HEAD OF PLANNING AND DEVELOPMENT BE DELEGATED POWERS TO 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 materials to be used in the construction of the external surfaces and areas of hard surfacing of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials. Notwithstanding the details shown on the submitted drawings, the materials shall include, inter alia, red brick to match existing in the making good of the west elevation of the building following removal of the existing single storey extension, and natural timber panels to the north elevation;

Reason: To ensure a satisfactory appearance to the development, and secure the character and appearance of the undesignated heritage asset and the Staplehurst (South) Conservation Area, and the setting of neighbouring listed buildings.

3. The development shall not commence 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 external joinery; and

- ii) Details of brick arches above all new external openings.

The development shall be undertaken in accordance with the approved details and maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and secure the character and appearance of the undesignated heritage asset and the Staplehurst (South) Conservation Area.

4. Notwithstanding the details shown on drawing number A1300-PL-250/E received 7th November 2013, the development shall not commence until details of all fencing, walling and other boundary treatments have been submitted to the Local Planning Authority and approved in writing. The submitted details shall include, inter-alia, the details of the railings to the north east and east site frontages, which shall be of a traditional metal appearance, and fencing or railings of an open appearance to the west and north west boundaries of the site. The development shall be carried out in accordance with the approved details before the first occupation and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development, and secure the character and appearance of the undesignated heritage asset and the Staplehurst (South) Conservation Area, and the setting of neighbouring listed buildings.

5. The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, a programme for the approved scheme's implementation to include the planting of the boundary landscaping in the first planting season following completion of the development or occupation of one or more of the residential units, whichever is sooner, and the scheme's long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines.
The scheme of landscaping shall include, inter alia, the provision of areas of

planting within the railings along the north frontage of the site with a trench planted area of minimum width of 1m and minimum depth of 600mm including a minimum of 2.no standard trees comprising a mix of Sorbus aucuparia 'Streetwise', Prunus padus 'Albertii', and Acer campestre 'William Caldwell' and a hedge made up of a mix of Hawthorn (Crataegus monogyna), Hornbeam (Carpinus betulus) and Hazel (Corylus avellana)

Reason: To ensure a satisfactory appearance to the development, and secure the character and appearance of the undesignated heritage asset and the Staplehurst (South) Conservation Area, and the setting of neighbouring listed buildings.

6. 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 buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory appearance to the development, and secure the character and appearance of the undesignated heritage asset and the Staplehurst (South) Conservation Area, and the setting of neighbouring listed buildings.

7. The development shall not commence until details in the form of drawings (at a scale of 1:50 or 1:100) of the bin storage areas have been submitted to the Local Planning Authority and approved in writing;

Reason: To ensure a satisfactory appearance to the development and secure the character and appearance of the undesignated heritage asset and the Staplehurst (South) Conservation Area.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Class(es) A, B, C, D, E and F and Schedule 2, Part 2 to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development, and secure the character and appearance of the undesignated heritage asset and the Staplehurst (South) Conservation Area, and the setting of neighbouring listed buildings, and safeguard the residential amenity of future occupiers.

9. 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 any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

Informatives set out below

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.

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 applicant should be aware that the site is in a radon affected area with a 3-5% probability of elevated radon concentrations. If the probability of exceeding the Action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and refurbishments (BRE 1999, 2001, and 2007).

The developer will 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.

Any new connections to the public sewerage system will require a formal application to be made to Southern Water (Atkins Ltd., Anglo St James House, 39A Southgate Street, Winchester SO23 9EH (01962 858688 www.southernwater.co.uk).

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

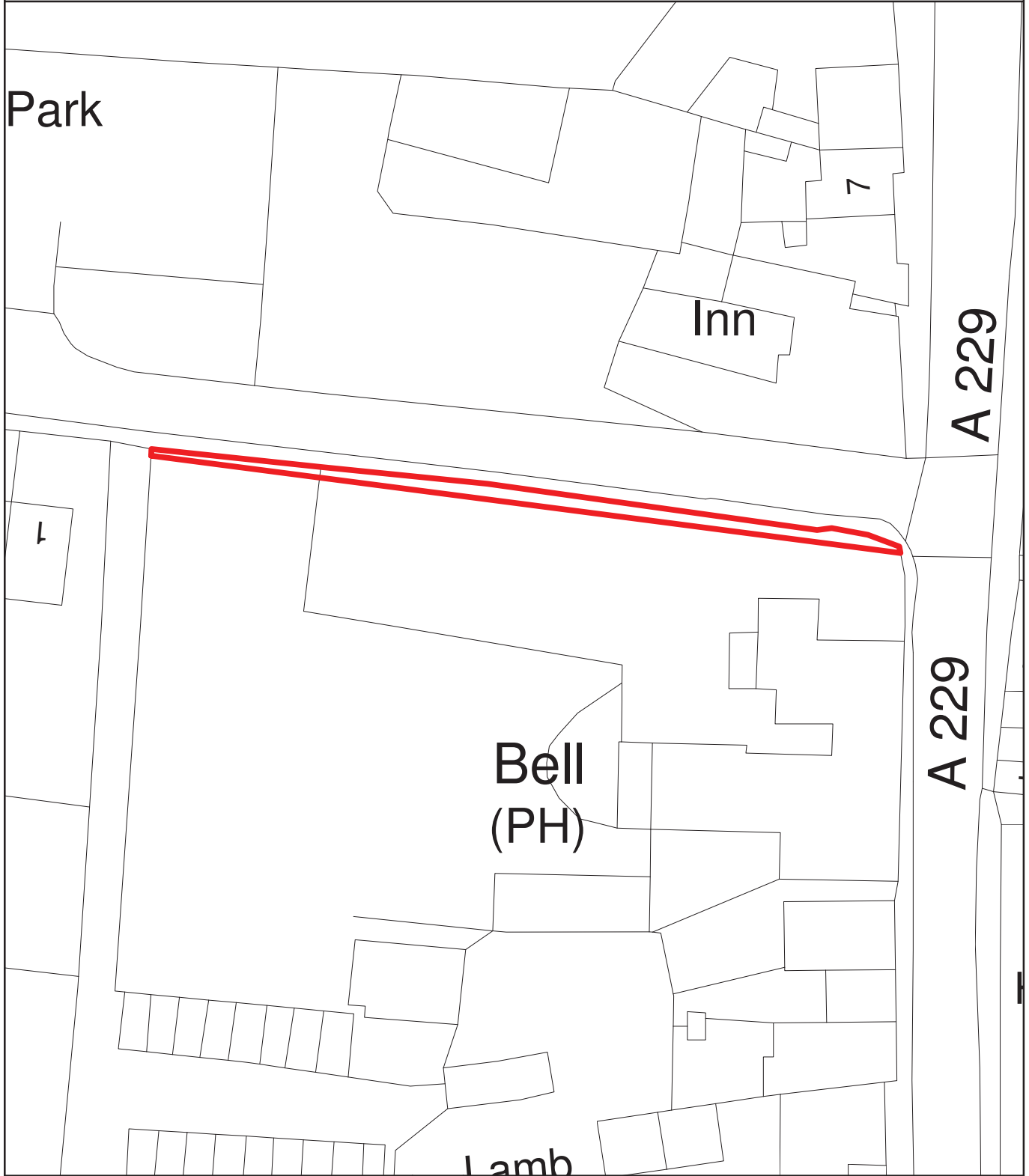
THE MAIDSTONE BOROUGH COUNCIL

PLAN REFERRED TO IN DECISION NOTICE

EXTRACT FROM O.S. MAP TQ 7842

REFERENCE: MA/13/1127

**BELL HOTEL, HIGH STREET,
STAPLEHURST, TN12 0AY.**



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Rob Jarman
Head of Planning and Development

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THE BELL INN

THE KINGS

TWO BUMP STEAKS

21. 10. 2013

192

THE BELL INN

THE BELL INN

THE BELL INN
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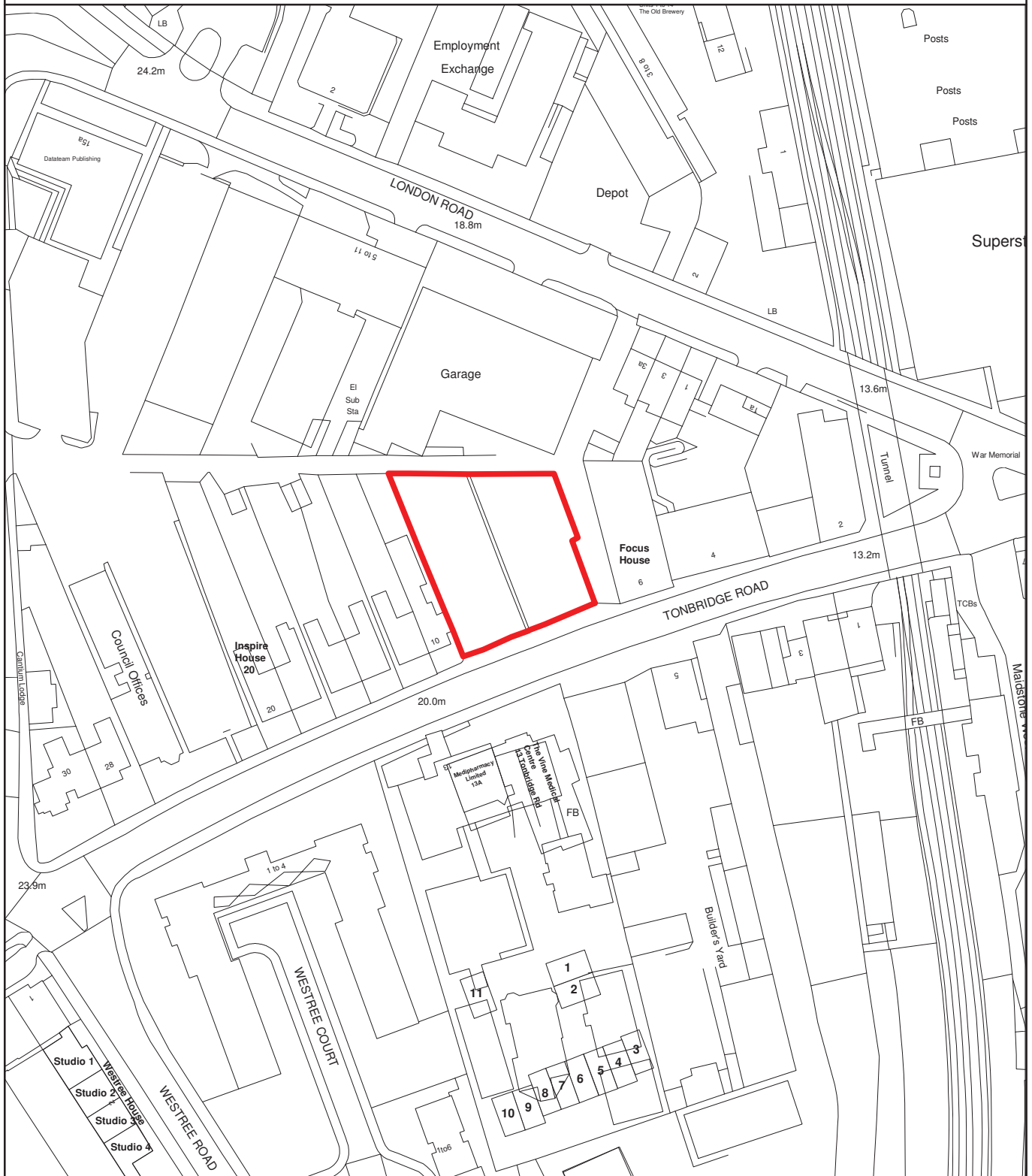
Agenda Item 18

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/1199

GRID REF: TQ7555

8 TONBRIDGE ROAD,
MAIDSTONE.



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Rob Jarman
Head of Planning and Development

APPLICATION: MA/13/1199 Date: 3 July 2013 Received: 25 July 2013

APPLICANT: Mrs Denise Elliott

LOCATION: 8, TONBRIDGE ROAD, MAIDSTONE, KENT, ME16 8RP

PARISH: Maidstone

PROPOSAL: Change of use of part of first floor and associated ground floor entrance area from storage use to leisure facilities (class D2) with associated alterations.

AGENDA DATE: 21st November 2013

CASE OFFICER: Louise Welsford

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

- it is a departure from the Development Plan and has been advertised as such.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ED2
- Government Policy: National Planning Policy Framework

2. HISTORY

Extensive history. The most relevant is:

MA/01/1310 Variation of condition 2 of permission MK/1/71/0592 to allow access onto Tonbridge Road - Approved

3. CONSULTATIONS

- 3.1 Kent County Council Highways Engineer: Does not expect the application to lead to any significant traffic generation and raises no objection.

Environmental Health Manager: Recommends a condition regarding opening hours and an informative that the use be carried out in a considerate manner.

4. REPRESENTATIONS

- 4.1 None received to date.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 This application relates to a commercial premises which is located to the edge of Maidstone Town Centre. It is located upon the northern side of Tonbridge Road, amidst mainly commercial surroundings, with some residential uses in the wider vicinity.

5.1.2 The ground floor is currently in use as a retail unit (The Bath Store), with storage facilities to the first floor. To the west of the building is a private car park, with access onto Tonbridge Road.

5.2 Proposal

5.2.1 Planning permission is sought for the change of use of part of the first floor and the associated ground floor entrance area from storage use to leisure use as a kick-boxing club. The existing use is stated to be Class B8 use and the proposed use Class D2. Some very minor external alterations to vent pipes and to the type of glazing (from clear to obscured) are proposed.

5.3 Principle of Development

5.3.1 The most relevant policy of the Local Plan is policy ED2. This policy designates the site as part of an economic development area for Class B1 use, and it states:

“Planning permission will not be granted to redevelop or use vacant business, industrial, storage or distribution sites or premises for non-employment purposes unless the retention of the site or premises for employment use has been explored fully without success.”

The proposed use is not an employment use and no marketing information has been provided. The proposal does not, therefore, accord with the Development Plan and it has been advertised as a departure from the Development Plan. It is therefore necessary to consider whether there are any material considerations which would indicate a contrary decision.

5.3.2 The National Planning Policy Framework is a strong material consideration. This document seeks to promote the vitality of main urban areas and to deliver appropriate community facilities. It states that decisions should plan positively for the provision of community facilities, including sports venues, and ensure an integrated approach to considering the location of housing, economic uses and community facilities.

- 5.3.3 In this case, the proposal would not result in the total loss of the storage use, but merely a reduction in floorspace, as around half of the first floor area would be retained in the storage use. Also, the specific designation within policy ED2 is for Class B1 and no Class B1 floorspace would be lost. Within the overall designated area, the loss of the proposed amount of floorspace from employment use would be relatively low.
- 5.3.4 Also, the proposal would accord with the National Planning Policy Framework in terms of securing a community leisure facility within a sustainable location. This is a site located upon a main arterial route, which can easily be accessed by a variety of methods of transport, including being within walking distance of a good number of residential properties who might utilise the facility. The proposal would contribute towards enhancing the vitality of the main urban area of Maidstone in my view, in line with the National Planning Policy Framework. It would not result in an undue concentration of similar uses.
- 5.3.5 It is concluded that the loss of the proposed level of storage floorspace is not an overriding justification to refuse permission for the proposed use in this sustainable location, which would enhance the vitality of the urban area and accord with the aims of the National Planning Policy Framework. The principle is therefore considered acceptable in this particular case.

5.4 Visual Impact

- 5.4.1 There are no significant visual changes to the character or appearance of the building.

5.5 Residential Amenity

- 5.5.1 The proposal would not result in a significant loss of residential amenity for any neighbouring property, (including loss of privacy or noise and disturbance), due to the location, within generally commercial surroundings. Residential properties on Tonbridge Road are a good distance from the site. There are flats at number 3 London Road, but these are also well set away from the building. Fenestration would generally face towards commercial property.
- 5.5.2 Also, due to the location, between two main arterial routes, background noise, particularly during the day, is likely to be high. However, the Environmental Health Manager recommends a condition regarding opening times, when background levels of noise would typically be lower, and this is considered appropriate. The times given in the proposed condition vary from the hours shown on the application form. The application form shows 4pm – 10pm on weekdays and 10am-12 noon at weekends. The condition proposes 9am-10pm

weekdays and 10am-1pm on weekends and Bank Holidays. This is to allow greater flexibility to increase the viability of the use and the contribution it makes to achieving sustainable development and also use outside of those hours is not considered to result in significant harm, including to residential amenity. An informative is also proposed to encourage users to leave the facility in a considerate manner.

5.6 Highways

- 5.6.1 The application proposes the use of an existing access onto Tonbridge Road. 7 of the 30 spaces within a private car park immediately adjoining the subject building would be allocated for the use of the kick-boxing club.
- 5.6.2 I note that a condition in the planning history restricted the used of access onto Tonbridge Road to certain hours (9am to 5pm). The reason for the imposition of the condition was stated to be highway safety. This application proposes a closing time of 10pm on weekdays.
- 5.6.3 The Kent County Council Highways Engineer has been consulted and confirms that she has no objection to the application. She does not expect the application to lead to any significant traffic generation. The closing time of 10pm on weekdays would mean that traffic leaving the site would be likely to be emerging onto Tonbridge Road well after the peak time, with typically the highest volumes of traffic on Tonbridge Road being expected at different times to when the site traffic would be likely to be arriving and leaving, due to the nature of the use. This is an application for a proposed leisure club, with most users being likely to use the facility outside of working hours, whereas higher volumes of traffic on the road are likely to be associated with working patterns. And in any case, when higher levels of traffic are encountered, the expected volume of traffic from this use is considered likely to be able to emerge, as traffic on the road would be slowing down.
- 5.6.4 Also, the site lies in a sustainable, edge of Town Centre location, close to public transport services and within walking distance of a good number of residential properties. Given the sustainable location and the comments of the Highways Engineer, and the nature of the use as a leisure facility, there are not considered to be any significant highways implications from the expected volume and timing of traffic accessing the site.

5.7 Other Issues

- 5.7.1 In terms of anti-social behaviour from the car park being open at night, it is considered that the development would, to a certain degree, be self policing, as users of the club would be coming and going from the site car park. It is not considered to be a type of use or time of use which would be likely to result in significant anti-social behaviour issues which would justify a refusal.

6. CONCLUSION

- 6.1.1 The proposal would add to the vitality of the urban area and would secure a community facility in a sustainable location. The loss of the existing storage floorspace would not cause significant harm. It is considered that the proposal complies with the National Planning Policy Framework. Approval is recommended.

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 no.s 1504/TRM/03, 1504/TRM/04 and 1504/TRM/05 and a Site location plan received on 04/07/13.

Reason: To ensure a satisfactory appearance to the development and to preserve residential amenity.

3. No activity in connection with the use hereby permitted shall be carried out outside the hours of 09.00 - 22.00 on Mondays to Fridays and 09.00 - 13.00 on Saturdays, Sundays, Bank and Public Holidays;

Reason: To safeguard the enjoyment of their properties by nearby residential occupiers.

Informatives set out below

The applicant is encouraged to create a noise policy for patrons. This might include the following advice:

If music is played within the building, the volume should be kept to a reasonable level and all doors and windows should, where possible, be kept closed during this time.

Vehicle engines should not be run for any longer than necessary.

Patrons should leave quietly and avoid having extended conversations in the car park.

When arriving or leaving, the volume of motor vehicle music should be kept low in the vicinity of the site

Any air conditioning should be switched off when the building is unoccupied.

The proposed development, subject to the conditions stated, is not considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000). However, in this particular case, the development would increase the vitality of the main urban area and provide a sustainable community facility in line with the advice in the National Planning Policy Framework.

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bathstore



batl

sale

END OF
HOLIDAY

LOWEST
PRICE

24.10.2013

2014

↳ bathhouse
← parking
← customer parking →

2014

24.10.2013

205

24.10.2013

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24.10.2013



207

bathstore
.com
customer
parking →

24.10.2013

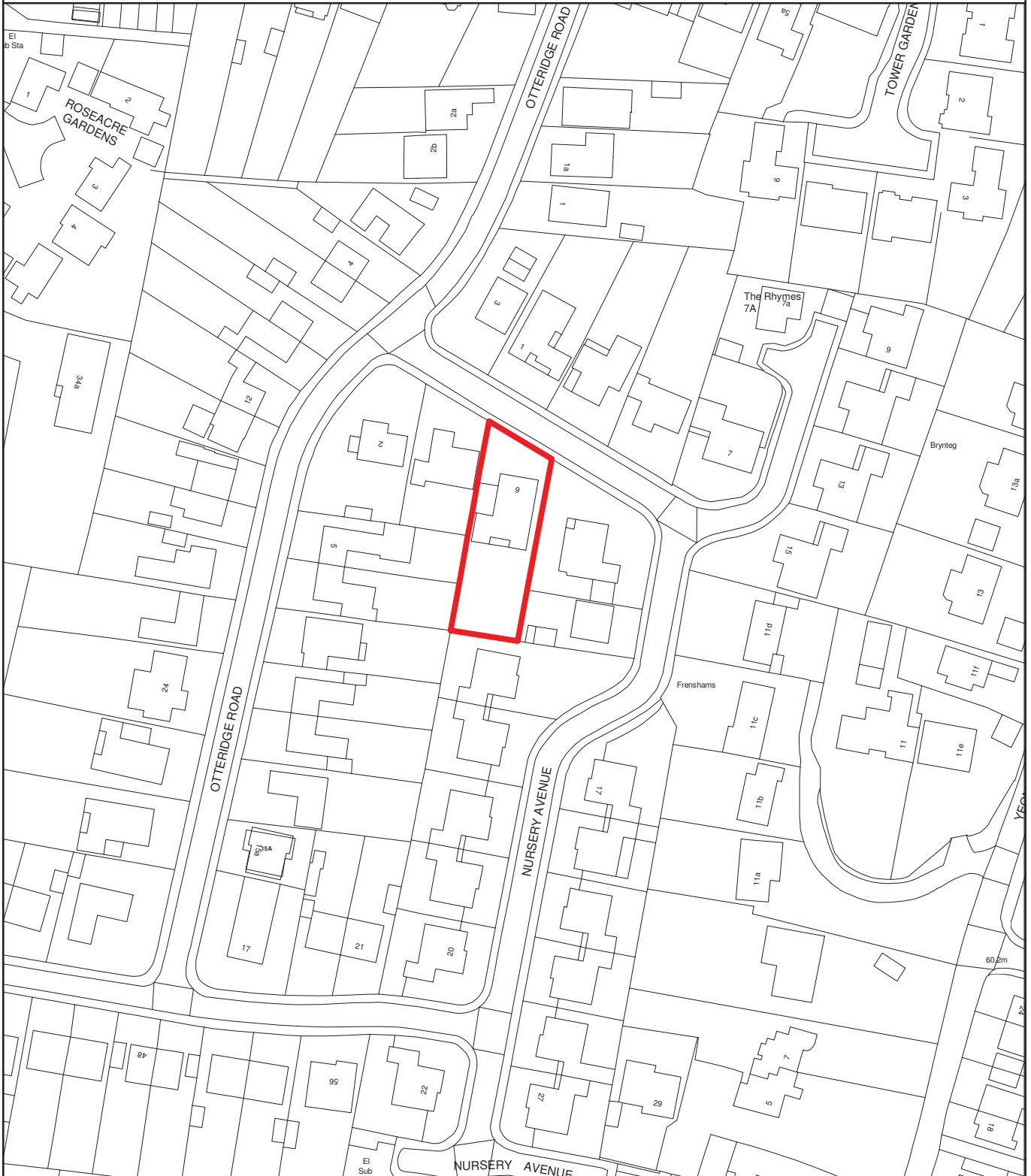
Agenda Item 19

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/1236

GRID REF: TQ7955

6 NURSERY AVENUE,
BEARSTED.



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Rob Jarman
Head of Planning and Development

APPLICATION: MA/13/1236 Date: 5 July 2013 Received: 11 July 2013
APPLICANT: Mr Humphrey
LOCATION: 6, NURSERY AVENUE, BEARSTED, MAIDSTONE, KENT, ME14 4JS
PARISH: Bearsted
PROPOSAL: Loft conversion with dormers and roof alteration to rear as outlined by the letter and drawing numbers BDS-183-02 and BDS-183-03 received on 11th July 2013, and BDS-183-01A and BDS-183-04A received 4th November 2013.
AGENDA DATE: 21st November 2013
CASE OFFICER: Catherine Slade

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

- it has been called in by **Councillor Ash**.

1. POLICIES

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

2. HISTORY

54/0139E/MK1 Details of proposed bungalow – APPROVED

54/0139/MK1 Outline application for development – APPROVED WITH CONDITIONS

- 2.1 No conditions were attached to the original consents for planning permission restricting permitted development rights.

3. CONSULTATIONS

3.1 **Bearsted Parish Council** raise no objection to the application.

4. REPRESENTATIONS

4.1 **Councillor Ash** has requested that the application be reported to Planning Committee on the grounds of impact on the residential amenity of the occupiers of neighbouring dwellings.

4.2 Nine representations were received from four households as a result of the publicity exercise, which raised the following concerns:

- The scale and design of the proposed extensions.
- Harm to the residential amenity of occupiers of neighbouring properties by way of loss of light/overshadowing, loss of privacy/overlooking, and noise.
- Parking.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 The application relates to a site located in the defined settlement boundary of Maidstone, within the parish of Bearsted. The property comprises a modest bungalow within a mid twentieth century estate of similar dwellings, some of which have been extended through the introduction of dormers, including number 5 on the opposite side of the road.

5.1.2 The site has front and rear gardens, and an existing access to the public highway. There is off road parking within the site for four vehicles, including an attached garage.

5.1.3 Although the site itself is slopes towards the rear, however land levels slope more widely from west to east, with the result that the proposal site is set down from the neighbouring property number 4 Nursery Avenue by approximately 0.5m and stepped up in relation to the neighbour to the east, number 8, by a similar amount.

5.1.4 The site was visited by the current case officer on 21st October 2013 and 30th October 2013.

5.2 Proposal

5.2.1 The current application is for alterations to the building including the introduction of a hip to gable roof extension to the rear elevation; two hipped dormers to the east elevation; and five rooflights to the west elevation. The proposal would not result in any increase to the footprint of the building, or its ridge or eaves heights.

5.2.2 The alterations to the dwelling would result in the provision of additional living accommodation in the roofspace comprising two additional bedrooms (one en suite) and an additional bathroom.

5.3 Principle of Development

5.3.1 The proposal has been amended in response to the comments of the Case Officer, in respect that the five roof lights proposed to the west elevation are now reduced in size and more than 1.7m above internal floor level, and the glazing to the two dormers to the east elevation are to be obscure glazed and fixed. The proposed development, as amended in response to the case officer's comments, now falls within the scope of permitted development, as assessed against the criteria set out in the Town and Country Planning (General Permitted Development) Order 1995 (as amended or modified).

5.3.2 The reason for this is that no part of the development would exceed the highest part of the existing roof or extend beyond the plane of any existing roof slope forming the principal elevation and fronting a highway; and the cubic content of the development would not exceed 50m³. The development further accords with the legislation insofar as the windows proposed to be introduced to the side elevations would in the case of the dormers to the east elevation be obscure glazed and fixed other than a high level fan light, and in the case of the rooflights to the west elevation be more than 1.7m above internal floor level.

5.3.3 As such, the development does not require planning permission. The fall back position in the event of planning permission being refused is that the development can be undertaken without any planning consents being required. It is therefore unreasonable to refuse the current application. This is the key material consideration in the determination of the application.

5.4 Other matters

5.4.1 I am aware of the concerns raised by Councillor Ash and the occupiers of four households, however these do not outweigh the fact that the proposed development falls within the scope of permitted development and therefore does not in fact require planning permission.

6. CONCLUSION

6.1 For the reasons set out above, the proposed development is considered to represent permitted development, as assessed against the criteria set out in the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and is therefore recommended for approval.

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 dormer windows shown to the east elevation shall be obscure glazed and incapable of being opened at a height less than 1.7m above finished floor level;

Reason: To prevent overlooking, and thereby safeguard the residential amenity of the occupiers of the property to the east.

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

drawing numbers BDS-183-02 and BDS-183-03 received on 11th July 2013, and BDS-183-01A and BDS-183-04A received 4th November 2013;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

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



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21. 10. 2013



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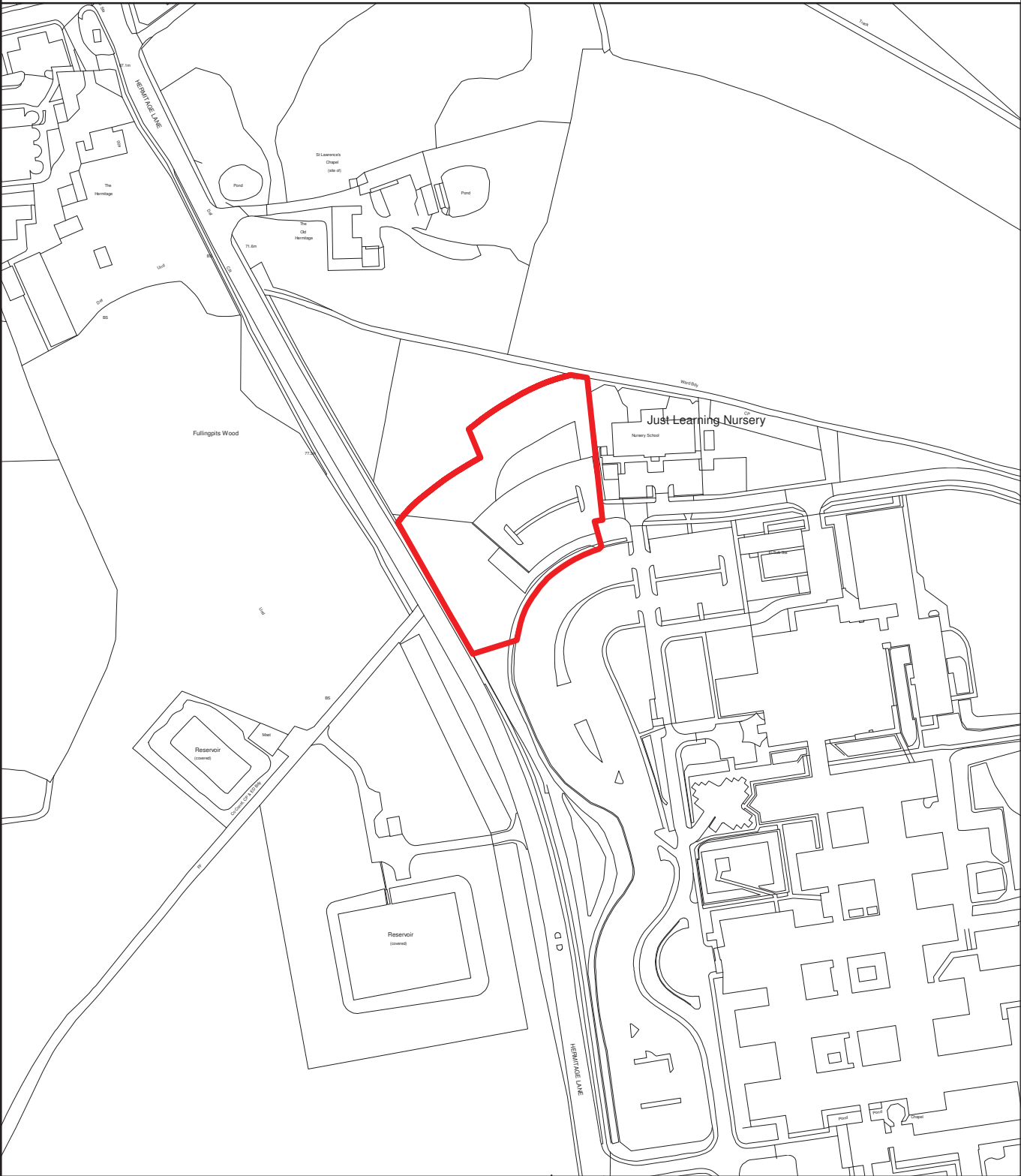
30.10.2013

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/1434

GRID REF: TQ7355

MAIDSTONE HOSPITAL, HERMITAGE LANE,
MAIDSTONE.



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Rob Jarman
Head of Planning and Development

APPLICATION: MA/13/1434 Date: 25 July 2013 Received: 23 August 2013

APPLICANT: Mr Roy Davis, Hospital Estates

LOCATION: MAIDSTONE HOSPITAL, HERMITAGE LANE, MAIDSTONE, KENT, ME16 9QQ

PARISH: Maidstone

PROPOSAL: Reduction of land levels to form extension to existing car park including external lighting, landscaping and associated works as shown on Kent Historic Environmental Record, Arboricultural Survey and Arboricultural Impact Assessment, Column lighting detail, Desk Study and Extended Phase 1 Habitat Survey, Reptile Survey, Stage 1 Bat Inspection, Design & Access Statement and drawing nos. JMSH101/100017/1, JMSH101/9999/1, 03-1133-P1, P2, P3 & P4 received 16/08/13, Transport Statement received 19/08/13 and amended drawing no. JEC/328/01 received 11/11/13.

AGENDA DATE: 21st November 2013

CASE OFFICER: Kathryn Altieri

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

- Councillor Harwood has requested it be reported to Planning Committee.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6
- Government Policy: National Planning Policy Framework

2. RELEVANT HISTORY

- MA/12/1219 - Reduction of land levels to form extension to existing car park. Works to include drainage and external lighting (resubmission of MA/11/0732) – Withdrawn
- MA/11/0732 - Clearance of trees and reduction of land levels to form an extension to the existing car park. Works to include drainage and lighting – Withdrawn

3. CONSULTATIONS

3.1 **Councillor Harwood:** Raises objections;

- 3.1.1 *"Please can I formally request, as a Planning Committee spokesman, that this application is reported to Committee if an officer recommendation of approval. The rationale for my request being the level of local public concern at the extent of semi-natural green space and its wildlife currently threatened by a number of significant green field development proposals. Further, there is a body of interested opinion that suggests this car park proposal will not yield the number of additional spaces required by the hospital and that a more radical approach is required (decked parking on the existing car park footprint has been mooted)."*
- 3.2 **KCC Highways Officer:** Raises no objection;
- 3.2.1 *"A survey of current parking patterns indicates that there is often a shortage of staff and visitor parking spaces on site. Vehicular access is to be gained via the existing main access to the site from Hermitage Lane and a pedestrian access to the parking area is to be relocated further along Hermitage Lane to link with the existing footway. The additional parking provision is not likely to lead to any significant increase in traffic and will ease current parking problems on site."*
- 3.3 **KCC Biodiversity Officer:** Raises no objection with recommended condition;
- 3.3.1 *The Desk Study and Extended Phase 1 Habitat Survey, Stage 1 Bat Inspection and Reptile Survey reports have been submitted in support of this application. The Desk Study and Extended Phase 1 Habitat Survey identifies the potential for impacts to nesting birds, common toads, hedgehogs and bats. Recommendations to avoid impacts to nesting birds, common toads and hedgehogs are provided (sections 7.1.3 and 7.1.4). We advise that these measures are secured by condition as part of an ecological mitigation strategy for the site.*
- 3.3.2 *The Stage 1 Bat Inspection reports the results of the tree assessment for bat potential. The trees within the proposed development site and buffer strip have been assessed as of negligible potential for roosting bats. No further survey work for bats is therefore necessary at this time. We advise that trees within the retained woodland were not assessed and may support roosting, foraging and/or commuting bats. We therefore recommend that any lighting required in relation to the proposed development is sensitive to bats by implementing the recommendations in Bats and Lighting in the UK, a summary of which is provided at the end of this note.*
- 3.3.3 *The Reptile Survey reports that during the seven survey visits one grass snake was recorded. It is stated that the survey was "undertaken during the optimal time of year for surveys for this species group and during suitable weather conditions". While the timing and reported temperatures could ordinarily be appropriate, April 2013 followed a long, cold winter and the coldest March since 1962. As such April 2013 should not be considered an optimal survey month as many reptiles were still in the process of emerging from hibernation. Given the shortcomings in the survey method, the results are uncertain and we are unable to agree that the proposed mitigation method is acceptable. We advise that further survey results are required to ensure that the conclusions are robust and that Maidstone BC is adequately addressing the potential for harm to protected species. Surveys undertaken in respect of proposed developments on adjacent land could help to inform the likelihood of reptile presence.*

- 3.3.4 *One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged". As it stands, the proposed development will result in a loss of semi-natural habitat, with some replanting of native tree and shrub species at part of the woodland edge and Hermitage Lane boundary. Areas of grassland are also proposed but will be 'regularly mown'. We would like to see limited management of the areas of soft landscaping so that it forms a natural edge to the woodland habitat and advise that the area planted as 'Mix A' should border the whole of the woodland edge to form a buffer that deters access to the area of ancient woodland."*
- 3.3.5 I am conscious that the applicant has made the best efforts to obtain acceptable reptile survey results in a month that would usually be acceptable as an "optimal time", and so I did go back the Biodiversity Officer and questioned if, in this specific instance, this issue could be dealt with by way of a prior to commencement condition. In response, the Biodiversity Officer states;
- 3.3.6 *"There are surveys available for the adjacent land, as it is within the 'Land east of Hermitage Lane' development which is now a live application with information available on your planning portal. I have had a look through the documents and unfortunately the survey report doesn't give as much information as I would have expected so there isn't that much evidence to go on. The best that can be concluded is that there are three species of reptile present within the area and for the purposes of the 'Land east of Hermitage Lane' survey there were low numbers recorded (though I am not convinced that the survey is as good as it should be).*
- 3.3.7 *In my opinion there is potential for all three species to be present on the proposed car park site, further surveys might not give much more than this so if you wish to use planning conditions, I recommend:*

No development shall take place (including any demolition, ground works and site clearance) until a method statement for ecological mitigation and enhancement has been submitted to and approved in writing by the local planning authority, the content of the method statement shall include the following:

- a) Purpose and conservation objectives for the proposed works;*
- b) Review of site potential and constraints;*
- c) Detailed design(s) and/or working method(s) necessary to achieve stated objectives;*
- d) Extent and location/area of proposed works on appropriate scale maps and plans;*
- e) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;*
- f) Persons responsible for implementing the works;*
- g) Details of initial aftercare and long-term maintenance*

The method statement shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

3.3.8 *This does not change our other comments relating to lighting and the management of the landscaped areas for the benefit of reptiles and protection of the ancient woodland."*

3.4 **Natural England:** Raises no objections.

3.5 **Kent Wildlife Trust:** Raise no objection;

3.5.1 *"I have no objection in principle to the car park extension. The woodland and the hedgerows alongside the footpath to the north of the car park serve as a crucial natural corridor connecting the remnant ancient woodland block further to the north-east with its larger neighbour to the west, Fullingpits Wood. The corridor is likely to be particularly valuable for foraging bats. It is important therefore, that conditions are imposed to secure implementation of the proposed landscape scheme and a car park lighting scheme that is designed to avoid any light spillage onto the woodland and hedgerow."*

3.6 **Landscape Officer:** Raises no objections with recommended condition;

3.6.1 *"The site is dominated by recently planted mixed species broadleaved woodland (numbered as W2 on the tree survey) that is establishing well with many species now reaching 3m in height. An area of ancient woodland consisting of lapsed Sweet Chestnut coppice lies to the northwest corner of the site. This area of woodland has been numbered as W1 on the tree survey. The impact assessment confirms that a total of 11 individual trees and an area of approximately 39% of the young recently planted woodland (identified as W2 on the tree survey) will need to be removed in order to construct the car park extension. The majority of these trees have been designated as category C trees (trees of low quality under BS5837:2012). Given the low grading of the trees to be removed to implement the scheme and the fact that the location of the car park is at least 37m from the edge of the area of semi natural ancient woodland growing to the northwest corner of the site, I can see no arboricultural grounds to refuse the application, provided the need for the development outweighs the loss of the small area of young woodland. Should you be minded to approve this scheme suitable tree protection conditions should be applied.*

3.6.2 *With regards to the proposed mitigation scheme as shown on the planting proposals plan, I would suggest the following change of species:*

*Replace London Plane with Hornbeam (Carpinus betulus "Frans Fontaine")
Replace Double flowering Cherry (Prunus avium Plena) with just Wild Cherry (Prunus avium)
Replace Betula costata with Small leaved Lime (Tilia cordata)*

3.6.3 *A management program of not less than 5 years should also be submitted to ensure the successful establishment of the proposed landscaping."*

3.7 **Environmental Health Officer:** Raises no objections;

3.7.1 *"The lighting report submitted with the application clearly shows that within 25m of the installation, the illuminance levels fall well below that of concern; and there are also obstacles in between the nearest property and the car park which will screen any lighting*

further. It is my considered view therefore that no residential property will be adversely affected by this scheme and in particular the lighting units."

3.8 Environment Agency: Raise no objection;

3.8.1 *"We have assessed this application as having a low environmental risk. We therefore have no comments to make."*

3.9 Conservation Officer: Raises no objection;

3.9.1 *"There will be no impact on the settings of any of the listed buildings at the former Oakwood Hospital site given the large distance of the development site from them and the intervening substantial buildings of the modern hospital. However, given the large number of archaeological finds and sites in close proximity I recommend that a condition requiring an archaeological watching brief be attached."*

3.10 KCC Archaeological Officer: Raises no objection with recommended condition;

3.10.1 *"The site lies in an area of Bronze Age, Iron Age and Roman activity, including settlement and burial. Comparatively intensive remains have been found both to the north and east and associated features could survive within the area to be lowered. As such I recommend the following condition is placed on any forthcoming consent:*

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded."

3.11 Parking Services: Raise no objections.

3.12 Tonbridge and Malling Borough Council: Raise no objection.

4. REPRESENTATIONS

4.1 One neighbour representation has been received raising no objection to the proposal, although this neighbour also questions whether there can be a more efficient scheme put forward to maximise on site parking.

5. CONSIDERATIONS

5.1 Site description/background information

5.1.1 Maidstone Hospital occupies a large site close to the north-western boundary of the Maidstone Borough. Its main vehicle access points are from Hermitage Lane, with the main hospital buildings located some 250m to the north of the

junction with Oakapple Lane. More specifically, the application site is an undulating area of grass/coppiced woodland and scrub surrounding an existing parking area, in the north-western corner of the hospital. The application site's south-western boundary is close to Hermitage Lane; a wooded area/scrub lies beyond the site to the north, adjacent to a public footpath (KB18); and an existing hospital building is to the immediate east of the site (believed to be a crèche).

- 5.1.2 In general terms, the hospital is surrounded by densely built residential properties to the east and south, with a more open feel in terms of landscape to the west and north. The application site is within the defined urban area, as shown by the Maidstone Borough-Wide Local Plan 2000; and does not fall within any other specially designated economic or environmental areas.
- 5.1.3 Please note that withdrawn planning application MA/11/0732 was for a larger car park that was deemed unacceptable; and that MA/12/1219 was for the same development as what is now being considered, but withdrawn to carry out further ecological work.

5.2 Proposal

- 5.2.1 The proposal is for the extension of an existing car park to the north-west of the hospital site that would involve the lowering of the site's land level and the installation of 5m high external lighting columns. The excavated material would be removed from the site.
- 5.2.2 156 car parking spaces would be provided by this proposal, in addition to the 1316 existing car spaces at the hospital (855 for staff, 418 for visitors & 43 for the mobility impaired). This proposal would see a 12% increase in the level of parking provision on site.
- 5.2.3 The proposed extension to the car park is to provide additional staff parking, to help cope with new facilities and departments moving to Maidstone Hospital such as Cellular Pathology, a new birthing unit and various administrative departments moving from Tunbridge Wells. Providing this car park extension would facilitate the relocation of existing car parking towards the rear of the hospital, improving patient accessibility to other units such as the Eye, Ear and Mouth Unit, Peggy Wood Breast Care Screening Unit, Pre-assessment Unit and the Pharmacy.

5.3 Principle of development

- 5.3.1 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through decision-taking.
- 5.3.2 The submitted Transport Statement states that there is more demand for spaces than there is capacity during the day, leading to indiscriminate parking within the hospital site. The statement also states that the hospital's current Travel Plan (2009) is being updated and although it is not possible to compare the recent success of this plan against the objectives it set (given that it is being updated), it is possible to consider the surveys completed in 2004 and 2009. These surveys showed that over this five year period, single occupancy vehicle use by staff did noticeably decrease, falling from 84.6% to 77.5%. This does demonstrate that the hospital has made some effort to reduce car use. Notwithstanding this, the Travel Plan still acknowledges that at peak clinic times on-site parking demand exceeds parking capacity.
- 5.3.3 Although the Transport Statement does not appear to have gone through a sequential assessment of alternative travel plans before arriving at this proposal to extend this car park, reference has been made to how the hospital is trying to encourage more sustainable modes of transport for staff. I also give allowance to the fact that staff and visitors do come and go at all hours of the day, so it is more difficult to make full use of public transport and car-sharing schemes; and visitors may have medical reasons to not use public transport. With this considered and because the proposal would not appear visually harmful, I do not regard it as necessary in this instance to pursue this issue further.
- 5.3.4 This proposal would extend the existing hospital parking provision by 12%; it is agreed that the number of increased traffic movements to and from the hospital as a result of this development would not be significant; the site is within the defined urban area; and it would help ease the current parking problems for the hospital and the surrounding residential area. I am therefore satisfied that this proposal would be a sustainable form of development and would be in accordance with the National Planning Policy Framework.
- 5.3.5 There is no Development Plan policy that specifically relates to this type of development within the urban area.

5.4 Design, siting and appearance

- 5.4.1 The proposed development would be located close to Hermitage Lane and the public footpath to the north of the site (KB18), so its visual impact from these public highways does need to be assessed.

- 5.4.2 The application site is generally set on higher ground than Hermitage Lane but it is for the most part screened from the road by the site's existing boundary hedging. The proposal would see land put over to hardstanding, but I am of the view that the proposed change in land levels and the existing and proposed planting put forward by the applicant, would ensure that this development would not have a significant adverse impact on the character of the area. Furthermore, the dense wooded area to the north of the site would ensure very limited views of the proposal when approaching the site from the north-west along Hermitage Lane; and when approaching the site from the south-east along Hermitage Lane, there would be no long views of the development, given the direction of the road, the topography of the land and the existing planting.
- 5.4.3 I am also of the view that the proposal, given its location, would not inappropriately extend built development within the site to an unacceptable level. Indeed, the car park would be naturally bordered by the existing woodland and footpath to the north of the site; by Hermitage Lane to the south-west; and by the existing crèche building and associated parking to the east of the site. The proposal would also be largely screened when viewed from the public footpath that runs in a general east to west direction (to the north of the site), by the existing well established planting that is to be retained between the application site and this footpath.
- 5.4.4 To emphasise again, the submitted landscaping scheme shows the retention of the planting along the south-western boundary of the site; new planting of native trees/shrubs behind this existing hedge; and further planting to the north/north-west of the site. The proposal would also be 30m away from the edge of the area of semi-natural ancient woodland growing to the northwest corner of the site; and I am satisfied that the development would not cause unacceptable prejudice to this woodland or green space. I consider a suitable landscaping scheme (to be ensured by way of condition) would enhance the setting of the proposed car park, whilst further reducing its visual impact.
- 5.4.5 The site would not be significantly visible, in terms of short, medium and long views from any other public vantage point. I also have no strong objection to the number and positioning of the proposed lighting columns. I am therefore of the view that this proposal would not appear visually dominant or incongruous when viewed from any public highway, but a well screened development read very much in context with its hospital location. The application site is within the designated urban area, there is no direct policy against this type of development, and I am of the opinion that the detail of the scheme is acceptable.

5.5 Ecology

- 5.5.1 The applicant has submitted a Desk Study and Extended Phase 1 Habitat Survey, a Stage 1 Bat Inspection report and a Reptile Survey report. The reports do identify the potential for the proposal to have an impact to nesting birds, common toads, hedgehogs and bats. Given this recognised potential harm and after taking advice from the KCC Biodiversity Officer, I do consider it reasonable to secure the recommendations made in sections 7.1.3 and 7.1.4 of the Desk Study and Extended Phase 1 Habitat Survey by way of condition to form part of an ecological mitigation strategy for the site.
- 5.5.2 The Stage 1 Bat Inspection report has shown there to be negligible potential for roosting bats within the site and adjacent to the site. As such, the Biodiversity Officer is satisfied that no further survey work for bats is therefore necessary at this time. However, the report did not assess the retained woodland and so the applicant will be advised by way of an informative that any lighting required in relation to the proposed development is sensitive to bats by implementing the recommendations in Bats and Lighting in the UK.
- 5.5.3 The National Planning Policy Framework states that "*opportunities to incorporate biodiversity in and around developments should be encouraged*". In line with this, the applicant has agreed to provide little maintenance to the area of grassland next to the woodland, so that a natural edge to the woodland is formed; and plant 'Mix A', as shown on the landscaping drawing, will border the entire woodland edge to form a buffer that deters access to the area of ancient woodland (ensured by way of condition).
- 5.5.4 The results of the Reptile Survey showed 1 grass snake recorded. Whilst the timing and reported temperatures in this report could ordinarily be appropriate, April 2013 did follow a long, cold winter. The Biodiversity Officer is of the view that April 2013 should not be considered an optimal survey month as many reptiles were still in the process of emerging from hibernation. However, I am conscious that the applicant has made the best efforts to obtain acceptable reptile survey results in a month that would usually be acceptable as an optimal time, and relayed this back to the Biodiversity Officer.
- 5.5.5 In response, and based on the information available, the Biodiversity Officer surmised that there are three species of reptile present within the area, and that there is potential for all three species to be present on the proposed car park site. This said, it has been conceded that further surveys might not give much more information than this, and so in this instance it is agreed that a pre-commencement condition dealing with this issue is suitable and reasonable. This condition will request that a method statement for ecological mitigation and enhancement has been submitted to and approved in writing by the local

planning authority. The specific detail required in this method statement has been set out in the condition duly recommended.

5.5.6 Subject to the imposition of relevant conditions and receipt of appropriate mitigation strategies, I am satisfied that this proposal would not have a significant adverse impact on the ecology and biodiversity of the site and surrounding area, and therefore raise no objections in this respect.

5.6 Arboricultural/landscaping matters

5.6.1 The applicant has submitted an Arboricultural Survey (AS) and Arboricultural Impact Assessment (AIA), and the Council's Landscape Officer is satisfied that an accurate assessment of the trees present on the site has been given. As set out, the site is dominated by recently planted mixed species broadleaved woodland; and there is an area of ancient woodland (lapsed Sweet Chestnut coppice) that lies to the northwest corner of the site.

5.6.2 The AIA sets out that the proposal would involve the removal of eleven individual trees and an area of approximately 39% of the young recently planted woodland. The majority of these trees have been designated as category C trees (trees of low quality under BS5837:2012).

5.6.3 Given the low grading of the trees to be removed, and given that the proposal is more than 30m away from the edge of the area of semi-natural ancient woodland growing to the northwest corner of the site, the Landscape Officer confirms that this proposal cannot be refused on arboricultural grounds. I have no reason to question this view and subject to a tree protection condition, raise no objections to this proposal on this issue.

5.6.4 After further advice from the Landscape Officer, the applicant has also agreed to amend the planting scheme (as shown on drawing no. JEC/328/01 received 11/11/13. Indeed, the London Plane will be replaced with Hornbeam; the Double flowering Cherry will be replaced with Wild Cherry; and the Birch will be replaced with Small leaved Lime. A management programme of not less than 5 years will also be requested by way of condition to ensure the successful establishment of the proposed landscaping.

5.7 Highway safety implications

5.7.1 The KCC Highways Officer is satisfied that the additional car parking spaces would not result in a significant increase in traffic movements to and from the hospital, with a worse case scenario of an additional 35 car movements being generated in the morning peak hour and 18 during the evening peak hour; and no alterations are proposed to the existing vehicular access onto any public

highway. Moreover, the footpath connecting Hermitage Lane with the hospital at this point in the site would be relocated immediately to the south of the car park, so pedestrian access would be unaffected by this proposal.

5.7.2 I am therefore satisfied that the proposal would ease the current parking problems on site; it is not likely to generate any significant increase in traffic movements; and it would not be to the detriment of highway safety or capacity. The KCC Highways Officer and the Council's Parking Services also raise no objection.

5.8 Residential amenity

5.8.1 No residential property would be within 70m of the proposal and so I am therefore satisfied that the proposal (including the lighting columns) would not have a significant impact on the residential amenity of any property, enough to justify refusal alone. The Council's Environmental Health Officer has also raised no objection in terms of the potential impact of the lighting proposed upon local residents.

5.9 Other matters

5.9.1 No specific details relating to a scheme of foul and surface water drainage has been submitted with the application. To ensure there will be adequate drainage arrangements and to prevent pollution of the water environment, I do consider it reasonable to ask for these details prior to the commencement of any works.

5.9.2 After consultation with the KCC Archaeological Officer, it has been confirmed that the site lies in an area of Bronze Age, Iron Age and Roman activity, including settlement and burial. In addition, remains have been found to the north and east of the site and it is reasonably thought that other associated features could survive within the application site. I therefore consider it reasonable to impose a pre-commencement condition for the implementation of a programme of archaeological work to be secured.

5.9.3 The site is not within a Flood Zone, as designated by the Environment Agency, and it is not within close proximity of any noticeable watercourse. I take the view that this development would not be prejudicial to flood flow when compared to what exists on site already.

5.9.4 The Council's Environmental Health Officer confirmed there is no evidence of the site having any potential sources of historic or current contamination; and that no conditions are necessary in regards to air quality.

6. CONCLUSION

- 6.1 One neighbour representation gave conditional support subject to an amended scheme. However, I can only assess the merits of what has been applied for and cannot enter into discussions on changing parking arrangements elsewhere within the hospital grounds. In terms of the objections raised by Councillor Harwood, I can again only assess the merits of what has been applied for; and I am satisfied that the arboricultural and ecological impact of the proposal would not be so significant as to warrant refusal.
- 6.2 I consider that this proposed development would not cause any demonstrable harm to the character and appearance of the area, and would not significantly harm the landscape and ecology of the area. It is therefore considered that the proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant; and recommend conditional approval of the application on this basis.

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. All site clearance works shall be completed outside of the breeding bird season (i.e. clearance works should be undertaken between September and February inclusive). If this is not possible, an ecological watching brief for protected species should be 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.

3. To mitigate potential harm of hedgehogs and common toads, any clearance of logs and vegetation piles within the woodland shall only be undertaken following a hand search conducted by a qualified ecologist. Should a hedgehog or common toad be found during the search it should be caught and moved to an area of suitable habitat on site that will not be lost to the development;

Reason: In the interests of ecology and biodiversity.

4. The development shall not commence (including any demolition, ground works and site clearance) until a method statement for ecological mitigation and enhancement has been submitted to and approved in writing by the local planning authority, the content of the method statement shall include the following:

- a) Purpose and conservation objectives for the proposed works;
- b) Review of site potential and constraints;
- c) Detailed design(s) and/or working method(s) necessary to achieve stated objectives;
- d) Extent and location/area of proposed works on appropriate scale maps and plans;
- e) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- f) Persons responsible for implementing the works;
- g) Details of initial aftercare and long-term maintenance

The method statement shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: In the interests of ecology and biodiversity.

5. The landscaping scheme shown on drawing no.JEC/328/01 received 11/11/13 shall be fully implemented, and shall include the area planted as 'Mix A' to border the whole of the woodland edge to form a buffer that deters access to the area of ancient woodland. Any changes to the approved details must be submitted to and approved in writing by the Local Planning Authority and the development shall be implemented with the approved landscaping scheme;

Reason: To ensure a satisfactory appearance of the development and in the interests of ecology and biodiversity.

6. The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a 5 year programme for the approved landscaping scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted and in the interests of ecology and biodiversity.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(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 appearance of the development and in the interests of ecology and biodiversity.

8. All trees to be retained must be protected in accordance with the Arboricultural Survey and Arboricultural Impact Assessment received 16/08/13, 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.

9. The development shall not commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority;

Reason: To ensure that features of archaeological interest are properly examined and recorded.

10. 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.

11. 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.

12. The development hereby permitted shall be carried out in accordance with the following approved plans:
03-1133-P2, P3 and P4 received 16/08/13 and amended drawing JEC/328/01 received 11/11/13;

Reason: To ensure the quality of the development is maintained, to prevent harm to the residential amenity of neighbouring occupiers and in the interests of ecology and biodiversity.

Informatives set out below

The applicant is advised to contact the Environment Agency directly on 03708 506 506 or <http://www.environment-agency.gov.uk/netregs/>, to see if any further consents are required.

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.

Street lighting

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.

Security and domestic external lighting

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.

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.

Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.

Lighting should be installed in such a manner as not to cause nuisance to nearby residents, as described in the guidance from the Institute of Lighting Engineers.

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.

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

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THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 21/11/13**

APPEAL DECISIONS:

- 1. – MA/ 12/1298** Extension to existing outbuilding and formation of a single storey glazed link as shown on drawing numbers 694/01/Rev A, 694/P/01/Rev A, 694/P/02, 694/P/03/Rev A & 694/P/04/Rev A received on 12/07/12.

APPEAL: ALLOWED WITH CONDITIONS

FOXBRUSH BARN, JARMONS LANE, COLLIER STREET,
TONBRIDGE, KENT, TN12 9PU

(DELEGATED POWERS)

- 1. – MA/ 13/0048** Erection of a new dwelling as shown on plan numbers 01, 02, 03, 04, 05 and Application Form received 8th January 2013 and the Design and Access Statement received 24th January 2013.

APPEAL: DISMISSED

PINE LODGE, SOMERFIELD ROAD, MAIDSTONE, KENT,
ME16 8JJ

(DELEGATED POWERS)
