

# AGENDA

## PLANNING COMMITTEE MEETING



Date: Thursday 12 December 2013  
Time: 6.00 pm  
Venue: Town Hall, High Street,  
Maidstone

### Membership:

Councillors Ash, Chittenden, Collins, Cox,  
Harwood, Hogg, Moriarty, Nelson-  
Gracie, Paine, Paterson,  
Mrs Robertson and J.A. Wilson

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Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Election of Chairman
5. Items withdrawn from the Agenda
6. Date of Adjourned Meeting - 19 December 2013

**Continued Over/:**

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**Issued on 4 December 2013**

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*Alison Broom*

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

7. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
8. Disclosures by Members and Officers
9. Disclosures of lobbying
10. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
11. Minutes of the meeting held on 21 November 2013 1 - 6
12. Presentation of Petitions (if any)
13. MA 12 2046 LEDIAN FARM UPPER STREET LEEDS MAIDSTONE KENT ME17 1RZ 7 - 80
14. MA 12 2255 NURSES HOME HERMITAGE LANE MAIDSTONE KENT ME16 9NN 81 - 90
15. MA 13 1254 99 LONDON ROAD MAIDSTONE KENT ME16 0HF 91 - 102
16. MA 13 1494 THE BEAST HOUSE WEST STREET HUNTON MAIDSTONE KENT ME15 0SA 103 - 122
17. MA 13 1657 LAND REAR OF THE PRIDE OF KENT HIGH STREET STAPLEHURST KENT TN12 0AH 123 - 137
18. MA 12 2032 KCC SPRINGFIELD LIBRARY HQ SANDLING ROAD MAIDSTONE KENT 138 - 206
19. Appeal Decisions 207
20. Chairman's Announcements

**PLEASE NOTE**

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

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

## **MAIDSTONE BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON 21 NOVEMBER 2013**

**Present:** Councillor Lusty (Chairman), and  
Councillors Ash, Chittenden, Collins, Cox, Harwood,  
Hogg, Moriarty, Nelson-Gracie, Paine, Paterson and  
J.A. Wilson

**Also Present:** Councillors Mrs Gooch and Moss

191. APOLOGIES FOR ABSENCE

It was noted that an apology for absence had been received from Councillor Mrs Roberson.

192. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

193. NOTIFICATION OF VISITING MEMBERS

It was noted that Councillors Gooch and Moss had indicated their wish to speak on the report of the Head of Planning and Development in relation to application number MA/12/2255.

194. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

195. URGENT ITEMS

Update Report

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

196. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Ash stated that he was a Member of Bearsted Parish Council, but he had not participated in the Parish Council's discussions regarding application MA/13/1236, and intended to speak and vote when it was considered.

197. EXEMPT ITEMS

**RESOLVED:** That the Items on the Agenda be taken in public as proposed.

198. MINUTES OF THE MEETING HELD ON 31 OCTOBER 2013

**RESOLVED:** That the Minutes of the meeting held on 31 October 2013 be approved as a correct record and signed.

199. PRESENTATION OF PETITIONS

There were no petitions.

200. MA 13 1434 - REDUCTION OF LAND LEVELS TO FORM EXTENSION TO EXISTING CAR PARK INCLUDING EXTERNAL LIGHTING, LANDSCAPING AND ASSOCIATED WORKS - MAIDSTONE HOSPITAL HERMITAGE LANE MAIDSTONE KENT

Councillors Harwood and Lusty stated they had been lobbied.

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

Mrs Woodward, an objector, and Mr Neville, of the St Andrews Road Residents' Association (against), addressed the meeting.

**RESOLVED:** That subject to:

- A. The expiry of the further public consultation with no new issues being raised; and
- B. An amendment to Condition 12 to reflect the receipt of amended plans, as set out in the urgent update report;

the Head of Planning and Development be given delegated powers to grant permission as per the committee report with the following additional informatives:-

- i) The details of drainage pursuant to Condition 10 should include the provision of wildlife friendly gullies; and
- ii) You are advised to contact officers of Maidstone Borough Council to discuss the provision of a sustainable long term parking solution for the Maidstone Hospital site as a whole.

Voting:        8 – For        3 – Against    1 – Abstention

201. MA 12 2255 - OUTLINE PLANNING PERMISSION FOR THE ERECTION OF 53 RESIDENTIAL UNITS WITH ALL MATTERS RESERVED FOR FUTURE CONSIDERATION - NURSES HOME HERMITAGE LANE MAIDSTONE KENT

Councillors Hogg and Paine stated that they had been lobbied.

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

Mr Neville of St Andrews Road Residents' Association (against) and Councillors Gooch and Moss, Visiting Members, addressed the meeting.

**RESOLVED:** That the report of the Head of Planning and Development be deferred for one cycle for negotiations regarding:-

- a) The setback of the development from Hermitage Lane;
- b) Safeguarding of trees
- c) Further define the conditions and parameters regarding design and the reserved matters application; and
- d) Further consideration to be given to the viability report

Voting:        8 – For        0 – Against    4 – Abstentions

202. MA 13 0914 - CHANGE OF USE FROM A SINGLE DWELLING TO A HOUSE OF MULTIPLE OCCUPATION (HMO) - 61 CHARLTON STREET MAIDSTONE KENT

Councillors Lusty, Moriarty and Paine stated that they had been lobbied.

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

Mrs Maunder, an objector, and Mrs Stribbling-Williams, the applicant, addressed the meeting.

**RESOLVED:** That permission be granted subject to the conditions and informatives set out in the report, with the addition of a further informative as follows:-

The applicant is recommended to contact the Council with regard to the provision of a larger sized wheelie bin to avoid a proliferation of bins at the property.

Voting:        7 – For        3 – Against    2 – Abstentions

203. MA 13 1199 - 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 - 8 TONBRIDGE ROAD MAIDSTONE KENT

Councillor Hogg stated that he had been lobbied.

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:        11 – For        0 – Against        1 – Abstention

204. MA 12 2046 - HYBRID PLANNING APPLICATION FOR THE REDEVELOPMENT OF LEDIAN FARM TO PROVIDE A CONTINUING CARE RETIREMENT COMMUNITY SCHEME (C2 USE CLASS) - LEDIAN FARM UPPER STREET LEEDS MAIDSTONE KENT

All members, except Councillor Ash, stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Planning and Development. Members were minded to overturn the recommendation and grant planning permission as they felt there would be little impact on the environment; the site is partially brownfield; and provides accommodation for the elderly, jobs and community facilities which will be of benefit to the village as a whole.

Mr Cockell, for the applicant, addressed the meeting.

**RESOLVED:** That this matter be deferred for one cycle for further information to be provided to Members setting out the S106 Heads of Terms and conditions that would be imposed if the matter were to be considered for approval by Committee members.

Voting: 12 – For 0 – Against 1 – Abstention

205. MA 13 0682 - ERECTION OF NEW 4/5 BEDROOM DWELLING WITH DETACHED DOUBLE GARAGE - 35 KNAVES ACRE HEADCORN ASHFORD KENT

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

Mr Pyman of Headcorn Parish Council (against) addressed the meeting.

**RESOLVED:** That subject to

A. The deletion of Condition 9 and renumbering of Condition 10 as set out in the urgent update.

B. Additional condition as follows:-

The development hereby permitted shall not commence until details have been submitted to and approved by the local planning authority showing the provision of swift bricks and bat boxes within the development. The development shall thereafter be undertaken in accordance with the subsequently approved details

Reason: In the interests of biodiversity.

and

C. Amended Condition 2 to read as follows:-

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. The details shall show the provision of robust planting in the form of a native hedgerow to the northern boundary with agricultural land.

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.

Permission be granted subject to the condition and informatives set out in the report.

Voting: 10 – For 0 – Against 2 – Abstentions

206. MA 13 1236 - LOFT CONVERSION WITH DORMERS AND ROOF ALTERATION TO REAR - 6 NURSERY AVENUE BEARSTED MAIDSTONE KENT

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

Mrs Midwinter, an objector, addressed the meeting.

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

Voting: 9 – For 3 – Against 0 – Abstentions

207. MA 12 0842 - CHANGE OF USE OF LAND TO THE KEEPING OF HORSES; WITH DEMOLITION OF EXISTING STRUCTURE AND ERECTION OF NEW BUILDING TO ACCOMMODATE JARMONS FARM JARMONS LANE COLLIER STREET TONBRIDGE KENT

Councillor Nelson-Grace stated that he had been lobbied.

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

Mr Collins, for the applicant, addressed the meeting.

**RESOLVED:** That permission be granted subject to the conditions and informatives set out in the report, with amendment to Condition 7 to read as follows:-

Before the equestrian use commences details of the means of disposal of surface water run-off from the buildings, 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. The submitted details shall show a SUDs based drainage scheme with appropriate attenuation measures. The development shall thereafter be undertaken in accordance with the subsequently approved details;

Reason: To ensure adequate drainage arrangements to prevent surface water flooding and avoid pollution.

Voting: 11 – For 1 – Against 0 – Abstentions

208. MA 13 1127 - CONVERSION OF PUBLIC HOUSE TO 4 NO. RESIDENTIAL UNITS - BELL HOTEL HIGH STREET STAPLEHURST TONBRIDGE KENT

Councillors Chittenden, Collins, Hogg, Lusty, Moriarty and Paterson stated that they had been lobbied.

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

Mr Perry of Staplehurst Parish Council (against) and Mr Kitchener, the applicant, addressed the meeting.

**RESOLVED:** That the Head of Planning and Development be given delegated powers to grant permission subject to the prior completion of an appropriate legal mechanism securing the transfer of land and the conditions and informatives set out in the report.

Voting: 10 – For 0 – Against 2 – Abstentions

209. 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.

210. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that the site visit to solar farms was likely to be held in January and will be confirmed in due course.

211. DURATION OF MEETING

6.00 p.m. to 9.43 p.m.

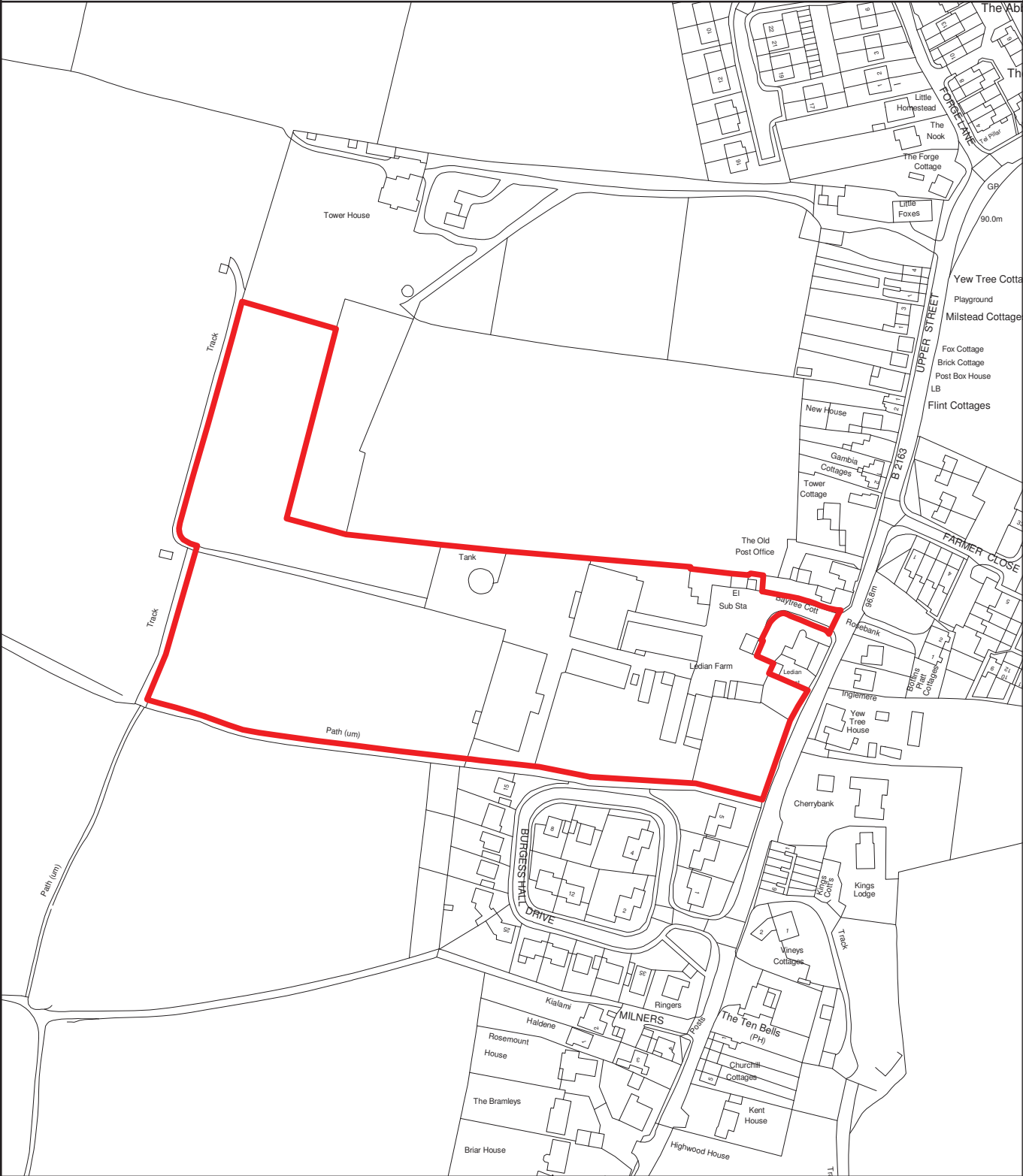


# THE MAIDSTONE BOROUGH COUNCIL

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/L8, 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: 12th December 2013

CASE OFFICER: Steve Clarke

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

- It is a departure from the Development Plan

## **1. POLICIES**

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

## **2. BACKGROUND**

- 2.1 This application was considered at the Planning Committee meeting held on 21 November 2013. A copy of the previous report and Urgent Update report is attached as Appendix One. The application was recommended for refusal.
- 2.2 Members indicated however that they were minded to overturn the recommendation and grant planning permission for the development. Consideration was deferred for a further report addressing s106 Heads of Terms and setting out potential conditions that would be imposed on any planning permission granted to enable Members to be able to consider these in determining the application.
- 2.3 Members indicated that their reasons for being minded to grant planning permission for the development was the general need for such provision, the jobs created, the improvements to facilities in Leeds village and the fact that the landscaping, design/sustainability of the scheme was of a high quality and that it would not have an unacceptable impact on the overall character and openness of the countryside in the vicinity which is not subject to any additional landscape designation.

## **3. HISTORY**

- 3.1 The previous planning history of the site is set out in the appended report.

## **4. CONSULTATIONS**

- 4.1 No further representations from consultees have been received. Should any be received, Members will be updated at the meeting.

## **5. REPRESENTATIONS**

- 5.1 No further representations have been received. Should any be received, Members will be updated at the meeting.

## **6. CONSIDERATIONS**

### **6.1 Principle of development**

- 6.1.1 As stated clearly in the previous (appended) report I consider the proposed development to be contrary to the provisions of policy ENV28 of the Maidstone Borough-wide Local Plan 2000. Members' indication that they are minded to approve the development has not altered my view on the principle of the development.
- 6.1.2 I remain of the view that the development would cause harm to the character appearance and openness of this section of countryside, and that it represents an unacceptable additional expansion into the countryside beyond the defined settlement boundary.
- 6.1.3 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.
- 6.1.4 Furthermore, 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.

### **6.2 CONDITIONS**

- 6.2.1 Members have indicated however, that they are minded to approve the development and have requested that consideration be given to the conditions that might be imposed on any permission.

- 6.2.2 As Members will be aware, advice on the imposition of conditions on planning permissions is set out in Circular 11/95. There are six tests that conditions should meet. Conditions should be:-
- i. necessary;
  - ii. relevant to planning;
  - iii. relevant to the development to be permitted;
  - iv. enforceable;
  - v. precise; and
  - vi. reasonable in all other respects.

The conditions recommended below have been assessed against the six tests and are considered to meet the necessary requirements.

- 6.2.3 Being a hybrid application the conditions are split into two groups, those for the detailed element and those for the outline element of the proposals. The recommended conditions also reflect any specific requirements expressed by statutory consultees as set out in the appended report.
- 6.2.4 Ecological mitigation measures would be secured along with appropriate sustainability measures both for the buildings themselves and also in terms of the surface water drainage regime. Conditions relating to the architectural detailing of the first phase are also recommended.

### **6.3 S106 Contributions**

- 6.3.1 Any potential s106 contribution 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.
- 6.3.2 The request from the local NHS Board set out in the previous report for a contribution of £49,320 towards the provision/enhancement of Health Care facilities at The Orchard Surgery, Horseshoes Lane, Langley is considered to meet the tests outlined above as it will provide additional resources to serve the development to meet the needs generated by it.
- 6.3.3 The proposed planning 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 all of the Care Units and Rooms 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 general 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 in occupation to local residents in accordance with a Local Marketing Plan.

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

(vi): The making of meeting rooms and the Wellness Centre, subject to qualifying criteria, available for public use.

6.3.4 The applicants have provided a document which sets out and clarifies the conditions and the local marketing plan referred to above that would be set out in the s106 agreement for public use of the facilities on the site. (A copy is attached at Appendix Two).

6.3.5 The proposed planning obligations set out in paragraph 6.3.3 are also considered to meet the necessary tests and would provide a potential benefit to the community and Leeds village as a whole, and would increase the level/range of available local services and also the sustainability of the settlement.

6.3.6 I also consider that it would be appropriate to secure the implementation of a monitoring committee with membership comprised of representatives of the developer, Members and Officers through the agreement.

## **7. CONCLUSION**

- 7.1 I remain of the view that the proposed development would result in an unacceptable intrusion and visual impact on the character and openness of the countryside hereabouts and is unacceptable in principle.
- 7.2 However, in view of Members' strong indication that they are minded to approve the development, I consider that the Heads of Terms and conditions set out below will secure appropriate quality and control over the development.

## **8. RECOMMENDATION**

SUBJECT TO:

A: The prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to secure:-

- A contribution of £49,320 towards the provision/enhancement of Health Care facilities at The Orchard Surgery, Horseshoes Lane, Langley.
- The provision and operation of a Care Home and a Domiciliary Care Agency subject to the following requirements:-

(i): To ensure all of the Care Units and Rooms 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.*

- The giving of priority in occupation to local residents in accordance with a Local Marketing Plan.
- The making of the reception, shop, restaurant and café bar available to the general public subject to standard operating conditions.
- The making of meeting rooms and the Wellness Centre, subject to qualifying criteria, available for public use.
- The making of 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.
- Public access to the proposed woodland and amenity area.

- The implementation of a monitoring committee comprising the Developer, Members and officers of the Council.

The Head of Planning & Development be given delegated powers to GRANT PLANNING PERMISSION subject to the following conditions and informatives:-

**In respect of the detailed application for Phase 1:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the 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. The submitted details shall include the use of plain clay tiles and ragstone where proposed natural stone is to be used.

Reason: To ensure a satisfactory appearance to the development.

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

- a) new external joinery in the form of large scale drawings.
- b) details of eaves and roof overhangs in the form of large scale drawings
- c) details of balconies, projecting bays and porch canopies
- d) details of window headers and cills and door headers

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

Reason: To ensure the appearance and the character of the building are maintained.

4. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning



(General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order, with or without modification) or any other statutory provision, 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.

5. No external lighting shall be erected or placed within the site or on the external walls or roof of the buildings hereby permitted or as may be subsequently permitted in later phases of the development, unless the details have first been submitted to and approved by the Local Planning Authority. Any details submitted for approval shall include the submission of lighting contour plots showing the site and adjoining development and sufficient detail to demonstrate that the proposed scheme complies with the recommendations of the Institute of Lighting Engineers 'Guidance Notes for reduction of Obtrusive Light' for sites located in Environmental Zone E2. The development shall be carried out in accordance with the subsequently approved details and maintained thereafter.

Reason: In the interests of the character of the area, ecology and the amenity of nearby residents.

6. The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of landscaping based on the principles shown on drawing nos. 1253/L/6E and 1253/L/7D, 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 in accordance with the advice in BS5837:2012 'Trees in relation to design, demolition and construction' and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted and to ensure a satisfactory external appearance to the development.

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 first occupation of any the buildings or the completion of the first phase of the development 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.

8. The development shall not commence until an updated badger survey has been undertaken and a report of the findings, to include a mitigation strategy as necessary have been submitted to and approved by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure appropriate management and enhancement within the site in the interests of ecology and biodiversity.

9. The conversion of the oast house shall not commence until further bat emergence surveys have been undertaken and a report of the findings, to include a mitigation strategy have been submitted to and approved by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure appropriate management and enhancement within the site in the interests of ecology and biodiversity.

10. The development shall not commence until a detailed programme of ecological enhancement and an ecological management plan for the entire site has been submitted to and approved by the Local Planning Authority. The ecological enhancement measures shall include the provision of suitable reptile refugia, bat and bird boxes and swift/bricks within the development site. The ecological management plan shall be prepared in conjunction with the detailed sustainable surface water drainage ('SuDS') scheme required pursuant to condition 11 and shall include details showing how through the phasing of the development, the provision of the ecological enhancement and the SuDS drainage system have been addressed. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure appropriate management and enhancement within the site in the interests of ecology and biodiversity.

11. The development shall not commence until a sustainable surface water drainage scheme for the entire application site has been 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 (with a twenty percent allowance for climate change) will not

exceed run-off from the undeveloped site following the corresponding rainfall event, and so no increase the risk of flooding both on or off-site. the scheme shall be implemented in accordance with the subsequently approved details before the development is completed.

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

12. The development shall not commence until a remediation strategy that includes the following components to deal with the risks associated with the contamination of the site has been submitted to and approved by the Local Planning Authority.:

- a) A site investigation scheme based on the submitted Preliminary Risk Assessment received 19/02/2013 to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

- b). The results of the site investigation and the detailed risk assessment referred to in (a) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

- c). A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (b) are complete and identifying any requirements for longer-term monitoring of a pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components shall be submitted to and approved by the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure proper remediation of contamination to prevent harm to human health and pollution of the environment.

13. The occupation of each phase of the development shall not take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. it shall also include a plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for the contingency action as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as

approved.

Reason: To ensure proper remediation of contamination.

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

Reason: To ensure proper remediation of contamination.

15. 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 for the entire application site 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.

16. The oast kiln roofs and cowls shall be reinstated prior to the first occupation of the building and maintained thereafter.

Reason: To ensure a high quality of design and to maintain the character of the building.

17. Prior to first occupation of any part of the development hereby permitted, a Travel Plan, including measures for its implementation, monitoring, review and subsequent enforcement, shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority and shall thereafter be implemented in accordance with the approved details of the plan upon first occupation of any part of the development and any subsequent phases of the development.

Reason: In the interests of sustainability and to reduce the reliance on the use of the private car as a mode of transport.

18. No part of the development hereby permitted shall be occupied until the following works have been constructed and completed.
  - i) The provision of a bus-boarder at the bus stop to the south of the site in Upper Street.

Reason: In the interests of pedestrian and highway safety.

19. The development hereby permitted shall be carried out strictly in accordance with the slab levels shown on the approved drawing 1253/L/7revD.

Reason: In order to secure a satisfactory form of development having regard to the topography of the site.

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

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

21. The Assisted Living Units shall achieve at least Level 4 of the Code for Sustainable Homes. The Village Centre shall achieve at least a BREEAM Very Good rating. A final Code certificate shall be submitted to the Local Planning Authority not later than one calendar year following first occupation of the Assisted Living Units certifying that level 4 has been achieved and a final certificate shall be submitted to the Local Planning Authority not later than one year following first occupation of any part of the Village Centre certifying that a BREEAM Very Good rating has been achieved.

Reason: To ensure a sustainable and energy efficient form of development.

22. The development hereby permitted shall be carried out in accordance with the following approved plans:  
222.011, 2222/100E, 101D, 102C., 103, 110, 111, 112, 120B, 121, 122, 123A, 124A, 125A, 200B, 201B, 07-69-01, 02. 03A, 1253/L/6revE, 1253/7/D, 1253/L/8, Booklet of typical unit types;

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

**In respect of the outline application for Phase 2:**

23. (i) 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. Landscaping

(ii) 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.

(iii) 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.

24. 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. The submitted details shall include the use of plain clay tiles and ragstone where proposed natural stone is to be used.

Reason: To ensure a satisfactory appearance to the development.

25. The development shall not commence until, details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site.

26. The details of the reserved matter of layout shall show include details of the location of parking spaces and sufficient turning area to enable vehicles to enter and leave the site in forward gear.

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

27. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008

(or any order revoking and re-enacting that Order, with or without modification) or any other statutory provision, 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.

28. The Assisted Living Units in this phase of the development shall be designed to achieve at least Level 4 of the Code for Sustainable Homes. A final Code certificate shall be submitted to the Local Planning Authority not later than one calendar year following first occupation of the Assisted Living Units certifying that Level 4 has been achieved.

Reason: To ensure a sustainable and energy efficient form of development.

29. The details of the reserved matter of appearance shall show full details of the following matters:-

- a) new external joinery in the form of large scale drawings.
- b) details of eaves and roof overhangs in the form of large scale drawings
- c) details of balconies, projecting bays and porch canopies
- d) details of window headers and cills and door headers

Reason: To ensure an appropriate design and appearance for the development.

30. The details of the reserved matters of scale and appearance shall show buildings that reflect the design of the buildings in the detailed application and shall not exceed the ridge heights as indicated on drawing no. 2222.123revA (elevation 12) i.e. 9.5m for two-storey buildings and 7.2m for single-storey buildings.

Reason: To ensure a satisfactory visual impact and appearance to the development.

31. The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of any of the buildings in Phase 2 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.

32. 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 for the entire application site 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.

33. The development shall not commence until a detailed programme of ecological enhancement and an ecological management plan for the entire site has been submitted to and approved by the Local Planning Authority. The ecological enhancement measures shall include the provision of suitable reptile refugia, bat and bird boxes and swift/bricks within the development site. The ecological management plan shall be prepared in conjunction with the detailed sustainable surface water drainage ('SuDS') scheme required pursuant to condition 34 and shall include details showing how through the phasing of the development, the provision of the ecological enhancement and the SuDS drainage system have been addressed. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure appropriate management and enhancement within the site in the interests of ecology and biodiversity.

34. The development shall not commence until a sustainable surface water drainage scheme for the entire application site has been 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 (with a twenty percent allowance for climate change) will not exceed run-off from the undeveloped site following the corresponding rainfall event, and so no increase the risk of flooding both on or off-site. the scheme shall be implemented in accordance with the subsequently approved details before the development is completed.

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

### **Informatives set out below**

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



Plant and machinery used for demolition and construction should 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.

No vehicles in connection with the construction of the development should arrive, depart, be loaded or unloaded within the general site except between the hours of 0800 and 1900 Mondays to Fridays and 0800 and 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.

Adequate and suitable provision in the form of water sprays should be used to reduce dust from demolition work.

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.

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

The developer may be required to keep a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54. In accordance with the 2005 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.

When designing the lighting scheme for the proposed development, the recommendations by the Bat Conservation Trust should be considered (where applicable)

i) Low-pressure sodium lamps or high-pressure sodium should be used instead of mercury or metal halide lamps where glass glazing is preferred due to its UV filtration characteristics.

ii) Lighting should be directed to where it is needed and light spillage avoided. Hoods should be used on each light to direct the light and reduce spillage.

iii) The times during which the lighting is on should be limited to provide some dark periods. If the light is fitted with a timer this should be adjusted to the minimum to reduce the amount of 'lit time'.

iv) Lamps of greater than 2000 lumens (150 W) should not be used.

v) Movement sensors should be used and they should be well installed and well

aimed to reduce the amount of time a light is on each night.

vi) The light should be aimed to illuminate only the immediate area required by using as sharp a downward angle as possible. This lit area should avoid being directed at, or close to, any bats' 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. Avoid illuminating at a wider angle as this will be more disturbing to foraging and commuting bats as well as people and other wildlife.

vii) The lights on any upper levels should be directed downwards to avoid light spill and ecological impact.

viii) The lighting should not illuminate any bat bricks and boxes placed on the buildings or the trees in the grounds.

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

Construction traffic and worker's vehicles in association with the development should only park within the application site and not on surrounding roads in the interests of highway safety.

Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

A formal application for connection of the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, the developer is advised to contact Atkins Ltd. Anglo Street James House, 39A Southgate Street, Winchester, SO23 9EH

In respect of the Public Right of Way the developer is advised that:

(i). No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority:

(ii). There should be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development without the permission of the Highway Authority.

(iii). There should be no close board fencing or similar structure over 1.2 metres erected which will block out the views:

(iv). No hedging or shrubs should be planted within 1.0 metre of the edge of the Public Path.

(v). No materials should be brought onto site or stored on the Right of Way.

The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local Plan 2000. However, given the quality of the proposed landscaping and the design and sustainability of the development and its relationship with the wider countryside in the immediate vicinity that is not subject to any additional landscape designation a departure from that policy would be likely to result in only minor harm to the character of the countryside. In addition, the demonstrated general need for this type of development and the employment and wider community benefits that would accrue are factors that weigh in favour of permitting the development.

# APPENDIX ONE

**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.

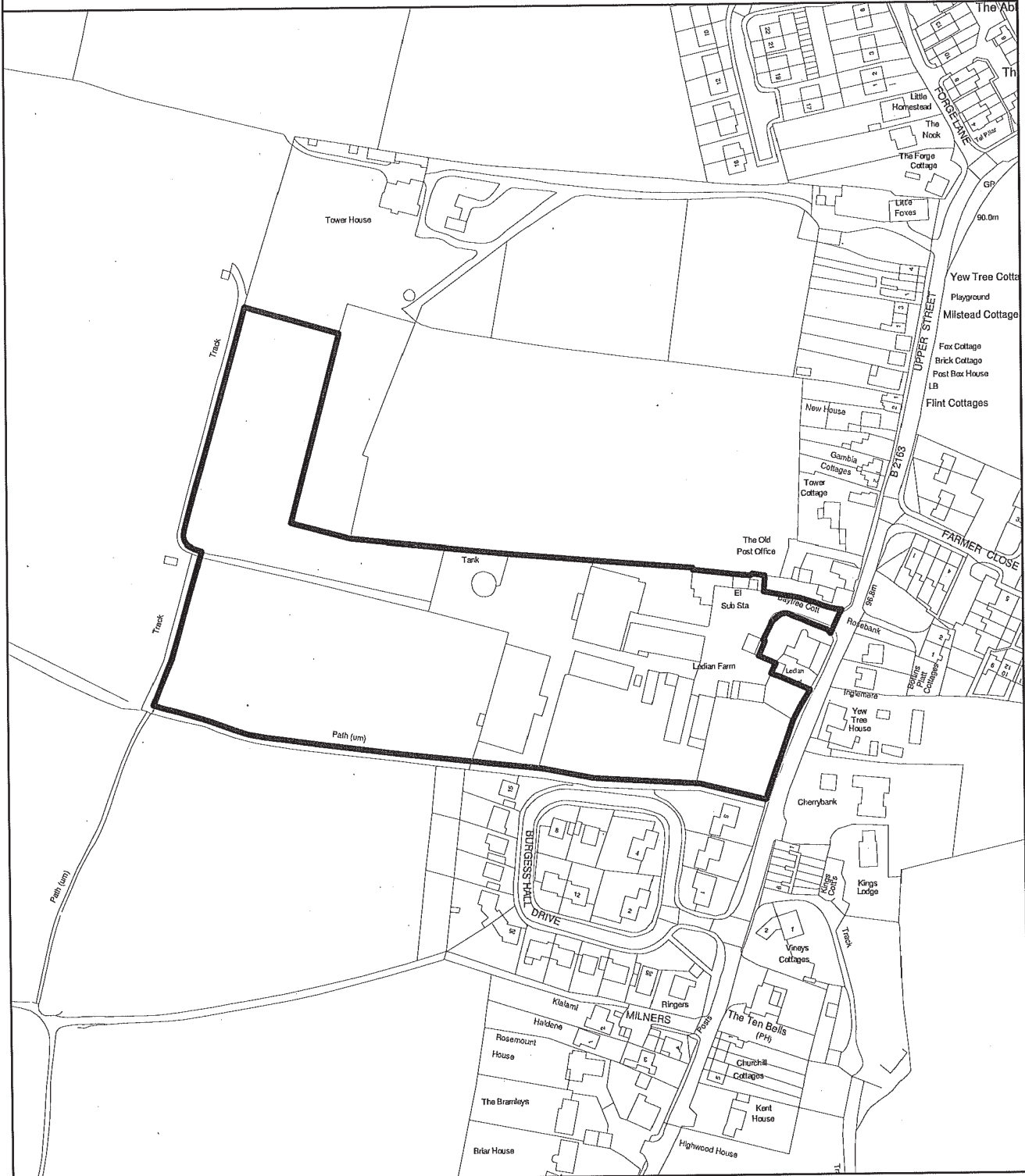
The proposed development would result in a significant encroachment into countryside beyond the defined settlement boundary of Leeds village. The resultant development would substantially reduce the openness of the area causing harm to the overall character and appearance of the countryside and the conservation 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.

# 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 1000m<sup>2</sup>. 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 (29<sup>th</sup> 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 325m<sup>2</sup>) 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 32m<sup>2</sup>);
- Library (approx 32m<sup>2</sup>);
- Village Shop offering everyday basic items (bread, milk, papers etc) (approx 64m<sup>2</sup>);
- Café, Bar and Dining Room/restaurant (approx 160m<sup>2</sup>);
- 2 Private Dining and Club Meeting Rooms (approx 32m<sup>2</sup> 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 un 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](http://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.

# APPENDIX TWO

Draft HOTs  
S106 Proposed Care Village  
at Leeds Village

## **STANDARD DEFINITIONS**

**“Marketing Scheme”** means a scheme to prioritise persons with a Local Connection or a County Connection for Occupation of the Care Units to be agreed between the Owner and the Council in accordance with the provisions of Schedule 2.

### **Schedule 2. Marketing Scheme**

2.1 The Owner agrees to promote the development to persons with a Local Connection initially and not to agree a sale with or accept a deposit from anyone who is not a person with a local connection for a period of two months from the commencement of marketing which shall be when the sales specification and prices are first available to prospective purchasers.

2.2 In the event that a Care Unit has been marketed at Market Value for a period of two months and no person or persons with a Local Connection have reserved to purchase that Care Unit then the Owner shall be entitled to market the Care Units (or those Care Units that have not been reserved for purchase by a person or persons with a Local Connection) to a person or persons with a County Connection

2.4 In the event that a Care Unit has been marketed at Market Value for a further period of two months and no person or persons with a Local Connection or County Connection have reserved to purchase that Care Unit then the Owner shall be entitled to dispose of that Care Unit generally on the open market free from the restrictions above.

2.5 If subsequently more than one offer is received for the same property then the Owner will give priority to a person with a Local Connection or a County Connection

**“Village Transport Criteria”** means members of the Communal Facilities with personal mobility difficulties and in need of care living within the parish of Leeds who can be reasonably and safely transported.

**“Village Transport Service”** means a twice weekly return transport service from the Development to shops and facilities in Maidstone on Mondays to Saturdays and a twice weekly return trip to supermarkets in or around Maidstone for the benefit of Occupiers and other persons who satisfy the Village Transport Conditions.

**“Village Transport Conditions”** means such reasonable conditions imposed in relation to the use of the Village Transport Service as are considered appropriate to ensure that the Village Transport Service is available on a membership only basis to people meeting the Village Transport Criteria.

1. The operator will deliver the Village Transport Service in accordance with a published timetable.
2. Anyone meeting the Village Transport Criteria may request a reservation to use the Village Transport Service on a first come, first served basis. The operator may determine how far in advance bookings may be made.
3. The operator will decide if an individual meets the Village Transport Criteria at its sole discretion.
4. The operator may decline to transport anyone wishing to travel to or from anywhere outside the parish of Leeds unless specified in the published timetable.
5. The operator may accept reservations from anyone living in the development before accepting reservations from those living outside the development.
6. The operator may refuse to transport anyone whose needs cannot be adequately met during the journey or who presents a health and safety risk to the driver or other passengers as determined by risk assessment by the operator.
7. The operator may refuse to transport anyone who presents anti-social behavior or for any other reason at its sole discretion.
8. The operator may cancel or postpone any service scheduled to operate on any day in the event of an appropriate vehicle or driver being unavailable for any reason; or if prevented by snow or other extreme weather.
9. The operator may limit the number of reservations made by an individual if their use unreasonably prevents others who meet the Village Transport Criteria from using the service.

10. The operator will not wait for anyone who is not at the pick up point at the designated time.
11. The number of wheelchair users that can be accommodated within the Village Transport Service may be restricted by the availability of vehicles and other operating considerations.

**“Wellness Centre Criteria”** means residents of the development, and residents of the Borough of Maidstone aged 65, and anyone attending a treatment or therapy with a practitioner.

**“Wellness Centre Conditions”** means such reasonable conditions imposed in relation to the use of the Wellness Centre as are considered appropriate for its use by those meeting the “Wellness Centre Criteria”

1. The operator will provide a Wellness Centre.
2. The operator will determine the opening hours of each of the facilities within the wellness centre at its sole discretion.
3. The operator will provide an external membership for anyone resident in the Borough of Maidstone over the age of 65, and anyone under the age of 65 at the discretion of the operator, subject to the wellness centre conditions.
4. Membership of the wellness centre will be subject to payment of a subscription determined by the operator.
5. The operator will determine the number of members having regard to the size of the facilities and usage.
6. The operator will make the facilities available for use by healthcare professionals and practitioners at its sole discretion subject to availability and payment of a service fee.
7. The operator may accept reservations from anyone living in the development before accepting reservations from those living outside the development.
8. The operator may refuse to accommodate anyone whose needs cannot be adequately met or who presents a health and safety risk to residents, users or staff.
9. The operator may admission to anyone who presents anti-social behavior or for any other reason at its sole discretion.
10. The operator may close any facility or service scheduled to operate on any day in the day in the event of equipment failure, technical difficulties or staff being unavailable for any reason.
11. The operator may limit the number of reservations made by an individual if their use unreasonably prevents others who meet the Wellness Centre Criteria from using the facilities or service.



**“Standard Operating Conditions for Reception, Shop, Meeting Room, Restaurant and Café Bar”** means such reasonable conditions imposed in relation to the use of the Village Reception, Shop, Meeting Room, Restaurant and Café Bar by residents on site and the public.

1. The operator will provide and operate a reception, shop, meeting room, restaurant and café bar on the site.
2. The hours of operation of each individual facility shall be at the sole discretion of the operator.
3. The prices and charges shall be at the sole discretion of the operator.
4. The operator may accept reservations from anyone living in the development before accepting reservations from those living outside the development.
5. The operator may refuse to accommodate anyone whose needs cannot be adequately met or who presents a health and safety risk to other residents, users or staff.
6. The operator may refuse admission to anyone who presents anti-social behavior or for any other reason at its sole discretion.
7. Use of the meeting room will be restricted to clubs, societies and activities compatible with the care village social program.
8. The operator may close any service scheduled to operate on any day in the event of equipment failure, technical difficulties or staff being unavailable for any reason.
9. The operator may limit the number of reservations made by an individual if their use unreasonably prevents others from using the facilities or service.

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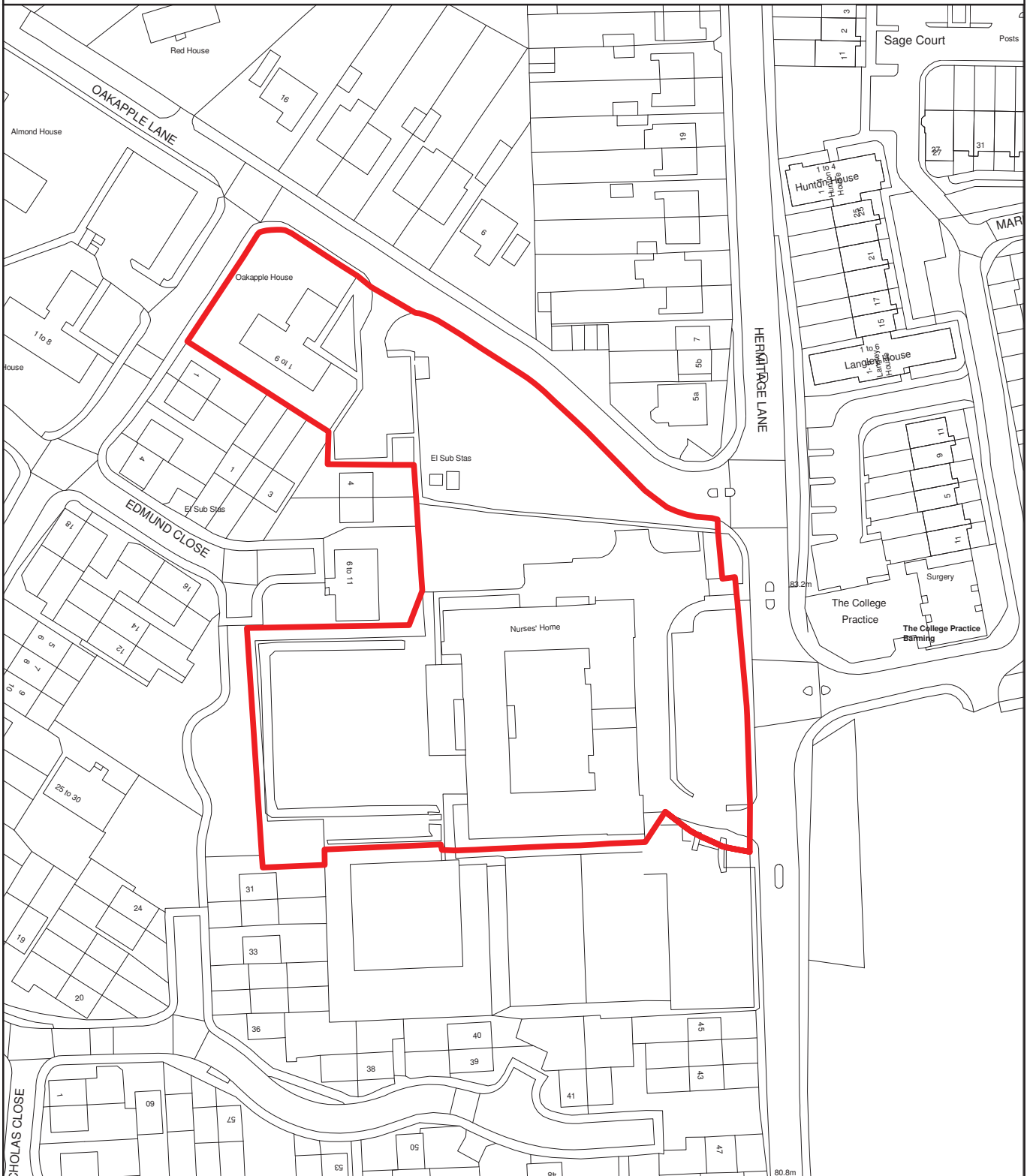
# Agenda Item 14

## 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 and (confidential) viability appraisal.

AGENDA DATE: 12th December 2013

CASE OFFICER: Chris Hawkins

## **1. BACKGROUND**

- 1.1** At the previous Planning Committee meeting on the 21 November 2013, Members resolved to defer this planning application to enable the viability of the existing building to be examined, and for more robust conditions to be suggested to seek to deliver a high quality development within the site.

## **2. VIABILITY**

- 2.1 In terms of the viability report, this has now been circulated to all Members of the Planning Committee, for them to view. It was circulated in advance as it consists of some 280 pages, and therefore would take some time to digest.
- 2.2 The report sets out that in 2009 it was proposed to convert the accommodation into office use, and for use as a birthing centre. However, the cost of this conversion would have been in excess of £6m. In addition to the conversion costs of such a development, the ongoing maintenance of the building would have been a figure in excess of £5m. Particular issues raised are the requirement for new windows to be installed, a new roof, and a full upgrade of all internal fittings, including lighting, power systems, and security systems. It is also likely that there would be a significant amount of asbestos within the building that would need to be removed – the cost of this is estimated at £100,000.
- 2.3 This demonstrates a significant cost to any developer, or potential purchaser to retain the building.

- 2.4 In terms of its conversion to living accommodation, the applicants opine that the building is too narrow to accommodate modern housing standards. The existing building would only allow for long, thin, rooms, with poor internal circulation. I agree with this assessment, having seen the building on site.
- 2.5 As such, any conversion of the building would require the removal of a significant number of internal walls, many of which would be load bearing. The costs of this would be in excess of the conversion costs given above. I therefore conclude that it would not be financially viable to convert the existing building for residential purposes.
- 2.6 It is my opinion however, that the viability report is not the crucial factor in the determination of the application, but rather a background paper for consideration. As set out within the previous report (which is appended to this report), the Council currently has a shortfall in its 5 year housing supply. There is a need to provide housing sites within the Borough, in sustainable locations, whether they be brownfield sites, or (less preferably in many instances) greenfield sites. In this case, the proposal is for the demolition of an unlisted building, within a sustainable location. To my mind, this carries significant weight when formulating my recommendation. Brownfield sites within urban areas remain preferable, both at a local and a national level when determining applications, and allocating sites.

### **3. CONDITIONS**

- 3.1 Members raised concerns at the previous meeting with regards to ensuring that the conditions placed upon the outline planning application ensured a high quality of development would be delivered at the reserved matters stage. To this effect, conditions were already suggested requiring the following detail (amongst others) to be provided:
- Level 4 of the Code for Sustainable Homes;
  - Tree planting to be provided along the Hermitage Lane frontage;
  - Restriction of heights of the buildings to that currently shown;
  - A soft buffer of 10metre from the rear of the existing highway;
  - The provision of a ragstone wall along the site frontage – 900mm in height.
- 3.2 Informatives were also suggested that would provide the following advice to any future developer:
- Any replacement building will be required to be of exceptional design quality to mitigate the loss of the existing building;

- The layout should address the position of the existing trees – be a landscape led approach;
  - Any reserved matters application should include the provision of swift bricks/bat boxes and log piles (where appropriate).
- 3.3 However, following the concerns raised, that the conditions could be made more robust, this has been re-assessed. As such, additional conditions are suggested that would address the following matters:
- Specific details of tree planting and landscaping along the road frontage;
  - Materials to reflect the local vernacular;
  - Retention of any trees of value within the site.
- 3.4 I would also suggest that the following matters be addressed through informatives upon any permission granted:
- Articulation of the buildings;
  - Details of fenestration;
  - The proposal should provide a varied roofscape.
- 3.5 Should these additional conditions and informatives be included, I am of the view that the outline proposal would provide any future developer/owner with a robust framework within which they could develop a high quality scheme, that would respond positively to the character and appearance of the locality.

#### **4. Conclusion**

- 4.1 As set out within the previous report, whilst the loss of the existing building is regrettable, as it is a building of some merit, the Council currently has a shortfall in housing provision for the next five years. This, together with the condition of the existing building, and the problems indicated with its conversion – which in any event is not proposed – leads me to conclude that its loss is acceptable.
- 4.2 Clearly, as a non-listed building, it could be demolished in any event – something which has to carry some weight when determining the application.
- 4.3 This site has however a former residential use, and is a brownfield site, within a sustainable location; I therefore consider it suitable in principle for residential use.
- 4.4 Members raised concerns at the last meeting with regards to ensuring that the conditions imposed provided a ‘framework’ to secure a high quality design. Additional conditions and informatives have been suggested to address this

concern. Whilst there are no numerous additions, these have been made with Circular 11/95 in mind, and the specific tests that are required to be applied.

- 4.5 I am satisfied however, that the proposal would now provide a high quality development, and it is for this reason that I am recommending that delegated powers be given, to grant planning permission subject to the receipt of a suitable S106 legal agreement.

## **5. 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;
  - (1) Contributions to KCC for primary school provision (£2,701.63 per dwelling and £675.41 per applicable flat);
  - (2) Contributions to KCC for library book stock – to be spent within Maidstone (£144.64 per dwelling or flat);
  - (3) Contributions to KCC for community learning and skills – to be spent within Maidstone (£28.71 per dwelling or flat)
  - (4) 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 (small leaf lime) at regular intervals along the site frontage onto Hermitage Lane together with a landscaped area between the highway and the built development. .
- Reason: In the interests of visual amenity and air quality.
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, 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. No demolition of the existing building (Nurses Home) on site shall take place until a photographic record of its exterior and interior has been completed, and made available to a local public archive centre.

Reason: In order to retain an historical record of this important non-designated heritage asset.

21. Pursuant to condition 1 a full arboricultural report, to the necessary standard shall be completed, and shall be submitted as part of any submission in order to address both the layout and the landscaping provision of any subsequent reserved matters application.

Reason: To seek to protect the existing trees and to ensure a high quality layout.

### **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.

The design of the any proposed buildings within the site, and particularly those along the Hermitage Lane frontage shall be designed in such a way as to provide a good level of articulation, and 'layering' along the key elevations. These buildings should respond positively to the quality development within the locality, and to take reference from the existing building.

Any building upon the Hermitage Lane frontage shall be provided with high quality fenestration, which shall respond to the form and quality of the existing building upon the site.

The importance of providing a varied roofscape within the application site shall be fully considered when any reserved matters applications are formalised, and thereafter submitted.



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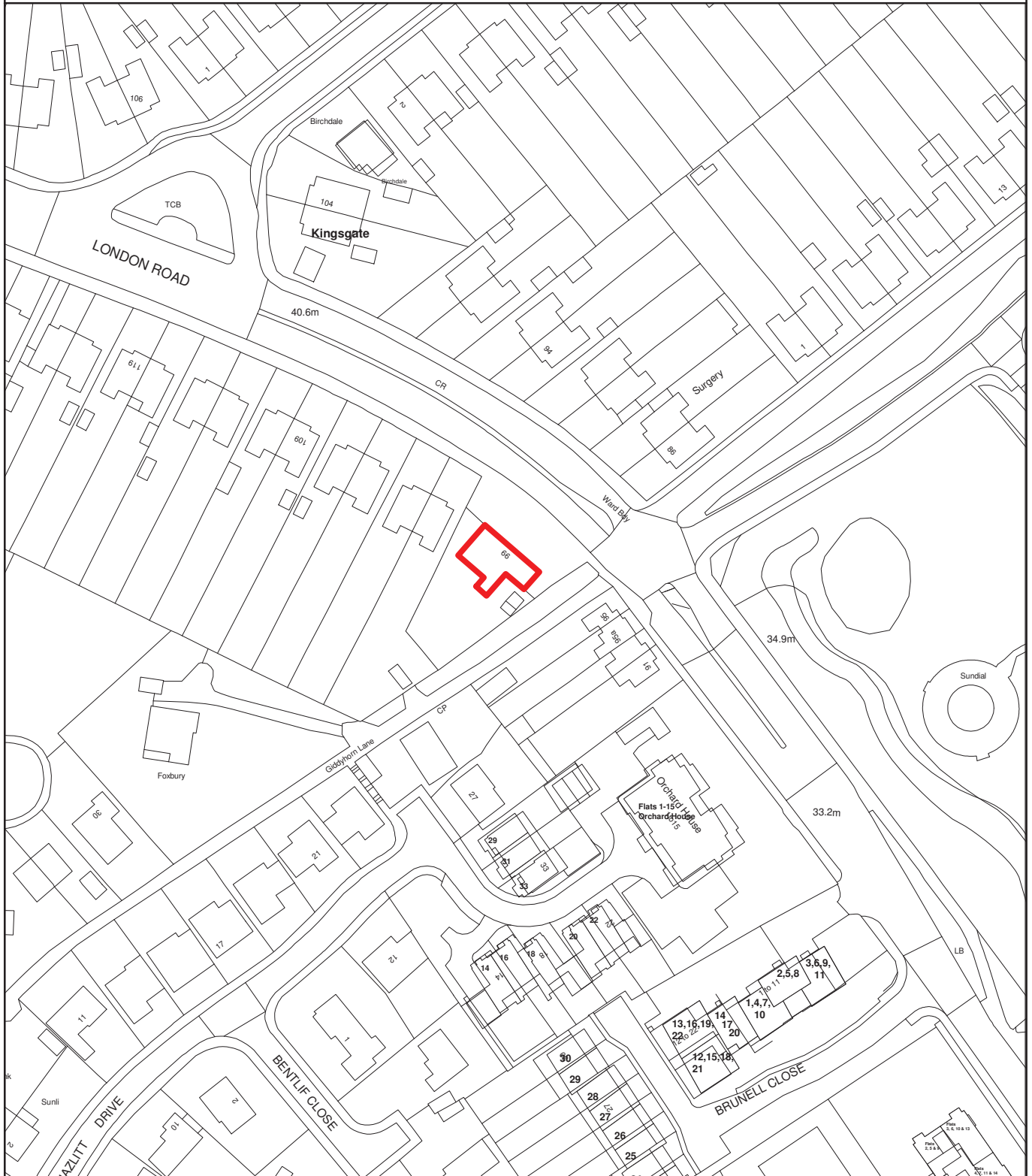
# Agenda Item 15

## THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/1254

GRID REF: TQ7456

99 LONDON ROAD,  
MAIDSTONE.



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**Rob Jarman**  
Head of Planning and Development

APPLICATION: MA/13/1254 Date: 15 July 2013 Received: 15 July 2013

APPLICANT: Mr R Kanesan

LOCATION: 99, LONDON ROAD, MAIDSTONE, KENT, ME16 0HF

PARISH: Maidstone

PROPOSAL: Change of use of part of the ground floor to a take away (Use Class A5) and the erection of an extract raised to the rear and new shop front as shown on the Site Location Plan, Block Plan, drawings LR-0633 -001 and LR-0633-002, Planning Statement, Design and Access Statement and other supporting documentation submitted on the 15th July 2013.

AGENDA DATE: 12th December 2013

CASE OFFICER: Annabel Hemmings

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

- Councillor Cynthia Robertson has requested it be reported for the reason set out in the report

### **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: T13, R17, ENV6, ENV8  
Government Policy: National Planning Policy Framework 2012: Chapters 1, 4, 7

### **2. HISTORY**

MA/81/1777 – External W.C. Approved 9<sup>th</sup> February 1982.

MA/79/0736 – New shop front and lean to. Approved 6<sup>th</sup> August 1979.

MA/74/0432 – Paved area for car parking (130sqm). Approved 31<sup>st</sup> October 1974.

### **3. CONSULTATIONS**

**Environment Agency:** Have assessed this application as having a low environmental risk and, therefore, have no comments to make.

**Kent County Council Highways:** The site has permission for A1 retail use and do not expect the change of use of part of the site to A5 takeaway will lead to any significant increase in traffic. Parking is available for seven cars to park and parking already occurs along London Road in the vicinity of this site without leading to any detriment to highway safety. In view of this, do not raise any objection

**Environmental Health:** Matters considered: Odour accumulations, noise and amenity. Comments: Any demolition or construction activities may have an impact on local residents and so the usual informatives should apply in this respect. The parts of the building to be altered should be checked for the presence of asbestos and any found must only be removed by a licensed contractor.

From the information supplied regarding the extraction unit, it would appear unlikely that the extraction system would cause any significant noise nuisance to local residents and the position and height of the flue appear adequate enough to guard against any odour nuisance.

No objections raised, subject to informatives relating to:

- The safe removal of asbestos;
- Minimising nuisance during construction works; and
- The Food Safety Act 1990 and Health and Safety at Work Act 1974.

#### **4. REPRESENTATIONS**

**Councillor Cynthia Robertson:** If minded to approve this application, please report it to the Planning Committee. I have the following concerns about the application in my ward and would wish the Committee to consider them:

- Potential detrimental effect on the Allington Millennium Green, which is opposite the site;
- Possible nuisance to local residents caused by cooking smells and litter; and
- Adequacy of car parking facilities.

Sixteen letters of objection have been received from local residents. Their comments are summarised below:

- The property sits on the busy A20 and is already a popular off licence;
- There is space for approximately 7 vehicles at the site, but given the location of the dropped kerbs (in and out), it is likely that less than this number can park safely;
- People park vehicles on the pavement at peak times;
- The introduction of the takeaway will inevitably introduce additional vehicles to this location;

- Additional parked vehicles could obstruct access to neighbouring roads;
- Some indication as what will be done to remove smells pollution is given in the proposal, but these do not appear to have worked elsewhere;
- Additional litter from the takeaway will be found in the local area;
- The application conflicts with policy R17 of the Maidstone Borough Wide Local Plan 2000. It will adversely affect residential amenity and cause problems of noise, litter access, parking and highway safety;
- The proposed takeaway will be yards from our house and will seriously impact on what we see and hear every day of the week, particularly evenings and weekends;
- There will be a significant increase in people attracted to the site, reducing our privacy particular in the front of the house and the garden;
- When alcohol and fast food are available in the same location in the late evening there is a clear and evident risk that anti social behaviour may occur;
- People often have to wait at takeaways whilst their food is cooked. They may sit in their vehicles or on local walls etc to consume it;
- Have experience of living near a takeaway – the smell of frying, doors slamming, people shouting, car horns, brake squeals, people parking outside the house and rubbish dumped in our garden;
- There is no indication of the volume of business anticipated, therefore the impact cannot be judged;
- The takeaway may have a large catchment area, not just the local community;
- The application makes reference to CCTV, waste bins and staff shopping anti-social behaviour, but they are only going to deal with issues within the takeaway not in the road or at nearby properties;
- Can deliveries be made to the site safely?
- There are other uses which attract people with vehicles in the local area;
- This section of London Road has a history of serious accidents;
- Visibility splays from the car park are not very good. Applications for the adjoining properties (101 & 103) to have vehicular access were refused on visibility splays and highway safety;
- The proposal is for the takeaway to have the same opening hours as the existing off licence. There is a risk, however, that this will creep to a later time to serve people frequenting the nearby Pippin Inn or other similar establishments;
- There is no mention of signage/advertisements for the takeaway in this application;
- Motorists focus on traffic and not whether pedestrians are walking on the pavement to the front of the site;
- Although the extract riser is to the rear of the property, the smell of fried food will waft around the local area;
- There are 7 customer spaces at present, but sometimes some of these are occupied by staff from the shop;
- This development could affect trade from other takeaways;
- Not aware of the specific type of takeaway planned;

- Nearly all the other businesses within London Road are medical and all of which close their doors at 6pm or so;
- Do not believe another takeaway is required locally;
- The site is on the route to several schools. Understood the policy is not to put takeaways in such locations as children should not be encouraged to purchase takeaway food;
- The current owners of the office licence do not show regard for local people;
- Anxious about what the effect of a takeaway will have on the value of my house;
- No guarantee that the extraction products will actually be installed;
- No guarantee that the cleaning regime proposed will take place;
- No guarantee as to the type of clientele the proposed takeaway will attract.

The Allington Millennium Green Trust has also written to object to the proposal on the following summarised grounds:

- The Trust should have been notified by the Council about this application, as the largest landowner in the vicinity and with the Green only a few yards away from the premises concerned;
- The junction of Buckland Lane with London Road is dangerous and there have been many accidents and minor incidents over the years;
- There has been an increasing tendency for cars to be parked on London Road, on the south eastern section of Buckland lane and even across the junction whilst people go to the off licence. A takeaway facility would increase this trend;
- The roads surrounding the Green may be the subject of increased traffic and parking causing hazards for pedestrians;
- Cooking smells may spoil the semi- natural aspect of the Green and thus the enjoyment of legitimate visitors;
- There is likely to be an increase in anti-social behaviour and in noise;
- People may eat and drink takeaway items on the nearest open space – the Green;
- The availability of both fast food and alcohol could increase underage drinking of alcohol, which is an historic problem in the area;
- Frequently, litter (including beer, wine and spirit bottles) is dumped on the Green even though there are a number of litter bins. All maintenance of the Green is by volunteers and the Council does not collect waste from our bins;
- If consent is granted the following should be implemented – parking restrictions/yellow lines should be placed in the local area, a pedestrian crossing on London Road at the end of Buckland Lane; the owners of the takeaway should collect litter from the Green and the surrounding area on a daily basis, the Council's Environmental Enforcement Officers should patrol the area and the Council should start collecting rubbish from the bins on the Green; and
- The proposed facility is in fairly close proximity to a number of schools. Some local authorities consider imposing restrictions on takeaway outlets in such areas.



## **5. CONSIDERATIONS**

### **5.1 Site Description**

- 5.1.1 No 99 London Road is a detached property set back from the road behind a forecourt parking area. It can essentially be seen as two parts – a single storey flat roofed element and a two storey pitched roof element. The front of the single storey element is used as an off licence/shop and has been trading for a number of years. To the rear of this is a bathroom and toilet.
- 5.1.2 The first floor of the two storey element is currently houses a kitchen, living room and two bedrooms. The half of the ground floor adjoining the shop is utilised as shop floor and storage for the shop. The remainder is utilised as a garage (with garage doors) and an office to the rear.

### **5.2 Proposal**

- 5.2.1 This application seeks consent for the change of use of the existing garage area to Class A5 take away use. This area was utilised as a storage area for the shop, but has not been utilised as such for a number of years.
- 5.2.2 A shop front, designed to reflect that of adjoining store, will be added to the store and the inside would be fitted out to provide a kitchen/preparation area, counter and customer area. The adjoining convenience store will not be affected by the proposal.
- 5.2.3 The proposed trading hours of the takeaway would reflect those of the convenience store – 10:00 hours to 23:00 hours Monday to Saturday and 11:00 to 22:00 hours on Sundays. Waste bins will be provided and it is proposed that these would be taken in nightly at the close of trading. CCTV would be provided as a security measure both inside and outside the premises. Odour control would be via a stainless steel canopy complete with baffle filters and discharge would be to a high velocity discharge termination piece at high level to the rear of the property.

### **5.3 Principle of Development**

- 5.3.1 The application site lies within the built up urban area of Maidstone and has no formal designation in the Maidstone Borough Wide Local Plan 2000. Within such areas it is anticipated that uses will remain broadly unaltered.
- 5.3.2 The National Planning Policy Framework 2012 sets out the government's commitment to economic growth in order to create jobs and prosperity. It states that the planning system should do everything it can to support

sustainable economic growth. Significant weight should be placed on the need to support economic growth through the planning system. The framework also includes a presumption in favour of sustainable development at its heart.

5.3.3 Policy R17 of the Local Plan states the Council's support for hot food shops, restaurants, cafes, bars and public houses outside of the Core Shopping Area provided the following criteria are met:

*"(1) That there is no detrimental effect, by reason of hours of opening, fumes and smells or noise and disturbance, to nearby or adjoining uses and especially residential amenity; and*

*(2) That the effect of one or a concentration of such uses would not be detrimental to the vitality and viability of any district or local centres within which they may be located."*

5.3.4 This proposal would contribute to economic growth within the Borough. It would utilise part of an existing building which is currently unused and employ a total of 3 people (1 full time and 2 part time). It would also contribute to sustainable development as it would be located within the urban area and adjoining the existing convenience store. It would be easily accessed by various sustainable means of transport and allow customers to make linked trips.

5.3.5 The proposal would not adversely affect the viability or viability of the existing retail store on the site and it is not considered that the cumulative effect of the proposed takeaway with others in the locality would prejudice the store or others in the wider area. The nearest takeaways are at the Mid Kent Shopping Centre and closer to Maidstone Town Centre.

5.3.6 It is noted that some local residents have raised concerns that the site is on route to several schools and that some local authorities have adopted policies to prevent takeaway establishments being located in such areas. The Council does not have such a policy and each application must be considered on its own merits. Much of the urban area of the Borough could be considered to be enroute to a school, so if such a policy were to be applied, it is likely that no takeaway establishments would be approved. The site is not adjacent to a school and, even if it were, it is unlikely that its location on health grounds would be a material planning issue when determining a planning application.

5.3.7 Issues of noise, odour and residential amenity are discussed in detail later in the report and, subject to these, I am satisfied that the introduction of a takeaway on this site is acceptable development in principle.

## **5.4 Visual Impact**

- 5.4.1 The visual impact from this proposal will be limited to the new shop front, CCTV cameras and the waste bins proposed. The proposed shop front is considered acceptable in terms of design and reflects that of the adjoining convenience store. Whilst no details of given of the security cameras, modern cameras are small, well designed and commonly located on retail/commercial premises such as the proposed takeaway. In terms of the waste bins, again no details of been provided as to the number proposed or their design. The provision of bins is again common outside shops and commercial premises and indeed within urban areas as a whole.
- 5.4.2 I am satisfied that the visual impact of this proposal is minimal and would not adversely affect the character or appearance of the local area.

## **5.5 Residential Amenity**

- 5.5.1 Local residents have raised concerns about the effect of the proposal on their residential amenity. These concerns centre around noise and odour generation from the proposed takeaway and anti social behaviour that may result in the local area due to the proposal.
- 5.5.2 Concerns about odour and noise are common when takeaway establishments are proposed. The provision of adequate extraction units to deal with odour are essential to prevent such establishments having an adverse effect within their locality and surrounding area. In this instance detailed information has been submitted about the extraction system proposed to serve this takeaway together with a commitment to its regular maintenance. The Council's Environmental Health Team have reviewed the details and advise that they are satisfied with the proposed arrangements. It is considered appropriate to secure the installation of the extraction system as set out in the application by condition.
- 5.5.3 Local residents have also raised concerns about the level of noise which may be generated from the takeaway. They state that the area is largely residential with the non residential elements being medical establishments which close by 6pm. The convenience store on the site already opens to 11pm on Mondays to Saturdays and 10pm on Sundays. The proposed takeaway would mirror these hours and a takeaway use itself is not necessarily a use which generates a high level of noise. It is accepted that customers visiting the site may generate noise, including cars arriving and departing and car doors shutting, but it is not considered that this would be excessive given the scale of the proposed unit and its urban setting. No issues have been identified by the Environmental Health Team in relation to general noise generation from the takeaway use or from the

proposed extraction system. I am, therefore, satisfied that the proposed would not generate unacceptably high levels of noise.

5.5.4 I note that local residents also expressed concerns that this proposal may lead to anti social behaviour. These concerns largely relate to the fact that the customers of the proposed takeaway may make linked trips to buy alcohol from the adjoining convenience store fuelling an increase in anti social behaviour, the fact that customers may have to wait for food to be cooked and that litter may be dumped in the surrounding area. It is not uncommon for takeaway establishments to be located next to or near convenience shops selling items such as alcohol and for customers to make linked trips. Many local parades of shops will have such relationships and these operate without excessively high levels of anti social behaviour. There is no evidence that the introduction of a takeaway unit next to the existing convenience store will increase anti social behaviour and it is a key planning policy to collocate retail units/facilities to allow customers to make linked sustainable trips. The applicants have recognised that concerns about anti social behaviour are common when new takeaways are proposed and have sought to allay these fears here by promoting the use of CCTV and the provision and maintenance of rubbish bins. These measures are welcomed and whilst it is noted that they will only help control/limited outbreaks of anti social behaviour at or near the site, this is the case with any such localised security measures. I am satisfied that there is no planning reason to refuse this application on the basis that it would generate an excessive level of anti-social behaviour.

## **5.6 Highways**

5.6.1 Local residents have raised concerns about the highway implications of this proposal. These include concerns about highway safety in the vicinity of the application site and parking provision to serve the proposed development.

5.6.2 Kent County Council's Highways Team has been consulted on the application. They advise that they do not expect the proposal to generate a significant increase in traffic and that there is parking available on site for 7 cars and parking already occurs on London Road without any detriment to highway safety. They raise no objection to the proposal.

5.6.3 I am, therefore, satisfied that the proposal will not have an adverse effect on the local area in highway terms.

## **6. CONCLUSION**

- 6.1 The proposal is considered to be broadly compliant with central government guidance and relevant Development Plan policies. Therefore, it is concluded that there are sound planning reasons for this application to be recommended for approval.
- 6.2 In formulating this 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. Prior to the commencement of the use hereby permitted, the fume extraction system shall be installed at the premises. The system will be that submitted with the application unless otherwise agreed in writing with the Local Planning Authority. The extraction and ventilation system shall thereafter be permanently retained in the agreed form and shall be operated at all times when cooking is being carried out on the premises and not operated at any time outwith the opening times of the premises.

Reason: In the interests of residential amenity.

3. Notwithstanding the terms of any licence issued for the premises, the premises shall be cleared of all customers by 23:00 hours and by all staff by 24:00 hours Monday to Saturdays, the premises shall be cleared of all customers by 22:00 hours and by all staff by 23:00 hours on Sundays. The premises shall not open for business before 10:00 hours Mondays to Saturdays or before 11:00 hours on Sundays.

Reason: In the interests of amenity.

4. The development shall not commence until details and specifications of the proposed security and CCTV cameras have been submitted to, and approved in writing by the Local Planning Authority. The cameras shall be installed prior to

the first use of the premises hereby permitted and thereafter shall be permanently retained.

Reason: In the interests of amenity.

5. The development hereby permitted shall be carried out in accordance with the following:  
Site Location Plan, Block Plan, drawings LR-0633 -001 and LR-0633-002, Planning Statement, Design and Access Statement and other supporting documentation submitted on the 15th July 2013.

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

#### **Informatives set out below**

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 Environmental Health regarding noise control requirements.

Clearance and burning of existing woodland or rubbish must be carried out without nuisance from smoke etc to nearby residential properties. Advice on minimising potential nuisance is available from the Council's Environmental Health Team.

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, between 0800 hours and 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

Vehicles may only arrive, depart, be loaded and unloaded within the general site between the hours of 0800 and 1900 Mondays to Fridays, 0800 to 1300 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.

Prior to the use hereby permitted commencing, Environmental Health should be contacted to ensure compliance with the Food Safety Act 1990 and all relevant statutes.

Prior to the use hereby permitted commencing, Environmental Health should be contacted to ensure compliance with the Health and Safety at Work etc. Act 1974 and all relevant statutes.

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 Kent Structure Plan 1996) and there are no overriding material consideration to indicate a refusal of planning consent.

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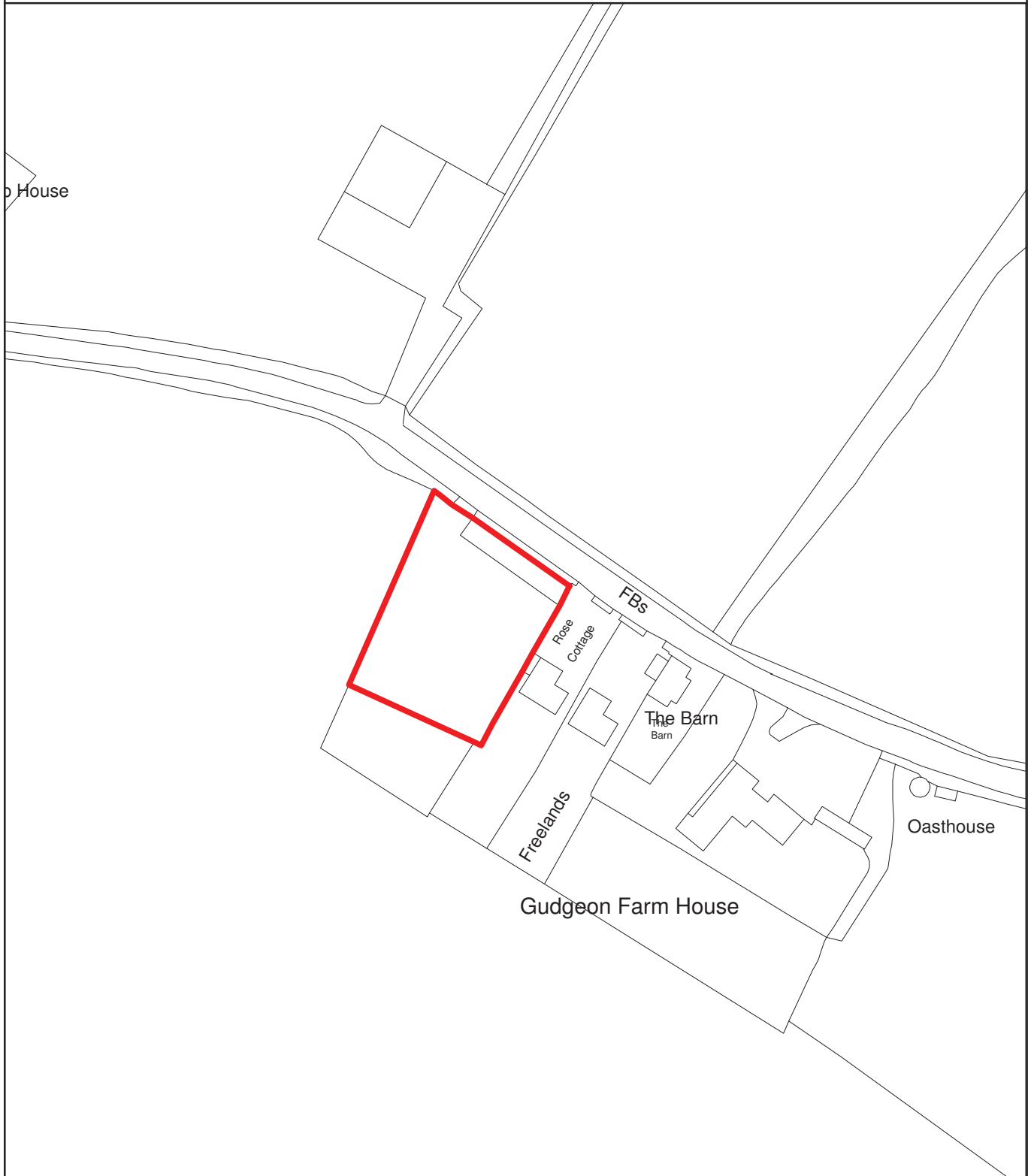
# Agenda Item 16

## THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/1494

GRID REF: TQ7149

THE BEAST HOUSE,  
WEST STREET, HUNTON.



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**Rob Jarman**  
**Head of Planning and Development**



APPLICATION: MA/13/1494 Date: 28 August 2013 Received: 30 August 2013

APPLICANT: Mr Alan Bishop

LOCATION: THE BEAST HOUSE, WEST STREET, HUNTON, MAIDSTONE, KENT,  
ME15 0SA

PARISH: Hunton

PROPOSAL: Erection of single dwelling and conversion of part of existing building to B1 office use and part domestic storage to create a live/work premises as shown on Code for Sustainable Homes Assessment, Update to Protected Species Survey and drawing nos. 2798/DR/001 Rev A and 12-1064-01D and 02 received 28/08/13 and Flood Risk Assessment, Design & Access Statement, site location plan and drawing no. 760a received 30/08/13.

AGENDA DATE: 12th December 2013

CASE OFFICER: Kathryn Altieri

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

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

**1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV44, ENV45, T13
- Government Policy: National Planning Policy Framework

**2. HISTORY**

- MA/11/1110 - Change of use and conversion of former agricultural building to live/work unit – Refused (allowed on appeal)
- MA/10/0376 - Change of use and conversion of former agricultural building to live/work unit – Refused
- MA/09/1338 - Change of use and conversion of former agricultural building to live/work unit – Refused
- MA/08/2479 - Change of use and conversion of building to tourist accommodation – Approved/granted with conditions

- MA/90/1559 - Conversion of redundant agricultural building to dwelling – Refused (dismissed at appeal)
- MA/81/0174 - Outline application for conversion of existing building into residential unit – Refused (dismissed at appeal)
- MA/79/1705 - Outline application conversion of beast house to dwelling – Refused

### **3. BACKGROUND INFORMATION**

3.1 Most recently, planning permission MA/11/1110 was for the change of use and conversion of the former agricultural building to a live-work unit. This application was refused by the Council in September 2011 for the following two reasons;

- The residential element of the proposed conversion of the building is considered to represent inappropriate development in an unsustainable location that would result in a harmful form of development removed from basic services.*
- The existing building is not of quality and traditional construction, and is of insufficient architectural or historic merit to constitute a heritage asset or justify its retention or preservation for the proposed use. The principle of the conversion of the building for use as a live/work unit would create a new residential unit in the countryside resulting in a harmful and unjustified development in the countryside.*

3.2 The applicant did appeal this decision and in March 2012, the Planning Inspectorate allowed the proposed conversion subject to conditions (see attached decision). In summary, the Planning Inspector concluded;

*"I have found the appeal site is in a reasonably sustainable location and the existing building contributes to the character of the countryside."*

3.3 This decision from the Planning Inspectorate is a material planning consideration in the determination of this application.

3.4 Before this appeal decision, a number of applications were refused for residential development on the site and under MA/08/2479 planning permission was granted for the conversion of the existing building into tourist accommodation. This permission was never implemented.

### **4. CONSULTATIONS**

4.1 **Hunton Parish Council:** Wishes to see the application approved and should you arrive at a different recommendation, requests that the application is reported to Planning Committee.

4.2 **KCC Biodiversity Officer:** Raises no objections with recommended enhancements;

4.2.1 *"We have reviewed the ecological survey which has been submitted with the planning application in conjunction with the photos provided by the planning officer. An updated ecological survey has been submitted with the planning application. Ideally a map should have been included within the survey to clearly show where the habitats described within the survey were located. However on this occasion we are satisfied that a map does not need to be provided. The survey has detailed that there is limited potential for protected/notable species to be present within the site and we are satisfied with this assessment.*

4.2.2 *Birds - There is suitable habitat present within the site for breeding birds. All nesting birds and their young are legally protected under the Wildlife and Countryside Act 1981 (as amended). We recommend that the work is carried out, outside of the breeding bird season (March – August inclusive), If that is not possible an ecologist must examine the site prior to works starting and if any nesting birds are present all work must cease in that area until all the young have fledged.*

4.2.3 *Bats - Lighting can be detrimental to roosting, foraging and commuting bats. We advise that the Bat Conservation Trust's Bats and Lighting in the UK guidance is adhered to in the lighting design.*

4.2.4 *Enhancements - One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged". The submitted landscaping plan has provided details of enhancements which may be incorporated in to the site. The aerial photos suggest that the habitat surrounding the site is suitable for reptiles, as such we recommend that refugia for reptiles are incorporated in to the boundary of the site.*

4.3 **Conservation Officer:** Raises no objections on heritage grounds;

4.3.1 *"The Beast House has been accepted as suitable for conversion to residential use. However, what is now proposed is its partial conversion to office use and the erection of a free-standing new dwelling. I have no design objections to the new building and its impact on the setting of the Beast House would be acceptable."*

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

4.4.1 *"There are no trees present on or adjacent to the site that are currently protected or merit protection. However, it is noted that the applicant intends to retain the Oak tree adjacent to the driveway. The entrance drive to the site passes within the root protection area of the Oak but the application details do not currently demonstrate that the Oak can be successfully retained. The use of no-dig construction and permeable surfacing should ensure the successful retention of the tree. Therefore, should you be minded to grant consent I would recommend a pre commencement condition requiring such details to be submitted."*

- 4.5 **KCC Highways Officer:** Raises no objections with recommended conditions;
- 4.5.1 *"3 parking spaces are provided with space within the site for turning. I confirm that I do not wish to raise objection subject to the following conditions being attached to any permission granted:*
- *Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.*
  - *Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.*
  - *Use of a bound surface for the first 5m of the access from the edge of the highway."*
- 4.6 **Environmental Health Officer:** Raises no objections with recommended foul sewage condition and standard informatives;
- 4.6.1 *"I note that the application form states that foul sewage will be dealt with via a "package treatment plant", but as with previous applications; no details have been provided. Environmental Health will need to see further details, plus the applicant should be advised that they should contact the Environment Agency with regards to the possible need for a discharge consent.*
- 4.6.2 *Recommended condition - Details on the proposed method of foul sewage treatment, along with details regarding the provision of potable water and waste disposal must be submitted to and approved by the LPA prior to occupation of the site.*
- 4.6.3 *These details should include the size of individual cess pits and/or septic tanks and/or other treatment systems. Information provided should also specify exact locations on site plus any pertinent information as to where each system will discharge to, (since for example further treatment of the discharge will be required if a septic tank discharges to a ditch or watercourse as opposed to sub-soil irrigation).*
- 4.7 **Environment Agency:** Raises no objections with recommended condition and informatives;
- 4.7.1 *"Based on the Flood Risk Assessment completed by Bishop Consultancy (reference 778/FRA, August 2013) we have no objection to this at this location but request that prior to commencement condition is included for details of a sustainable surface water drainage scheme for the new house.*
- 4.8 **KCC Public Rights of Way Officer:** Raises no objections.

## **5. REPRESENTATIONS**

- 5.1 The occupants of Rose Cottage have raised objections over loss of privacy, light and overlooking; loss of the fruit trees; highway safety; the proposal being a visually intrusive development; and that the proposal is a new dwelling in the countryside.

## **6. CONSIDERATIONS**

### **6.1 Site description**

- 6.1.1 The application site relates to a generally square-shaped plot of agricultural land that is bordered to the south and west by separate parcels of land that are within the ownership of the applicant but not part of this submission. Within the site, there is a single storey building (known as 'The Beast House') situated along the northern boundary, parallel with West Street. The building is functional in appearance and is open to the front elevation (south) with seven bays of equal size. It is constructed of red brick with a tiled roof, and has been substantially reconstructed in the last twenty years following the strong winds of October 1987. The building measures some 27.75m wide and some 5m in depth and from its ridge to ground level, it stands some 3.8m in height. Its eaves height is some 2.2m from ground level. In addition to this structure there is a brick water tank located immediately to the south of the building and there is a five bar gate across the existing vehicular access to the site (to the west of the building).
- 6.1.2 There is a grassed area immediately to the south of the existing building and then further south there is an un-kept orchard separated from the rest of the site by a small earthwall, elevated by an estimated 1.2m from road level. There are a number of trees on the site including this area of orchard; and a mature oak tree to the west of the access, some 6.5m from the west elevation of the existing building. There is native planting along the south and west boundaries of the application site. There is a public footpath (KM91) that runs in a general north-west/south-east direction crossing the field behind the application site.
- 6.1.3 The Beast House is located on the western margins of a group of buildings that include two mid-twentieth century dwellings, a former public house now in residential occupation (known as Gudgeon Farmhouse), a barn that is also in residential occupation, and a converted Oast building.
- 6.1.4 The site is located within the countryside and parish of Hunton and has no specific environmental or economic designations as shown by the Maidstone Borough-Wide Local Plan 2000 (MBWLP), although West Street does represent the southern boundary of the Low Weald Special Landscape Area in this location. Part of the site is also within in an area classified by the Environment Agency as being within a Flood Zone.

### **6.3 Proposal**

- 6.3.1 This application is for the erection of a single dwelling and for the conversion of part of the existing single storey building (known as 'The Beast House') to B1 office use and part domestic storage to create a live/work premises. The

applicant has confirmed that the new dwelling would achieve Level 4 in terms of the Code for Sustainable Homes.

- 6.3.2 'The Beast House' would have its concrete roof replaced with natural slate; the office accommodation would be at the western end of the building with the remainder of the building given over to be used as a garden store and open log storage.
- 6.3.3 The proposed single storey residential property would be sited some 16m to the south of 'The Beast House', set on the raised area of land to the rear of the site that is currently an orchard. This two bedroom property would be of a general rectangular shape that would have a hipped roof and in part a flat roof element to the rear. The new building would stand some 6m in height from its ridge line to ground level; and it would be constructed of vertical timber cladding with a slate roof. The proposal would also include the laying out of a vehicle parking/turning area and the reinforcement of boundary planting.
- 6.3.4 The residential element (including the two domestic storage areas) would have an internal floor space of approximately 146m<sup>2</sup>; and the converted office space within 'The Beast House' would have an internal floor space of approximately 39m<sup>2</sup>. This would result in the ratio of employment to residential floor space to be in the region of 21%:79%. Whilst the floor area given over to the 'work' element of the development is on the low side, in the absence of any specific local or national policies relating to this type of development I accept that this proposal is a genuine live/work unit.
- 6.3.5 Please note that under MA/11/1110, the total internal floor space given over to residential accommodation was approximately 74m<sup>2</sup>; and the total internal floor space given over to employment use was approximately 34m<sup>2</sup>. This split resulted in the ratio of employment to residential floor space to be in the region of 32%:68%.
- 6.3.6 The applicant has submitted this application to overcome a flooding issue, by raising the more vulnerable residential element onto the higher part of the site to reduce the risk of flood.

#### **6.4 Principle of proposed development**

- 6.4.1 Please note that since MA/11/1110 was allowed by the Planning Inspectorate, the South East Plan 2009 has been revoked and is no longer part of the Development Plan and the government's Planning Policy Statements/Guidance have been superseded by the NPPF published in March 2012.

### National Planning Policy Framework (NPPF)

6.4.2 At the heart of the NPPF is a presumption in favour of sustainable development. In terms of sustainability, the Planning Inspector for MA/11/1110 concluded the site to be in a “*reasonably sustainable location*”, close to the limited facilities in Hunton village (school, church, village hall, village club), with Yalding village a reasonable walking/cycling distance away, and access to public transport deemed adequate. The Planning Inspector also made the point that because the proposal was for a ‘live/work’ unit, the level of car movements would also be less, compared to a solely residential development. With this considered it would be unreasonable to pursue this issue further and therefore raise no objection to this proposal in terms of sustainability.

6.4.3 The NPPF also supports flexible working practices and does seek to promote a strong rural economy. Paragraph 21 of the NPPF does state that local authorities should;

*“Facilitate flexible working practices such as the integration of residential and commercial uses within the same unit.”*

6.4.4 Notwithstanding this, the NPPF makes it clear that proposed development still needs to respect the intrinsic character and setting of the countryside (paragraph 17); and that permission...*“should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area”* (paragraph 64). In this instance, I take the view that whilst the proposal would re-use a disused building, the residential element of the proposal would not enhance the immediate setting of the surrounding area. The unacceptable visual harm caused by the proposed dwelling will be discussed in more detail later on in the report.

### Development Plan

6.4.5 There is no current Development Plan policy that specifically relates to ‘live/work’ units. ‘Live/work’ units result in the creation of both commercial and residential floor space and are considered to be a sui-generis use.

6.4.6 Policy ENV28 of the MBWLP restricts new development in the countryside for which there is no Development Plan policy justification, to prevent harmful sporadic development within the countryside. In this instance, I can see no justification for a new dwelling in this location and consider the proposal to be unacceptable in principle. This proposal is contrary to policy ENV28 and therefore to allow such a development would be a departure from the Development Plan.

6.4.7 The Development Plan does have saved policies relating to the conversion of rural buildings for commercial and/or residential use in policies ENV44 (commercial/tourist use) and ENV45 (residential use) of the MBWLP. These policies are relevant, in part to this proposal, although not relevant to the new build element of the proposal. In general, the criteria for conversion to commercial use is that the building is in keeping with the character of the area; it is of sound construction; any changes reflect the rural character of the building; it will not harm the vitality of existing towns or villages; and it would cause no highway safety issues. The criterion for conversion to residential essentially reflects most of those required for commercial conversion. However key differences is that every attempt must first have been made to secure a commercial reuse of the building before residential use can be contemplated; and that conversion is the only means of providing a suitable reuse of a building of worth that positively contributes to the character of the countryside.

6.4.8 Under MA/11/1110, it was accepted that the applicant had provided sufficient evidence that the Beast House would not be viable to run if converted into either holiday accommodation or solely as a commercial use. Given the relatively short space of time between this accepted view and this current application, I consider it unjustified to request further detail in this respect. In addition, the Planning Inspector (in allowing the 'live/work' unit proposed under MA/11/1110), recognised that "*....the dispersed multi-yard type of farmstead, such as this one, is characteristic of the Weald*", and that "*.....the retention of 'The Beast House' is important in securing the agricultural character of the group of buildings*". In taking the Planning Inspectorate's lead, I am satisfied that the conversion element of this proposal would be in accordance with part (B) of policy ENV45. A further issue could be that the erection of a new dwelling so close to 'The Beast House', could in fact have a detrimental impact on the setting of this building that is considered to have "*historical landscape significance*".

6.4.9 With this considered, I do not consider it reasonable to refuse this application on the grounds that parts (A) and (B) of policy ENV45 of the MBWLP have not been met.

#### 5-year housing land supply

6.4.10 The importance of demonstrating a 5-year housing land supply was highlighted in an appeal decision where the Inspector referred to the NPPF and concluded:

*"The Framework says that where the relevant policies in a Local Plan are out-of-date permission should be granted unless any adverse impacts would significantly outweigh the benefits when taken against the policies in the Framework as a whole, or the policies in the Framework indicate it should be restricted. It also confirms that, in accordance with the Government's aim to promote house building, relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot*



*demonstrate a 5-year supply of deliverable housing sites.” (Ref: Valley Drive - APP/U2235/A/12/2174289).*

6.4.11 Until such times as a 5-year supply can be demonstrated, planning applications on greenfield sites must be assessed on individual merit; and whilst the issue of the Council’s 5-year land supply is a material consideration in determining this application, it is not the main or singular issue to consider. I am of the view that this proposal would only make a marginal contribution to the borough’s housing land supply position and it is the details of this proposal that, in my view, make this an unsatisfactory development.

#### Summary

6.4.12 It should be stressed that what is proposed here is not the same type of development as what was allowed at appeal under MA/11/1110. This proposal is introducing a new dwelling into the countryside, for which there is no justification. I therefore consider the principle of this proposal to be unacceptable, because whilst there is a presumption in favour of development in sustainable locations, the site is considered to be in a “*reasonably sustainable location*” only by the Planning Inspector; and the adverse impact of a new (unjustified) dwelling in the countryside would significantly and demonstrably outweigh the benefits of the development when assessed against national and local policy/guidance. I will now go on to discuss the harm caused by this proposal in more detail.

### **6.5 Design, siting and appearance**

6.5.1 The main concern is with the visual impact of the new dwelling, as it is accepted that the proposed works to ‘The Beast House’ are satisfactory.

6.5.2 As it stands, the site is at the western end of a small cluster of residential properties, with no built development to the south or west of the site but agricultural land. The rearmost part of the application site is given over to fruit trees and soft landscaping; and the land here is raised up from West Street by approximately 1.2m. Views of the orchard are available from West Street (particularly through the front garden of ‘Rose Cottage’ and the site’s existing access), and from the public footpath to the rear of the site.

6.5.3 A new dwelling in this location would replace the existing soft landscaping and open feel of the site with a visually dominant building that would stand some 7.2m in height when measured from the land level of West Street. The dominance of the building would be exacerbated as it would stand almost 1.5m taller than the two bungalows immediately to the east of the site. Even with new landscaping, the proposed dwelling would be clearly visible from West Street, eroding the open view through the site; and whilst the public footpath to

the rear of the site is some distance away, the building would noticeably replace what once was an undeveloped parcel of land.

6.5.4 The Conservation Officer is satisfied however that the proposal would not have a detrimental impact on the setting of 'The Beast House'.

6.5.5 I am of the view that the proposal, because of the new dwelling's elevated location and height, would represent an unjustified form of development that would consolidate the existing sporadic development in the area causing unacceptable visual harm to the character and appearance of the countryside hereabouts.

## **6.6 Residential amenity**

6.6.1 'Rose Cottage' is the immediate property to the east of the application site. This bungalow is set close to the shared boundary of the site, but I am satisfied that with appropriate boundary treatment, this single storey proposal would not result in a significant loss of privacy for the occupants of this property. Moreover, the main dwelling proposed would be more than 10m away from the shared boundary with 'Rose Cottage', and this separation distance together with the proposal's low eaves height would ensure that this proposal would not result in a significant loss of light/overshadowing, or outlook for the neighbouring occupants. No other property would be adversely affected by this proposed development.

6.6.2 I am satisfied that the work/office element, by its definition, would not have an adverse impact on the quality of life for the occupants of any neighbouring property; and the proposal would result in adequate living conditions for future occupants, both in terms of internal accommodation (light and privacy) and private outdoor amenity space.

6.6.3 I am therefore of the view that this proposal would not have a significant detrimental impact on the amenity of any neighbour or any future occupant.

## **6.7 Highway safety implications**

6.7.1 The proposal would make use of the existing vehicle access and there would be adequate turning/parking facilities within the site for a development of this nature. I therefore raise no significant objections to this proposal on highway safety grounds. The KCC Highways Officer has also raised no objections.

## **6.8 Landscaping impact**

6.8.1 After consultation with the Council's Landscape Officer, I am satisfied that there are no trees within or adjacent the site that are protected or are worthy of

protection, and so raise no objections in this respect. However, the applicant does intend to retain the Oak tree close to the entrance of the site, and the driveway does pass within the root protection area of this Oak. No details have been submitted to show that this tree could be successfully retained, although it is thought that the use of no-dig construction and permeable surfacing should ensure successful retention. As such, if I were minded to approve this proposal I would request a detailed construction method statement by way of condition.

6.8.2 A 'Landscape Masterplan' has also been submitted by the applicant, showing an indicative landscaping scheme. It shows most of the existing boundary treatments on the site are to be retained (and enhanced) with some additional planting to be introduced within the site. If I were minded to approve this application, I would request a detailed landscaping scheme by way of condition.

## **6.9 Ecological impact**

6.9.1 An ecological survey was submitted under MA/11/1110, and this survey has been updated for this current application. In this instance and on reviewing the updated survey, the KCC Biodiversity Officer is satisfied that there is limited potential for protected/notable species to be present within the site. As such, I do not consider it reasonable to request further information in this respect.

6.9.2 One of the principles of the NPPF is that "...opportunities to incorporate biodiversity in and around developments should be encouraged", and there is reason to believe that the habitat surrounding the site is suitable for reptiles. With this considered and on the recommendation of the KCC Biodiversity Officer, I consider it reasonable to request suitable refugia for reptiles to be incorporated into the boundary planting around the site.

6.9.3 The KCC Biodiversity Officer also gave general advice with regards to birds and bats and the potential impact of any lighting schemes to be used. If I were minded to approve this application this advice would be relayed to the applicant by way of informatives.

## **6.10 Other matters**

6.10.1 The new dwelling would be set up on the existing higher ground and based on the Flood Risk Assessment completed by Bishop Consultancy (reference 778/FRA, received August 2013), the Environment Agency has raised no objection to the proposal subject to a prior to commencement of works condition requiring the submission of a sustainable surface water drainage scheme for the new dwelling. If I were minded to approve this application I would consider this condition reasonable and would duly impose it.

## **7. CONCLUSION**

- 7.1 The objections raised by the one neighbour have been dealt with in the main body of the report.
- 7.2 I consider this proposal to be unjustified development that would consolidate sporadic development in the countryside, causing demonstrable harm to the character and appearance of the countryside hereabouts. It is therefore considered that the proposal is not acceptable with regard to the relevant provisions of the Development Plan and the NPPF and recommend refusal of the application on this basis.

## **8. RECOMMENDATION**

REFUSE for the following reason:

1. The proposed development lies outside a defined settlement and would represent an unjustified form of development that would consolidate the existing sporadic development in the area and cause unacceptable visual harm to the character and appearance of the countryside. The proposal would fail to protect and enhance the countryside for its own sake and to permit the development would be contrary to the aims of policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and paragraphs 17 and 64 of the National Planning Policy Framework 2012.



DIP NA/11/1110

## Appeal Decision

Hearing held on 28 February 2012

Site visit made on 28 February 2012

by **J M Trask BSc(Hons) CEng MICE**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 March 2012

**Appeal Ref: APP/U2235/A/11/2165050**

**The Beast House, West Street, Hunton, Maidstone, Kent ME15 0SA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr & Mrs A Bishop against the decision of Maidstone Borough Council.
- The application Ref MA/11/1110, dated 29 June 2011, was refused by notice dated 22 September 2011.
- The development proposed is the change of use and conversion of a former agricultural building to a live/work unit.

### Decision

1. The appeal is allowed and planning permission is granted for the change of use and conversion of a former agricultural building to a live/work unit at The Beast House, West Street, Hunton, Maidstone, Kent ME15 0SA in accordance with the terms of the application, Ref MA/11/1110, dated 29 June 2011, subject to the conditions in the attached schedule.

### Application for costs

2. At the Hearing an application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

### Main Issues

3. The main issues in this appeal are whether the site is in a sustainable location, the effect of the proposed development on the countryside, and whether there are benefits that outweigh any harm identified under the other main issues.

### Reasons

4. The existing structure was part of a farmstead which included a farmhouse and oasthouse. The building was damaged in storms more than twenty years ago and has largely been rebuilt. Planning permission has been granted for the conversion of the other buildings within the farmstead to residential use and two new dwellings have also been constructed.

### Sustainable Location

5. The appeal site is on the edge of a small group of buildings which is towards the edge of the scattered community of Hunton. Hunton has limited facilities and while there is a school, church, village hall, village club and thriving community, there are no shops, doctor's surgery, post office or pub and little

evidence of employment opportunities. However, the nearest centre with a range of facilities is Yalding which is about one mile away, a reasonable walking or cycling distance. The road is narrow and unlit but there is a bus route along West Street which links Maidstone to Goudhurst and provides an early morning service into Maidstone, followed by others until early afternoon with services in the other direction towards Yalding starting later in the morning but continuing until early evening.

6. The proposal is for a live/work unit and so there would be no need for the owner of the business to travel to work and the proposed dwelling would be small with only two bedrooms and unlikely to be occupied by a family with several children. The bus service would be adequate for other journeys for shopping and healthcare and while some journeys for social or leisure purposes may be undertaken by car these would be limited.
7. My attention has been drawn to the recent Appeal Decision Ref APP/U2235/A/11/2159563, relating to a site in the area, where my colleague found that the site did not represent a particularly sustainable location. However, in that case there were other considerations, including that the proposal was for solely residential purposes, the site was on the other side of Hunton, considerably further from Yalding, school availability was an important consideration and the decision was based on a much reduced bus service.
8. The site has planning permission for use as residential holiday accommodation. While residential use is generally more intense than holiday use, in this case the work element of the proposal would reduce the environmental impact of the development.
9. Access by public transport would be adequate, the site is reasonably close to the facilities available in Hunton and Yalding and, having taken account of the live/work aspect of the proposal and the limited size of the proposed residential unit, on balance I conclude the appeal site is in a reasonably sustainable location for this type of proposal.
10. Other aspects of sustainable development such as social and economic effects have not been disputed by the Council but the policies referred to by the Council include for the conservation of the physical and natural environment and I shall consider this in terms of the effect on the countryside before concluding on the position of the proposal in relation to development plan and other policies.

### ***Countryside***

11. The appeal site is outside the development boundary and so is defined as being in the countryside for planning purposes. Development in the countryside is strictly controlled and Planning Policy Statements (PPS)3: Housing, 4: Planning for Sustainable Economic Growth and 7: Sustainable Development in Rural Areas emphasise the need to protect the countryside for its own sake. This national guidance is reflected in Maidstone Borough-Wide Local Plan Policy ENV28.
12. The Council does not have a specific policy relating to live/work units but considers the proposal should be tested against Policies ENV45 and ENV44 which relate to the re-use of rural buildings for residential use and for other purposes respectively. The local plan policies pre-date PPS4 which encourages the re-use of existing buildings in the countryside for economic development where the benefit outweighs the harm so I shall consider the effect of the

proposal on the countryside in terms of the restraints applied by the local plan policies and then in terms of the balance between harm and benefits.

13. The Council accepts that the building would be suitable for re-use for tourist accommodation under the provisions of Policy ENV44, as confirmed by the existing planning permission. However, Policy ENV45 for residential conversions is more restrictive and requires, among other things, that the existing building contributes towards the character of the countryside or exemplifies the historical development of the Kentish countryside.
14. The Beast House was probably built in the early 19<sup>th</sup> century and was part of the dispersed farmstead that included the oast house and farmhouse. The building itself has been substantially rebuilt but retains the original Kentish ragstone plinth and is of a similar form and scale as the original building. While there is now a house on the site of the original barn/stables and the terrace of houses was replaced by new dwellings in the 1950's, the farmhouse is in use as dwelling and the oast house roundel is currently being renovated and extended for residential use.
15. Previous applications for planning permission to convert the Beast House were refused and the assessments by the Council and in subsequent Appeal Decisions referred to the fact that the building was not listed, that it was in a semi-derelict state and then rebuilt in a mixture of modern materials. There has also been reference to the ubiquity of buildings of this type. However, the continued presence of the former farmhouse and oast house have now been secured and further evidence on the age of the building and the relative rarity and importance of the group of buildings has been highlighted in the Heritage Assessment submitted by the appellant, and confirmed in the evidence from Mr Edwards at the Hearing. This evidence concludes that the dispersed multi-yard type of farmstead, such as this one, is characteristic of the Weald and has particular significance in terms of the local distinctiveness of the southern part of the Maidstone district.
16. There have been some unsympathetic changes to the group, but the Beast House is a prominent roadside feature that is visually related to the oast house and is an important element of the farmstead, defining the western edge. In addition it screens the 1950's dwellings from public view and its retention is important in securing the agricultural character of the group of buildings. The proposal would also address the uncharacteristic replacement roof covering and brick pillars and result in a building more representative of the original form than would be the case if the permitted conversion were carried out.
17. I conclude that the Beast House has historical landscape significance. This view, and the application, is supported by the Campaign to Protect Rural England as well as the parish council and local residents. The existing building contributes towards the character of the countryside and therefore the proposal complies with local plan Policy ENV45. The proposal would result in no noticeable harm to the character and appearance of the countryside, indeed there would be benefits as it is likely that if this appeal were dismissed the Beast House would be allowed to fall into disrepair as the conversion to holiday units has been found to be unviable and no other viable use has been found. I therefore conclude that, despite the strict control exercised over development in the countryside; this is a case where the site specific circumstances indicate that the proposal would meet the objectives of national policy in relation to the countryside.

### **Conclusions on Main Issues**

18. I have found the appeal site is in a reasonably sustainable location and the existing building contributes to the character of the countryside. Thus the proposal does not conflict with Policy ENV44 or Policy ENV45 of the local plan and so constitutes an exception to the normal restriction on development in the countryside and is in accord with the aims of local plan Policy ENV28 and national guidance including PPS1: Delivering Sustainable Development and PPS5: Planning for the Historic Environment, as well as those referred to above. The proposal also complies with South East Plan Policies BE6; Management of the Historic Environment, CC1; Sustainable Development, CC6; Sustainable Communities and Character of the Environment and RE5; Smart Growth.

### **Other Matters**

19. My attention has been drawn to Appeal Decision Ref APP/U2235/A/10/2142930 where my colleague found that the encouragement for live/work units expressed in PPS4 should not outweigh the guidance on occupational dwellings in the countryside in PPS7. However, that proposal was for a new building and I am not aware of the full circumstances of that case. In any event, each proposal falls to be considered on its own merits in terms of how a particular proposal would affect its immediate environment.

20. A number of benefits related to the provision of a work area have been identified but in the light of my decision I do not consider these further. Other recent planning permissions including those at Gudgeon's Oast and Tutsham Farm have also been cited but it is clear that the individual circumstances of those cases differ from this proposal. I have also taken into account all other matters raised, but none carry sufficient weight to alter my conclusions on the main issues.

### **Conditions**

21. I have considered the conditions suggested by the Council having regard to Circular 11/95 The Use of Conditions in Planning Permissions. Control of details of materials, boundary treatments, landscaping and further development is necessary in the interests of the character and appearance of the area and I shall impose these conditions subject to minor modifications to aid clarity.

22. In addition, as discussed at the Hearing, it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. Also conditions to ensure the retention of the work space in the development are required as this contributes to the acceptability of the proposal in terms of sustainability. A construction method statement is necessary to protect the local environment and a parking area should be provided and retained in the interests of highway safety.

23. Details of the proposed drainage system are shown on the drawings and the Council confirmed that it no longer considers conditions in respect of this, the removal of rubble by hand, lighting details and relating to flood risk are necessary. I have no reason to disagree.

24. For the reasons given above I conclude that the appeal should be allowed.

*J M Trask*

INSPECTOR



## **APPEARANCES**

### **FOR THE APPELLANT:**

Alan Bishop MRTPI	Appellant
Robert Lewis	Barrister
Bob Edwards BSc PGDip IHBC	Heritage Advisor
MIFA	

### **FOR THE LOCAL PLANNING AUTHORITY:**

Geoffrey Brown MPhil MRTPI	Planning Officer, Maidstone Borough Council
Mike Parkinson MRTPI IHBC	Heritage Advisor

### **INTERESTED PERSONS:**

Cllr John Wilson	Local Councillor
Roger Sawtell	Chairman Hunton Parish Council
Patricia Nichols	Local resident

## **DOCUMENTS**

- 1 Appeal Decision Ref: T/APP/2225/A/73/9835/G5
- 2 Appeal Decision Ref: APP/U2235/A/08/2074898
- 3 Appeal Decision Ref: APP/U2235/A/11/2159563
- 4 Planning Permission Ref: MA/08/2479 and drawing Ref PO1a
- 5 Footpath map

**Schedule of Conditions: 1 to 12**  
**Appeal Ref: APP/U2235/A/11/2165050**  
**Application Ref MA/11/1110**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No development shall take place until written details or 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 accordance with the approved details.
- 3) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details.
- 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 a land survey and tree survey in accordance with BS 5837 (2005) "Trees in Relation to Construction Recommendations" with indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines. Development shall be carried out in accordance with the approved scheme.
- 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 or the completion of the development, whichever is the sooner; 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 approval to any variation.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development within Schedule 2, Part 1, Classes A, B, C, D, E, F and G shall be carried out without the permission of the local planning authority.
- 7) The development hereby permitted shall be carried out in accordance with the following approved plans Nos: 778/LA, 778(897)-1 & 2A except in respect of any details required by the conditions in this schedule.
- 8) The business floorspace of the live/work unit shall be finished ready for occupation before the residential floorspace is occupied and the residential use shall not precede commencement of the business use.
- 9) The business floorspace of the live/work unit shall not be used for any purpose other than for purposes within class B1 in the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision

equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

- 10) The residential floorspace of the live/work unit shall not be occupied other than by a person solely or mainly employed, or last employed in the business occupying the business floorspace of that unit, a widow or widower of such a person, or any resident dependants.
- 11) No development shall take place, including any works of demolition, 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 the construction period. The Statement shall provide for:
  - i) No plant and machinery used for demolition and construction shall be operated on the premises before 0800 on Mondays to Saturdays nor after 1900 on Mondays to Fridays and 1300 on Saturdays, nor at any time on Sundays or Bank Holidays;
  - ii) the parking of vehicles of site operatives and visitors;
  - iii) loading and unloading of plant and materials;
  - iv) storage of plant and materials used in constructing the development;
  - v) wheel washing facilities;
  - vi) measures to control the emission of dust and dirt during construction; and
  - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- 12) The building shall not be occupied until the area shown on the drawings has been drained and surfaced and that area shall not thereafter be used for any purpose other than the parking of vehicles.

**Reference number: MA/13/1494**

The pre-commencement conditions imposed by the Planning Inspectorate under MA/11/1110 were discharged by Bishop Consultancy Ltd in July 2012 under MA/12/0641.

In January 2013, the applicant received confirmation from the Environment Agency that the existing building on site now lies within Flood Zone 3a, with the upper site being within Flood Zone 1. This current application has been submitted to overcome this flooding issue, by raising the more vulnerable residential element onto the higher part of the site to reduce the risk of flood.

The National Planning Policy Framework (NPPF) does seek Local Planning Authorities to meet the challenge of climate change, flooding and coastal change through planning. Paragraph 100 of the NPPF does state that....*"Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk"*, and, *"...where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to facilitate the relocation of development, including housing, to more sustainable locations."*

However, paragraph 100 of the NPPF makes it clear that this is only *"where development is necessary"*. As I have set out in my report, I consider this proposal to be very different to what was allowed under MA/11/1110 and cannot accept that there is any benefit to this development that would override the objections I have.

In my view, this change in the Environment Agency's resurveyed flooding data does not provide justification to allow a new dwelling hereabouts that would consolidate the existing sporadic development in the area and cause unacceptable visual harm to the character and appearance of the countryside.

**My recommendation remains unchanged**

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13. 9. 2013

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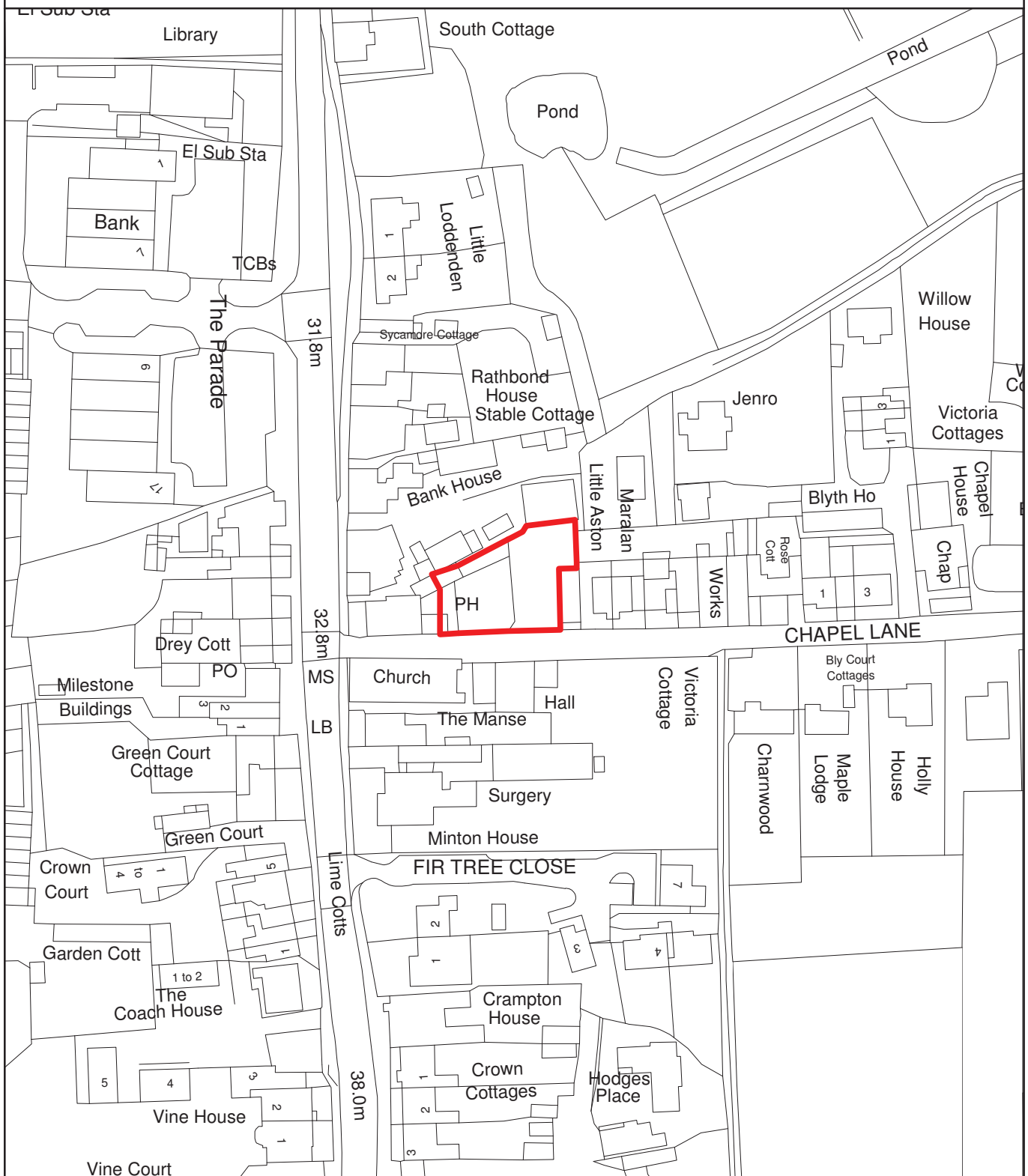
# Agenda Item 17

## THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/1657

GRID REF: TQ7843

LAND REAR OF THE PRIDE OF KENT,  
HIGH STREET, STAPLEHURST.



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**Rob Jarman**  
Head of Planning and Development

APPLICATION: MA/13/1657 Date: 26 September 2013 Received: 30 September 2013

APPLICANT: Raspberry Homes Ltd.

LOCATION: LAND REAR OF THE PRIDE OF KENT, HIGH STREET, STAPLEHURST, KENT, TN12 0AH

PARISH: Staplehurst

PROPOSAL: Erection of 3 dwellings as shown on drawing numbers: drawing numbers 2427-100, 2427-101 rev.P1, 2427-102, 2427-110 rev.P1, 2427-111 rev.P3, 2427-112 rev.P1, 2427-112 rev.P1, 2427-113 rev.P1 and 2427-114 rev.P1, all received on 26 September 2013

AGENDA DATE: 12th December 2013

CASE OFFICER: Kathy Putnam

### **PRIDE OF KENT, STAPLEHURST**

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

- Staplehurst Parish Council requested it is reported to Planning Committee as it is contrary to their views.

#### **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV13, H28, T13 and T23.
- National Planning Policy Framework March 2012: Theme 6: Delivering a wide choice of high quality homes (paragraph 50); Theme 7: Requiring good design (paragraphs 56, 57, and 58); Theme 12: Conserving and enhancing the historic environment (paragraphs 131 and 137).

#### **2. HISTORY**

MA/13/0045 Conversion of first floor accommodation to an independent self-contained residential flat – APPROVED

MA/12/1955 Conversion of the first floor of the public house to a self-contained flat and the erection of three new dwellings – RECOMMENDED FOR REFUSAL. NON-DETERMINATION APPEAL DISMISSED

MA/12/1956 Conservation Area Consent application for the demolition of existing rear extensions – APPROVED

MA/12/1954 Certificate of Lawful Development for a proposed development being the use of the site for Class A3 (café) use – GRANTED

MA/74/0634 Alterations to bar and formation of internal toilets – APPROVED

MK3/71/0435 Illuminated signs - APPROVED

### **3. CONSULTATIONS**

3.1 **Staplehurst Parish Council** wish to see the application refused and reported to Planning Committee for the following reasons:

*“Councillors acknowledged the objections voiced in public forum and discussed concerns about poor design of the site, particularly the orientation of the houses and lack of bin storage, potential vehicle congestion and inadequate parking provision. They felt the proposal represented over-intensive development and commented that a view from the Conservation Officer would be appropriate.”*

3.2 **Kent County Council (Highways):** No objections subject to conditions relating to retention of 3 parking spaces, surface treatment, provision of cycle parking, gate details, and pedestrian visibility splays, as set out below.

*“- Provision and permanent retention of the vehicle parking spaces shown on the submitted plan prior to the use of the site commencing.*

- Use of a bound surface for the first 5 metres of the access from the edge of the highway.*
- Provision and permanent retention of cycle parking facilities prior to the use of the site commencing.*
- Gates to open away from the highway and to be set back a minimum of 5.5m from the edge of the carriageway.*
- Provision and maintenance of 2m x 2m pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.*

3.3 **Conservation Officer:** No objection subject to conditions regarding samples of materials, joinery details and landscaping. The following detailed comments were set out:

*"Planning permission was dismissed on appeal under reference MA/12/1955 for a scheme comprising a terrace of three houses with a more or less identical footprint. However, the Inspector found there to be no objection to the development of this land, nor to the overall layout, density, width and height of development proposed; the appeal was dismissed solely on design grounds, the Inspector objecting to the roof form, fenestration and use of materials proposed.*

*The current application seeks to address these issues and in view of the appeal decision comments are made solely on design matters.*

*The applicants have chosen a more traditional approach than previously, resulting in a simpler and in my view more appropriate design. The terrace would be faced in white weatherboarding to reflect local character. Roof materials are not specified but are assumed to be plain tiles.*

*I consider that it would be difficult to resist these proposals on design grounds alone."*

3.4 **Environmental Health:** No objection subject to a radon test being carried out prior to occupation on the basis that the site is in a radon-affected area where the probability of an elevated level of radon is between 3–5%, requiring basic preventive measures under BRE 1999, 2001 and 2007. The following working practices are to be adhered to:

- *'Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228: 2009 for noise control during works of construction and demolition and you are advised to contact EHM regarding noise requirements;*
- *Clearance and burning of existing woodland or rubbish must be carried out without nuisance from smoke etc to nearby residential properties. Advice on minimising any potential nuisance is available from the Environmental Health Manager (EHM);*
- *Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays 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;*
- *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.*

*If relevant, the applicant must consult the EHM regarding an Environmental Permit under the Environmental Protection Act 1990.*

### **Site Waste Management Plan**

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

## **4. REPRESENTATIONS**

- 4.1 The application has been publicised by a newspaper advert, site notice and individual letters to surrounding occupiers. 3 letters of objection were received from neighbours in relation to the design and orientation of the proposal, its detailing especially the front facing side elevation; the lack of bin storage; drainage issues and how the site is currently used as a 'dumping' ground.

## **5. CONSIDERATIONS**

### **5.1 Site Description**

- 5.1.1 The application site is located within the village settlement boundary of Staplehurst. It also falls within the Staplehurst Conservation Area and its historic core, and is a designated local retail centre on the Local Plan proposals map. The area is also identified as having potential for discovery of archaeological remains.
- 5.1.2 The application site is previously developed land and relates to the former disused and overgrown beer garden and parking area of the public house, The Pride of Kent (now closed and currently used as a café and first floor as a residential unit). It is accessed off of Chapel Lane to the south of the site, and is immediately adjacent to a detached outbuilding/garage (which remains linked to former public house) to the east and abuts existing commercial properties to the north. It is well served by local facilities and amenities with ready access to bus routes and a railway station.
- 5.1.3 Staplehurst Conservation contains a mix of architectural styles and age of the buildings and the nearby part of the High Street displays some attractive groups of buildings on both sides. In the vicinity of the site, the United Reformed Church to the south of the entrance to Chapel Lane is a prominent feature of the area,



and views towards the three dwellings from the High Street would be seen in this context. The original garage to the Pride of Kent and the tall (2-3m high) rear garden walls to the south and west of the proposal site visually contain the site.

## **5.2 Proposal**

5.2.1 Planning permission is sought for the erection of three 2-storey dwellings, arranged as a terrace block and built at right angles to Chapel Lane. The terrace block would face eastwards with the southern flank set back 1.0m from Chapel Lane, and would have small 3m-long gardens to the front and slightly longer 8m gardens to the rear. Parking would be accessed via Chapel lane with a single parking space serving each property, two of which are located in the north-east corner of the site. The terrace block would have a footprint of 17.4m x 8m, with eaves height of 5m and ridge of 8.9m. The terrace block is of a traditional design with a hipped tiled roof, two chimneys with decorative brick corbelling, one gable on the front elevation, white horizontal weatherboarding, and a mix of bay windows and traditional casements on the front elevation.

5.2.2 The existing sycamore and hedgerow would be replaced with new specimen trees and a new hedgerow along the Chapel Lane frontage. Vertical white painted 1.0m high picket fencing is proposed along the front boundaries, a 1.8 m high rear garden brick boundary walls along Chapel Lane and 1.8m close boarded fencing to divide the boundaries of the rear garden plots.

## **5.3 Supporting Documentation**

5.3.1 The application is supported by a Planning and Heritage Statement, and Design and Access Statement.

## **5.4 Appeal Decision**

5.4.1 The Appeal Decision dated 24 April 2013 is appended to this report (see Appendix A). As set out in the paragraphs 6 to 9, the Inspector dismisses the appeal on the basis of the detailed roof design which was considered to be '*blocky and poorly articulated*' and '*overly dominant and intrusive*' to the streetscene. The Inspector concluded that this element of the design in addition to the unbalanced elevational treatment and inappropriate boundary treatment would cause harm to the character and appearance of the Conservation Area. The current application sensitively addresses the issues raised by the Planning Inspectorate, in relation to design, namely the roof form, the fenestration pattern and the use of materials.

## **5.5 Principle of Development**

- 5.5.1 The site falls within the village envelope on the Local Plan proposals map, to which 'saved' policy H28, allowing minor residential development applies. In principle, therefore, small-scale residential development in this location is permissible.
- 5.5.2 The site is also within Staplehurst Conservation area, which is a designated heritage asset. Central government policy set out in the National Planning Policy Framework is clear that designated heritage assets should be conserved and their significance sustained and enhanced in the interests of sustainable development.
- 5.5.3 The main issue relates to the effect of the development of the three dwellings on the character and appearance of the Staplehurst Conservation Area, under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

## **5.6 Design/Impact on the character and appearance of the Conservation Area**

- 5.6.1 The current appearance of the site as vacant land, detracts from the area, and presents an opportunity for new development to enhance this locality. The applicants have sought to respect and enhance the character and appearance of the local context when designing their scheme. Considerable thought has been given to the scale, height, massing, bulk, particularly the detailed design of the conventional pitched roof and its chimneys, and the introduction of a modest half-gable, combined with a traditional style of architectural design and a simple 'unfussy' palette of materials, all of which will be in keeping with the character and appearance of the Conservation Area. The elevational treatment is well proportioned particularly the balanced fenestration pattern, and considerate of its context, especially the sensitive frontage facing onto Chapel Lane with its small casement windows and more appropriate boundary treatments made up of brick walls and planting. I consider the proposal would be appropriate in its context and I note that the Conservation Officer has not raised any objections to the design, subject to clarification on the choice of materials.
- 5.6.2 The Parish Council has raised concerns regarding the poor design of the site, particularly the orientation of the houses, the lack of bin storage and over-intensification of the site. I consider the layout and form to maximise the site's potential and be an efficient use of land that respects the historic street pattern. No details have been provided for bin storage, and submission for these details will be required by way of condition.

## **5.7 Highways**

5.7.1 The Parish Council have also raised objections to the potential vehicle congestion and inadequate parking provision. Kent Highways and Transportation have fully assessed the application and raise no objection to the on-site parking subject to conditions. As such there are no grounds for refusal on these matters. I therefore consider the car parking to be satisfactory and in line with policy requirements, with the site's sustainable and accessible location assisting in providing alternatives to the car.

## **5.8 Residential Amenity**

5.8.1 In terms of overlooking and privacy, there are no residential buildings immediately adjacent to the site, and as such there are reasonable distances between properties. There is therefore no unacceptable loss of privacy.

5.8.2 With regard to light, the proposal is a sufficient distance from existing buildings so as not to cause any significant overshadowing or loss of light.

## **5.9 Code for Sustainable Homes**

5.9.1 The applicant has stated within the application in section 6: Sustainable Design and Construction of the Design and Access Statement that the proposed development would achieve Code for Sustainable Homes Level 3 as a minimum.

## **5.10 Other Matters**

5.10.1 The comments of the Council's Environmental Health Manager in relation to radon concentrations are noted.

## **6. CONCLUSION**

6.1 In conclusion, I therefore conclude that this is a well designed proposal that would respond positively to the character and appearance of the locality. The proposal would not have a significant impact upon the existing residents of the locality, and would not be to the detriment of highway safety. It would also provide a sense of enclosure and surveillance to the Chapel Lane streetscene, and reinstate some structure to the somewhat irregular, open and disused frontage to Chapel Lane. The proposal is also a sustainable development that will boost the supply of housing within the borough. No objections have been raised by either the Highways or Conservation Officer. I therefore consider the proposals to be in accordance with the NPPF and the Local Plan, and recommend approval subject to the following conditions set out below.

## **7. RECOMMENDATION**

That the Head of Planning 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, full details of the following matters have been submitted to and approved in writing by the Local Planning Authority:-

a) New external joinery and chimney details to a scale of 1:20.

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

Reason: To ensure the appearance and the character of the building are maintained.

3. The development shall not commence until, written details and samples of the materials including facing brickwork and timber cladding demonstrating the colour, texture, face bond and pointing 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. The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

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

5. The dwelling shall achieve at least Level 3 of the Code for Sustainable Homes (or any such equivalent national measure of sustainability for home designs which

replaces that scheme). No dwelling shall be occupied until a final code Certificate has been issued for it certifying that Code level 3 has been achieved.

Reason: To ensure a sustainable and energy efficient form of development.

6. No development shall be commenced until the following is carried out:
- a) provision and permanent retention of the vehicle parking spaces;
  - b) use of a bound surface for the first 5 metres of the access from the edge of the highway;
  - c) provision and permanent retention of cycle parking facilities prior to the use of the site commencing;
  - d) gates to open away from the highway and to be set back a minimum of 5.5m from the edge of the carriageway; and
  - e) provision and maintenance of 2m x 2m pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level, prior to the use of the of the site commencing.

Reason: To ensure adequate on-site parking provision for the development and in the interests of road safety.

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

Reason: No such details have been submitted.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

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

9. Prior to the first occupation of the residential units hereby approved, details of the bins storage and storing of recyclable materials, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all refuse and recyclable materials associated with the development shall either be stored within a screened dedicated store/area, or internally within the building(s) that form part of the application. No refuse or recycling material shall be stored or placed for collection on the public highway or pavement, except on the day of collection.

Reason: To safeguard the amenity of the occupiers of adjoining premises, protect the general environment, prevent obstruction to pedestrian movement, and to ensure that there area facilities for the storage and recycling of recoverable materials.

10. No external meter cupboards, vents, or flues shall be installed on any external elevation without prior agreement in writing by the Local Planning Authority:-

Reason: To secure a high standard of design.

11. The developer shall arrange for a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that in the event that archaeological are found on site, the excavation is observed and items of interest and finds are recorded. No works shall start on site until a written programme and specification for the work has been submitted to and approved by the Local Planning Authority;

Reason: To enable the recording of any items of historical or archaeological interest.

12. The development hereby permitted shall be carried out in accordance with the following approved plans:  
2427-100, 2427-101 rev.P1, 2427-102, 2427-110, rev.P1, 2427-111rev.P3, 2427-112 rev.P1, 2427-113 rev,P1 and 2427-114 rev.P1, all received on 26 September 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 2427-100, 2427-101 rev.P1, 2427-102, 2427-110, rev.P1, 2427-111rev.P3, 2427-112 rev.P1, 2427-113 rev,P1 and 2427-114 rev.P1, all received on 26 September 2013.

**Informatives set out below**

Environmental Health should be contacted in respect of work practices set out under sections 60 & 61 of the COPA 1974, Associated British Standard COP BS 5228:2009, plant, machinery and vehicles movement, clearance and burning of existing woodland or rubbish, dust reduction, handling of asbestos fibres, radon testing under BRE 1999, 2001 & 2007, and the production of a Site Waste Management Plan.



## Appeal Decision

Site visit made on 24 April 2013

by **S J Papworth DipArch(Glos) RIBA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 May 2013

**Appeal Ref: APP/U2235/A/13/2191283**

**The Pride of Kent, High Street, Staplehurst, Tonbridge, Kent TN12 0AH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Raspberry Homes Ltd against Maidstone Borough Council.
- The application Ref MA/12/1955, is dated 29 October 2012.
- The development proposed is conversion of first floor to a self contained flat and the erection of 3No dwellings on land to the rear, involving the demolition of existing rear extensions.

### Decision

1. I dismiss the appeal and refuse planning permission for the erection of 3No dwellings on land to the rear.

### Procedural Matters

2. As set out in the heading to this Decision, the original application included the formation of the first floor flat and made reference to demolition. In the event, the Council has since granted permission for the flat conversion, and has granted conservation area consent for the demolition occasioned by the appeal development. The Council has also agreed that the conversion of the ground floor of the former public house to a café does not require permission.

### Main Issue

3. In view of the above, the main issue is the effect of the development of the three dwellings on the character and appearance of the Staplehurst Conservation Area.

### Reasons

4. Saved Local Plan Policy H28 provides for development such as this within the village boundary of Staplehurst. The National Planning Policy Framework makes clear the need to boost significantly the supply of housing and the importance of sustainable development. This site is within the historic centre of the village, close to many facilities and with ready access to transport. The site is previously developed land and is underused, due to its former association with the public house no longer being applicable. The site is within the Staplehurst Conservation Area and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. In that respect the current appearance of the site, as



vacant land, detracts from the area and there is an opportunity for new development to enhance the surroundings.

5. The area is mixed in terms of the architectural treatment and age of buildings and the nearby part of the High Street displays some attractive groups of buildings on both sides, made the more so by reason of the variety, with examples cited by the appellant of various roof designs all contributing to the character of the area. In the vicinity of the site, the chapel to the south of the entrance to Chapel Lane is a prominent feature of the area, and views towards the proposed three dwellings from the High Street should be seen in this context; a new building could provide an enclosure to the street scene and some structure to the somewhat irregular, unresolved frontage of Chapel Lane.
6. However, whilst the overall width and height of the proposed block, and its sideways location, would not cause harm in this location, there are aspects of the detailed design of the roof and gables that would appear poorly arranged. The roof line would consist of three front gables and three to the rear, with a side-to-side roof, as shown on the roof plan and in elevation. That side-to-side roof would have an identical ridge line as the three gables, with a cruciform arrangement at the centre. This design of roof would appear blocky and poorly articulated, and would risk being poorly executed where four ridges meet. The roof would appear over-dominant and intrusive in views from the High Street and from the east.
7. In addition, the roof arrangement results in two differing elevations consisting of three gable features. As seen from the east, from the far end of Chapel Lane approaching the site, the recessed gable would be an attractive feature with the masonry and other finishes combining well with the arrangement and sizes of windows to provide interest and variety, redolent of the variety in the High Street and presenting an attractive wall elevation. As seen from the west, a particularly sensitive and important viewpoint, the elevational treatment would be less well handled and would cause visual harm through the increased width of the central, now projecting, gable and the unattractive arrangement of windows relative to the wall finishes. The two windows on the central gable end would be inappropriately sited relative to the solid walls between and on either side and the patio door below, leading to an unbalanced elevation seen from the High Street end of the lane.
8. Lastly, the Council refers to the fences that are shown to form the boundary to the site along Chapel Lane and elsewhere. The extent of 1m and 1.8m high close boarded fencing is made clear on the site layout and it is acknowledged that some of this has been permitted as part of the conversion of the first floor. However, the 1.8m high fence to be considered now is shown extending along Chapel Lane for the full depth of the building and the length of the rear garden, which would appear intrusive to the Chapel Lane frontage. Whilst there might be some scope for seeking an alternative through a condition, were all else satisfactory, the use of high boundary treatment on this frontage as shown would divorce the building from its surroundings and result in an unattractive public face to the development. This would not provide the desirable enclosure and structure previously referred to.
9. The development would fail to reach the standard required by the test in Section 72(1) of the 1990 Act as it would not preserve the character and appearance of the conservation area, causing harm to views from the High Street. The provision would not be of the quality sought in section 6 of the

Framework, on the provision of a choice of high quality homes, nor section 7 which seeks good design. With regard to the alternatives in paragraphs 134 and 135, the development would cause less than substantial harm to a designated heritage asset. There are public benefits, as set out previously, in bringing about the use of the site and the provision of housing in a sustainable location, but the failings with regard to the conservation area are real and serious and are not outweighed by these benefits.

10. There had been representation to the Council on other matters, and the appellant has addressed these. Car parking would be satisfactory and in line with policy requirements, with the sustainable location assisting in providing alternatives to the private car. Privacy for both existing and intended occupiers would be acceptable due to there being reasonable separation distances. Nevertheless, the layout and design of the building are not acceptable in the effect on the conservation area and hence for the reasons given above it is concluded that the appeal should be dismissed and planning permission refused.

*S J Papworth*

INSPECTOR

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THE  
PRIDE  
OF  
KENT

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JUSTCROFT HOUSE

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**REYNOLDS**  
**FOR SALE**  
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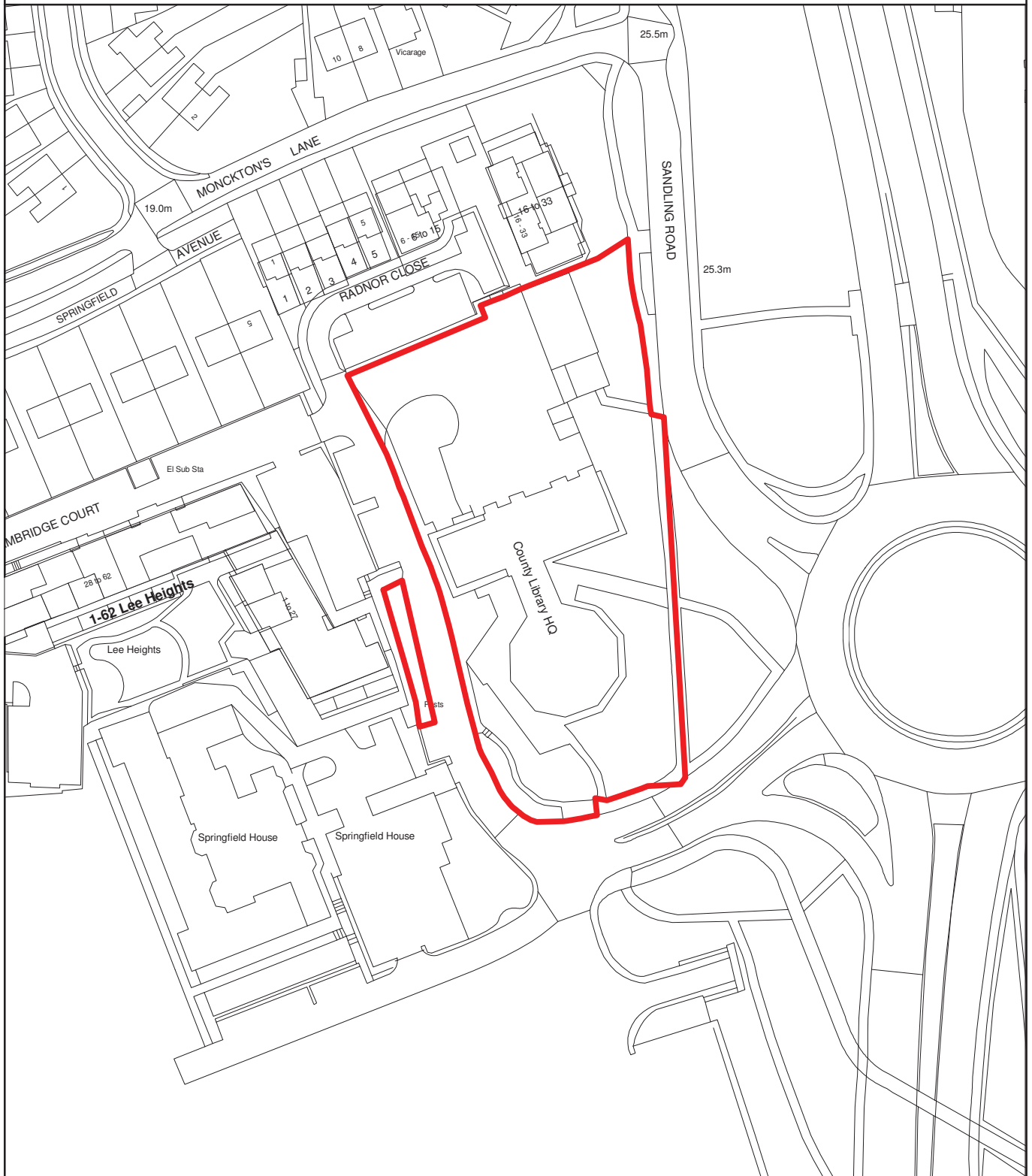
# Agenda Item 18

## THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/12/2032

GRID REF: TQ7556

KCC SPRINGFIELD LIBRARY HQ,  
SANDLING ROAD, MAIDSTONE.



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**Rob Jarman**  
**Head of Planning and Development**

APPLICATION: MA/12/2032 Date: 1 November 2012 Received: 16 July 2013

APPLICANT: Kent County Council

LOCATION: KCC SPRINGFIELD LIBRARY HQ, SANDLING ROAD, MAIDSTONE, KENT

PARISH: Maidstone

PROPOSAL: An application for a new planning permission to replace extant permission MA/09/0862 (outline planning application for the erection of residential development comprising of 100 flats and 14 houses with all matters reserved for future consideration as shown on drawing nos. PA-GND-SPR-AST-RES-GA-01-A, PA-L01-SPR-AST-RES-GA-01-A, PA-L02-SPR-AST-RES-GA-01-A, PA-SL-SPR-AST-RES-MAS-01-A, PA-SL-SPR-AST-RES-ELV-01-A, planning statement, design & access statement, validation checklist, phase 1 contamination study, transport assessment, daylight and sunlight study, visual impact assessment, ecological scoping survey, noise assessment, air quality assessment and amenity tree survey received 21/05/2009 and as amended by arboricultural method statement and draft travel plan received 11/08/2009), supported by a letter from Lloyd Bore received 16th July 2013, in order to extend the time limit for implementation.

AGENDA DATE: 12th December 2013

CASE OFFICER: Catherine Slade

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

- It is a major development that has wide public interest.

## 1. **POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV6, T2, T13, CF1, CF2, CF3
- 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 Permissions

1.1 The Maidstone Borough Council Springfield Development Brief (1998) was not saved by the Secretary of State in 2007.

## **2. HISTORY**

- 2.1 The site has an extensive previous planning history in relation to its role as the headquarters for the County Library Service, none of which is directly relevant to the current application.
- 2.2 The current application seeks a new consent to replace an extant planning permission, the details of which, together with the relevant application for a screening opinion, are summarised below:
  - MA/09/0862 - Outline Planning Application for the erection of residential development comprising of 100 flats and 14 houses with all matters reserved for future consideration – APPROVED SUBJECT TO CONDITIONS
  - MA/08/1869 - A request for a screening opinion for a proposed residential development on land at KCC Library at Springfield, Maidstone: ENVIRONMENTAL STATEMENT NOT REQUIRED
- 2.3 The previous consent was extant at the time that the current application was received as being valid, although it has now expired through the passage of time.
- 2.4 Members will be aware that at the time of the determination of the previous permission (MA/09/0862) a concurrent application for the erection of a new library centre and 60 residential units and 57 care units was also approved under the scope of MA/09/0863. The development currently under consideration was approved in 2009 subject to a legal agreement requiring the development approved under MA/09/0863 to be undertaken prior to the implementation of the development approved under MA/09/0862 in order that no detriment to facilities serving the community be caused as a result of the granting of the planning permissions. The library and residential development approved under MA/09/0863, which also provides all affordable housing provision associated with the development currently under consideration, has now been implemented and all relevant legal agreements and planning conditions fully discharged.
- 2.5 Whilst it is the case that the development approved under MA/09/0863 has been built out, it remains the case that the development considered approved under MA/09/0862 and currently under consideration is intrinsically linked to it and the benefits accrued as a result of MA/09/0863 are a material consideration in the determination of the current application.

### 3. CONSULTATIONS

#### **Internal consultations:**

- 3.1 **Maidstone Borough Council Landscape Officer:** wishes to see the application refused on the following grounds:
- 3.2 *"The trees within the grounds of the Library site are subject to TPO No.12 of 2009. The order protects two individual trees (T1, a Red Oak and T2, a Corsican Pine) and 2 groups of trees (G1, consisting of a mixture of deciduous species and G2, which is made up of 3 Wellingtonia and 2 Corsican Pine.)."*
- 3.3 *This proposal relates to a continuation of the outline planning consent granted under application MA/09/0862. No new details appear to have been submitted.*
- 3.4 *The Landscape Officer's comments made in relation to the original application on 1 October 2009 strongly recommended refusal on tree grounds which was summarised as follows:-*
- 3.5 *'The proposals detailed in this outline application will require the removal of four trees protected by TPO No. 12 of 2009 and is likely to result in the loss of more trees in the construction phase or in the longer term. Furthermore, there will be considerable future pressure for removal of the remaining trees due to the proximity of retained trees to the proposed building. The loss of these trees will have a significant adverse impact on the character and amenity of the area.'*
- 3.6 *Since this time the 2005 British Standard has been superseded by BS5837:2012, Trees in relation to design, demolition and construction-Recommendations. Whilst revised arboricultural information would be helpful it is unlikely to change the views already expressed by the Landscape Officer.*
- 3.7 *I therefore reiterate the Landscape Officer's **OBJECTION** to this application on arboricultural grounds for the reasons detailed in his consultation response dated 1 October 2009.*
- 3.8 *If, however, you are again minded to grant consent I would want to amend original condition 10 (as below):*
- '... shall include a tree survey, an arboricultural implications assessment (AIA) and tree protection measures in accordance with the recommendations of BS5837:2012, Trees in relation to design, demolition and construction-Recommendations. The AIA shall include a realistic assessment of the probable impact of any proposed development on trees and vice versa, together with details of any tree works that would be necessary to implement the proposal.*

*Where the AIA identifies a conflict between the proposal and retained trees, details should be provided to demonstrate that the trees can be successfully retained.”*

- 3.9 **Maidstone Borough Council Conservation Officer:** wishes to see the application refused, and makes the following detailed comments:
- 3.10 *“Despite the previous permission granted I must retain my original objections to this scheme. This excessively tall development, situated directly opposite the main front elevation of the Grade II listed Springfield mansion, would have a severely detrimental impact on its setting by virtue of its height and scale. In addition, the loss of the existing library building, erected in 1963-64, is also to be regretted. This innovative example of library design, with the rare feature of a book stack housed in a tower, is a fine building of its age and was illustrated and described in a 1966 publication “British Public Library Buildings” which comprised a survey of the best post-war examples of library architecture – indeed, a photograph of it was chosen for the front cover illustration. The authors describe it as exciting architecture and make reference to how well it is integrated into the landscape.”*
- 3.11 **Maidstone Borough Council Environmental Health Manager:** raises no objection to the proposal subject to conditions and informatives, and makes the following detailed comments:
- 3.12 *“For MA/09/0862, Environmental Health noted that an Air Quality Assessment by Mouchel ref SPRv1 17/11/2008 had been submitted and that it concluded that the main impacts will be due to dust during the construction phase. It was also noted that the assessment predicted that the proposed development will cause a small increase in NO2 and PM10 concentrations at some locations; it also predicted that this increase will be less than 2.5%. Environmental Health accepted the validity of this report and that the mitigation measures recommended in the report should be followed in their entirety. We also noted that consideration should also be given to the use of a section 106 agreement in order to secure funds for MBC to carry out 5 years of air quality monitoring in the area. This would be in order to check the impacts of the site on the AQMA plus check any potential impacts on receptors living in the new development on this site. Environmental Health would welcome discussions with the planners on this matter.*
- 3.13 *A noise assessment report by AcousticAir, ref AA581N/R1, and dated October 2008 was also previously submitted. This report concluded that unless suggested mitigation measures are employed the noise levels in many of the habitable rooms would not be acceptable. Environmental Health accepted this report and*



*that the suggested mitigation measures concerning double glazing and acoustic ventilation should be carried out in their entirety.*

- 3.14 *A phase 1 desk study regarding potential land contamination, by Bourgues (UK) Limited ref 51210 and dated September 2008, was also previously submitted. Environmental Health accepted the validity of this report and noted that it concludes that further intrusive investigation and sampling should be carried out; and so a further Phase II report is required. No such report has been received with this latest application and so the relevant parts of the contaminated land condition should still apply.*
- 3.15 *Any demolition or construction activities will definitely have an impact on local residents and so appropriate precautions should be taken, particularly as advised in the Air Quality report regarding dust. It should also be noted that this large development will require a site waste management plan.*
- 3.16 *It should also be noted that section 54 of the Clean Neighbourhoods and Environment Act 2005 requires the developer 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.*
- 3.17 *I have been asked by the planning officer to be mindful of the Maidstone United Football Club facility and the possibility of lighting from there being an issue on this site. I consider that because of the distance away and the number of buildings in between that this would not provide an adverse impact here."*
- 3.18 **Maidstone Borough Council Parks and Open Spaces Officer:** raises no objection to the proposal, and makes the following detailed comments, which include a request for contributions:
- 3.19 *I note from the plans lodged electronically that there is no publicly accessible open space designed into the development. I would therefore request an off-site contribution of £179,550 (114 units x £1,575).*
- 3.20 *The money would be targeted at the improvement, renewal, replacement and maintenance of green open spaces and play areas within a one mile radius of the development. Primarily it would be anticipated that monies would be spent at Whatman Park, Sandling Road Allotments, and Chillington Street.*
- 3.21 *Allotments and Community Gardens – there is a large allotment site off of Sandling Road opposite the development. There is currently a demand for Allotment spaces and Sandling Road would benefit from improvements to the site to better utilise space and improve and increase provision.*

- 3.22 *Children's Play facilities –As there is no play equipment proposed on this development there would be a significant impact on Whatman Park and Chillington Street (the closest existing areas to the development) seeing an increase in usage and consequently wear and tear on the equipment. It is proposed that because of this the existing play facilities in the area be updated or improved. This would include the purchase of new or refurbishment of existing equipment, improvements to safety surfacing, fencing, benches and bins. Chillington Street also has a "kickabout area" which would benefit from replacement goal posts and potential improvements to drainage and aeration as well as improvements to general ancillary items. Whilst Whatman Park has a skate park which needs constant repair and maintenance work to ensure it remains in a safe, useable condition and that it can remain open for the public to use.*
- 3.23 *Amenity greenspace – The types of improvement that funding for this type of green space would be used for are; the planting of trees, provision of bins, benches and picnic tables, fencing, improvements and repairs to pathways and other items particularly at the three sites previously mentioned."*
- 3.24 **Maidstone Borough Council Parking Services:** Raise no objection to the proposal, and request a contribution of £4,000 towards the implementation of parking restrictions to prevent residents/visitors parking along unsuitable sections of the highway. This includes monies to advertise and consult on the making of the Order, as well as the placing of the restrictions.

**External Consultations:**

- 3.25 **Mouchel (for Kent County Council Education and Community Facilities):** raise no objection to the proposal and have requested the following contributions:
- 3.26 Primary school: £5,559.96 per applicable house and £1,389.99 per applicable flat towards the new build cost and a land cost contribution of £2,701.63 per applicable house and £675.41 per applicable flat towards the acquisition of a new primary school local to the proposed development (the building of two new primary schools in south and west Maidstone).
- 3.27 Secondary school: £2,359.80 per applicable house and £589.95 per applicable flat towards the extension of an existing secondary school local to the proposed development (within the borough of Maidstone).
- 3.28 Libraries, youth and community learning: £10,109.74 towards additional book stock in Maidstone local libraries and £3,272.80 towards community learning

through the provision of new/expanded facilities at Maidstone Adult Education and through outreach community learning facilities in Maidstone Local to the development; no current requirement for youth facilities.

- 3.29 Adult social services: £5,279.37 towards the provision of new/expanded facilities in Maidstone local to the development, including four projects to provide integrated dementia care, co-location with health, a changing place facility, and assistive technology.
- 3.30 'Applicable' means that contributions are not sought for 1 bed units of less than 56m<sup>2</sup> or for sheltered accommodation for the elderly over 55 years of age.
- 3.31 **NHS Property Services (on behalf of the Primary Care Trust):** raise no objection to the proposal and have requested a contribution of £75,456 towards health care facilities within Maidstone, a calculation which is based on expected occupancy rates given the number of beds per unit and a cost of £360 per person to support the delivery of investments highlighted within the PCTs Strategic Service Development Plan. The local surgeries identified are the Brewer Street, St Lukes, Allington Park, Marsham Street, Allington and Lockmeadow surgeries and clinics.
- 3.32 **Kent County Council Highway Services:** raise no objection to the proposal subject to amendments to the previous legal agreement attached to MA/09/0862 requiring the following highway improvements:
- 3.33 *"Clause 11.1 Parking Restriction Contributions and 11.2 Parking Restrictions Contribution.*
- 3.34 *Since its reorganisation, KCC Highways no longer has the resources to be able to implement traffic regulation orders required for the purpose of development. The contribution sum requested should therefore be made to Maidstone Borough Council Parking Services Team who have agreed to implement the traffic regulation orders should they be necessary.*
- 3.35 *Clause 11.3.1 The Clause should be amended as real time information is not required at all 4 of the bus stops. I would therefore suggest that the paragraph could read:-*
- 3.36 *Improvements are required to 4 local bus stops as follows:-*
- Chatham Road east side - bus boarders*
- Chatham Road west side - bus boarders and real time information*

*A229 Royal Engineers Road south of the Springfield Roundabout East side - bus boarders and real time information*

*A229 Royal Engineers Road south of the Springfield Roundabout West side - bus boarders and real time information.*

- 3.37 *These works should be provided by the developer under a S278 Agreement and are required prior to 1st occupation of the development.*
- 3.38 *Clause 11.3.2 A toucan crossing is no longer required at this location as the proximity to the roundabout junction will lead to a sub standard design and the level of vehicle and pedestrian flows at this location could be adequately and safely served by the provision of a pedestrian refuge. This paragraph should be amended as follows:-*
- 3.39 *A pedestrian refuge, of sufficient width to accommodate a bicycle, is required on the access road to assist pedestrians and cyclists from this development site crossing the access road. This work should be completed under a Section 278 Agreement, details to be agreed with KCC Highways.*
- 3.40 *Clause 12 Travel Plan - Since the 2009 application was submitted new guidance has been produced relating to the securing, monitoring and enforcement of travel plans a copy of which is attached for your information. For residential developments such as this a Sustainable Travel Statement would be required, this has the same objectives as a Travel Plan but would promote sustainable travel by delivering direct measures rather than targets."*
- 3.41 These improvements should be secured by way of a S278 agreement entered into by the developer/applicant and Kent County Council Highway Services and standard and Grampian type conditions attached to any consent granted, and funding for implementation of parking restrictions secured by way of a S106 legal agreement.
- 3.42 Kent County Council Highway Services have confirmed that the requested improvements are equivalent in terms of securing levels of pedestrian and cyclist safety as those previously requested (upgrading of the existing pedestrian crossing at the western end of the Springfield site access road to a toucan crossing).
- 3.43 **Environment Agency:** reiterate comments provided in respect of MA/09/0862, which raise no objection to the proposal subject to conditions requiring the submission, approval and implementation of details relating to ground contamination and drainage, and informatives relating to the storage of oil and fuel during and after construction.

- 3.44 **Kent County Council Biodiversity Officer:** raises no objection to the proposal, subject to an informative relating to bats and lighting.
- 3.45 **Kent County Council Archaeology Officer:** Raise no objection to the proposal subject to the imposition of a condition requiring the submission, approval and implementation of a programme of archaeological investigation, making the following detailed comments:
- 3.46 *"The site of the application lies within a few metres of a possible prehistoric activity site and a major Roman road. This site was also occupied by buildings associated with the Springfield late post medieval house which had an associated Lodge and possible carriage house and stables. Remains associated with these may survive on site."*
- 3.47 **Kent Police:** raise no objection to the proposal subject to a condition requiring the development to be a gated community, making the following detailed comments:
- 3.48 *"The permeability of the site raises concerns as these type of developments are mainly multi storey and are difficult to stop trespass and does not give the same degree of security to that of an individual house. There is also the issue with the three underpassages which inevitably will cause anti social behaviour as well as criminal damage, these are where youths will linger and gather and become known as what we call honey pots. To avoid this they will need to be restricted by gated access to residents use only."*
- 3.49 **Southern Water:** raise no objection to the proposal, subject to their previous comments, which advised that there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. Additional off-site sewers or improvements to existing sewers will be required to provide sufficient capacity to service the development. The applicant is therefore requested to contact Southern Water to enter into an agreement to provide the necessary infrastructure to serve the development. Southern Water also noted that SUDS is proposed but commented that there would not seem to be enough land within the site to accommodate such a scheme and recommend further investigative work is undertaken. They have requested a condition requiring details of foul and surface water drainage to be submitted is attached to any planning permission.
- 3.50 **UK Power Networks:** raise no objection to the proposal.

3.51 **Natural England:** raise concern over the lack of up to date ecology information in support of the application, but did not respond to the consultation on the additional ecological information received.

#### **4. REPRESENTATIONS**

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

- Inadequate onsite parking provision and impact on highway safety as a result.
- Quality of design.
- Harm to residential amenity by way of loss of privacy/overlooking, loss of light/overshadowing, and noise.
- Pressure on infrastructure.
- Harm to the setting of a listed building, protected trees and biodiversity.
- Overdevelopment of the site in respect of density and height.
- Inappropriate use of the land.

4.2 Concerns were also raised over the publicity and consultation procedure, however a site notice was posted on 3<sup>rd</sup> December 2012 and a press notice was published which expired on 23<sup>rd</sup> December 2012. Two separate consultations were undertaken by way of letters to residents on 26<sup>th</sup> November 2012 and 18<sup>th</sup> July 2013. I am therefore satisfied that appropriate consultation has taken place.

#### **5. CONSIDERATIONS**

##### **5.1 Site Description**

5.1.1 The proposal site has an area of approximately 0.575 ha, and comprises a broadly rectangular plot of land which is wider in the north west than in the south east. The land levels differ within the site, the northern and western areas being set down in relation to the south and east of the site. Generally, the lower levels are laid to hard surfacing, and the more elevated areas are occupied by the redundant Kent County Council library building and landscaped areas.

5.1.2 The library building has three distinct architectural elements, being formed of a twelve storey tower building located centrally within the site, the two storey octagonal main library building housing a reading room and the main stack to the south east of the tower, and two storey office accommodation to the north west of the tower. To the north west of this building is an area of hard surfacing which steps down in level to the north. To the "rear" of this area in the northern corner of the site is a single storey garage building. To the rear of this building, and continuing southwards along the eastern boundary of the site, is a band of landscaping which provides a buffer between the buildings on the site and the

public highway. The trees in this landscaping, which are of mixed species and ages, are protected by way of Tree Preservation Order 12 of 2009. This landscaping continues around the southern tip of the site, where it includes five Corsican Pine and Wellingtonia, which are also protected under the scope of Tree Preservation Order 12 of 2009.

- 5.1.3 The proposal site is in a location peripheral to, and north of, the town centre within the defined built up area of Maidstone, and has no specific environmental or economic designations in the Maidstone Borough-Wide Local Plan 2000. It is bounded to the north by Sandling Road, an unclassified highway, beyond which is Royal Engineers Way, the four lane A229. To the east of the site beyond the highway verge is a five arm roundabout which calms traffic on the A229 (Royal Engineers Road/Chatham Road) and also serves Sandling Road which acts as an access point to Ringlestone to the north, the Maidstone Barracks (Invicta Park), which is located on the opposite side of the main carriageway, and the proposal site and neighbouring development to the south, west and north of the site, including Springfield, a substantial detached red brick Grade II listed building located to the south west of the site. This building comprises a former mansion house built in the Victorian gothic style fronted with red brick and stone, and is currently in use as offices. It was listed in 1974 primarily due to the status of its architect, believed to be Alfred Waterhouse, who also designed the Natural History Museum, amongst other notable buildings in London. Beyond Springfield to the west of the site is the River Medway, which informs the sloping topography of the surrounding land.
- 5.1.4 To the south of the site is a substantial plot of land formerly housing occupied by the Kent County Council Office Campus site, which is currently vacant, all previously existing buildings having been demolished prior to determination of MA/09/0862. Planning permission was granted under application MA/05/2350 for a mixed B1 and residential development comprising 192 apartments and approximately 17,000m<sup>2</sup> of B1 floorspace (in three buildings) on this land, and a Certificate of Lawfulness issued in respect of the implementation of this consent under the scope of MA/10/1327.
- 5.1.5 To the western boundary of the site is an access road providing vehicular access to the neighbouring residential developments to the north and west of the site. To the west of this is Bambridge Heights, which forms part of the larger Springfield Quays development and comprises a four storey block of flats sharing a similar level to that of the western boundary of the site. In the case of the properties forming Radnor Close, an affordable housing development located to the north west of the site, the scale is three storey, and the development of a much finer grain, with the blocks being significantly smaller in size than those forming Bambridge Heights. These properties are set down by up to 1.5m in relation to the proposal site. To the north west of the site are post war semi-

detached dwellings fronting onto Monktons Lane, which are at a similar level to the properties on Radnor Close in the vicinity of the site.

- 5.1.6 The former library tower, by virtue of its height, is clearly visible in close, middle and long distance views of the site, however the majority of the existing development is effectively screened in public views by the existing landscaping both within the site and on the adjacent highway verges.

## **5.2 Proposal**

- 5.2.1 This application seeks to renew planning permission MA/09/0862, and I attach the officer's committee report for that application as Appendix 1 for background information. Although the pre-existing planning permission expired on 10<sup>th</sup> December 2012, it was extant at the time a valid application was received, and as such a "fresh" permission can be issued to replace the "extant" permission.
- 5.2.2 The application, as previously approved under MA/09/0862, is for outline planning permission for a residential development of 90 flats and 24 houses, with the matters of access, layout, scale, appearance and landscaping all being reserved for subsequent approval.
- 5.2.3 The illustrative plans show the development to be arranged as linked blocks of two, four, six and eight storeys, and having a staggered layout within the site, the tallest blocks being located in the south west of the site. The lowest buildings, providing the houses, would be located in the north east corner of the site. These dwellinghouses are shown as being provided with private garden space. The flatted accommodation would be provided with roof gardens and shared garden areas at ground floor level, which are shown to be predominantly in the south and east of the site adjacent to the boundary with Sandling Road and the vehicular access to the site and the surrounding development.
- 5.2.4 The development includes the provision of a 200m<sup>2</sup> community facility which would be situated on the ground floor of a six storey block in the south west of the development. It has been provided due to the identified significant under-provision of such facilities within North Ward.
- 5.2.5 Whilst access and layout are among matters that are reserved, the indicative plans show no changes to the existing site access, and I understand that this remains the case. The plans also show 47 on site car parking spaces, a ratio of 0.4 spaces per unit.
- 5.2.6 In addition to a Design and Access and Planning Statement, the original application was supported by a noise assessment, air quality assessment, transport assessment, ecological scoping assessment, tree survey, phase 1



contamination assessment, a daylight/sunlight survey, a visual impact assessment, a draft travel plan, and an arboricultural method statement. An updated ecological statement has been provided in support of the current application. Due to the differences between the contributions sought in respect of infrastructure in respect of MA/09/0862 and MA/12/2032 the draft Heads of Terms for the S106 no longer apply, and a replacement agreement is in the process of being drafted.

### **5.3 Principle of development and context for determination of the application**

- 5.3.1 The proposed development has previously been considered acceptable in principle, as set out in the report pertaining to MA/09/0862 attached as Appendix 1. The key issue in the consideration of this application to grant a replacement outline planning permission to replace that approved under the scope of MA/09/0862 is whether there has been any significant shift in policy or guidance since the earlier decision and whether there has been any significant change in the specific circumstances of the site.
- 5.3.2 Changes to the planning policy framework have resulted in the revocation of the South East Plan Regional Spatial Strategy. Therefore the Development Plan at the current time comprises the saved policies of the Maidstone Borough-Wide Local Plan 2000.
- 5.3.3 In addition, the National Planning Policy Framework (NPPF) was published in March 2012, replacing all relevant pre-existing national Planning Policy Guidance and Planning Policy Statements. The publication of the NPPF is a material consideration in the consideration of planning applications.
- 5.3.4 Key to the determination of the current application is that the NPPF sets out a clear presumption in favour of sustainable development which is defined as having three dimensions, the economic, the social, and the environmental) and identifies the provision of new housing by way of various means of delivery as a priority. The document also sets out the importance of good design, and its intrinsic role in sustainable development. As well as setting out the need for development proposals to be high quality, the document requires development to add to the overall character of areas, and to respond to local character and reflect the local surroundings in respect of overall scale, massing, height and layout.
- 5.3.5 There have been no significant changes in the circumstances of the site other than that it has remained undisturbed for a period of some years, a matter that has been addressed through the submission of an additional ecology statement

that has been found to be acceptable by the Kent County Council Biodiversity Officer.

5.3.6 However, notwithstanding the above, I consider it appropriate in the circumstances of this case to set out in brief my conclusions in respect of various aspects of the consideration of the application.

#### **5.4 Principle**

5.4.1 The application site lies within the defined urban area of Maidstone in close proximity to facilities and services, including transportation links. It forms part of a larger site on which Members have previously found residential uses to be acceptable, including the proposal currently under consideration. The site is not safeguarded in the Local Plan for any specific economic or community uses, and does not have any specific environmental designations or lie within an area recorded by the Environment Agency as being prone to flood.

5.4.2 Although the development would result in the permanent loss of a community facility contrary to Local Plan policy CF3, Members will be aware that an alternative facility has been granted planning permission under MA/09/0863 which has been built out and is currently in use. In addition, the scheme as approved under MA/09/0862 includes the provision of a 200m<sup>2</sup> on site facility within the development.

5.4.3 For these reasons it is considered that the principle of the proposed development remains acceptable, and accords with local and national planning policy.

#### **5.5 Impact on the townscape**

5.5.1 The previous officer, whilst recognising that the density of the proposed development was such that it would inevitably include buildings of significant height, considered that the indicative layout and scale of the proposal, would be of sufficient quality and provide visual interest such that it would not be detrimental to the setting and wider views. This would primarily be achieved through the stepped layout and height of the buildings and the space provided between and around them. This gradation would be emphasised by the role that the surrounding developments would play in setting the visual context of the development. Furthermore, the indicative plans clearly show that the site is capable of accommodating the necessary blocks of accommodation, together with adequate spacing and landscaping between and around them.

5.5.2 I concur with this view, and furthermore would argue that the location of the site adjacent to a major arterial route into the town centre demands an architectural statement, which in this case could provide a connection to the built out

development incorporating the Kent County Council Library to the south. Although appearance is a reserved matter, the precise detail of the design can be controlled by way of condition to respond to this high quality scheme, which the indicative plans show to relate closely to in terms of scale, proportions and materials.

5.5.3 For these reasons the impact upon the townscape of a development of this character is considered to be acceptable.

## **5.6 Highways**

5.6.1 Objections have been raised to the proposal on the grounds of highway safety, in particular the provision of on site car parking and additional traffic generation. The proposal has previously been assessed fully in respect of these considerations, and Kent County Council Highway Services again raise no objection to the proposal, subject to an appropriate legal mechanism securing contributions to ensure the provision of specified highway infrastructure that would be required as a result of the development.

5.6.2 These improvements differ from those previously sought (as set out above in paragraphs 3.33 to 3.40 inclusive), however Kent County Council Highway Services have confirmed that the necessary improvements would be equivalent in terms of securing highway safety for all users as those previously requested in respect of MA/09/0862. The improvements to the highway should be secured by way of a S278 agreement between Kent County Council Highway Services and the applicant/developer, and a Grampian condition attached to the consent requiring the improvements to be provided prior to the first occupation of the development. The Sustainable Travel Statement should be required by way of condition, and the funding for the implementation of parking restrictions by way of a S106 legal agreement.

5.6.3 Whilst access is not a matter for consideration at the current time, the existing access is likely to be used which is considered to be adequate.

5.6.4 For these reasons it is considered that the proposal remains acceptable in regard to considerations of highway safety and parking subject to an appropriate legal mechanism securing the necessary highway improvements detailed above and that there are no new circumstances since the time of the previous approval that would result in a different conclusion. Therefore no objection is raised in regard of highway safety.

## **5.7 Residential amenity**

- 5.7.1 As set out in the committee report relating to MA/09/0862, the application is supported by information confirming that no objection to the proposal could be sustained in respect of loss of light. I agree with this finding. I also concur that in this case the precise impact upon the outlook and privacy of the occupiers of neighbouring dwellings cannot be assessed until the reserved matters stage.
- 5.7.2 For these reasons, I agree that a refusal of planning permission on the grounds of impact on residential amenity could not be sustained at the current time, and that there are no new circumstances since the time of the previous approval that would result in a different conclusion.

## **5.8 Impact upon designated and undesignated heritage assets**

- 5.8.1 As set out above, there is a Grade II listed building, Springfield, located to the south west of the site. The proposal will inevitably have an impact upon the setting of this building, however notwithstanding the comments of the Maidstone Borough Council Conservation Officer I concur with the previous officer that this impact would not be significantly harmful to the setting of the building. The building, whilst of recognised quality, is not obvious in views of the site from the public highway due to the fall of land beyond the site down towards the River Medway, and the screening afforded by protected trees located to the east of the building and existing development which is of itself closer and more immediate to Springfield than that currently proposed. Views from the rear and the footpath along the river would be maintained.
- 5.8.2 It is noted that the Council's Conservation Officer regards the library to be lost to be a heritage asset for the reasons set out above in the paragraph 3.10. Whilst this matter has previously been assessed and found to be inadequate to justify the refusal of the application, the applicant has agreed to the imposition of a condition requiring a detailed survey to be undertaken prior to the demolition of the building and the deposition of the subsequent report in a public knowledge resource such as the new Kent Library and History Centre.
- 5.8.3 For these reasons, I agree that a refusal of planning permission on the grounds of impact on the setting of a listed building could not be sustained at the current time, and that there are no new circumstances or significant policy changes since the time of the previous approval that would result in a different conclusion.

## **5.8 Ecology**

- 5.8.1 The original application was supported by an ecological scoping report and survey, which identified that certain elements of the site had potential to be used as bat roosts, and that some other species may be present. The report made recommendations for precautionary measures.
- 5.8.2 The current application is supported by an additional letter making updates to the original survey and report, which sets out the current circumstances of the site and sets out the findings of recent bat surveys, confirming that bat activity on the site is limited, and that the overall site conditions remained otherwise the same.
- 5.8.3 In light of this, the Kent County Council Biodiversity Officer raises no objection to the proposal, subject to the imposition of a condition requiring the implementation of precautionary measures for species other than bats and an informative relating to lighting.
- 5.8.4 For these reasons, it is considered that the applicant has adequately addressed the changing ecological circumstances of the site and that, subject to the condition set out above, the application should not be refused on this ground.

## **5.9 Landscape**

- 5.9.1 The comments of the Council's Landscape Officer are set out in full above, and the concerns over the loss of trees and the successful retention of those proposed to be retained are fully addressed in the report attached to MA/09/0862.
- 5.9.2 There have been no significant changes to the circumstances of the site in the intervening period, or changes to the policy framework which would justify refusal of the planning application. As stated in the previous committee report, whilst "the loss of any tree is regrettable, however, in this instance this application must be considered as part of the overall 'package' provided by the two applications which together seek to deliver a prestigious project that will provide an enhanced community facility for the Borough. The loss of the two trees must be balanced against the wider benefits to the community as a whole arising from the two schemes, both of which are necessary to allow the development on the James Whatman Way site to take place." This remains the case.
- 5.9.3 Furthermore, Members will be aware that this is an outline application with all matters reserved; as such the layout is to be agreed at a later stage, and should be considered in such a way as to accommodate the retention of as many trees

as possible. I also agree that foundation design should be secured by way of condition, as should additional landscaping, including the planting of trees, to beef up existing landscaping areas to be retained fronting onto Royal Engineers Road in order to provide further softening of this boundary.

5.9.4 For these reasons it is considered that there is no reason to differ from the previous conclusion that the safeguards in place and the substantial community benefits are of such weight that the concerns of the Landscape Officer and the loss of trees do not justify refusal of the application, and that there are no new circumstances or significant policy changes since the time of the previous approval that would result in a different conclusion.

## **5.10 S106 contributions**

5.10.1 Policy CF1 of the Borough-wide Local Plan 2000 sets out the circumstances in which developments may be requested to make appropriate contributions towards the provision of additional community facilities that may be needed as a result of additional demand generated by new development that cannot be assimilated.

5.10.2 Planning obligations are required to satisfy the criteria set out in regulation 122 of the Community Infrastructure Levy Regulations 2010 and paragraph 204 of the National Planning Policy Framework 2010 insofar as they must be:

Necessary to make the development acceptable in planning terms;  
Directly related to the development; and  
Fairly and reasonably related in scale and kind to the development

5.10.3 In this case, contributions have been sought from Mouchel (working on behalf of Kent County Council, NHS Property Services (working on behalf of the Primary Care Trust) and Maidstone Borough Council Parks and Open Spaces. The requested contributions are as follows:

5.10.4 **Kent County Council** contributions sought:

- Primary school: Contributions of £5,559.96 per applicable house and £1,389.99 per applicable flat towards the new build cost and a land cost contribution of £2,701.63 per applicable house and £675.41 per applicable flat towards the acquisition of a new primary school local to the proposed development (the building of two new primary schools in south and west Maidstone).
- Secondary school: Contributions of £2,359.80 per applicable house and £589.95 per applicable flat towards the extension of an existing secondary school local to the proposed development (within the borough of Maidstone).

- A contribution of £10,109.74 towards additional book stock in Maidstone local libraries.
- A contribution of £3,272.80 towards community learning through the provision of new/expanded facilities at Maidstone Adult Education and through outreach community learning facilities in Maidstone Local to the development.
- A contribution of £5,279.37 towards the provision of new/expanded facilities in Maidstone local to the development, including four projects to provide integrated dementia care, co-location with health, a changing place facility, and assistive technology.

5.10.5 **Maidstone Borough Council** contributions sought:

- A contribution of £179,550 (£1,575 per unit) for the improvement, renewal, replacement and maintenance of green open spaces and play areas within a one mile radius of the development.

5.10.6 **Primary Health Care** contributions sought:

- A contribution of £75,456 (£360 per person) to support the delivery of investments highlighted within the PCTs Strategic Service Development Plan. The local surgeries identified are the Brewer Street, St Lukes, Allington Park, Marsham Street, Allington and Lockmeadow surgeries and clinics.

5.10.7 In respect of replacement community facilities, Members are aware that a replacement library facility has been provided locally under the provisions of MA/09/0863. In addition to this, the plans approved under MA/09/0862 showed a 200m<sup>2</sup> community facility within the development currently under consideration. The rationale behind this was that at the time of the grant of the previous consent it did not appear likely that programmes to deliver community facilities on close by sites would come forward. However, it now appears likely that the Ringlestone Hall improvement scheme will be progressing on an adjacent site. Subsequently, negotiations have taken place between applicant and case officer, and it has been agreed that the S106 be worded to allow an "either or" provision of the 200m<sup>2</sup> facility or the contribution of an equivalent sum to be spent within 1 mile of the site, the equivalent sum being the open market value of the 200m<sup>2</sup> space for shop or office use. This has been agreed by the Council's Solicitor in respect of the requirements of the Community Infrastructure Regulations 2010.

5.10.8 In respect of some of the contributions set out above, the sums differ from those previously sought in respect of MA/09/0862, however the consultees have

provided justification and rationale behind any changes which have satisfied the Council's Solicitor in this respect, or in the case of the on site community facility, been amended as a result of changing circumstances, and to afford a degree of flexibility in delivering out the replacement community facility. The applicant has been made aware of the discrepancies between the requirements under MA/09/0862 and the current application, and has indicated that they are accepted; a S106 is in the process of being drafted.

5.10.9 Members will note that no affordable housing is sought in respect of the current application. The affordable housing requirement has been provided by way of the development at James Whatman Way under the scope of MA/09/0863, the original S106 agreement attached to the two previous permissions requiring the development to be built out and operational prior to the commencement of the development permitted under MA/09/0862. Therefore it is not reasonable or necessary for this element of community infrastructure to be covered by any S106 attached to the current application.

5.10.10 The S106 legal agreement should also include a contribution of £4,000 for the implementation of parking restrictions to prevent residents/visitors parking along unsuitable sections of the highway, to enable Maidstone Borough Council Parking Services to advertise and implement the necessary Traffic Regulation Order.

5.10.11 In addition to the S106 contributions set out above, Kent County Council Highway Services have made a request for improvements to the local highway network, to be secured by way of a S278 agreement and Grampian type condition. These are as follows:

- The improvement of four bus stops close to the land including raised kerbs and real time information system. This is to be provided prior to the occupation of the units; and
- The provision of a pedestrian refuge, of sufficient width to accommodate a bicycle, is required on the access road to assist pedestrians and cyclists from this development site crossing the access road.

## **5.11 Other matters**

5.11.1 There are no material changes to the circumstances of the site or the policy framework that would justify coming to any conclusion other than that previously reached insofar as the development shall achieve Level 3 of the Code for Sustainable Development. Whilst Code Level 4 would normally be the objective in a development of this scale, given the "extant" permission and the absence of an adopted policy it is not considered reasonable to differ from the level previously sought. However, an informative requiring the developer to be



mindful of the Environment Agency and Southern Water comments in respect of the use of SUDS should be attached to the permission.

5.11.2 In accordance with the comments of the Maidstone Borough Council Environmental Health Manager, and in the interests of consistency with the previous consent, conditions should also be imposed requiring the development to be undertaken in accordance with the air quality assessment report and a noise report submitted in support of the original application.

5.11.3 In respect of the matters of surface and foul water drainage, site investigation and archaeology, I agree that these matters remain of importance and that conditions requiring the submission, approval and implementation of relevant details remain necessary and appropriate.

5.11.4 Whilst the comments of Kent Police are noted, the current application is for a replacement permission in respect of a previously approved scheme, and as such it is not considered reasonable to request the suggested amendments at this stage, in addition to which gated communities are not considered to be encouraged, on the grounds that they give rise to social segregation and are detrimental to public health in respect of discouraging pedestrian permeability of developments.

## **6. CONCLUSION**

6.1 For the reasons set out above, it is considered that the principle of the development remains acceptable, subject to approval of reserved matters.

6.2 It is therefore concluded that, subject to an appropriate legal mechanism, as detailed above in section 5.10, 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 IN SUCH TERMS AS THE HEAD OF LEGAL SERVICES MAY ADVISE, SECURING THE FOLLOWING CONTRIBUTIONS:

- A contribution of £75,456 (£360 per person for the remainder of the phases throughout the site, as shown on the submitted formula) to support the delivery of investments highlighted within the PCTs Strategic Service Development Plan. The local surgeries identified are the Brewer Street, St Lukes, Allington Park, Marsham Street, Allington and Lockmeadow surgeries and clinics; and
- A contribution towards primary education of £2,065.40 per applicable flat and £8,261.26 per applicable house towards the acquisition and build costs of a new

primary school local to the proposed development (the building of two new primary schools in south and west Maidstone); and

- Contributions towards secondary education of £589.95 per applicable flat and £2359.80 per house towards the extension of an existing secondary school local to the proposed development (within the borough of Maidstone); and
- A contribution of £10,109.74 towards additional book stock in Maidstone local libraries; and
- A contribution towards community learning of £3,272.80 towards community learning through the provision of new/expanded facilities at Maidstone Adult Education and through outreach community learning facilities in Maidstone local to the development; and
- A contribution towards adult social care of £5,279.37 towards the provision of new/expanded facilities in Maidstone local to the development, including four projects to provide integrated dementia care, co-location with health, a changing place facility, and assistive technology; and
- A contribution of £179,550 (£1,575 per unit) towards the improvement, renewal, replacement and maintenance of green open spaces and play areas within a one mile radius of the development; and
- A contribution of £4,000 towards the implementation of parking restrictions to prevent residents and visitors from parking along unsuitable sections of the public highway by way of an appropriate Traffic Regulation Order; and
- The provision of a 200m<sup>2</sup> community facility within the development OR an equivalent sum for the improvement, renewal, replacement and maintenance of a community facility within a one mile radius of the development.

THE HEAD OF PLANNING AND DEVELOPMENT BE DELEGATED POWERS TO GRANT PLANNING PERMISSION SUBJECT TO THE FOLLOWING CONDITIONS:

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

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

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

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

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

2. The details of reserved matters of layout, appearance and scale submitted pursuant to condition 1 above shall include inter-alia;
- (i) A staggered mixture of 2, 4, 6 & 8 storey buildings,
  - (ii) The maximum height of any building not exceeding 25.5m,
  - (iii) The provision of roof gardens and pergolas,
  - (iv) The provision of a community facility of not less than 200sq.m. net floor area unless otherwise agreed in writing by the Local Planning Authority,
  - (v) Details of windows and doors and recesses/reveals (which shall be a minimum of 100mm) to be in the form of large scale drawings (scale 1:20 or 1:50),
  - (vi) Details of the finish of the roof and the facade of the buildings,
  - (vii) Details of the junction of the cills of the windows and the rendered panels,
  - (viii) Precise details of the fenestration, in particular the arrangement of windows to provide the 'cracks' detailing upon the elevations of the buildings.

The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: No such details have been submitted and to ensure a high quality design and standard of finish for the development and an adequate level of residential amenity to future occupiers.

3. The development shall not commence until, details of the proposed slab levels of the buildings and the existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site.

4. The development shall not commence until the applicant has secured and had implemented 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 enable the recording of any items of historical or archaeological interest.

5. 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 development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of pollution and flood prevention.

6. The details of surface water drainage submitted pursuant to condition 5 above, shall utilise a SUDS system. The submitted scheme shall however, show no infiltration of surface water drainage into the ground other than for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason: In the interests of sustainable construction and in order to protect groundwater resources within the underlying Hythe Beds principal aquifer.

7. The development hereby permitted shall not commence 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 site investigation scheme, based on the Bouguys (UK) Ltd Phase I Desk Study reference 51210 dated September 2008, to provide a detailed assessment of the risk to all receptors that may be affected, including those off site.

- 2) A remediation method statement (RMS) based on the site investigation results (1) and the detailed risk assessment (1). 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; and

- 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reason: to protect the quality of the groundwater within the underlying principal aquifer and prevent harm to the environment and human health by way of pollution of air, land and groundwater.

8. Within one month of the commencement of the permitted development a completion report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted

to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved remediation strategy and verification plan to demonstrate that the site remediation criteria have been met and 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. It shall also include a plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the remediation strategy and verification plan. The long-term monitoring and maintenance plan shall be implemented as approved;

Reason: to protect the quality of the groundwater within the underlying principal aquifer and prevent harm to the environment and human health by way of pollution of air, land and groundwater.

9. The development shall not commence until details of measures to mitigate the impact of demolition and construction on air quality as recommended in the Air Quality Assessment (prepared by Mouchel) received 21 May 2009 have been submitted to and agreed by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure no unacceptable adverse impact on air quality.

10. The development shall not commence until details to mitigate the impact of noise as recommended in the acoustic assessment (prepared by AcousticAir) received 21 May 2009 have been submitted to and approved by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure no unacceptable adverse impact on future occupiers from road traffic noise.

11. The details of landscaping submitted pursuant to condition 1 above shall include, inter alia, additional tree planting along the eastern boundary of the site, and a tree survey, an arboricultural implications assessment (AIA) and tree protection measures in accordance with the recommendations of BS5837:2012, Trees in relation to design, demolition and construction - recommendations. The AIA shall include a realistic assessment of the probable impact of any proposed development on trees and vice versa, together with details of any tree works that would be necessary to implement the proposal. Where the AIA identifies a conflict between the proposal and retained trees, details should be provided to demonstrate that the trees can be successfully retained;

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

12. The development shall not commence until details of the retention and placement within the site of a proportion of the cordwood from the felled trees have been submitted to and agreed by the local planning authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: In the interests of biodiversity and ecology.

13. The dwellings shall achieve Level 3 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 3 has been achieved.

Reason: To ensure a sustainable and energy efficient form of development.

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

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

15. The details of layout submitted pursuant to condition 1 above shall include details showing not less than 47 car parking spaces and/or garages and details of secure cycle parking provision at a minimum ratio of one space/unit.

Reason: Development without adequate parking/garage provision is likely to lead to parking inconvenient to other road users and prejudice road safety.

16. The details of the parking/turning areas approved pursuant to condition 15 above 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.

17. The details of layout submitted pursuant to condition 1 above shall include details of satisfactory facilities for the storage of refuse on the site. The subsequently 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.

18. The development shall be undertaken strictly in accordance with the precautionary and mitigation measures for reptiles, toads, hedgehogs and birds as recommended in the ecological scoping survey (prepared by Lloyd Bore) received 21 May 2009;

Reason: In the interests of biodiversity and ecology.

19. The development shall not commence until, detailed designs of the proposed foundations of the buildings and their method of construction have been submitted to and approved by the Local Planning Authority. The design of the foundations and method of construction shall take into account the proximity of the retained trees within the site and their associated Root Protection Areas. The development shall thereafter be undertaken in accordance with the approved details;

Reason: To ensure a satisfactory form of development and to safeguard existing trees.

20. No structure, plant, equipment or machinery shall be placed, erected, or installed on or above the roof or on external walls without the prior approval in writing of the Local Planning Authority;

Reason: In the interest of a high quality finish of the development hereby permitted.

21. The development shall not commence until details of a maintenance programme for maintaining the external appearance of the buildings have been submitted to and approved by the Local Planning Authority. The programme shall thereafter be implemented in accordance with the subsequently approved details.

Reason: To maintain and preserve the character and appearance of the development in the interests of the visual amenity and character of the area.

22. The development shall not commence until details of all external lighting within the site have been submitted to and approved in writing by the Local Planning

Authority and these works shall be undertaken in accordance with the approved details and maintained thereafter. No additional lighting shall be placed or erected within the site thereafter without the prior approval of the Local Planning Authority.

Reason: In order to maintain the character and appearance of the site, safeguard residential amenity, and prevent harm to biodiversity.

23. The fenestration on the development hereby permitted shall be black, and shall detailed as shown on the submitted plans.

Reason: In the interests of securing a high quality design.

24. No development, including demolition of existing structures, shall commence until a programme of building recording and analysis (the 'Programme') has been submitted to and approved in writing by the Local Planning Authority. The Programme shall include a written scheme of investigation, which shall be implemented in the implementation of the planning permission. The resulting report shall be submitted to the Local Planning Authority, the Historic Environment Record held by Kent County Council and the Maidstone Museum before first occupation of the development hereby permitted;

Reason: To prevent the unrecorded loss of a non-designated heritage asset.

25. No part of the development hereby permitted shall be occupied until the following works have been constructed and completed in accordance with a schedule of works submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority:

i) The improvement of four local bus stops as follows:

A229 Chatham Road east side - bus boarders; and

A229 Chatham Road west side - bus boarders and real time information; and

A229 Royal Engineers Road south of the Springfield roundabout east side - bus boarders and real time information; and

A229 Royal Engineers Road south of the Springfield roundabout west side - bus boarders and real time information;

ii) The provision of an uncontrolled pedestrian crossing, including pedestrian refuge of sufficient width to accommodate a bicycle across the access to the site; and



iii) The implementation of parking restrictions on public highways adjacent to the site;

Reason: In the interests of highway and pedestrian safety.

26. The development shall not be occupied until a Sustainable Travel Statement is submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. The agreed Sustainable Travel Statement shall subsequently be implemented in full within 3 months of the first occupation of the development and by its subsequent occupiers, and thereafter maintained, unless otherwise agreed in writing by the Local Planning Authority;

Reason: To ensure that the site operates in a sustainable manner and to reduce reliance on the use of the private car as a means of transport.

#### **Informatives set out below**

The applicant should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Atkins Ltd. Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel: 01962858688) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

Where it is proposed to store more than 200 litres (45 gallon drum = 205litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (Oil Storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.

Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials should be stored (for example in bunded areas secured from public access) so as to prevent accidental/unauthorised discharge to ground. The area's for storage should not drain to any surface water system.

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

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.

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

Adequate and suitable provision in the form of water sprays should be used to reduce dust from demolition and construction work.

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

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

No development shall commence until a scheme for the use of wheel cleaning, dust laying and road sweeping equipment, have been submitted to and the scheme approved in writing by the local planning authority. The approved scheme shall be implemented in its entirety once development has commenced, for the duration of demolition/construction works at the site.

You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in accordance with the Scheme. Further information can be found at [www.considerateconstructorsscheme.org.uk](http://www.considerateconstructorsscheme.org.uk).

A development panel should be established to monitor the development's progress and consider materials and landscaping details, panel to include representatives from Council officers, Ward Members and the applicants/developer.

Whilst the Local Planning Authority consider all planning applications on their individual merits, it is the view of the Local Planning Authority that they are unlikely to look favourably upon any subsequent application(s) that compromise in any way the integrity of the permitted scheme.

No burning shall take place at the application site.

The developers shall provide adequate space within the application site for the parking/turning/unloading of contractors vehicles before any works commence

on site. Such space shall thereafter be maintained during the construction process where practicable.

Removal of existing trees or hedgerows containing nesting birds shall take place outside of the bird-breeding season (generally March to August).

The applicant/developer is advised to liaise with the Environment Agency, Kent County Council and Southern Water when formulating a scheme of Sustainable Drainage for the development.

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.

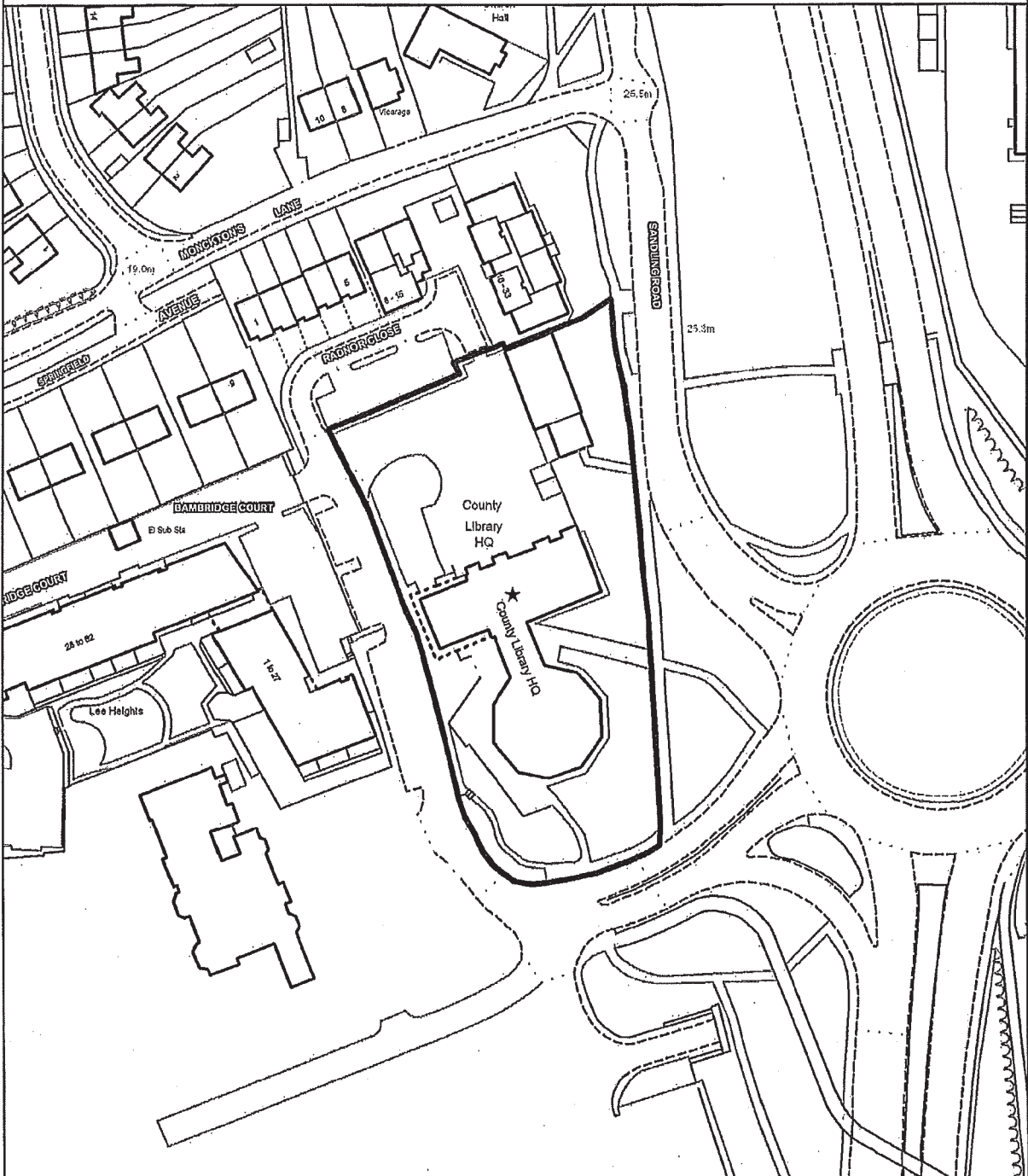
# Agenda Item 18

## THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/09/0862

GRID REF: TQ7556

KCC SPRINGFIELD LIBRARY SITE,  
SANDLING ROAD, MAIDSTONE.



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**Alison Broom**  
Director of Prosperity and Regeneration

APPLICATION: MA/09/0862 Date: 20 May 2009 Received: 18 September 2009

APPLICANT: Bouygues UK Ltd.

LOCATION: KCC SPRINGFIELD LIBRARY SITE, SANDLING ROAD, MAIDSTONE,  
KENT

PROPOSAL: Outline Planning Application for the erection of residential development comprising of 100 flats and 14 houses with all matters reserved for future consideration as shown on drawing nos. PA-GND-SPR-AST-RES-GA-01-A, PA-L01-SPR-AST-RES-GA-01-A, PA-L02-SPR-AST-RES-GA-01-A, PA-SL-SPR-AST-RES-MAS-01-A, PA-SL-SPR-AST-RES-ELV-01-A, planning statement, design & access statement, validation checklist, phase 1 contamination study, transport assessment, daylight and sunlight study, visual impact assessment, ecological scoping survey, noise assessment, air quality assessment and amenity tree survey received 21/05/2009 and as amended by arboricultural method statement and draft travel plan received 11/08/2009.

AGENDA DATE: 15th October 2009

CASE OFFICER: Chris Hawkins

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

- Councillors Paterson and Cllr Warner have requested it be reported for the reasons set out in the report

### **POLICIES**

**Maidstone Borough-Wide Local Plan 2000:** ENV6, T2, T13, CF1, CF2, CF3

**South East Plan 2009:** SP2, SP3, SP4, CC1, CC4, CC6, CC9, RE4, H1, H2, H3, H4, H5, T1, T4, T5, NRM1, NRM4, NRM5, NRM7, NRM9, NRM10, W1, W2, BE1, BE6, S5, S6, AOSR6, AOSR7

**Government Policy:** PPS1, PPS3, PPS22, PPS23, PPG13, PPG15, PPG24

**Springfield Development Brief (1998):** Was not saved with other policies of the Maidstone Borough-wide Local Plan 2000 in September 2007

### **HISTORY**

The site has an extensive previous planning history in relation to its role as the headquarters for the County Library Service. None of which is directly relevant to the current application. Other schemes for development elsewhere on the Springfield site

have been approved in the past and of these the 'Springfield Quays' development has been constructed along with the affordable housing development at Radnor Close.

However, this application and site is linked to the current application (MA/09/0863) on land at James Whatman Way for the erection of a mixed use development comprising a new library and archive centre and residential development as a replacement for the facilities at the Springfield site.

Relevant applications to the consideration of this application are therefore as follows;

MA/08/1869            KCC library Springfield, Royal Engineers Road, Maidstone, Kent. A request for a screening opinion for a proposed residential development on land at KCC Library at Springfield, Maidstone: Environmental Statement NOT REQUIRED: 03/10/2008

#### Springfield Quays Development

MA/01/1356            Demolition of buildings and a comprehensive redevelopment to provide offices (B1), residential, landscape open space and ancillary parking and servicing, as amended by further details relating to the provision of affordable housing: APPROVED 01/10/2002

MA/02/2239            Amendments to blocks E, F and G, for 61No. units comprising 1 and 2 bed apartments, being amendments to MA/01/1356: APPROVED 29/06/2004

#### Mountgrange Development

MA/05/2350            Erection of class B1 offices comprising 3 No. buildings, residential accommodation comprising 192 No. flats, retail unit for class A1 and A3 use and additionally for use as a community hall and as a creche on the ground floor of the retail unit only, together with associated car parking, landscaping and amended access arrangements: APPROVED 01/08/2006

#### Land at James Whatman Way Maidstone:

MA/09/0863            Construction of new library centre including 60 residential units and 57 care units with associated access, parking and landscaping: UNDETERMINED (on the papers)

MA/08/0608            A request for a screening opinion for the proposed construction of new Kent Library, History and Archive Centre with residential development: Environmental Statement NOT REQUIRED: 08/04/2008

## **EXTERNAL CONSULTATIONS**

**Kent Highway Services** were consulted and made the following final comments:

'Further to my previous consultation response regarding this planning application, I can confirm that additional information has been provided and discussions have been held.

The development is in a sustainable location, and improvements are proposed to improve accessibility to the site by alternative modes of transport to the private car. With the provision of these improvements and the implementation of a robust travel plan it is considered that this application will not have a detrimental effect on the capacity or safety of the existing highway.

In view of this I can confirm that I have no objections to the proposals in respect of highway matters subject to the following conditions being attached to any permission granted:-

1. A toucan crossing is required across the site access.
2. The improvement of three bus stops in the near vicinity of the site, two of which are located along the A229 Royal Engineers Road the third along Sandling Road. This should include raised kerbs and real time information system to each bus stop.
3. A contribution sum of £2000 is required to cover the cost of amendments to the Traffic Regulation Orders in respect of parking restrictions in the vicinity of the site.
4. A further contribution sum of £2000 is required for additional Traffic Regulation Orders should parking problems arise as a result of the development on neighbouring roads.
5. A Travel Plan is required.'

*Officer comment:- In addition to the above, a number of conditions relating inter-alia, to parking provision, ensuring surface water does not drain onto the highway, parking and site management during the construction process, provision of wheel washing facilities were recommended. Some of the suggested conditions are however only suitable as informatives.*

**KCC Heritage Conservation** were consulted. They state that the site is part of the former Springfield estate and lies alongside the route of the former Roman road from Maidstone to Rochester and that finds have been made in the vicinity of the site. Notwithstanding the fact that the construction of the existing library may have had an impact on buried remains, they note that the impact on other parts of the site surrounding the library is uncertain. They have therefore requested a condition requiring a programme of archaeological work is attached to any permission.

**Mouchel (on behalf of KCC):** Have requested the following contributions towards the provision of community infrastructure

Libraries £227/dwelling  
Adult Education £180/dwelling  
Youth and Community £827/'applicable' house and £206.75 /'applicable' flat  
Adult Social Services £1201/dwelling

'Applicable' means that contributions are not sought for 1 bed units of less than 56sqm or for sheltered accommodation for the elderly over 55 years of age.

**West Kent Primary Care Trust (PCT):** Have requested a contribution of £360/person based on an anticipated occupancy rate for the development of 217 persons, resulting in a request for £78,210 plus their legal costs to be used to enhance Primary Health Care facilities in the vicinity of the site.

**Environment Agency:** Have confirmed that they have no objections to the proposals provided that their recommended conditions are imposed.

**Contamination:** They agree with the contents of the submitted Phase 1 contamination survey and report and the proposals for further works outlined in the report. They have recommended a condition setting out a programme for further work based on the recommendations in the report.

**Drainage:** As the site is underlain by a principal aquifer immediately adjacent to a Source Protection Zone 1 they have stated that any SUDS proposals must demonstrate they discharge into clean uncontaminated natural ground only above the water table. Any roof water will need to discharge direct to the chosen SUDS be sealed down-pipes. Run-off from access roads and parking will need to discharge via appropriate pollution prevention measures. Foul drainage must discharge to the mains foul sewer.

The EA have also recommended informatives dealing with the storage of oil/fuel during and after construction

**Southern Water:** Have advised that there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. Additional off-site sewers or improvements to existing sewers will be required to provide sufficient capacity to service the development. The applicant is therefore requested to contact Southern Water to enter into an agreement to provide the necessary infrastructure to serve the development.

They note that SUDS is proposed but comment that there would not seem to be enough land within the site to accommodate such a scheme and recommend further investigative work is undertaken. They have requested a condition requiring details of foul and surface water drainage to be submitted is attached to any planning permission.

**Kent Police Architectural Liaison Officer:** Has stated that he intends to meet with the architect/agent to discuss the principles of Secure by Design.



*Officer comment: I understand a meeting has subsequently taken place, but no further representations/comments have been received.*

**EDF Energy:** No objections subject to their existing rights to access cables and equipment being maintained.

### **INTERNAL CONSULTATIONS**

**Maidstone Borough Council Conservation Officer** was consulted and made the following comments: -

'This excessively tall development, situated directly opposite to the main front elevation of the listed Springfield mansion, would have a severely detrimental impact on its setting by virtue of its height and scale. It is also likely to result in the loss of a number of trees which are in themselves important features of the setting of the listed building. It is notable that the design and access statement fails to even mention the setting of the listed building as a consideration.'

The loss of the existing library building, erected in 1963-64 is also to be regretted. This innovative example of library design, with the rare feature of a book stack housed in a tower, is a fine building of its age and was illustrated in a 1966 publication "British Public Library Buildings" where it also formed the cover illustration to this book which comprised a survey of the best post-war examples of library architecture. The authors describe it as exciting architecture and make reference to how well it is integrated into the landscape, including the preservation of existing trees (some of which would be likely to go under the current proposals).'

**Maidstone Borough Council Landscape Officer** was consulted and has made the following comments: -

#### History of application

29/05/2009 - landscape first consulted on MA/09/0862.

24/06/2009 - TPO No. 12 of 2009 was made to protect trees on the following grounds:

'The trees within the grounds of the KCC Springfield Library site are mature, healthy specimens, prominent from Sandling Road. They make a valuable contribution to the character and amenity of the area and are considered to be under threat due to planning application MA/09/0862. Therefore, it is considered expedient to make the trees the subject of a Tree Preservation Order.'

11/08/2009 - a Tree Method Statement and an updated tree survey, dated 29/07/2009, were submitted.

### General description of site and surroundings

The trees within the grounds of the County Library site are currently subject to TPO No 12 of 2009. The order consists of two individual trees (T1, a Red Oak and T2, a Corsican Pine) and 2 groups of trees (G1 consisting of a mixture of deciduous species and G2 which is made up of 3 Wellingtonia and 2 Corsican Pine.)

G1 is located on the eastern boundary next to which is a foot path which connects the southern part of the site with Sandling Road. This group of trees provide effective screening from the highway. T1 is located in the southern end of G1 and during the site inspection a commemorative plaque was found at the base and the tree may, therefore, be of some importance to the library. T2 is situated in the rear car park.

G2 is located on the south western corner of the site, adjacent to the entrance road which leads to Radnor Close. The presence of these trees is indicative of a historical link with listed Springfield mansion as these species of trees were typically planted as specimen trees or as part of an avenue, due to their size and stature.

As part of the application a tree survey was carried out in accordance with BS5837; 2005 Trees in relation to construction - Recommendations. Having visited the site, the survey appears relatively accurate. In addition to the survey a tree constraints, tree protection drawing (drawing 1128.2 dated 29/07/09) and tree method statement, dated 29/07/09 was submitted on 11th August 2009.

### Implications of proposed development

The application is for Outline Planning Permission. However, the indicative building footprint raises a number of concerns in relation to trees.

In total 4 trees are proposed to be removed.

Two trees within G1, a mature Norway Maple and a young Maidenhair tree, both of which have various structural defects that will shorten their life expectancy. Their removal would not have a detrimental effect on the overall appearance of G1.

T2, the mature Pine and one Wellingtonia located within G2 have been identified for removal to enable the proposed development. Neither exhibit structural defects which would necessitate the need for their removal in normal circumstances and both are considered suitable for long term retention. In order to enable construction, remedial works are also proposed to the Red Oak T1 and to one Black Pine within G2.

The root protection area (RPA) has been plotted on drawing No 1128.2, which demonstrates that the foundations of the building will severely encroach into the RPA of a number of trees. This includes the retained trees within G2, 3 trees within G1 and the Red Oak, T1. Where development occurs within the RPA of a retained tree section

11.6.2 of BS 5837(2005) recommends that the foundations are either piled and raised ground beams or a piled and raised raft system. However, the area of the RPA covered by the proposed footprint exceeds the 20% maximum recommended by BS5837, which would reduce the trees' ability to extract oxygen and water through the soil, leading to the premature decline of remaining trees in G2

Whilst the scheme proposes to retain as many trees as possible, I am not satisfied that they can all be successfully retained in the longer term, due to their close proximity to the proposed building and due to the encroachment into the RPA. Several trees shown to be retained within the proposed scheme may need to be removed or cut back during the construction phase to accommodate the build, or may be damaged and become structurally unsound. Whilst the Tree method statement attempts to address these concerns through measures such as protective fencing, scaffolding, and no dig construction techniques I am not satisfied that these measures are sufficient to ensure that additional trees will not need to be removed. This particularly applies to the remaining trees in G2.

The location of the plotted RPA for the trees within G2 is also considered to be incorrect. The distribution of roots would be affected by the fact that a road runs within 5 metres of G2 on the southern side whereas there is grass on the northern aspect of G2. It is reasonable to assume that the rooting system will be concentrated on the northern side. Due to the presence of the road, there is no opportunity to extend the RPA on the southern side to compensate for the intrusion of development within the RPA on the northern side. It is not considered that the trees would be successfully retained within the proposed scheme.

The main concern is the close proximity of the buildings to the trees. In addition to the construction aspects discussed above, there is likely to be considerable post development pressure for removal of trees. BS5837 (2005), section 6.3 states that:

'A realistic assessment of the probable impact of any proposed development on the trees and vice versa should take into account the characteristics and condition of the trees, with due allowance and space for their future growth and maintenance requirements.'

This includes the the potential for trees to block light to windows, close proximity of branches to buildings that could lead to damage through physical contact, apprehension to occupiers of nearby buildings especially during adverse weather and problems arising from leaves, fruits, honeydew etc.

BS5837(2005) specifically states that 'Trees should not be retained on the basis that their ultimate branch spread can be significantly controlled by periodic pruning.'

I strongly recommend that the application is refused on arboricultural grounds.

Suggested grounds for refusal: -

*The proposals detailed in this outline application will require the removal of four trees protected by TPO No 12 of 2009 and is likely to result in the loss of more trees in the construction phase or in the longer term. Furthermore, there will be considerable future pressure for removal of the remaining trees due to the proximity of retained trees to the proposed building. The loss of these trees will have a significant adverse impact on the character and amenity of the area.'*

**MBC Environmental Health:** The section has stated that they have no objections subject to a number of conditions and informatives and the following comments on noise, air quality and contamination being taken into account.

'An Air Quality Assessment by Mouchel (ref SPRv1 17/11/2008) has been submitted and it concludes that the main impacts will be due to dust during the construction phase, but it does predict that the proposed development will cause a small increase in NO<sub>2</sub> and PM10 concentrations at some locations, but predicts that this increase will be less than 2.5%. Environmental Health accepts the validity of this report; and the mitigation measures recommended in the report should be followed in their entirety. But consideration should also be given to the use of a 106 agreement in order to secure funds for MBC to carry out 5 years of air quality monitoring in the area. This is in order to check the impacts of the site on the AQMA plus check any potential impacts on receptors living in the new development on this site.

A noise assessment report by Acoustic Air (ref AA581N/R1 dated October 2008) has been submitted. This report concludes that unless suggested mitigation measures are employed the noise levels in many of the habitable rooms would not be acceptable. Environmental Health accepts the validity of this report and the suggested mitigation measures regarding double glazing and acoustic ventilation should be carried out in their entirety.

A phase 1 desk study regarding potential land contamination, by Bouygues (UK) Limited (ref 51210 dated September 2008) has also been submitted. Environmental Health accept the validity of this report and note that it concludes that further intrusive investigation and sampling be carried out; and so a further phase 2 report is required.

Any demolition or construction activities will definitely have an impact on local residents and so appropriate precautions should be taken, particularly as advised in the Air Quality report regarding dust. It should also be noted that this large development will require a site waste management plan.'

The recommended conditions relate to noise, air quality, contamination and refuse storage and the informatives relate to the need for a site waste management plan and conduct and hours of operation on site during construction.

**Maidstone Borough Council Parks & Open Spaces Officer** was consulted and confirmed on 23 June 2009, as there is no publicly accessible open space designed into the development, the department therefore request an off-site contribution of £179,550 (114 units x £1,575). The money would be targeted at the improvement, renewal and maintenance of amenity green open spaces and play areas within a one mile radius of the development.

### **REPRESENTATIONS**

**Cllr Mrs Paterson and Cllr Warner** have requested the application be reported to the Planning Committee for the following reasons: -

- It is a major application that will have a major affect on the outlook of the area;
- There is insufficient parking;
- Landscaping proposals are unsatisfactory;
- The provision and distribution of s106 items requires further consideration.

**Kent Fire & Rescue Service:** Comment that it appears that access for the Fire and Rescue Service may be inadequate on the basis that there should be an alternative emergency access to the site and that there should be vehicular access for a pump appliance to within 45m of a block of flats as required under Building Regulations Approved Document B.

**CPRE (Maidstone):** Comment generally on the need to ensure adequate parking provision is made as people still desire to own a car and wish to park it safely off-road despite government exhortations to the contrary. They also state that green spaces and greenery also enhance development be it residential or for public buildings and are part of the quality of the design of any built development.

They regret that the application has been submitted in outline on such an important site and state that the quality of the buildings will be very important. The indicative proposal is stated to meet the recommended density of dwellings for urban areas and the 60% private 40% affordable split makes it important that the division between tenures is not evident and facilities such as lifts should be in all blocks.

They do not oppose the outline proposal but request that conditions reflect the need for Quality materials and the need for the development to meet level 3 of the Code for Sustainable Homes with sufficient insulation and internal air management to mitigate any effects of high levels of external noise. There should also be sufficient wheelie-bin storage in unobtrusive places. It is also stated that there should be a requirement to consider further the parking provision and as much planting as possible with a contribution to the maintenance of off-site green spaces also secured.

**Twenty-two** letters including representations from the Springfield Quays Management Company have been received in relation to the application. Objections raised can be summarised as follows

- The largest block is too high for the area it will cause overshadowing and loss of light to adjacent properties and will be just another large block like the library it replaces
- The density is too high for the local community
- The proposed design does not fit well with existing development and the listed mansion building
- Insufficient parking provision and the loss to existing residents of the existing library parking spaces available when it is shut and no provision for visitors parking
- The local highway network which is already heavily trafficked especially at peak times of the day (particularly the roundabout on Royal Engineers Road from which the site is accessed) will not be able to cope with the additional traffic generated by the development
- Impact on the privacy and amenity of properties in Radnor Close
- Impact on properties in Moncktons Lane and Moncktons Close as a result of the height and massing of the development
- The amount of affordable housing is excessive and will not be able to be absorbed into the community
- The loss of trees on the site is unacceptable and concerns that any landscaping will not be implemented as was the case with the Springfield Quays development.
- Where is the library going?

Positive comments within the objections were made by a small number of correspondents relating to the retention of a number of trees and the fact that the design is quite appealing. One states that it is about time the existing library tower was demolished as it is an eyesore and visible from a wide area to the north of the town.

## **CONSIDERATIONS**

### **Background**

This application is linked to application MA/09/0863 which is also being reported to Members at this meeting.

This application is part of a comprehensive package that is seeking to deliver a new History Centre and Central Library at James Whatman Way with the redevelopment of this site providing part of the finance for the delivery of the James Whatman Way site.

Application MA/09/0863 seeks permission for the construction of new library centre together with 60 residential units and 57 care units with associated access, parking and

landscaping on land on the northern side of James Whatman Way approximately 550m to the south of the Springfield site.

The new library centre would house a replacement of the library currently on the Springfield site and also house the County archives and local history section.

The current library would not be demolished until the new facility was open.

### **Site Location and Description**

The application site lies to the north west of the roundabout junction on the A229 Royal Engineers Road that serves Royal Engineers Road/Chatham Road and the accesses to Invicta Park and the Springfield site.

The site extends to approximately 0.575 ha and is on land that falls gently westwards away from the highways adjoining the site. It is currently occupied by the Kent County Council Central Library that is two storeys in height and of brick and timber construction and is octagonal in form, together with associated offices including a 13-storey tower-block. Garaging/storage and staff and library vehicle parking areas are located to the north of the tower. The complex has landscaping and trees on its eastern and southern sides. Some of the existing trees are covered by Tree Preservation Order no.12 of 2009. This is an as yet Unconfirmed Order.

Another Tree Preservation Order (no 11 of 2001) covers other trees in the remainder of the former KCC Springfield campus including the land to the front of the Mansion and the land south of the site access from the A229 roundabout.

To the north of the site lies Radnor Close an affordable housing development constructed as part of the first phase of the redevelopment of the Springfield campus when it was vacated by the Kent County Council in the late 1990s. This comprises two-storey dwellings and apartment accommodation of three-storeys and is predominantly brick with slate roofs.

To the west of the existing library facilities lies the Springfield Quays development that was constructed in the early years of this decade. This development is all apartment accommodation and some four-storeys in height constructed from brickwork at ground floor level with cladding and/or render on the upper floors under a slate roof. The nearest element of this development to the site is Bambridge Court.

To the southwest of the site lies the former Springfield Mansion. This has been refurbished as offices and has a car park and landscaped area to its front. Springfield is a former mansion house built in the late C19 in the Victorian Gothic style and is Listed Grade II. The mansion has been extended in the past during its time as KCC offices. The Architect was Alfred Waterhouse, the architect of The Natural History Museum in

London and other noted Victorian buildings. I understand that the building was listed because of this historic association.

To the south of the site and the mansion lies the remainder of the former KCC office campus site. All previously existing buildings have now been demolished. Planning permission was granted under application MA/05/2350 for a mixed B1 and residential development comprising 192 apartments and approximately 17,000m<sup>2</sup> of B1 Floorspace (in three buildings).

The site lies within the defined urban area of Maidstone and has no specific Borough-wide Local Plan designation.

### **Proposals**

The application has been submitted in outline form and seeks planning permission for a residential development of 90 flats and 24 houses. The matters of Access, Layout, Scale, Appearance and Landscaping are all reserved for subsequent approval.

The illustrative plans submitted with the application show that the existing library and tower and adjacent facilities would be demolished and replaced with linked residential blocks of 2, 4, 6 and 8 storeys in height including the roof gardens. The maximum height indicated is in the region of 25.5m above ground level.

It is indicated that the development would achieve a minimum of Level 3 within the Code for Sustainable Homes.

The illustrative plans show that the ground floor 3-bed houses will each be provided with private gardens. They also indicate that 5 shared gardens will be provided for use by future residents and that the roofs of the blocks will also be used as roof gardens by residents on the appropriate levels. These roof gardens would be covered by a pergola style frame suitable for climbing plants. No details have been given at this stage of the material that the frames would be constructed with or their form and appearance.

A 200m<sup>2</sup> community facility is also to be provided. This would be situated on the ground floor of the development at its southern end. This would provide for easy access from Royal Engineers Road and the surrounding area as well as the rest of the Springfield site. It has been provided due to the identified significant under-provision of such facilities within North Ward and the fact that previous attempts to deliver such a facility on neighbouring sites have not been achieved.

No changes are proposed to the existing access from Royal Engineers Road that serves the housing on the site and the mansion other than the provision of a 'Toucan' pedestrian/cycle crossing at its western end. A total of 47 car parking spaces are shown to be provided to serve the development, a ratio of 0.4 spaces/unit.

In addition to a Design and Access and Planning Statement, the application was accompanied by a noise assessment, air quality assessment, transport assessment,



ecological scoping assessment, tree survey, phase 1 contamination assessment, a daylight/sunlight survey and a visual impact assessment.

Subsequently a draft Travel Plan, which would form part of any s106 agreement, has been submitted which includes linkages to the Kent Car-share Scheme, together with an arboricultural method statement and revised tree survey and draft Heads of Terms for a s106 agreement.

### **S106 Obligations**

Policy CF1 of the Borough-wide Local Plan 2000 and Policy S6 of the South East Plan 2009 set out the circumstances in which developments may be requested to make appropriate contributions towards the provision of additional community facilities that may be needed as a result of additional demand generated by new development that cannot be assimilated.

The application was accompanied by a draft Heads of Terms for a Section 106 legal agreement which would need to be completed prior to the determination of this application. As set out within Circular 05/2005, planning obligations must meet the following criteria. They must be:

- 1) Relevant to planning;
- 1) Necessary to make the proposed development acceptable in planning terms;
- 2) Directly related to the proposed development;
- 3) Fairly and reasonably related in scale and kind to the proposed development;
- 4) Reasonable in all other aspects.

Mouchel (working on behalf of KCC), and the West Kent Primary Care Trust have set out the requirements for contributions towards community facilities, adult social services and the additional strain on the existing health care system. In addition, due to the low parking provision, Kent County Council Highways Authority have requested a number of improvements to the surrounding infrastructure. Likewise, Maidstone Borough Council Parks and Open Space have requested suitable contributions. These requirements have been addressed, and are set out within the draft S106 agreement. The contributions set out are as follows:

Open Space Contributions: -

- The applicant have demonstrated that they are willing to meet the requirements of the Parks and Open Space Officer. This would see the applicant making a payment of £179,550 towards the improvement of existing, or the creation of new facilities within the locality of the application site (within a 1mile radius of the application site).

County Council Contributions: -

- A contribution of £227 per residential unit towards library provision;
- A contribution of £180 per residential unit towards adult education;
- A contribution of £827 per 'applicable' house and £206.75 per 'applicable' flat towards youth and community facilities within the Borough;
- A contribution of £1201 per residential unit towards adult social services within the Borough.

#### Primary Health Care Contributions: -

- The provision of a sum of £78,210 for the improvement of health care services within the Borough of Maidstone.

#### Highway Contributions and Improvements

- Pay the parking restriction contribution towards the amendment of the traffic regulation order. This is to be provided prior to the first occupation of the development;
- The improvement of four bus stops close to the land including raised kerbs and real time information system. This is to be provided prior to the occupation of the units;
- The upgrade of the existing pedestrian crossing to a toucan crossing. This is to be provided prior to the first occupation of any of the units.
- Six months prior to the commencement of the development, the applicant will submit a refined and updated travel plan to the Local Planning Authority for approval.

#### Affordable Housing provision

- All affordable housing provision for this development is to be located on the James Whatman Way site (planning reference MA/09/0863). This section 106 agreement sets this out.

#### Community Facility

- This proposal would see the creation of a community facility within the development of a floor space of no less than 200 square metres.
- In addition, it is agreed that no development (including demolition) take place on this site prior to the completion of the new library at the James Whatman Way site.

Each of these Heads of Terms are discussed within the relevant parts of the report set out below.

## **Principle**

The application site is located on a sustainable site within the urban area close to the edge of Maidstone Town Centre on part of a larger site where Members have previously accepted redevelopment proposals. It clearly comprises previously developed land located and is land which is not subject to any safeguarding designation in the Maidstone Borough-wide Local Plan 2000. Government policy also encourages mixed development.

As such, a mixed residential and community facility development as proposed, is normally acceptable in principle.

In this case however, the site comprises a significant existing community facility. Local Plan Policy CF3 which states that proposals which would lead to the significant loss of community facilities will not be permitted unless a replacement facility is provided should therefore be taken into account.

It is a fact that through application MA/09/0863, a replacement facility is being provided on a site some 550m to the south of the existing library. One of the proposed s106 Heads of Terms, set out above, ensures that the current library is not demolished until its replacement is open and in use.

Furthermore as part of the scheme a 200m<sup>2</sup> community facility is proposed to be provided as an integral part of the development.

Given the provision of the new community facility on the site and the safeguard in the s106 agreement relating to the opening of the new library prior to the closure of the existing Springfield facility, I consider that the terms of Local Plan Policy CF3 would be met.

No objections are therefore raised to the principle of the mixed residential and community facility development of the site as proposed.

## **Impact on Townscape**

Clearly, the matter of the design and layout of these proposals is not for discussion at this point (being reserved matters). However, it is clear from the number of units being proposed (and from the illustrative plans submitted) that the buildings would be of a significant height. It is therefore important to fully assess the impact that buildings of this scale would have upon the character and appearance of the locality, and the wider area.

The illustrative plans demonstrate a building of some eight storeys, with a maximum height of 25.5metres. The proposal would see 'layers' of building, which rise to this maximum point.

The 6 and 8 storey buildings will be tall. However, the scheme should also be considered in relation to the existing library tower which is some 13 storeys in height and also the previously permitted 'Mountgrange' scheme which contained commercial and residential buildings of 6 and 7 storeys in height.

It is not considered that simply because a building or development is substantial in height, that it would be to the detriment of the character and appearance of the area as a whole. Historically, some of the more striking and important buildings have used height, as a way of creating interest, and also to give the building a greater presence within a street scene or locality. Throughout Maidstone there are examples of tall buildings however that fail to respond positively to the locality. However, there are number of successful buildings, such as the development adjacent to Maidstone West station, the Waterside development backing onto Brenchley Gardens and the Eccleston Road development in Tovil. The reason that these are successful is because, despite their height, they have interest, and layering - i.e. they gradually build up to the highest point, rather than being simply one large block. This development would see a gradual increase in height, from the road frontage to the back of the site, drawing the eye upwards. This gives the proposal a more human scale - one would not feel dwarfed when walking along the front of such a development for this very reason. There would be space around the buildings to provide a setting and which would offset the impact of the height of the buildings

To the rear of the site is a four-storey housing development, of debatable architectural standard. The proposed development would be higher than this block, and as such when the reserved matters are submitted it would be imperative to ensure that the development is of a significantly higher quality than this block. However, this block to the rear would provide, in particular from long distance views, a gradual increase to the maximum height proposed - i.e. from the west there would already be a four storey block, and as such, only the top floors of this development would be viewed from afar. Furthermore, as previously stated, a building of some height on this site is already in existence.

It is therefore considered that, on balance, the principle of a large building on this site is acceptable. As this is a reserved matters application, the precise detailing would be discussed at a later point, but it is considered that the submitted illustrative plans do demonstrate that a development of this density would be plausible within this site.

## **Highways**

As with the application at the James Whatman Way site, significant discussions have taken place between this Authority, the applicant and KCC Highways Authority in order to address the parking concerns at the application site, and any subsequent highway safety issues at the site. During pre-application discussions, concern was raised with regards to the level of parking provision at the site, and as such, it was recommended

that the applicant provide a detailed travel plan with any application, as well as introducing other improvements to the existing highway network, improving the existing public transport service to and from the site, and improving both pedestrian and bicycle links into and out the town centre from the site. As such a number of improvements have been brought forward as part of a draft S106 agreement submitted with this application. I shall address each of these proposals, however, I shall first address the parking provision within the application site.

The parking area within this development would be located to the rear of the proposed residential units, and would total 47 spaces. This would be the equivalent of 0.41 spaces per unit throughout the development. Clearly this is a relatively low level of parking provision for a development of this nature, however, as Members are aware, Maidstone Borough Council does not have minimum parking standards, and as such should we refuse any application on the lack of parking provision, we have to be certain that this lack would give rise to a highway safety issue. Furthermore, PPG13 states that Local Planning Authorities should 'not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances which might include for example where there are significant implications for road safety *which cannot be resolved through the introduction or enforcement of on-street parking controls.*' As such, in assessing this application, we have to look at whether there would be the likelihood that the lack of parking provision would be to the detriment of the safety of other road users.

The applicant has offered to ensure that there are sufficient parking controls within the vicinity of the application site. They have agreed to pay the costs of providing such controls around the application site itself (the adjacent roads - Moncktons Lane, Sandling Road and Royal Engineers Road already have strict restrictions), in order that parking from this site does not spill out onto these nearby streets. The Highways Authority have not indicated that there is an existing problem with parking upon restricted areas within the locality, and as such there is no reason to suggest that this development would give rise to such problems. With the new parking controls around the site, it would only be the designated parking spaces that would be available for residents to park within. It is therefore considered that this measure would alleviate concerns of residents parking in an inappropriate manner that would impact upon highway safety. Furthermore, I am of the opinion that it would be highly unlikely that any residents would park their cars upon the A229, not only because of the parking restrictions, but due to the sheer volume of traffic upon this road, and the proximity of the site to a well used roundabout.

The applicant has also agreed to make a number of improvements to the existing highway network. These include the improvement of four bus stops within the locality of the site. This upgrade would include the provision of real time bus information, together with the raised kerbs. It is considered that this would not only improve disabled access onto the buses, but also makes the service more user friendly for others. With the improvement of these bus stops, together with a welcome pack for

new residents providing information on the bus service, and other incentives, there would be a greater likelihood that the bus service would be used to a greater extent.

The applicant has also agreed to upgrade an existing crossing within the access road to a toucan crossing (Toucan crossings are normally 4metres (13 feet) wide, instead of the 2.8metre (9 feet) width of a pelican crossing or puffin crossing. A "green bicycle" is displayed next to the "green man" when cyclists and pedestrians are permitted to cross. As well as this, it is different from a pelican crossing because, before the lights for vehicles go back to green, a steady red and amber are displayed instead of the flashing amber seen on pelican crossings. The pedestrian/cyclist signal lights may be on the near side of the crossing (like a puffin crossing), or on the opposite side of the road - like a pelican crossing) which would link in with the existing cycle path (that crosses the pedestrian bridge, over Royal Engineers Road). This would see the improvement of the existing cycle path, making it safer, and thus a more attractive option for any future residents to utilise this method of getting to and from the town centre.

As can be seen from the above, the applicant has suggested a low number of parking spaces, (with a low ratio per unit) however, has made efforts to ensure that the existing public transport, and existing pedestrian and cycle links into the town centre to encourage future residents to have a lower car ownership. These methods have proved successful throughout the country (car ownership does fall if there is a low parking provision), and it is not considered that there is any reasons to suspect it would not be successful on this site.

In addition, as Members will have noted earlier, the Travel Plan includes measures to link the site and scheme to the existing Kent Car-share Scheme. This approach has been agreed in relation to the redevelopment of the former Ophthalmic & Aural Hospital in Church Street, where parking provision was also limited.

In line with the above, it is therefore not considered that this application should be refused on the lack of parking provision, as it has not been demonstrated that this would give rise to a highway safety issue.

### **Impact on residential amenity**

As Members will have noted from earlier in the report a number of representations from local residents have been made relating to the potential adverse impact of the development on residential amenity.

The nearest properties are within Bambridge Court, Radnor Close and Springfield Avenue.

Bambridge Court is located to the west of the application site across the internal site road and parking area and at a distance of between 28m and 45m from the closest indicated point of the development.

Radnor Close lies to the north of the site. The flank of one of the three storey apartment blocks within Radnor Close is located approximately 8m-10m north of the indicated flank of the closest two-storey houses within the development, the remainder of the Radnor Close development is located approximately 20m from the flank of the two-storey houses and in excess of 45m from the taller elements of the development as indicated.

The closest properties within Springfield Avenue which is located north west of the site are approximately 48m from the indicated siting of the two-storey houses and approximately 53m from the closest point of the rest of the development.

The objections raised relate to loss of privacy day light/sunlight and the visual impact of the development on their outlook.

The application was accompanied by a detailed daylight/sunlight study that has assessed the potential impact of the development on 1-62 Bambridge Court, 5 & 6 Springfield Avenue and 1-33 Radnor Close in accordance with the BRE Digest 209 'Site Layout Planning for Daylight and Sunlight.' A total of 102 windows in the adjoining development were assessed in the study.

In terms of daylight to windows only two windows failed the 'Vertical Sky Component' test, but both of these windows serve dual aspect bedroom having two light sources and when the 'Average Daylight Factor' test which measures light from both windows is used this shows that there will remain adequate light after development. All rooms passed the 'No Sky line' test, which confirms that the proposed development would not adversely affect the distribution of daylight to any neighbouring rooms. The 'Average Daylight Factor' test results confirms that losses resulting from the development are negligible and that all other rooms achieve very good average daylight scores both before and after the development.

In terms of sunlight, windows 1 to 17 (within Bambridge Court), 47-54 (5 & 6 Springfield Avenue) and 56 to 93 (within Radnor Close) all face within 90° of due south and were tested for direct sunlight. All windows passed both the total annual sunlight hours test and the winter sunlight hours test. All other nearby windows do not face within 90° of due south or serve bedrooms or kitchens and do not need to be tested for direct sunlight. The development is therefore considered to satisfy all of the direct sunlight to windows requirements.

In terms of overshadowing the gardens of the nearby properties were assessed against the BRE 'Overshadowing to gardens and open spaces' test. This indicated that the

development would not cause any garden or amenity area to remain in permanent shadow on 21 March, the development therefore passes the test.

I therefore consider that no objections can be sustained to the development on the grounds that it would adversely affect the daylight and sunlight of or cause unacceptable overshadowing to the gardens of the existing adjoining residential properties.

It is clear from the application proposals that there will be a change in outlook from the existing properties and that the likely form of the development will be significantly different from what is currently on the site. The development will be separated from the existing development by roadways and other areas of public domain this reducing impact. The precise impact of the development cannot however, be assessed until reserved matters stage.

Likewise at this stage it is not possible to fully assess the issue of privacy. Clearly at detailed application stage, the design of the buildings will be tailored to ensure as far as is possible no unacceptable loss of privacy will occur to any adjoining residential properties. The same issue addressed in the previous paragraph in relation to the existing and proposed development being separated by roadways and areas of public domain equally applies to the issue of privacy.

I consider that no objections can be raised to the development in terms of a potentially unacceptable impact on the occupiers of neighbouring properties.

### **Setting of listed building**

Springfield Mansion located to the southwest of the site is, as stated earlier in the report a Grade II listed building; one of 2010 listings within the Borough of which some 92% are Grade II listed.

The mansion is in my view not particularly prominent in views from Royal Engineers Road as the vista from the roundabout is narrow and is affected by the fall in land levels away from the road. The front facade of the building is also largely obscured by the mature trees to the front of its car park. Currently therefore, only insignificant glimpses of the mansion can be seen from the highway and footpaths along the A229 and the pedestrian/cycle bridge over the A229. The development would not prevent these glimpses continuing to occur.

In addition, the setting of the building has already been very significantly and adversely affected by the Bambridge Court/Lee Heights development which is located very close to the building on its northern side. Bambridge Court cuts across and partially obscures a significant proportion of the front elevation of the mansion when viewed from the east.



The mansion has a car parking area to its front and a retained belt of trees (subject to the 2001 Tree Preservation Order) along the internal site access road, which further serve to screen the front elevation from both Royal Engineers Road and the current application site. It is on the eastern side of the internal access road that the development would be located.

The setting of the mansion was also a key consideration of the previous Mountgrange proposals which as stated earlier, included buildings of a similar overall height to that currently proposed, but with less intervening tree cover. That development was granted planning permission.

The views of the rear elevation of the mansion as it sits overlooking the River Medway and which have with the creation of Whatman Park become public views, will remain.

I consider that the degree of separation from the development site is acceptable and that given a suitable detailed design at reserved matters stage, no objection could be sustained in relation to the development adversely affecting the setting of the mansion.

### **Ecology**

The application was accompanied by an ecological scoping report and survey.

The report advises that reptile such as the common lizard and slow worm are unlikely to be present on the site primarily due to the fact that the maintenance regime renders the area unsuitable to support reptiles. The report does state that common toad may be present along the eastern boundary of the site. Appropriate precautionary measures prior to development commencing are suggested in the report.

In relation to bats the report finds that the library building, the attached administration block (except the tower), and the timber clad annex to the south of the garage are all potential bat roosts as are a number of mature trees in the area. It is therefore recommended that summer evening activity surveys and a dawn survey be carried out before demolition of the buildings or any tree work commences.

The site does contain little suitable habitat for hedgehogs but precautionary measures prior to development commencing are suggested.

In relation to nesting birds trees and shrubs on the site may contain nesting birds in the summer months, therefore precautionary measures are identified.

Subject to the recommendations in the report being adhered to and secured by means of appropriate conditions no objections are raised to the development in terms of its impact on ecology. The landscaping of the site is to be dealt with at reserved matters stage and could include measures to enhance ecology as part of the submitted details.

## **Landscape**

The comments of the Landscape Officer are noted. It is noted that only 4 trees subject to the most recent Tree Preservation Order are likely to be directly lost due to the development, two of which have structural defects and whose loss is not considered to adversely affect the remaining trees within Group G1 of the Order.

Of most concern to the Landscape Officer is the loss of a Wellingtonia tree and a mature Corsican Pine (which are not however native indigenous species) within Group G2, neither of which, exhibit structural defects and the impact of the development on the Root Protection Areas (RPA) of the remaining trees in Group G2 as the area of the proposed footprint within the RPA exceeds the 20% maximum recommended by BS5837:2005 'Trees in Relation to Construction-Recommendations' together with the fact that there is no scope to extend the RPA on the southern side of the trees due to the existing road to compensate for the development on the northern side of the Group.

Clearly the loss of any tree is regrettable, however, in this instance this application must be considered as part of the overall 'package' provided by the two applications which together seek to deliver a prestigious project that will provide an enhanced community facility for the Borough. The loss of the two trees must be balanced against the wider benefits to the community as a whole arising from the two schemes, both of which are necessary to allow the development on the James Whatman Way site to take place.

As well as the balance relating to the overall package before Members, there is a balance within the site itself to consider. The site is constrained not just by the existing trees within and adjacent to it but also by existing development around its edges and the need to adequately service the development. For example, moving the buildings northwards away from the trees could have implications for the level of parking provision or bring the buildings closer to properties in Bambridge Court or Radnor Close potentially impacting on the amenities of the residents of these buildings. Reducing the footprint of the buildings is likely to have the effect of the buildings needing to be taller to maintain the housing provision necessary within the scheme to deliver the required financial contribution to the development on the James Whatman Way site.

Furthermore, this application is submitted with all matters reserved so the precise siting of the development has not yet been fixed and in addition it is possible to secure detailed foundation design by means of an appropriate condition.

I also consider it appropriate to secure, by means of condition, additional landscaping to existing planted areas fronting Royal Engineers Road which could involve additional tree planting. This would have the benefit of providing a softer appearance to this frontage and also the opportunity to add some layering in the form of planting and planting heights in front of the proposed buildings and retained trees.

Given these potential safeguards and the significant overall community benefit arising from the two schemes, in this instance I do not consider that the objections of the Landscape Officer are of such overriding weight as to justify refusal.

### **Sustainable Construction**

The applicants are committed to achieving as minimum Level 3 of the Code for Sustainable Homes in the detailed design of the development. This will be conditioned and would ensure that future development significantly exceeds the current requirements of the Building Regulations in terms of energy efficiency, CO<sub>2</sub> emissions and water consumption. Roof gardens are also proposed, with details to be secured at reserved matters stage.

Having regard to the Environment Agency's comments, the use of SUDS techniques on this site as proposed in the application would need to be very carefully investigated due to the site lying on an aquifer and adjacent to a Source Protection Zone.

### **Air Quality and Noise**

An air quality assessment report and a noise report have both been submitted as part of the application. These have been assessed by the Environmental Health Section who have confirmed that they agree with the contents and recommendations of both reports.

In respect of air quality, the mitigation measures mainly relate to ensuring suitable controls during the demolition and construction phase to reduce dust deposition and soiling and PM<sub>10</sub>/PM<sub>2.5</sub> particle generation, by means of measures to secure prevention suppression and containment in that order.

The development, post construction, is predicted to cause a small increase in NO<sub>2</sub> and PM<sub>10</sub> concentrations at some receptor locations. Whilst some of these receptors are already located in areas where NO<sub>2</sub> concentrations are predicted to be potential exceedences of Air Quality Standards, no additional properties are subject to likely or potential exceedences of Air Quality Standards as a result of the proposed development.

In terms of noise, the report's findings indicate that the site mainly falls within PPG24 NEC 'B' although after allowing for the screening effect of existing or the new buildings facades facing away from the highway fall within NEC 'A' during the daytime.

The report therefore recommends the following specification for normal thermal double glazing units of 4/12/4 or 4/16/4 (thickness of glass pane/air gap/thickness of glass pane) and states that this will provide a reduction in sound in excess of the minimum requirement based on the noise measurement data. Opening windows for ventilation

purposes would then exceed the design standards, the report therefore states that habitable rooms of dwellings that have windows in the east, south and west facades could be fitted with passive acoustic ventilators which would allow natural ventilation without any loss of amenity and would remove the need for trickle vents within the window frames.

The mitigation measures and recommendations in terms of air quality and noise can be the subject of appropriate conditions and no objections are raised to the development on these grounds.

### **Conclusions**

This application is directly linked to and an integral part of the James Whatman Way scheme (MA/09/0863). That scheme cannot proceed without development on this site being approved.

The development of this scheme will also meet the guidance in PPS3 which places great importance on the delivery of well designed and quality housing in sustainable urban locations on previously developed land and which also encourages mixed development.

This scheme would deliver 114 units and a community facility as an integral part of it on such a site.

As indicated earlier, the loss of any trees is regrettable. It is necessary however, to balance against this loss, the wider benefit that the scheme will bring in partly enabling the development on the James Whatman Way site and considerations of the amenities of existing adjoining residents and the need to adequately service the development.

Given the balancing exercise that has been undertaken on what is a constrained site, the scheme as proposed would not significantly impact upon the residential amenity of the neighbouring occupiers nor upon the already compromised setting of the nearby listed building. Whilst it is clear that there would not be an over supply of car parking spaces on site, the site is well linked to the town centre, both by foot/cycle or by public transport and the applicant has demonstrated that they are willing to improve these further. As such, it is considered that the proposal would not give rise to any highway safety issues to warrant a refusal on this basis.

It is considered that the principle of a mixed residential and community facility development upon this site is acceptable, with the scale and form of the buildings proposed considered appropriate (subject to a suitably high quality design at reserved matters stage) for this locality.

I therefore recommend that Members give this application favourable consideration, and delegate powers to the Development Control Manager to grant planning permission

subject to the prior completions of a suitable S106 legal agreement, in accordance with the Heads of Terms set out below, and subject to the conditions and informatives also set out below.

### **RECOMMENDATION**

#### **SUBJECT TO:**

- A: The prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to secure;
- (i) A contribution of £179,550 towards the improvement of existing open space, or the creation of new facilities within a 1mile radius of the application site.
  - (ii) a) a contribution of £227 per residential unit towards library provision;  
b) a contribution of £180 per residential unit towards adult education;  
c) a contribution of £827 per 'applicable' house and £206.75 per 'applicable' flat towards youth and community facilities within the Borough;  
d) a contribution of £1201 per residential unit towards adult social services within the Borough.
  - (iii) The provision of a sum of £78,210 for the improvement of Primary Health Care services within the Borough of Maidstone.
  - (iv) Payment of contribution towards the amendment of existing or making of Traffic Regulation Orders restricting on-street parking in the vicinity of the site. To be provided prior to the first occupation of the development;
  - (v) The improvement of four bus stops close to the land including raised kerbs and provision of real time information systems. To be provided prior to the first occupation of the units;
  - (vi) The upgrading of the existing pedestrian crossing at the western end of the Springfield site access road to a toucan crossing. To be provided prior to the first occupation of any of the units.
  - (vii) Six months prior to the commencement of the development, the submission of a refined and updated travel plan to the local planning authority for approval.
  - (viii) The creation of a community facility within the development of a floor space of not less than 200 square metres.
  - (ix) No development (including demolition) taking place on this site prior to the completion of the new library at the James Whatman Way site.

B: I BE GIVEN DELEGATED POWERS TO GRANT PERMISSION subject to the following conditions:-

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

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

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

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

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

2. The details of reserved matters of layout, appearance and scale submitted pursuant to condition 1 above shall include inter-alia;

- (i) A staggered mixture of 2, 4, 6 & 8 storey buildings,
- (ii) The maximum height of any building not exceeding 25.5m,
- (iii) The provision of roof gardens and pergolas,
- (iv) The provision of a community facility of not less than 200sq.m. net floor area,
- (v) Details of windows and doors and recesses/reveals (which shall be a minimum of 100mm) to be in the form of large scale drawings (scale 1:20 or 1:50),
- (vi) Details of the finish of the roof and the facade of the buildings,
- (vii) Details of the junction of the cills of the windows and the rendered panels,
- (viii) Precise details of the fenestration, in particular the arrangement of windows to provide the 'cracks' detailing upon the elevations of the buildings.

The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: No such details have been submitted and to ensure a high quality design and standard of finish for the development pursuant to policies CC6, BE1 and BE6 of the South East Plan 2009.

3. The development shall not commence until, details of the proposed slab levels of the building(s) and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site.

4. The development shall not commence until the applicant has secured and had implemented 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 enable the recording of any items of historical or archaeological interest pursuant to the advice in PPG16.

5. 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 development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of pollution and flood prevention pursuant to policy NRM4 of the South East Plan 2009.

6. The development shall not commence 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) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning

authority. The scheme shall be implemented as approved.

Reason: The site is underlain by the Hythe Beds principal aquifer, immediately adjacent to a Source Protection Zone 1 and pursuant to policy NRM1 of the South East Plan 2009 and the advice in PPS23.

7. The details of surface water drainage submitted pursuant to condition 4 above, shall show no infiltration of surface water drainage into the ground other than for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason: In order to protect groundwater resources within the underlying Hythe Beds principal aquifer pursuant to policy NRM1 of the South East Plan 2009.

8. The development shall not commence until details of measures to mitigate the impact of demolition and construction on air quality as recommended in the Air Quality Assessment (prepared by Mouchel) received 21 May 2009 have been submitted to and agreed by the local planning authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure no unacceptable adverse impact on air quality pursuant to policy NRM9 of the South East Plan 2009.

9. The development shall not commence until details to mitigate the impact of noise as recommended in the acoustic assessment (prepared by AcousticAir) received 21 May 2009 have been submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure no unacceptable adverse impact on future occupiers from road traffic noise pursuant to policy NRM10 of the South East Plan 2009.

10. The details of landscaping submitted pursuant to condition 1 above shall include an arboricultural method statement detailing any works required to trees within the site and details showing all trees to be retained protected by barriers and/or ground protection have been submitted to and approved by the local planning authority. The arboricultural method statement and tree protection measures shall accord with the requirements of BS5837:(2005) 'Trees in Relation to Construction-Recommendations'. 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 pursuant to policy NRM7 of the South East Plan 2009.

11. The development shall not commence until details of the retention and placement within the site of a proportion of the cordwood from the felled trees have been submitted to and agreed by the local planning authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: In the interests of biodiversity and ecology pursuant to policy NRM5 of the South East Plan 2009.

12. The dwellings shall achieve Level 3 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 3 has been achieved.

Reason: To ensure a sustainable and energy efficient form of development pursuant to policy CC4 of the South East Plan 2009.

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers pursuant to policy BE1 of the South East Plan 2009.

14. The details of layout submitted pursuant to condition 1 above shall include details showing not less than 47 car parking spaces and/or garages and details of secure cycle parking provision at a minimum ratio of one space/unit.

Reason: Development without adequate parking/garage provision is likely to lead to parking inconvenient to other road users and prejudice road safety pursuant to

policy T4 of the South East Plan 2009.

15. The details of the parking/turning areas approved pursuant to condition 13 above 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 pursuant to policy T4 of the South East Plan 2009.

16. The details of layout submitted pursuant to condition 1 above shall include details of satisfactory facilities for the storage of refuse on the site. The subsequently 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 pursuant to policy BE1 of the South East Plan 2009.

17. The development shall not commence until a further bat survey has been undertaken of the existing buildings and trees within the site and a subsequent report identifying mitigation measures as appropriate, together with details of the mitigation measures for reptiles, toads, hedgehogs and birds as recommended in the ecological scoping survey (prepared by Lloyd Bore) received 21 May 2009 submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: In the interests of biodiversity and ecology pursuant to policy NRM5 of the South East Plan 2009.

18. The development shall not commence until, detailed designs of the proposed foundations of the buildings and their method of construction have been submitted to and approved by the local planning authority. The design of the foundations and method of construction shall take into account the proximity of the retained trees within the site and their associated Root Protection Areas. The development shall

thereafter be undertaken in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to safeguard existing trees pursuant to policy NRM7 of the South East Plan 2009.

19. The details of landscaping submitted pursuant to condition 1 above shall include details of landscaping provision for the enhancement of the planting in the following areas;

(i) The existing verge to the north of the Springfield access road and bounded to the west by the application site and north/east by Chatham Road/Royal Engineers Road,

(ii) The existing verge to the south of the Springfield access road, bounded to the east by Royal Engineers Road and which shall include the phased provision of an avenue of Lime Trees as a replacement of existing tree planting;

Reason: No such details have been submitted and to ensure a satisfactory appearance and setting for the site pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000.

20. No structure, plant, equipment or machinery shall be placed, erected, or installed on or above the roof or on external walls without the prior approval in writing of the Local Planning Authority;

Reason: In the interest of a high quality finish of the development hereby permitted, in accordance with Policy BE1 of the South East Plan and PPS1.

21. The development shall not commence until details of a maintenance programme for maintaining the external appearance of the buildings have been submitted to and approved by the Local Planning Authority. The programme shall thereafter be implemented in accordance with the subsequently approved details.

Reason; To maintain and preserve the character and appearance of the buildings in the interests of the visual amenities and character of the area pursuant to PPS1 and BE1 of the South East Plan 2009.

22. The development shall not commence until details of all external lighting within the site have been submitted to and approved in writing by the Local Planning Authority and these works shall be undertaken in accordance with the approved details and maintained thereafter. No additional lighting shall be placed or erected within the site thereafter without the prior approval of the local planning authority.

Reason: In order to maintain the character and appearance of the site in accordance with Policy ENV49 of the Maidstone Borough-Wide Local Plan 2000

23. Removal of existing trees or hedgerows containing nesting birds shall take place outside of the bird-breeding season (generally March to August).

Reason: To ensure that nesting birds are not disturbed in accordance with PPS9.

### **Informatives set out below**

The applicant should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Atkins Ltd. Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel 01962858688) or [www.southernwater.co.uk](http://www.southernwater.co.uk)

Where it is proposed to store more than 200 litres (45 gallon drum = 205litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (Oil Storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.

Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials should be stored (for example in bunded areas secured from public access) so as to prevent accidental/ unauthorised discharge to ground. The area's for storage should not drain to any surface water system.

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

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.

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

Adequate and suitable provision in the form of water sprays should be used to reduce dust from demolition work.

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

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

No development shall commence until a scheme for the use of wheel cleaning, dust laying and road sweeping equipment, have been submitted to and the scheme approved in writing by the local planning authority. The approved scheme shall be implemented in its entirety once development has commenced, for the duration of demolition/construction works at the site.

You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in accordance with the Scheme. Further information can be found at [www.considerateconstructorscheme.org.uk](http://www.considerateconstructorscheme.org.uk)

This application is linked to planning permission MA/09/0863 for which there is a Section 106 legal agreement in place. This legal agreement sets out that the new library building subject to application MA/09/0863 shall be provided prior to the closing of the existing library facility - to ensure a continuous public facility. This shall be carried out in accordance with this legal agreement.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.

I wish to amend condition 7 to require the surface water drainage system to be SUDS system but taking into account the comments of the Environment Agency

I also consider that in order to ensure a high quality finish to the development, the following condition be imposed to any planning permission granted: -

The fenestration on the development hereby permitted shall be black, and shall detailed as shown on the submitted plans.

Reason: In the interests of securing a high quality design in accordance with PPS1: Design.

#### **Amendments to recommendation**

It is requested that in order to ensure a high quality finish to the development, the following condition be imposed to any planning permission granted: -

The fenestration on the development hereby permitted shall be black, and shall detailed as shown on the submitted plans.

Reason: In the interests of securing a high quality design in accordance with PPS1: Design.

In addition, I would recommend that the recommendation be amended to read: -

I be GIVEN DELEGATED POWERS to GRANT PLANNING PERMISSION subject to the prior completion of a legal agreement to secure

(i) A contribution of £179,550 towards the improvement of existing open space, or the creation of new facilities within a 1mile radius of the application site.

(ii) a) a contribution of £227 per residential unit towards library provision;  
b) a contribution of £180 per residential unit towards adult education;  
c) a contribution of £827 per 'applicable' house and £206.75 per 'applicable' flat towards youth and community facilities within the Borough;  
d) a contribution of £1201 per residential unit towards adult social services within the Borough.

(iii) The provision of a sum of £78,210 for the improvement of Primary Health Care services within the Borough of Maidstone.

(iv) Payment of contribution towards the amendment of existing or making of Traffic Regulation Orders restricting on-street parking in the vicinity of the site. To be provided prior to the first occupation of the development;

(v) The improvement of four bus stops close to the land including raised kerbs and provision of real time information systems. To be provided prior to the first occupation of the units;

(vi) The upgrading of the existing pedestrian crossing at the western end of the Springfield site access road to a toucan crossing. To be provided prior to the first occupation of any of the units.

(vii) Six months prior to the commencement of the development, the submission of a refined and updated travel plan to the local planning authority for approval.

(viii) The creation of a community facility within the development of a floor space of not less than 200 square metres.

(ix) No development (including demolition) taking place on this site prior to the completion of the new library at the James Whatman Way site.

(x) Provision for the enhancement of landscaping and a landscape management plan for the following areas;

(a) The existing verge to the north of the Springfield access road and bounded to the west by the application site and north/east by Chatham Road/Royal Engineers Road,

(b) The existing verge to the south of the Springfield access road, bounded to the east by Royal Engineers Road and which shall include the phased provision of an avenue of Lime Trees as a replacement of existing tree planting,

(c) The management of the existing woodland and landscaped area north of the roundabout on Royal Engineers Road (bounded by Royal Engineers Road and Sandling Road) together with the planting of a replacement Wellingtonia tree at the southern end of the land.

and that the permission be granted subject to the conditions set out in the report as amended by this urgent update.

Amend condition 7 to read as follows

The details of surface water drainage submitted pursuant to condition 5 above, shall utilise a SUDS system. The submitted scheme shall however, show no infiltration of surface water drainage into the ground other than for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason: In order to protect groundwater resources within the underlying Hythe Beds principal aquifer pursuant to policy NRM1 of the South East Plan 2009.

Delete condition 19 on the papers and renumber remaining conditions accordingly.

Add new condition 23.

23. The fenestration on the development hereby permitted shall be black, and shall be detailed as shown on the submitted plans.

Reason: In the interests of securing a high quality design in accordance with PPS1: Design.

Add new informative

The development should be carried out fully in accordance with the approved plans



Councillors have expressed concern that the conditions do not adequately constrain the development on the site in respect of securing the residential amenity of occupiers of neighbouring dwellings, or an adequate quality of design, and a sylvan appearance to the eastern boundary of the site. As such I propose to amend conditions 2, 11, 13 and 22 as follows:

Condition 2

The details of reserved matters of layout, appearance and scale submitted pursuant to condition 1 above shall include inter-alia;

- (i) A staggered mixture of 2, 4, 6 & 8 storey buildings that retain the massing and block pattern as shown on the illustrative drawings;
- (ii) The maximum height of any building not exceeding 25.5m;
- (iii) An irregular and alternating footprint, to respond to the site's landscape setting and character, and ensure separation of amenity for existing and proposed occupants;
- (iv) The provision of roof gardens, pergolas and brise soleil;
- (v) The provision of a community facility of not less than 200sq.m. net floor area unless otherwise agreed in writing by the Local Planning Authority;
- (vi) Details of windows and doors and recesses/reveals (which shall be a minimum of 100mm) to be in the form of large scale drawings (scale 1:20 or 1:50);
- (vii) Details of the finish of the roof and the facade of the buildings to include the:
  - method of rainwater disposal on all elevations, to minimise visual interruptions to the 'cracks' detailing upon the elevations of the building; and
  - elevational articulation including balconies,
- (viii) Details of the junction of the cills of the windows and the rendered panels; and
- (ix) Precise details of the fenestration, in particular the arrangement of windows to provide the 'cracks' detailing upon the elevations of the buildings.

The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: No such details have been submitted and to ensure a high quality design and standard of finish for the development and an adequate level of residential amenity to future occupiers and occupiers of neighbouring residential properties.

Condition 11

The details of landscaping submitted pursuant to condition 1 above shall include, inter alia, additional tree planting along the eastern boundary of the site, and a tree survey, an arboricultural implications assessment (AIA) and tree protection measures in accordance with the recommendations of BS5837:2012, Trees in

relation to design, demolition and construction - recommendations. The AIA shall include a realistic assessment of the probable impact of any proposed development on trees and vice versa, together with details of any tree works that would be necessary to implement the proposal. Where the AIA identifies a conflict between the proposal and trees to be retained, details should be provided to demonstrate that the trees can be achieved successfully. The details shall also include the planting of semi-mature native trees within the landscaping and car parking areas;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development through the provision of a sylvan edge to the eastern boundary of the site and the softening of areas of hard surfacing within the site.

### Condition 13

The dwellings shall achieve a minimum of Level 3 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 3 or above has been achieved.

Reason: To ensure a sustainable and energy efficient form of development.

### Condition 22

The development shall not commence until details of all external lighting within the site have been submitted to and approved in writing by the Local Planning Authority and these works shall be undertaken in accordance with the approved details and maintained thereafter. No additional lighting shall be placed or erected within the site thereafter without the prior approval of the Local Planning Authority. The lighting scheme shall minimise light spillage within and outside of the site through the use of bollard lighting and any other appropriate means, and the details submitted shall include details of luminaires and a light spillage plot undertaken by an appropriately qualified person;

Reason: In order to maintain the character and appearance of the site, safeguard the residential amenity of the occupiers of proposed and existing dwellings, and prevent harm to biodiversity.

**My recommendation remains unchanged, subject to the amendments set out above.**



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# Agenda Item 19

## THE MAIDSTONE BOROUGH COUNCIL

### PLANNING COMMITTEE

12<sup>th</sup> DECEMBER 2013

#### APPEAL DECISIONS:

- 1. – MA/12/2100** Erection of 8No. new build affordable houses with associated access, parking and amenity space as shown on drawing numbers 130 rev B, 131 and 150, supported by a design and access statement, planning statement, Quaife Woodlands Arboricultural Survey and Planning Integration Report ref. AR/2758/ci), Grant Acoustics Noise Assessment (ref. CA-2012-0058-R1), KB Ecology Preliminary Ecological Appraisal (ref.2011/11/08), KB Ecology Reptile Survey Report (ref. 2012/02/07), KB Ecology Greater Crested Newt Survey Report (ref. 2012/02/07), Site Selection Process document and Action with Communities in Rural Kent Marden Housing Needs Survey, all received 21st October 2012, and drawing numbers 100 rev A received 16th January 2013 and 113 rev D received 17th January 2013.

**APPEAL:** DISMISSED

**ADDRESS:** LAND ADJ HIGHFIELD HOUSE,  
TONBRIDGE, KENT, TN12 9AG

(PLANNING COMMITTEE 04/04/13)

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- 2. – ENF/11977-** Construction of double garage in front garden

**APPEAL:** DISMISSED AND ENFORCEMENT NOTICE  
UPHELD

**ADDRESS:** 59 HOCKERS LANE, DETLING,  
MAIDSTONE, ME14 3JN

(DELEGATED POWERS)

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