

AGENDA

PLANNING COMMITTEE MEETING



Date: Thursday 10 April 2014
Time: 6.00 p.m.
Venue: Town Hall, High Street,
Maidstone

Membership:

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

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1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 14 April 2014

Continued Over/:

Issued on 2 April 2014

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Alison Broom

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

6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
7. Disclosures by Members and Officers
8. Disclosures of lobbying
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
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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.

BACKGROUND DOCUMENTS: The background documents for the items on the agenda are to be found on the respective planning files for each application and on the files for those applications referred to in the history section of each report.

Background documents are available for inspection during normal office hours at the Maidstone Borough Council Gateway Reception, King Street, Maidstone, Kent, ME15 6JQ.

Agenda Item 10

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 20 MARCH 2014

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

Also Present: Councillors Naghi and Thick

314. APOLOGIES FOR ABSENCE

There were no apologies for absence.

315. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

316. NOTIFICATION OF VISITING MEMBERS

Councillor Naghi indicated his wish to speak on the report of the Head of Planning and Development relating to application MA/13/1711.

Councillor Thick indicated his wish to speak on the report of the Head of Planning and Development relating to application MA/13/1315.

317. ITEMS WITHDRAWN FROM THE AGENDA

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

The Chairman sought the agreement of the Committee to the withdrawal of this application from the agenda as a revised viability report had been received.

RESOLVED: That agreement be given to the withdrawal of application MA/12/2255 from the agenda to enable consideration to be given to the revised viability report.

318. URGENT ITEMS

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

319. DISCLOSURES BY MEMBERS AND OFFICERS

With regard to the report of the Head of Planning and Development relating to application MA/13/1711, Councillor Ash stated that the building at 97 Holland Road, Maidstone had been used as his doctor's surgery since the 1970's. However, he did not believe that he had a disclosable interest in the application, and intended to speak and vote when it was discussed.

With regard to the report of the Head of Planning and Development relating to application MA/14/0116:

- The Chairman stated that he was the Chairman of the Advisory Panel which had recommended that Aylesbury House, 56 London Road, Maidstone be acquired by the Council for use as a hostel to provide emergency temporary accommodation. However, he had not pre-determined the application, and intended to speak and vote when it was discussed.
- Councillor Nelson-Gracie stated that he was a Member of the Advisory Panel which had recommended that Aylesbury House, 56 London Road, Maidstone be acquired by the Council. However, he had not pre-determined the application, and intended to speak and vote when it was discussed.

320. EXEMPT ITEMS

RESOLVED: That the items on the agenda be taken in public as proposed.

321. MINUTES OF THE MEETING HELD ON 27 FEBRUARY 2014

RESOLVED: That the Minutes of the meeting held on 27 February 2014 be approved as a correct record and signed.

322. PRESENTATION OF PETITIONS

There were no petitions.

323. DEFERRED ITEMS

See Minute 326 below.

324. 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

See Minute 317 above.

325. MA/13/1291 - OUTLINE APPLICATION FOR 44 DWELLINGS COMPRISING 5 NO. 1 BEDROOM, 9 NO. 2 BEDROOM, 17 NO. 3 BEDROOM AND 13 NO. 4 BEDROOM HOUSES TOGETHER WITH NEW ACCESS, ASSOCIATED

PARKING, WILDLIFE ENHANCEMENT AREA AND ATTENUATION POND WITH ACCESS CONSIDERED AT THIS STAGE AND ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION - LAND TO THE NORTH OF HOWLAND ROAD, MARDEN, KENT

All Members stated that they had been lobbied.

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

Mr Warrington, an objector, Councillor Mannington of Marden Parish Council (against) and Mr Hough, for the applicant, addressed the meeting.

RESOLVED: That subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Services may advise to secure the following:

- The provision of 40% affordable residential units within the application site;
- A contribution of £2,360.96 per 'applicable' house ('applicable' meaning all dwellings, excluding 1 bed units of less than 56sqm GIA, and sheltered accommodation specifically for the elderly) towards the build costs of extending Marden Primary School;
- A contribution of £2,359.80 per 'applicable' house towards the extension of secondary school buildings, which (based on current trends) are currently used by residents of Marden;
- A contribution of £118.73 per dwelling towards the provision of additional book stock and services at local libraries serving the development, in order to address the demand from the development;
- A contribution of £30.70 per dwelling towards the provision of new/expanded facilities and services both through adult education centres and through outreach community learning facilities local to the development, in order to address the demand from the development;
- A contribution of £8.44 per dwelling towards youth services locally, in order to address the demand from the development;
- An adult social services contribution of £18.05 per dwelling towards the provision of new/expanded facilities and services both on site and local to the development, including assistive technology and enhancement of local community facilities to ensure full DDA access, in order to address the demand from the development;
- A contribution of £10,928.63 towards (forward funded and completed) extensions and works to the Marden Medical Centre;

- A contribution towards forecourt improvements at Marden railway station (subject to further investigation demonstrating that the request is CIL compliant);
- The translocation of slow worms to the receptor site and a management plan; and
- The establishment of a development delivery steering committee comprising the developer, MBC Officers, representatives of Marden Parish Council, the local Ward Members and Councillor Harwood to oversee all aspects of the development,

the Head of Planning and Development be given delegated powers to grant outline permission subject to the conditions and informatives set out in the report with the amendment of condition 11 and an additional condition as follows:

Condition 11 – Amended

The development shall not commence until a detailed surface water drainage scheme for the site following the principles established in the flood risk assessment and drainage strategy, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The details shall include, inter alia, a long term management and maintenance plan for the SUDS included in the approved scheme. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, to improve habitat and amenity and to ensure the long term management/maintenance of the SUDS.

Additional Condition

The development shall not commence until details of a construction traffic management plan have been submitted to and approved in writing by the Local Planning Authority. The details submitted shall include, inter alia, measures for parking and turning of construction vehicles within the site and the avoidance of construction traffic movements during school drop off and pick up times. The development shall be undertaken in accordance with the approved details.

Reason: To avoid conditions which would give rise to congestion and be detrimental to highway safety.

Voting: 7 – For 3 – Against 3 – Abstentions

326. MA/13/1711 - AN APPLICATION FOR OUTLINE PLANNING PERMISSION FOR THE ERECTION OF 5 NO. TOWN HOUSES WITH ALL MATTERS RESERVED FOR FUTURE CONSIDERATION - 97 HOLLAND ROAD, MAIDSTONE, KENT

All Members stated that they had been lobbied.

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

Ms Bish, for objectors, and Councillor Naghi (Visiting Member) addressed the meeting.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission. In making this decision, Members felt that without the provision of on site parking the development would have a detrimental cumulative impact upon existing residents' quality of life by reducing an overloaded local parking scheme, making it an unsustainable layout and design. Also, the number of units proposed would ensure that the development would be of a density which is jarring to the layout and rhythm of the streetscape and therefore detrimental to the local street scene.

RESOLVED: That outline permission be refused for the following reasons:

1. Without the provision of on site parking the development will have a detrimental cumulative impact upon existing residents' quality of life by reducing an overloaded local parking scheme, making it an unsustainable layout and design.
2. The number of units proposed would ensure that the development would be of a density which is jarring to the layout and rhythm of the streetscape and therefore detrimental to the local street scene.

Voting: 10 – For 2 – Against 1 – Abstention

DECISION DEFERRED UNTIL THE NEXT MEETING PURSUANT TO PARAGRAPH 17 (a) OF THE LOCAL CODE OF CONDUCT FOR COUNCILLORS AND OFFICERS DEALING WITH PLANNING MATTERS.

327. MA/13/1315 - CONTINUED OCCUPATION OF THE SITE AS A GYPSY CARAVAN SITE (PLANNING APPLICATION REFUSED UNDER REF:MA/03/2366 BUT ALLOWED ON APPEAL) BUT WITH VARIATION OF THE FOLLOWING CONDITIONS TO ALLOW : CONDITION 2 : TO ENABLE UNRESTRICTED OCCUPATION BY ANY GYPSY/TRAVELLER FAMILY (CURRENTLY RESTRICTED TO APPLICANT AND DEPENDENTS); CONDITION 3 : TO ENABLE PERMANENT OCCUPATION BY GYPSY AND TRAVELLER FAMILY (CURRENTLY RESTRICTED TO 4 YEARS EXPIRING ON 31 JULY 2013); AND CONDITION 4 : INCREASE IN NUMBER OF CARAVANS ON SITE (CURRENTLY PERMITTED 3 STATIC AND 2 TOURERS)

TO 4 STATIC AND 4 TOURERS - QUARTER PADDOCKS, BLETCHENDEN ROAD, HEADCORN, KENT

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

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

Councillor Pyman of Headcorn Parish Council (against) and Councillor Thick (Visiting Member) addressed the meeting.

RESOLVED: That subject to the prior negotiation of an additional condition to secure a scheme of landscaping for the paddock to the rear, using indigenous fruit species which shall be arranged in orchard groups and grids within the site in order to break up the visual impact of the configuration of the mobiles, the Head of Planning and Development be given delegated powers to grant permission subject to the conditions and informatives set out in the report, the additional condition referred to above (no.9), the additional condition set out in the urgent update report (amended in the light of any plans received in connection with additional condition 9) and the following additional informative:

The applicant is advised to liaise with Maidstone Borough Council Landscape Officers to achieve a suitable landscaping scheme for the interior of the site and its delivery.

Voting: 9 – For 3 – Against 1 – Abstention

Councillors Black, Hogg and J. A. Wilson requested that their dissent be recorded.

328. TREE PRESERVATION ORDER NO. 1 OF 2014 - TREE WITHIN GRASS VERGE OF COURTLANDS TO THE SOUTH OF DOLLY BEES, MALLING ROAD, TESTON, MAIDSTONE, KENT

The Committee considered the report of the Head of Planning and Development concerning Tree Preservation Order No. 1 of 2014 which was made under Regulation 4 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 to protect one Lime tree within the grass verge of Courtlands to the south of Dolly Bees, Malling Road, Teston, Maidstone, Kent.

It was noted that one objection to the Order had been received, outside the statutory 28 day period from its making, on behalf of the owner of the neighbouring property, Dolly Bees, Malling Road, Teston, Maidstone.

Mr Pick, the owner of Dolly Bees, and Councillor Levett of Teston Parish Council addressed the meeting in support of the Order. Mr Pick asked that when works were undertaken to crown lift the tree, a condition be applied requiring the crown to be raised to the same extent on his side as well.

RESOLVED: That Tree Preservation Order No. 1 of 2014 be confirmed without modification.

Voting: 13 – For 0 – Against 0 – Abstentions

329. TREE PRESERVATION ORDER NO. 13 OF 2013 - WOODLAND EAST SIDE OF DEAN STREET, EAST FARLEIGH, MAIDSTONE, KENT

The Committee considered the report of the Head of Planning and Development concerning Tree Preservation Order No. 13 of 2013 which was made under Regulation 4 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 to protect an area of developing woodland to the east side of Dean Street, East Farleigh, Maidstone.

It was noted that one objection to the Order had been received, within the statutory 28 day period from its making, on behalf of the site owner.

RESOLVED: That Tree Preservation Order No. 13 of 2013 be confirmed without modification.

Voting: 13 – For 0 – Against 0 – Abstentions

330. MA/13/1580 - DEMOLITION OF MOTOR VEHICLE BODY REPAIR WORKSHOP AND DEMOLITION OF 2 NO. EXISTING DWELLINGS IN CONVERTED FARM BUILDINGS. ERECTION OF 4 NO. TWO-BEDROOMED DWELLINGS AND 2 NO. THREE-BEDROOMED DWELLINGS WITH ASSOCIATED GARAGING/PARKING AND LANDSCAPING - LAND AT FISHERS OAST, FISHERS ROAD, STAPLEHURST, TONBRIDGE, KENT

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

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

Voting: 13 – For 0 – Against 0 – Abstentions

331. MA/14/0175 - ADVERTISEMENT CONSENT FOR THE INSTALLATION OF 6 NO. NON-ILLUMINATED VERTICAL BANNER SIGNS TO EXISTING BRACKETS AND 3 NO. NON-ILLUMINATED WINDOWS GRAPHICS - HAZLITT THEATRE, EARL STREET, MAIDSTONE, KENT

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

RESOLVED: That subject to the expiry of the most recent consultation period, and no representations being received raising new material issues, the Head of Planning and Development be given delegated powers to grant advertisement consent subject to the conditions set out in the report.

Voting: 13 – For 0 – Against 0 – Abstentions

332. MA/14/0308 - LISTED BUILDING CONSENT FOR THE ATTACHMENT OF NEW PURPLE BACKING TO EXISTING FASCIA SIGN AND ALTERATION OF LETTERING WITHIN THE FRONT ELEVATION - HAZLITT THEATRE, EARL STREET, MAIDSTONE, KENT

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

RESOLVED: That this application be referred to the Secretary of State for determination with the recommendation that listed building consent be granted subject to the conditions set out in the report.

Voting: 13 – For 0 – Against 0 – Abstentions

333. MA/14/0116 - CHANGE OF USE FROM HOTEL TO A 12 ROOM HOSTEL FOR USE AS EMERGENCY TEMPORARY ACCOMMODATION FOR HOUSEHOLDS ACCOMMODATED BY THE COUNCIL - AYLESBURY HOUSE, 56 LONDON ROAD, MAIDSTONE, KENT

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

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

Voting: 13 – For 0 – Against 0 – Abstentions

334. 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.

335. CHAIRMAN'S ANNOUNCEMENTS

The Chairman said that he would like a representative of Southern Water to be invited to attend the meeting of the Planning Committee when the next major housing development in Marden is discussed. Also, he considered that traffic surveys should be undertaken during school term time to provide a more accurate assessment of the impact of development upon the local highway.

336. DURATION OF MEETING

6.00 p.m. to 9.05 p.m.

Agenda Item 12

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

4 APRIL 2014

REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

DEFERRED ITEM

1.1. The following application stands deferred from a previous meeting of the Planning Committee.

1.2. Description of Application

Date Deferred

MA/13/1711 - AN APPLICATION FOR OUTLINE
PLANNING PERMISSION FOR THE ERECTION OF 5 NO.
TOWN HOUSES WITH ALL MATTERS RESERVED FOR
FUTURE CONSIDERATION - 97 HOLLAND ROAD,
MAIDSTONE, KENT

6 February 2014

20 March 2014

At the meeting of the Committee held on 6 February 2014, this application was deferred to enable the Officers to investigate whether parking can be provided on-site and the potential highway safety implications of this.

The Committee, at its meeting held on 20 March 2014, agreed that outline permission be refused for the following reasons:

Without the provision of on site parking the development will have a detrimental cumulative impact upon existing residents' quality of life by reducing an overloaded local parking scheme, making it an unsustainable layout and design; and

The number of units proposed would ensure that the development would be of a density which is jarring to the layout and rhythm of the streetscape and therefore detrimental to the local street scene.

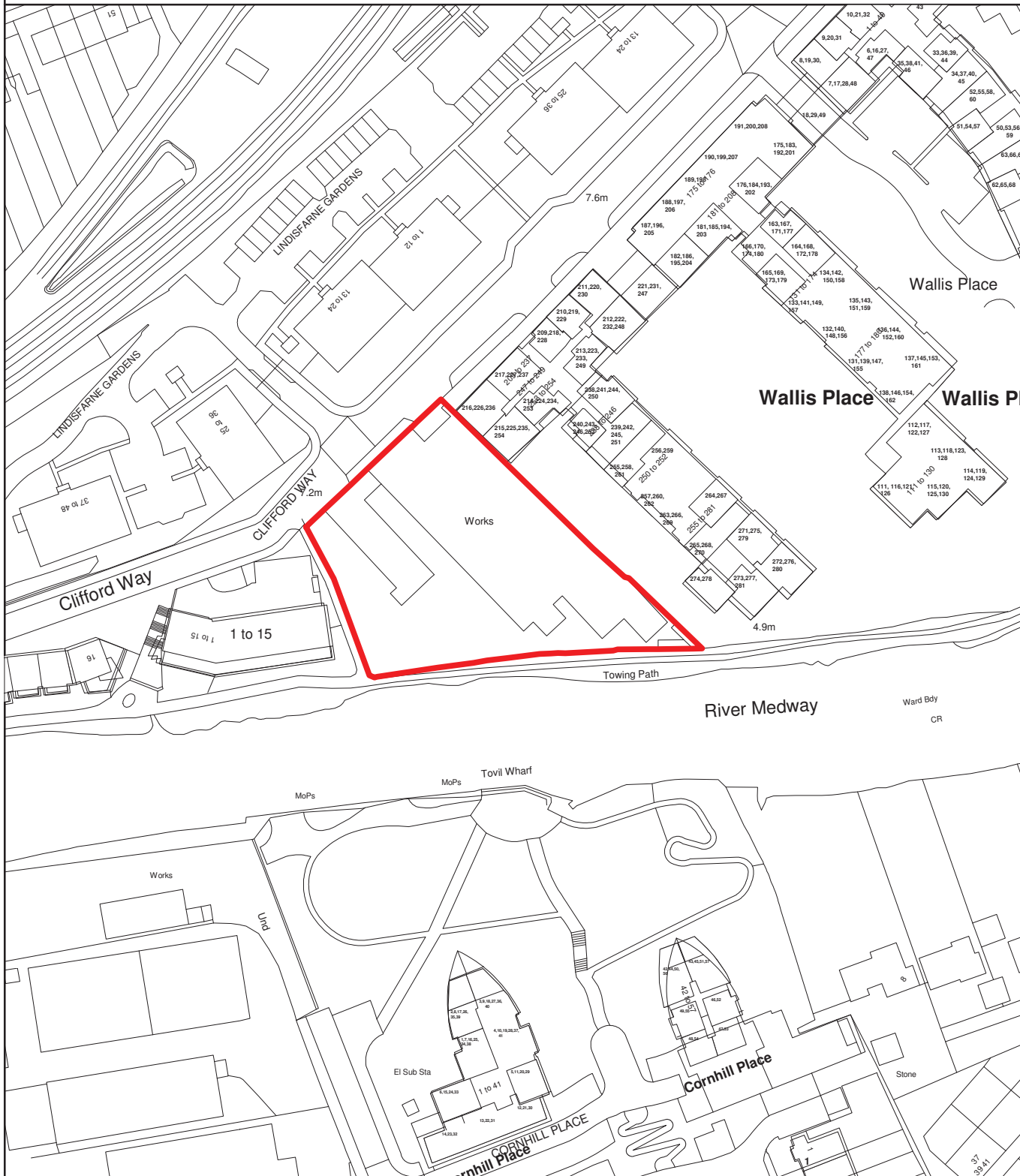
THE DECISION WAS DEFERRED UNTIL THE NEXT MEETING PURSUANT TO PARAGRAPH 17 (a) OF THE LOCAL CODE OF CONDUCT FOR COUNCILLORS AND OFFICERS DEALING WITH PLANNING MATTERS.

The application has now been formally withdrawn by the applicant.

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/07/2133 GRID REF: TQ7554/7555

LAGUNA MOTORCYCLES SITE,
HART STREET, MAIDSTONE.



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Rob Jarman
Head of Planning and Development

APPLICATION: MA/07/2133 Date: 5 October 2007 Received: 31 January 2008

APPLICANT: J.S. Bloor (Newbury) Ltd.

LOCATION: LAGUNA MOTORCYCLES SITE, HART STREET, MAIDSTONE

PARISH: Maidstone

PROPOSAL: Demolition of existing buildings and erection of a five storey residential development comprising of 52 studio apartments and 24 one-bed flats with 38 undercroft parking spaces and 22 external parking spaces with vehicular and pedestrian access from Hart Street together with landscaping as shown on drawing nos:A/PL-099, A/PL-200 Rev B, A/PL-210 Rev A, A/PL-205 Rev A, A/PL-300 Rev A, A/PL-400 Rev A received on the 15th October 2007 and 510.03.01 and Planting Plan received 9th June 2011.

AGENDA DATE: 10th April 2014

CASE OFFICER: Steve Clarke

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

- The intended decision does not accord with the Development Plan. Members' consideration of the viability and affordable housing issues is required as the development seek to provide less than 40%.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV7, ENV49, H1, H10, T13, CF1
- Government Policy: NPPF 2012 NPPG 2014

2. BACKGROUND

2.1 As Members will note, this application has been lodged with the Council for a considerable period of time. This has been due to issues with regard to viability and the extent of affordable housing contributions that might be secured. Whilst these issues have now been resolved, I would advise Members that in this case the application has also had a number of differing case officers which has unfortunately added to the delays in bringing the application to Committee.

3. **HISTORY**

The only relevant previous planning history is as follows;

MA/87/0979: Change of use of front part of warehouse (190sqm) to retail sales
APPROVED 10/08/87

The site remains in use as a Motorcycle showroom/service centre.

4. **CONSULTATIONS**

- 4.1 In view of the length of time the application has been lodged with the Council a re-consultation exercise with statutory consultees and neighbours was undertaken on 25 February 2014.
- 4.2 **Environment Agency:** Originally objected to the application but once a Flood Risk Assessment had been submitted it was acknowledged that the habitable accommodation was similar to adjacent development (9.560mAOD) which is above the 100 year flood level (8.8mAOD). They also note that the position with a dry means of escape will be no worse on this site than adjacent development. They recommend that occupiers should be linked to the flood warning system operated by the Agency.
 - 4.2.1 They recommend a condition seeking to ensure that there is no habitable accommodation below 9.560m AOD. They also request a condition that details of surface water drainage are submitted for approval to ensure surface water is appropriately drained off the site.
- 4.3 **Southern Water:** Have advised that there is currently inadequate capacity to provide foul water disposal. They have also advised that there is a public sewer crossing part of the site. They recommend conditions requiring details of foul and surface water drainage and an informative requiring the need to undertake a capacity check/upgrade existing sewers and to apply for connection to the public sewer.
- 4.4 **Natural England:** Content with the habitat survey findings that there are no protected species on site and that none are likely to be affected by the development. Recommend the provision of biodiversity enhancements through the use of bird and bat boxes.
- 4.5 **Kent Wildlife Trust:** Have confirmed that their original comments stand and seek conditions securing a landscape management plan and biodiversity enhancements as recommended in the submitted habitat survey.
- 4.6 **Kent Highway Services:** No objections subject to a condition requiring the provision of visibility splays at the access to Hart Street and a condition relating to a Green Travel Plan.

4.7 **KCC Heritage Conservation:** Have confirmed that their original views expressed have not changed and continue to recommend a watching brief: This is because:

'The application site lies on the banks of the River Medway which would have acted as an important transport link and been a focus for past activity. Some 200 m. to the north is the site of a Romano-British inhumation and cremation cemetery and parts of a Romano-British building have been exposed some 360 m. to the east. Lithic flakes of prehistoric origin have been found on two sites to the west some 270 m. and 350 m. away. As such I recommend provision is made for an archaeological watching brief.'

4.8 **KCC (Mouchel):**

Originally requested contributions for Libraries: £227/dwelling (**£17,252**), Community Learning: £180/dwelling (**£13,680**) and Adult Social Services: £1201/dwelling (**£91,276**). **Total £122,208.**

'We have reviewed the other KCC services, as attached, which indicate now the following requirements:

- Community Learning £2,332.95 in total
- Libraries £10,971.23 in total
- Social Care £3,976.88 in total
- Total £17,281.06'

4.8.1 No education contributions are requested due to the flats being 1-bedroom/studio and below the size threshold where such contributions are sought by KCC.

4.9 **NHS Property Services (formerly West Kent PCT):**

West Kent PCT had previously requested a payment of £37,800. Now NHS Property Services, they have reconsidered their request in the light of current requirements and have commented as follows

'In terms of this particular application, a need has been identified for contributions to support the delivery of investments highlighted within the Strategic Service Development Plan. These improvements to the primary care infrastructure will enable support in 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 a number of local surgery premises:

- Brewer Street Surgery
- College Road Surgery

All of the above surgeries are within a mile radius of the development at Hart Street Maidstone. This contribution will be directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to

provide the required capacity. For this particular application the contribution has been calculated as such which is slightly different to any previous request:

Predicted Occupancy rates	Total number in planning application	Total occupancy	Contribution sought (Occupancy x £360)
1 bed units	76	106.4	£38,304

NHS Property Services Ltd therefore seeks a contribution of £38,304, plus support for our legal costs in connection with securing this contribution. This figure has been calculated as the cost per person needed to enhance healthcare needs within the NHS services.'

- 4.10 **Southern Gas Networks:** Have provided a plan showing a medium-pressure main running along Hart Street outside the site.
- 4.11 **Kent Police Architectural Liaison:** Advised a number of measures that could be put in place like CCTV of the parking area and low walls fronting the footway along the river, and making sure down pipes are not near balconies. Communal doors should be PAS 24 to meet Secure by Design standards.
- 4.12 **MBC Parks and Leisure:** Have requested a contribution of £1575 per unit (£119,700) to be used for the upgrading of green spaces, play areas and parks within a one mile radius of the site. (Whatman Park, Cornwallis Field and the allotments at Rocky Hill, are within this radius although these are not specified in the response).
- 4.13 **MBC Housing:** Have no objections to the proposals despite the lack of affordable housing provision on site. They have been involved in the drawing up of the proposed s106 obligations relating to the claw-back proposals.
- 4.14 **MBC Environmental Health**

The site is located in a newly developed residential area. It has been in industrial use since 1908 including use as a sheet metal works and is now used for selling and servicing motorcycles. There is therefore the potential for contamination to have occurred. Whilst construction takes place adjoining residents may potentially be subject to disturbance.

No objections subject to contaminated land and refuse storage conditions and informatives relating to conduct and hours of operation on site during construction.

5. **REPRESENTATIONS**

- 5.1 **Cllr Paine** has withdrawn an earlier request that the application be considered by the Planning Committee

5.2 **Six** Letters of representation have been received four having been received following the recent re-consultation. They make the following (summarised) comments.

- The area has a history of flooding
- Would be higher than surrounding buildings
- Noise will be great
- Inadequate car parking
- Will add to existing delays at the junction of Barker Road and The Broadway
- The area is already overcrowded

6. CONSIDERATIONS

6.1 Site Description

6.1.1 The site is located within Maidstone Town Centre and the defined urban area of Maidstone. It is located within the Riverside Zone of Special Townscape Importance subject to saved policy ENV7 of the Maidstone Borough-wide Local Plan (MBWLP) 2000. It is part of a wider area along Hart Street allocated for development under saved policies H1 and H10 of the MBWLP 2000.

6.1.2 The site is located on the south side of Hart Street towards its western end. It amounts to approximately 0.293ha in area. It is irregular in shape and broadens from front to back, with a street frontage of approximately 41m and a river frontage of approximately 76m. The site varies in depth from between 43m to 83m.

6.1.3 To the east, lie the former premises of Wallis builders now redeveloped for residential purposes (281 flats) and known as Wallis Place. To the west lies the former Westree Works/Clifford's Carpets site that has also been developed for residential purposes and now comprises 157 dwellings in a mixture of flats and town houses, known as Clifford Way. On the north side of Hart Street there are other residential apartment blocks within Lindisfarne Gardens. To the south of the site lies the River Medway which is fronted on its south bank by 'The Point' development in Eccleston Road. There is a footpath running from the river bank to Hart Street that runs along the site's western boundary between it and the Clifford Way development. A riverside walkway connects the site to the main part of the town centre.

6.2 Proposal

6.2.1 The application is a full planning application and seeks permission for the demolition of the existing Laguna Motorcycle retail unit (and associated out

buildings) together with the erection of a five storey residential block with undercroft and surface level car parking.

- 6.2.2 The proposed residential block would have a "T" shaped configuration, with a continuous built up frontage to Hart Street and the stem of the T running through the centre of the site towards the river. At its tallest the proposed building would measure 8 metres, with the majority of it sitting at 7-7.5 metres in height. This appears to be consistent with adjoining development.
- 6.2.3 The proposal would see a total of 76 units provided, that would consist of 24 one bedroom flats and 52 studio apartments. The ground floor would house the entrance foyer, services, refuse storage and vehicular entrance to the undercroft parking. The first floor would house 13 studio apartments and 6 one bedroom flats each with a balcony/sitting out area. This 19 unit configuration is then repeated on each of the upper floor levels.
- 6.2.4 The car parking to serve the development would be a mix of 38 undercroft spaces, including 7 dedicated disabled spaces, and 22 external spaces. This gives a total of 60 car parking spaces to serve the development. This provision equates to 0.8 car parking spaces per residential unit. Three clusters of cycle racks are also proposed within the undercroft parking area, with space for a total of 30 cycles.

6.3 Principle of Development

- 6.3.1 Government policy, in the NPPF, seeks to ensure that a wide choice of quality homes are delivered and states that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 6.3.2 The site is clearly previously developed land, located within the Town Centre and the site is allocated for residential development under 'saved' policies H1 and H10 of the Borough-Wide Local Plan 2000.
- 6.3.3 Given the current housing land supply issue within the Borough in that the Council does not have a five year supply of housing land, this is a further factor in favour of the development.
- 6.3.4 The scheme is, therefore, acceptable in principle.
- 6.3.5 The details of the proposal must now be considered. The main issues in considering this application are:
- Design and site layout;
 - Flooding;

- Highways;
- Ecology;
- Landscaping;
- Residential Amenity
- Sustainability; and
- S106 contributions.

These issues are considered in turn below.

6.4 Design and site layout

- 6.4.1 Government planning policy highlights in chapter 7 of the National Planning Policy Framework *“good Design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”*
- 6.4.2 It is noted that since the submission of this planning application, there has been a number of developments completed on Hart Street. In effect, this site is the last along this stretch of Hart Street to come forward for residential use, and as such is, in effect the anomaly at present. As set out above, the majority of other residential development constructed along Hart Street is four storeys in height, with car parking provided at ground floor level, although the development to the west does rise in part to six storeys. This proposal seeks to respond to this recent context with a five storey elevation facing onto Hart Street (again with car parking underneath).
- 6.4.3 The appearance of the building would also respond to the design of the neighbouring developments, being of a relatively straightforward geometric form, with the detailing, and interest generated by the layering of the building, both in terms of the use of projecting elements and the use of fenestration and balconies.
- 6.4.4 The Hart Street elevation would have a projecting five storey element, with balconies provided from the first floor upwards (two balconies upon each floor). In addition to this, there would be a recessed panel running centrally that would give the building a vertical emphasis to counter the somewhat horizontal features otherwise proposed. This is a key elevation of the building that would be required to be detailed to a particularly high standard. As precise details of the balconies and fenestration has not been submitted, it is considered appropriate to impose a condition that requires the balconies to be finished in render, with glass panelling to the front, in order that they respond to the form and design of the host property. Some timber effect cladding is proposed to be provided upon the top floor of this projection. No objection is raised to the use of this material.

- 6.4.5 The remainder of the front elevation would have less detailing, with each unit provided with large full length windows, set out in a regular pattern. As this is a very regular form of fenestration, it is appropriate to suggest the imposition of a condition that would see these windows set well back into the building to ensure that there is a good level of detail provided through layering of the building. Again, on this element of the building there would be variations in the rendering, and also the inclusion of timber effect boarding on the upper floors. This approach is considered to demonstrate a satisfactory standard of design, without raising the bar on what has already been provided along Hart Street. At the heart of the NPPF is a presumption in favour of sustainable development, this is reflected in emerging Council policy. Code for Sustainable Homes is the national standard for the sustainable design and construction of new homes.
- 6.4.6 There was no requirement at the time of submission (September 2007) for the proposal to comply with Code for Sustainable Homes. In January 2008, the Council requested that details of a pre-assessment indicator or equivalent of the level under the code that the development was likely to achieve. At that time, it was advised that the Council would expect the development to achieve at least Level 3. This request was made under Regulation 4 of the Town and Country Planning (Applications) Regulations 1988. Confirmation was received from the agent that his client was willing to meet the requirements of Code for Sustainable Homes Level 3. It is appropriate to secure this by condition.

6.5 Flooding

6.5.1 Flooding

The application site lies in an area of high flood risk (zones 2-3) within the fluvial floodplain of the River Medway. The application when, initially submitted, was not supported by a Flood Risk Assessment (FRA). Following an objection from the Environment Agency, an FRA was submitted in January 2008.

6.5.2 The Environment Agency accepted the FRA on the basis that that the 1 in 100 year flood level of 8.8m AOD was recognised and accepted by the applicant and that this level included the relevant allowance for climate changes in line with PPS25. They also accepted that the proposed finished floor levels (9.56m AOD) are in line with adjacent developments and that these are clearly demonstrated on the cross-sectional drawing included within the FRA. Subject to a condition being imposed on any permission stating that there is no habitable accommodation below 9.56mAOD, the Agency's objections on flooding grounds were overcome.

6.5.3 The Agency also advises that a condition to secure a surface water drainage scheme is also attached to any grant of planning permission.

6.5.4 Members will be aware that PPS25 is now revoked and superseded by chapter 10 of the National Planning Policy Framework (NPPF) with additional guidance on flood risk contained within the National Planning Practice Guidance. The submitted FRA meets the requirements of the NPPF and NPPG in relation to flooding.

6.6 Highways

6.6.1 Government policy within the NPPF highlights that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. Development that generates significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

6.6.2 It goes on to state that when considering setting parking standards for development that local planning authorities should take into account:

- The accessibility of the development;
- The type, mix and use of the development;
- The availability of and opportunities for public transport;
- Local car ownership levels; and
- An overall need to reduce the use of high emission vehicles.

6.6.3 The application was accompanied by a Transport Appraisal when it was submitted in 2007. This illustrated that the proposed redevelopment of the site would reduce traffic flows compared to the existing use and these findings are accepted. Laguna Motorcycles is still operating from the site and, as such, the site's redevelopment will not only lead to a reduction in traffic generation from the site, it will also remove the element of non domestic/commercial traffic utilising what is now essentially a residential street.

6.6.4 In terms of parking, it is noted that the proposal would be served by 38 spaces within the undercroft and 22 external spaces. This gives a total of 60 spaces to serve 76 units, equating to 0.8 car parking spaces per unit. As Members will be aware, the Council does not have a set of parking standards, therefore each scheme must be considered on its own merits, utilising the guidance of the NPPF. In this instance, the application site can be considered a sustainable location in that it is within a short walking distance of the town centre, employment and leisure opportunities, public car parks and public transport links. This level of provision is, therefore, considered acceptable.

6.6.5 The Transport Appraisal contained a draft residential green transport plan for the development. This is welcomed and, although a little limited in content, it is a good starting point for a formal travel plan which will be the subject of condition.

6.7 Ecology and Landscaping

6.7.1 Government policy within the NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. The aims of this policy are taken forward in Policy CS13 Historic and Natural Environment of the Interim Approval of Maidstone Borough Local Plan Policies March 2013.

6.7.2 This application is supported by an extended Phase 1 Habitat Survey which comprised a desk and field study. It concluded that the proposal would not impact on any statutory or non statutory protected sites, the site offered limited potential habitat for protected reptiles and birds and the habitats within the site were of low to moderate ecological value. It recommended that vegetation clearance work is undertaken outside of the bird nesting season, emergent vegetation and trees along the riverbank are retained and protected during demolition and construction works as should any trees/hedgerows which are identified to be retained.

6.7.3 Given that the survey was undertaken in 2007, it could be argued that the survey should be updated but given that the condition of the site has remained unchanged since then, it is considered that an updated survey would draw the same conclusions as the 2007 survey.

6.7.4 If the recommendations of the survey are imposed as conditions on any planning consent, it is considered that the proposal would not have an adverse impact on ecology, but could introduce opportunities to conserve and enhance biodiversity.

6.7.5 As mentioned above, national guidance seeks to secure good design and conservation and enhancement of biodiversity within new development. Great importance is, therefore, placed on the role of landscaping in contributing to and improving the quality of the built environment. Policy ENV6 of the Maidstone Borough Wide Local Plan seeks to secure appropriate landscaping, including surfacing and boundary treatments, for development proposals.

6.7.6 The proposal as originally submitted was not accompanied by any formal landscaping submission, although the Design and Access Statement made reference to landscaping as follows:

"The development will incorporate soft landscaping along Hart Street and the footpath from the highway to the river. Along the Medway frontage there will be

an extensive area of grass, shrubs and specimen trees to provide an attractive backcloth to the river walkway."

6.7.7 The applicants subsequently submitted landscaping and planting plans (June 2011) which are considered acceptable to form the basis of a landscaping condition.

6.8 Residential Amenity

6.8.1 I do not consider that the development will result in any unacceptable impact on the residential amenities of nearby residents.

6.8.2 Firstly, the redevelopment of the site would remove what is now a non-conforming use in what has become a predominantly residential area at this end of Hart Street.

6.8.3 Secondly, the relationship between the proposed development and the development in Cilford Way to the west, Lindisfarne Gardens to the north and Wallis Place to the east is also considered to be acceptable.

6.9 S106 obligations

6.9.1 The key requirements of planning obligations as set out in paragraph 204 of the NPPF and Regulation 122 of the CIL Regulations 2010 are that they must be:

- Necessary to make the proposed development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonable related in scale and kind to the proposed development.

6.9.2 Residential development of this scale would normally be considered to impact on education, health, community facilities and open space on the basis that they bring new residents into an area that need to utilise these facilities.

6.9.3 In December 2006, the Council adopted an Affordable Housing Development Plan Document. Policy AH1 of this document requires that a minimum of 40% of all new residential developments of 15 units or more will be affordable housing unless the Council is satisfied of the exceptional circumstances that demonstrate that only a lesser proportion can be provided.

POLICY AH 1

ON HOUSING SITES OR MIXED-USE DEVELOPMENT SITES OF 15 UNITS OR MORE, OR 0.5 HECTARE OR GREATER:

A. THE COUNCIL WILL SEEK TO NEGOTIATE THAT A MINIMUM OF 40% OF THE TOTAL NUMBER OF DWELLINGS TO BE PROVIDED SHALL BE AFFORDABLE

HOUSING TO MEET THE IDENTIFIED HOUSING NEED, UNLESS THE COUNCIL IS SATISFIED OF THE EXCEPTIONAL CIRCUMSTANCES THAT DEMONSTRATE THAT ONLY A LESSER PROPORTION CAN BE PROVIDED. THE COUNCIL MAY SEEK TO NEGOTIATE AN AFFORDABLE HOUSING PROVISION OF MORE THAN 40% ON ALLOCATED GREENFIELD SITES.

B. NOT LESS THAN 24% OF THE TOTAL NUMBER OF DWELLINGS TO BE PROVIDED SHALL BE AFFORDABLE RENTED HOUSING TO MEET THE IDENTIFIED HOUSING NEED, UNLESS THE COUNCIL IS SATISFIED OF THE EXCEPTIONAL CIRCUMSTANCES THAT DEMONSTRATE THAT ONLY A LESSER PROPORTION CAN BE PROVIDED. THE BALANCE OF THE TOTAL NUMBER OF AFFORDABLE DWELLINGS SECURED SHALL PROVIDE FOR SHARED OWNERSHIP, SHARED EQUITY OR DISCOUNTED MARKET RENT PROPERTIES.

C. SUITABLE CONTROLS, INCLUDING LEGAL AGREEMENTS AND PLANNING CONDITIONS, WILL BE USED TO SECURE AFFORDABLE HOUSING THROUGH A REGISTERED SOCIAL LANDLORD OR OTHER APPROPRIATE HOUSING PROVIDERS TO ENSURE THAT THE DWELLINGS REMAIN GENUINELY AVAILABLE TO MEET THE NEEDS OF THOSE WHO ARE UNABLE TO AFFORD A PROPERTY ON THE OPEN MARKET.

D. AFFORDABLE HOUSING WILL BE INTEGRATED WITH MARKET HOUSING AND PROPOSALS FOR INTEGRATION MUST BE APPROVED BY THE BOROUGH COUNCIL. THIS SHOULD BE SHOWN AT THE TIME OF THE SUBMISSION OF ANY APPLICATION. IN EXCEPTIONAL CIRCUMSTANCES WHERE AFFORDABLE HOUSING CANNOT BE PROVIDED ON-SITE, THE BOROUGH COUNCIL WILL ACCEPT APPROPRIATE OFF-SITE PROVISION, THROUGH ALTERNATIVE SERVICED SITES PROVIDED BY THE DEVELOPER OR THROUGH THE PURCHASE OF SUITABLE EXISTING MARKET ACCOMMODATION PROVIDED BY THE DEVELOPER.

6.9.4 This proposal was the subject of detailed pre-application discussions around S106 requirements and in particular the applicant's contention that the scheme was not sufficiently viable to support the provision of affordable housing. These discussions sought to fix the content of the s106 and continued after the submission of the planning application. The applicants advise that the proposal would not be viable if it were required to meet the financial contributions which had been requested together with the provision of 40% affordable units. They cited the significant abnormal site costs relating to factors such as contaminated land, the probable need for piling due to the site's location close to the river, costs of relocating the business, the declining housing market, and significant upfront costs adding to the interest burden and cash flow difficulties as being factors in this conclusion. Discussions primarily centred on the provision of affordable housing within the scheme and whether, if this could not be provided; there was scope for a contribution to secure affordable provision off site. Discussion also took place on the hierarchy of potential contributions and given that affordable housing is the Council's topmost priority, it was agreed that any

contributions that were possible should be directed to the provision of affordable housing.

6.9.5 As mentioned above, the Council does have the discretion to relax S106 requirements on schemes where it can be demonstrated that these requirements are onerous and would make a scheme unviable.

6.9.6 A Residual Valuation was submitted to the Council in September 2009. This document is confidential in that it contains sensitive financial data. This was assessed by the District Valuer in October 2009. They provided the following commentary:

"The market for both commercial and residential property has been significantly negatively impacted by the economic difficulties experienced over the last year. The uncertainty and financial difficulties experienced by both residential and commercial occupiers has resulted in a fall in demand and consequently levels of value and this is well documented. The situation has been further aggravated by the credit crunch and severe problems in obtaining finance in all sectors of the market. The market for residential flats and apartments has been especially affected with falling prices and weak demand.

However, in the long term one can expect values to recover, at least to some degree, especially in view of the overall shortage of housing land in the South East. However, the timing and extent of such a recovery is currently unpredictable. The viability of a development is effectively a snapshot in time having regard to costs and values currently pertaining and, therefore, these can alter significantly during the normal life of any permission granted (i.e. the usual three year period). Maidstone Borough Council may therefore consider, in view of the viability problems which currently exist in respect of this development, the possibility of granting a time limited planning permission and/or an overage or claw back cause in the Section 106 legal agreement which would enable a further viability assessment to be made before final completion of the units. If, therefore, at this later date the market has recovered sufficiently and delivery of an element of affordable housing was found to be viable, then it would be possible to secure some affordable housing within the scheme."

6.9.7 Following these comments, the applicants offered the following:

- £100,000 to provide 4 affordable one bed units off site, payable to the Council on the sale of the 38th unit within the development scheme;
- A further commuted sum for the provision of further affordable 1 bed units off site via a claw back arrangement as suggested by the District Valuer; and
- The transfer of the riverside path to the Council on commencement of development.

6.9.8 Whilst the Council had concerns about the precise details relating to the proposed commuted sums, the principle of such an approach was accepted. The S106 for this application will secure the following:

- £100,000 for the provision of affordable units off site, payable to the Council prior to the first occupation of the development hereby permitted;
- A further commuted sum for the provision of further affordable units off site via a claw back arrangement; and
- The transfer the riverside path to the Council on commencement of development.

6.9.9 The other potential contributions are set out earlier in the report. These are as follows

Kent County Council:

Community Learning £2,332.95 in total for dedicated centres and community outreach;

Libraries £10,971.23 in total for bookstock and services at local libraries;

Social Care £3,976.88 in total for Telecare and Changing Places and community projects.

NHS Property Services: £38,304, towards services at Brewer Street Surgery and College Road surgery

MBC Parks and Leisure: £119,700 to be used on projects within a one mile radius of the site.

6.9.10 Given the findings of the viability assessment and the comments of the District Valuer and the fact that the provision of affordable housing is the Council's highest priority for seeking s106 contributions, I remain of the view in this case that any contributions that are received should be directed towards affordable housing provision.

6.9.11 It must be noted that the residual valuation and its assessment by the District Valuer were in 2009 and the initial question must be should the valuation be updated and reassessed.

6.9.12 In my view the abnormal costs of the site such as contamination remediation and foundation design etc. are unlikely to have changed in the intervening period. However, as members will be aware, the housing market has now moved on and there are a number of new government initiatives relating to the new-build housing market that have emerged. Therefore in my view it is necessary for these variable figures relating to likely unit sales prices etc. to be revisited and updated.

6.9.13 Subject to a revised assessment being submitted with up-to date- figures and costings, I remain of the view that the principles agreed on the draft heads of terms are acceptable and will secure a level of affordable housing that the scheme can support, albeit not the 40% as set out in policy AH1.

7. CONCLUSION

7.1 It is considered that the proposal would:

- Align with the Local Plan designation that the site is suitable for residential purposes;
- Not result in an adverse impact on residential amenity;
- Not have a detrimental impact on the capacity or operation of the local road network or its junctions;
- Makes satisfactory provision for onsite parking;
- Encourage pedestrian linkages;
- Ensure that measures are in place to satisfactorily remediate the site;
- Not prejudice protected species and introduces opportunities to preserve and enhance both biodiversity and landscaping;
- Not be at risk of flooding or increase the risk of flooding off site.

7.2 The proposal is considered to be broadly compliant with central government guidance and relevant Development Plan policies. Subject to the updated viability assessment being submitted I am satisfied in this case that the applicants have demonstrated that a reduced level of affordable housing provision is appropriate. Therefore, it is concluded that there are sound planning reasons for this application to be recommended for approval.

7.3 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 for approval.

8. RECOMMENDATION

Subject to:

A: The submission of an updated viability assessment that contains up-to-date figures and which is based on current market conditions:

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

- £100,000 for the provision of affordable units off site, payable to the Council prior to the first occupation of the development hereby permitted;

- A further commuted sum for the provision of further affordable units off site via a claw back arrangement; and
- The transfer of the riverside path to the Council on commencement of development.

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

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

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

2. All 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.

3. A Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to, and approved in writing by, the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason: To ensure satisfactory management and maintenance of the hard and soft landscaping, and parking areas.

4. The development hereby permitted shall only be carried out in accordance with the approved Phase 1 Habitat Survey (October 2007) unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of safeguarding the ecological and nature conservation interests of the application site.

5. The development shall not commence until there has been submitted to, and approved in writing by, the Local Planning Authority details showing the location and design of bird and bat boxes to be placed/erected within the site. The subsequently approved details shall be implemented prior to the first occupation of any of units hereby permitted.

Reason: In the interests of safeguarding the ecological and nature conservation interests of the application site.

6. The development shall not commence until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification, 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.

7. 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.

8. Notwithstanding the details illustrated on the approved plans, prior to the first residential occupation of any of the residential units hereby permitted, a detailed lighting plan for the development including the car parking areas, footways/cycleways, shall be submitted to, and agreed in writing with, the Local Planning Authority. Such details shall include the siting and design of any lighting together with details of the spread and intensity of the lighting. The lighting shall be installed in strict accordance with the agreed details prior to first residential occupation of the dwellings hereby permitted and thereafter retained and maintained in the agreed form without any further additions.

Reason: In the interests of highway safety, amenity and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings and avoids an adverse effect on biodiversity.

9. Notwithstanding the information on the approved plans, the development shall not commence until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in accordance with the subsequently approved details unless changes have been agreed in writing by the local planning authority.

Reason: In the interests of amenity and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings.

10. Notwithstanding the Town and Country Planning Act and the provisions of the Town & Country Planning (General Permitted Development)) Order 1995 or any subsequent re-enacting Act or Order, no electricity, gas or water meter boxes, soil ventilation pipes, air extraction pipes, boiler flues, ventilation grilles or ducting, satellite dishes, burglar alarms, security lighting, video cameras or floodlighting, surface wiring or pipe work shall be fixed to the external fabric of the buildings without the prior written approval of the Local Planning Authority.

Reason: In the interests of visual amenity and the integrity of the design.

11. The development shall not commence until details have been submitted to and approved in writing by, the Local Planning Authority showing the existing and proposed site levels and the finished floor levels of the buildings hereby permitted (which shall show no habitable accommodation below 9.56m AOD), together with a land raising method statement. Development shall be carried out in strict accordance with the subsequently approved details.

Reason: To ensure that the proposed development is satisfactorily integrated with its immediate surroundings and in the interests of flood risk.

12. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, or any subsequent re-enacting Order, the development hereby permitted shall be equipped with communal satellite dishes, details of the number, size, external appearance and the positions of the satellite dishes shall be submitted to, and agreed in writing by, the Local Planning Authority prior to the installation of such systems. The communal satellite dish systems as agreed shall be installed in strict accordance with the agreed scheme prior to the residential occupation of the development and thereafter retained. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) other than those agreed by way of the above scheme no additional satellite dishes or aerials shall be fixed to the building comprising the flats hereby permitted.

Reason: In the interests of visual amenity and the integrity of the design.

13. All electrical and telephone services to the development shall be run underground.

Reason: In the interests of visual amenity and the integrity of the design.

14. The development shall not commence the following further details including large scale plans (1:20 or 1:50) as applicable have been submitted for approval to the local planning authority.
 - i) details of balconies (including their design, dimensions and materials)
 - ii) details of window and door recesses/projections
 - iii) details of rainwater goods

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

Reason: In the interests of visual amenity and the integrity of the design.

15. The dwellings shall achieve at least code 3 of the Code for Sustainable Homes. A final Code certificate shall be issued not later than one calendar year following first occupation of the dwellings certifying that level 3 has been achieved.

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

16. No development shall take place until a scheme demonstrating at least 10% of the development's energy will be derived from decentralised and low or renewable sources has been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in complete agreement with these details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that development takes place in an environmentally sensitive way, to assist the Government in meeting its targets of reducing carbon dioxide emissions.

17. The development shall not commence, 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 demolition and construction periods. The Statement shall provide for, but not necessarily be limited to, #

- i) the parking of vehicles of site operatives and visitors
- ii) measures to control the emission of dust and dirt during both demolition and

the construction of the development

iii) details of construction traffic routing, including details of the access to be used during construction

iv) the phasing of development and the location of construction compounds

v) details of wheel washing facilities, including a barrier to stop all vehicles before they enter the highway. Mud and other debris from wheels and the undercarriage of all vehicles leaving the site during the period of works shall be cleaned off prior to such vehicles entering the highway

vi) loading, unloading and storage of plant and materials

Reason: In the interest of residential amenity.

18. The development shall not commence until details of the method of piling and hours of piling operations have been submitted to, and agreed in writing by, the Local Planning Authority. All piling works shall be carried out in accordance with the agreed details, unless otherwise agreed, in writing, with the Local Planning Authority.

Reason: in the interests of residential amenity.

19. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (January 2008) and no habitable accommodation shall be located below 9.56m AOD.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure safe access and egress from and to the site, to ensure the structural integrity of the proposed development and to reduce the impact of flooding on the proposed development, future occupants of the development and the surrounding area.

20. 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 undertaken in accordance with the subsequently approved details.

Reason: To ensure an appropriate scheme of surface water drainage in the interest of flood prevention.

21. The visibility splays shown on drawing A/PL-200 rev B (October 2007) shall be implemented with no obstruction to visibility at or above a height of 600mm when measured from the level of the adjoining highway carriageway prior to the first occupation of any of the units hereby permitted. The visibility splays shall thereafter be retained and maintained as such.

Reason: In the interest of highway and pedestrian safety.

22. Cycle parking facilities shall be provided as detailed on drawing A/PL-200 rev B (October 2007), prior to the first residential occupation of the development hereby permitted, unless otherwise agreed in writing with the Local Planning Authority. These facilities shall thereafter be permanently retained for sole use for cycle parking for the residents of the development hereby permitted.

Reason: To reduce reliance on the use of private cars, in the interests of sustainability, highway safety and amenity.

23. Prior to the first residential occupation of the development hereby permitted, a Green Travel Plan shall be submitted to and agreed in writing with the Local Planning Authority. The Green Travel Plan shall include detailed and specific measures to reduce the number of journeys made by car to the site and shall include specific details of the operation and management of the proposed measures. The commitments explicitly stated in the Green Travel Plan shall be binding on the applicants or their successors in title. The measures shall be implemented upon the first residential occupation of the development hereby permitted and shall be permanently kept in place unless otherwise agreed in writing with the Local Planning Authority. Upon written request, the applicant or their successors in title shall provide the Local Planning Authority with written details of how the measures contained in the Green Travel Plan are being undertaken at any given time.

Reason: To reduce reliance on the use of private cars, in the interests of sustainability.

24. No development shall take place within 8 metres of the river, allowing the natural vegetation to be retained within the functioning river corridor.

Reason: To retain and enhance the river corridor.

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

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

26. The development shall not commence until:

1. The application site has been subjected to a detailed scheme for the investigation and recording of site contamination and a report has been submitted to and approved by the Local planning authority. The investigation strategy shall be based upon relevant information discovered by a desk study. The report shall include a risk assessment and detail how site monitoring during decontamination shall be carried out. The site investigation shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology and these details recorded.

2. Detailed proposals in line with current best practice for removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') have been submitted to and approved by the Local Planning Authority. The Contamination Proposals shall detail sources of best practice employed.

3. Approved remediation works have been carried out in full on site under a Quality Assurance scheme to demonstrate compliance with the proposed methodology. If, during any works, contamination is identified which has not previously been identified additional Contamination Proposals shall be submitted to and approved by, the local planning authority.

4. Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the local planning authority. The closure report shall include full details of the works and certification that the works have been carried out in accordance with the approved methodology. The closure report shall 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;

Reason: To prevent harm to human health and pollution of the environment.

27. The development hereby permitted shall be carried out in accordance with the following approved plans:
A/PL-099, A/PL-200 Rev B, A/PL-210 Rev A, A/PL-205 Rev A, A/PL-300 Rev A, A/PL-400 Rev A received on the 15th October 2007 and 510.03.01 and Planting Plan received 9th June 2011;

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

Any works in, over or under the channel of the watercourse or on the banks within 8 metres of the top of the bank will require the prior approval of the Environment Agency under the Water Resources Act 1981 and associated Byelaws.

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

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 in connection with the construction of the development 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.

A formal application for connection to 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 and to ensure the development does not affect existing sewers in the vicinity, please contact Atkins Ltd. Anglo Street James House, 39A Southgate Street, Winchester, SO23 9EH.

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside the normal working hours, cannot be stressed enough. Where possible, the developer shall provide the Council and residents with a name of a person and maintain dedicated telephone number to deal with any noise complaints or queries about the work,

for example scaffolding alarm misfiring late in the night/early hours of the morning, any over-run of any kind.

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

Planning permission does not convey any approval for construction of the required vehicular crossings, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 0300 333 5539) in order to obtain the necessary Application Pack.

You are advised that:

1. No furniture may be erected on or across Public Rights of Way KMX30 and KMX31 without the express consent of the Highway Authority:
2. There must 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 Kent County Council Public Rights of Way Office.
3. There should be no close board fencing or similar structure over 1.2 metres in height erected which will block out the views:
4. No hedging or shrubs should be planted within 1.0 metre of the edge of the Public Path.
5. No Materials can be brought onto site or stored on the Right of Way.

You are also advised that the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.

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.

Draft Local Plan (2011-2031)

As the draft Local Plan is at Regulation 18 stage (public consultation), relevant policies are listed below, although at this stage they have little weight and do not materially affect the considerations within the committee report or recommendation in this case.

Relevant Draft Local Plan Policies:

SP2, H1(16), DM1, DM2, DM4, DM11, DM12, DM13, DM23, DM24

Councillor Harwood

The following (summarised) issues have been raised:

- Concern that the development does not incorporate flood-resistant materials and design principles.
- As a draft Local Plan allocation it is totally unacceptable in policy terms that Code 4 is not achieved.
- Details of the landscaping scheme should be provided.
- There is no surety in the plans/papers as to whether bird and bat boxes are integral to the built-development?
- Reservations in relation to viability argument and off-site provision of affordable housing.

Officer Comment

The National Planning Policy Framework (2012) and National Planning Practice Guidance (2014) do seek that development is flood resilient and resistant. As such, I consider it is appropriate to seek such details and this can be dealt with by the following condition.

The development shall not commence until measures to increase the flood resilience and resistance of the development have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out and maintained.

Reason: To reduce the impacts of any flooding.

As outlined in the main report at paragraph 6.4.6, when this application was submitted (September 2007), there was no requirement to comply with Code for Sustainable Homes. In January 2008, the Council requested details of a pre-assessment indicator or equivalent of the level under the code that the development was likely to achieve. At that time, it was advised that the Council would expect the development to achieve at least Level 3. The applicant confirmed Level 3, and as such, the development has been designed with this level in mind.

Whilst regrettable due to the time that has passed, it is not considered reasonable to ask the applicant to re-design the development to achieve a higher level six years later. The site is allocated under a draft Local Plan policy which would potentially seek Level 4, however, this application has been with the Council for six years and needs to be determined. Therefore, in this particular case, officers are recommending that Level 3 is accepted.

As outlined at paragraph 6.7.7 of the main report, the applicants have submitted detailed landscaping and planting plans which are considered acceptable and implementation is secured by condition 2.

Condition 5 secures bird and bat boxes within the site. They are not specifically required to be integral to the building and this is not considered to be necessary.

Assessment of viability and affordable housing is outlined at chapter 6 of the main report and officers are satisfied that the principles agreed on the draft heads of terms are acceptable and will secure a level of affordable housing that the scheme can support, albeit not the 40% as set out in policy AH1.

Amendments to Recommendation

Part B of the recommendation should be amended as follows to reflect the fact that the updated viability assessment may require changes to the heads of terms:

B: The prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to secure the following, *or that otherwise justified by the updated viability assessment:*

Reason for Approval

The standard reason for approval has been incorrectly used at the end of the recommendation. The reason for approval is as follows:

The proposed affordable housing provision does not conform to the Affordable Housing Development Plan Document 2006 (DPD) and the proposals are not in accordance with policy CF1 of the Maidstone Borough-Wide Local Plan 2000 in terms of community contributions. However, in view of the viability assessment demonstrating that full compliance with the DPD and community contributions would result in the development being unviable, the provision of an alternative affordable housing mechanism is considered to be acceptable in this case, and represent sufficient grounds to depart from the DPD and Local Plan.

RECOMMENDATION

My recommendation is changed as follows and subject to the additional condition outlined above.

Subject to:

A: The submission of an updated viability assessment that contains up-to-date figures and which is based on current market conditions:

B: The prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to secure the following, or that otherwise justified by the updated viability assessment:

- £100,000 for the provision of affordable units off site, payable to the Council prior to the first occupation of the development hereby permitted;
- A further commuted sum for the provision of further affordable units off site via a claw back arrangement; and
- The transfer of the riverside path to the Council on commencement of development.

The Head of Planning & Development be given delegated powers to GRANT PERMISSION subject to conditions.

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3. 4. 2014



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3. 4. 2014

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LAGUNA
MOTORCYCLES

TRIUMPH



LAGUNA
MOTORCYCLES



LAGUNA
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3. 4. 2014

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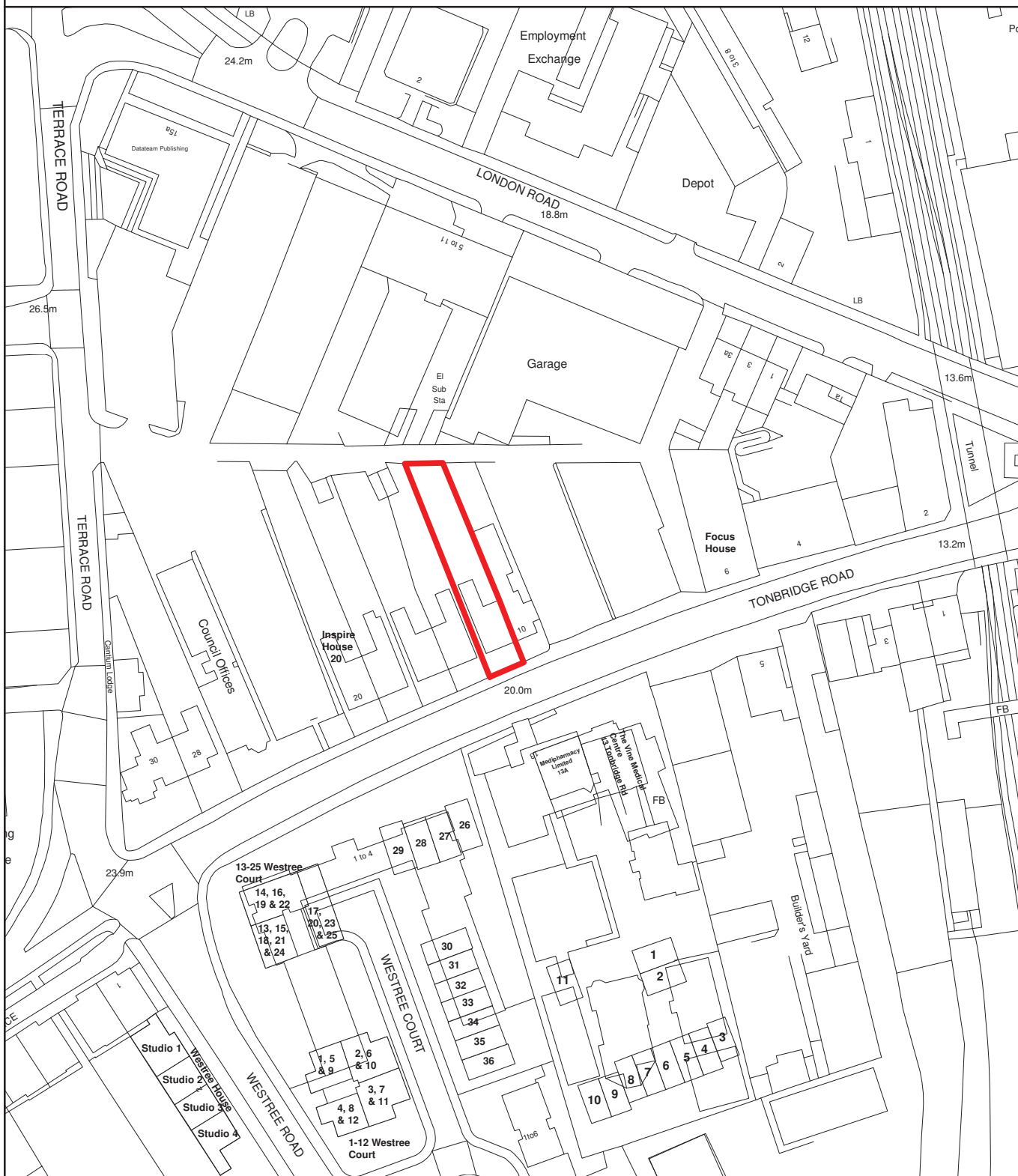
3. 4. 2014

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/1474

GRID REF: TQ7555

12 TONBRIDGE ROAD,
MAIDSTONE.



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Rob Jarman
Head of Planning and Development

APPLICATION: MA/13/1474 Date: 15 August 2013 Received: 22 August 2013
APPLICANT: Ms Lorna Thwaite, Accommodation Yes Ltd
LOCATION: 12, TONBRIDGE ROAD, MAIDSTONE, KENT, ME16 8RP
PARISH: Maidstone
PROPOSAL: Change of use of office building to create 9no. residential units, including addition of single and two storey rear extensions
AGENDA DATE: 10th April 2014
CASE OFFICER: Louise Welsford

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

- it is a departure from the Development Plan.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ED2 T13.
- Government Policy: National Planning Policy Framework, National Planning Practice Guidance.

2. HISTORY

None relevant.

3. CONSULTATIONS

- 3.1 Kent County Council Highways Engineer: The Kent Design Guide Interim Guidance Note 3 recommends a maximum of one parking space per one bedroomed unit. As this is a maximum standard, she raises no objection. She recommends that the minimum standard for cycle parking is met (1 space per flat).
- 3.2 Parking Services: Site is outside the residents parking zone, so no impact on long stay parking.
- 3.3 Environmental Health Manager: No objections. Recommends conditions regarding noise and air quality, and informatives.

4. REPRESENTATIONS

4.1 None received to date.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 This application relates to a semi-detached, office building, of Victorian design. It is constructed of brick under a tiled roof, with a small flat roofed rear extension.

5.1.2 The site is located upon the northern side of Tonbridge Road, amidst mainly commercial surroundings, with some residential uses within the wider vicinity.

5.1.3 The site falls within an area which is designated for Class B1 office use within the Local Plan.

5.2 Proposal

5.2.1 Planning Permission is sought for the change of use of the site from office use to use as nine residential units. This includes the erection of two storey and single storey rear extensions.

5.2.2 Accommodation would comprise six, one bedroomed flats and three bedsits. There would be four flats upon the ground floor – two within the existing building and two within a rear extension. Upon the first floor there would be one flat and two bedsits, with part of the bedsit accommodation being located within the proposed first floor section of the rear extension. Two further units, one flat and one bedsit, would be provided upon the existing second floor.

5.3 Principle of Development

5.3.1 The most relevant policy of the local plan is policy ED2. This policy designates the site as part of an economic development area for class B1 use. The proposed use is not an employment use. Although the premises are stated to have been vacant since October 2012, the applicant has confirmed that she has not marketed it for office use. The proposal does not, therefore, accord with the Development Plan and it has been advertised as a Departure from the Development Plan.

5.3.2 In this particular case, there are a number of factors which have led me to the conclusion that there should be no objection to the loss of the employment use of this site.

- 5.3.3 Firstly, permitted development rights which came into force in May 2013, would allow the building to be converted to residential use without the need for full planning permission. Full planning permission is only required because extensions to the building are proposed and the existing class B1 office use could therefore be lost without the need for full planning permission. This fallback position is a very strong material consideration.
- 5.3.4 Secondly, the proposal would bring back into active use premises which have been vacant for around 18 months. This is not a modern office building and has relatively limited parking. It is not considered to be of especially high quality in terms of the office stock within the Borough. Nos 14-16 were converted to flats circa 2002 as well as No20 which was granted planning permission in 2012. There is also a current prior notification application at No6 for conversion to residential. This history supports the argument that this type of building is not, in this location, especially desirable for office use.
- 5.3.5 I therefore consider the loss of the employment use in this case to be acceptable.
- 5.3.6 The National Planning Policy Framework recognises that residential development can play an important role in ensuring the vitality of town centres (paragraph 23). Paragraph 49 states that: "Housing applications should be considered in the context of the presumption in favour of sustainable development".
- 5.3.7 This site occupies a very sustainable location. It is only approximately 200m from a railway station and a bus stop. It is also within easy walking distance of the town centre, with its wide range of shops, employment opportunities and facilities. The site is therefore well located to provide a sustainable form of development.
- 5.3.8 It is noted also that as at April 2013, the Council could not demonstrate a five year housing supply. The provision of these 9 units would contribute towards the housing land supply. The development would also contribute towards the housing mix, as advocated by paragraph 50 of the National Planning Policy Framework, as the applicant has confirmed that it is her intention to provide housing for vulnerable females.
- 5.3.9 Importantly, paragraph 51 of the National Planning Policy Framework states that local planning authorities should normally approve planning applications for change to residential use from class B use classes where there are no strong economic reasons to resist the change of use and there is an identified housing need in the area. This application lies in a sustainable location and there are no strong economic reasons to resist the change of use and there is currently

understood to be no five-year housing supply. The principle is therefore considered acceptable.

5.4 Visual Impact

- 5.4.1 There are no significant adverse visual changes proposed. In general, the form and character of the existing building would be retained with no changes proposed to the front elevation. Flat roofed additions are proposed to the rear, but these would not be prominent in the public realm. The two storey extension would not be of excessive depth and the single storey extension would be of low height and in keeping with similar extension to the attached property.
- 5.4.2 I conclude that the proposal would preserve the character and appearance of the streetscene and locality.

5.5 Residential Amenity

- 5.5.1 Although fairly substantial additions are proposed to the rear, it is not considered that these would result in any significant harm to residential amenity. The only residential property in close proximity to the site is the flats adjacent to the west at number 14/16 (properties to the north and east are commercial). Number 14 already has a two storey rear extension with a mainly solid section of wall facing the site and there is high close boarded fencing along the common boundary. A gap of around 2.6m would remain between the buildings, the majority of the extension would be of low height, being single storey with a flat roof and it would be located to the north west elevation, which would limit its impact upon light and overshadowing. It is therefore concluded that the impact upon light and outlook would be acceptable.
- 5.5.2 In terms of privacy, no new side openings are proposed above ground floor level and there is high close boarded fencing along the side boundary with no. 14. There is a difference in land levels between no.s 14 and 12 and this slightly offsets the windows of the properties, plus the planning history records indicate that there are no bedroom windows to the side elevation of no.14 facing the site. I note that no objections have been received from the occupiers of flats at no. 14. It is further noted that these properties were originally constructed for residential purposes and have previously functioned as such alongside one another.

5.6 Highways

- 5.6.1 There is no vehicular access existing or proposed to the site frontage onto Tonbridge Road. Vehicular access is gained via an existing private road off of Terrace Road. Two car parking spaces are proposed to be retained.

- 5.6.2 The Kent Design Guide Interim Guidance Note 3 recommends a maximum of 1 space per 1 bedroom unit in town centre/edge of town locations such as the site. As this is a maximum standard, the Kent Highway Services Engineer confirms that she raises no objection to the application.
- 5.6.3 Parking upon Tonbridge Road is considered unlikely to occur, due to the fast moving nature and volume of the traffic thereon. This is however, a very sustainable, urban location, where other modes of transport could easily be used. The site lies only approximately 200m from a mainline railway station (servicing London) and a bus stop. It is also within a feasible walking distance of Maidstone town centre (approximately 0.7miles), with its wide range of shops and services. A grocery shop lies only approximately 200m from the site.
- 5.6.4 The Kent Design Guide Interim Guidance Note 3 does recommend one cycle space per flat. Initially only two spaces were shown in total, however, amendments have been sought and agreed and a revised drawing now shows the nine spaces required for the development.
- 5.6.5 It is therefore concluded that there are no significant highways issues arising from the development.

5.7 Landscaping

- 5.7.1 No important trees would be lost by this proposal. There are a couple of trees/shrubs along the boundary with no. 14, but these are of poor quality and form and are not worthy of protection.
- 5.7.2 A small outdoor amenity area of around 7m x 3m would be provided, which would help to provide a satisfactory living environment, but given the amount of hardsurfacing already on site and the limited opportunities to provide landscaping which would have a material impact upon visual amenity, a landscaping condition is not considered necessary in this particular case.

5.8 Other Matters

- 5.8.1 There are no significant ecological issues, due to the character of the site, being almost wholly hardsurfaced and in a built up, urban environment.
- 5.8.2 The site lies upon a busy arterial route and would experience traffic noise. It is also located within the Maidstone Town Air Quality Management Area. The Environmental Health Manager has been consulted and is satisfied that these issues are likely to be able to be addressed by conditions to provide appropriate mitigation following the relevant surveys. As the building is not unusually constrained (for example, it is not listed, so the use of double glazing would be acceptable), this is considered an appropriate conclusion and I therefore

recommend the conditions suggested by the Environmental Health Manager to deal with these issues, in order to provide a satisfactory living environment.

6. CONCLUSION

- 6.1 The proposal would provide sustainable residential development, with no significant adverse highways, visual or residential amenity issues. The loss of the existing employment use is not objectionable and in this case a Departure from the Development Plan is therefore considered justified. Approval is recommended.

7. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

2. The materials to be used in the construction of the external surfaces of the walls of the development hereby permitted shall match those used in the existing building unless otherwise agreed in writing by the Local Planning Authority;

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

3. The development hereby permitted shall be carried out in accordance with the following approved plans:
drawing no.s TR1317.00, TR1317.06, TR1317.07, TR1317.08, TR1317.09, TR1317.10, TR1317.11, TR1317.12 and TR1317.16 received on 23/08/13 and TR1317.14 Rev A received on 12/03/14.

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

4. No development shall take place until:

An acoustic survey, to identify the noise environment of the site, has been carried out.

Where habitable rooms will be exposed to unacceptable noise levels (in accordance with BS 8233), mitigation should include a scheme of acoustic

protection sufficient to ensure internal noise levels (LAeqT) no greater than 30 dB in bedrooms and living rooms with windows closed. Where the internal noise levels (LAeq,T) will exceed 35 dB in bedrooms (night-time) and 45dB in living rooms (daytime) with windows open, the scheme of acoustic protection should incorporate appropriate acoustically screened mechanical ventilation.

Within gardens and amenity areas, the daytime 07.00-23.00 hours level of noise should not exceed 55dB (LAeq) free field. This excludes front gardens;

Any scheme of mitigation set out in the subsequently approved report shall be implemented prior to the first occupation of the building and maintained thereafter.

Reason: In order to provide a satisfactory living environment.

5. The development shall not be commenced until a report, undertaken by a competent person in accordance with current guidelines and best practice, has been submitted to the local planning authority for approval. The report shall contain and address the following:
 - 1) An assessment of air quality on the application site and of any scheme necessary for the mitigation of poor air quality affecting the residential amenity of occupiers of this development.
 - 2) An assessment of the effect that the development will have on the air quality of the surrounding area and any scheme necessary for the mitigation of poor air quality arising from the development.

Any scheme of mitigation set out in the subsequently approved report shall be implemented prior to the first occupation of the building and maintained thereafter.

Reason: In order to provide a satisfactory living environment.

6. To safeguard the enjoyment of their properties by adjoining residential occupiers and the amenity of the surrounding area the developer must provide evidence that the development conforms with Approved Document E Building Regulations 2003 'Resistance to the Passage of Sound' to the LPA. Details of the relevant building control authority shall also be provided to the LPA.

Reason: In order to provide a satisfactory living environment.

Informatives set out below

Asbestos:

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.

Working Practices:

Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:2009 for noise control on construction sites.

Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the EHM regarding noise control requirements.

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

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

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

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

Storage of waste and recyclable materials:

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

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 per the relevant act and the Site Waste Management Regulations 2008, this should be available for inspection by the Local Authority at any time prior to and during the development.

The proposed development, subject to the conditions stated, is considered not to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) however there is an overriding material consideration to indicate an approval of planning consent being that the proposal is considered to comply with the National Planning Policy Framework. It would secure a sustainable housing development without significant harm to the economy, visual or residential amenity.

MA/13/1474

Councillor Harwood

The following (summarised) issues have been raised:

- Concern that no landscaping condition is recommended to reintroduce a soft domestic boundary on the Tonbridge Road frontage.
- Swift boxes should be affixed to the eaves of the building to provide biodiversity enhancements.

Officer Comment

No development or changes are proposed to the Tonbridge Road frontage and as such it is not considered reasonable, relevant or necessary to require a landscaping scheme here.

In view of the limited scale of the development proposed that would be suitable for swift boxes, (modest two storey extension), it is not considered appropriate to seek such measures in this case.

RECOMMENDATION

My recommendation remains unchanged as follows:

GRANT PLANNING PERMISSION subject to conditions.



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PRIVATE PARKING

24.10.2013

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GENERA INVESTMENTS
25, York Road, London, W14 8JH

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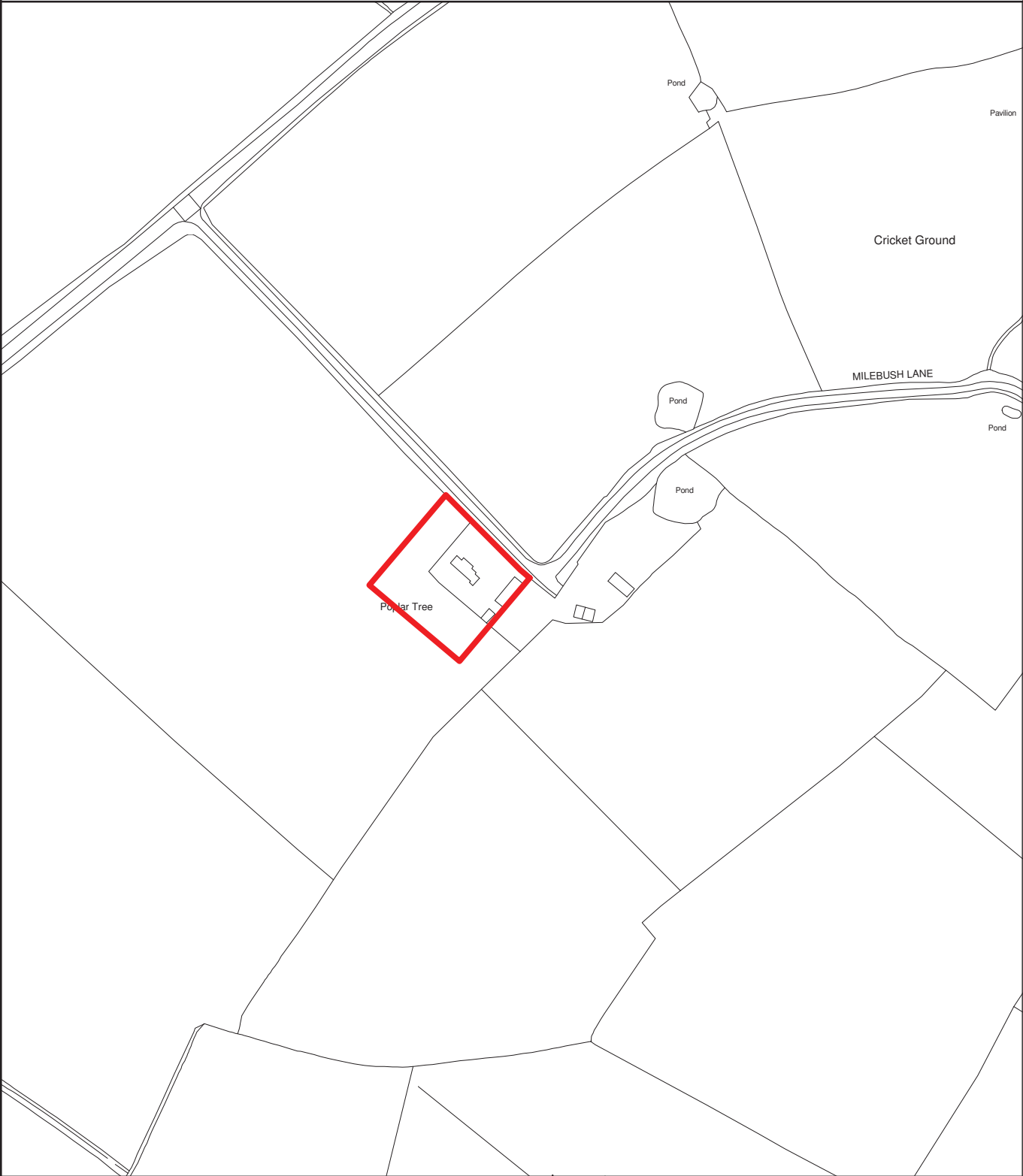
24.10.2013

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/1475

GRID REF: TQ7546

POPLAR TREE, MILEBUSH LANE,
MARDEN.



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Rob Jarman
Head of Planning and Development

APPLICATION: MA/13/1475 Date: 23 August 2013 Received: 2 January 2014

APPLICANT: Mr & Mrs J P Blackmore

LOCATION: POPLAR TREE, MILEBUSH LANE, MARDEN, TONBRIDGE, KENT,
TN12 9AS

PARISH: Marden

PROPOSAL: Erection of a single storey garage and retrospective change of use of land from agricultural to residential use as shown on drawing nos: 705/02 (existing elevations), 02A (proposed elevations), 705/01 rev A(existing site layout), P/01 rev B, proposed site layout, LOC/EX and LOC/PR.

AGENDA DATE: 10th April 2014

CASE OFFICER: Graham Parkinson

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

- a Borough Councillor is the applicant

1. **POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV28, H31, H33
- Residential extensions SPD adopted 2009
- Government Policy: NPPF,NPPG

2. **HISTORY**

- 2.1 MA/05/0919 - Replacement of concrete panel flat roofed garage by one of traditional construction - approved/granted with conditions.
- 2.2 MA/04/0580 - Demolition of existing conservatory and erection of two storey front and side extensions – approved/granted with conditions.
- 2.3 MA/03/2450 - Two storey front and side extension, which includes the removal of the conservatory – refused.

- 2.4 MA/99/1503 - Erection of single storey extension to utility/breakfast room on south-eastern flank, and replacement of flat roof with pitched roof to utility/breakfast room – approved/granted with conditions.
- 2.5 MA/12/1249- Erection of single storey infill extension, front porch and enlargement of single storey rear extension - APPROVED- 2nd August 2012
- 2.6 MA/13/0928- Erection of single storey extension to existing garage-WITHDRAWN

3. CONSULTATIONS

- 3.1 Marden Parish Council – No objection in principle providing that the building is set back behind the western elevation of the existing building and not converted to a separate residential dwelling.

4. REPRESENTATIONS

- 4.1 None received.

5. CONSIDERATIONS

5.1 Site Description

- 5.1.1 The site is occupied by a detached house occupying an isolated position in open countryside just to the north west of a sharp bend in Milebush Lane. Immediately in front of the house but set back from the road is an existing detached double garage. The site is not subject to any specific policy designation in the Maidstone Boroughwide Local Plan 2000.
- 5.1.2 A public footpath runs to the south of the site with the wider area rural in character.

5.2 Proposal

- 5.2.1 The intention is extend the existing detached garage on its south west elevation. The existing double garage is just under 6 metres square. The proposed addition will extend its length by just under 5.5 metres while having the same width, eaves height and roof profile. The eaves height is just over 2.3 metres with a ridge height of 5.5 metres.
- 5.2.2 The extension will house a playroom, study and shower room.
- 5.2.3 Retrospective planning permission is also sought for an extension to the garden curtilage. The original garden serving the property had a depth and width of just over

30 metres. This has been increased to a width and depth of just over 50 metres resulting in an increasing the garden size by over 250%.

5.3 Discussion:

5.3.1 The key issues raised by the proposals are considered to be their impact on the rural character and setting of the wider area.

5.4 Principle of Development

5.4.1 Dealing first with the impact of the proposed extension, this will not be physically attached to the main dwelling. Nevertheless, given the close proximity of the garage to be extended to the main dwelling and that additional accommodation is proposed, it is considered appropriate to apply the tests set out Policy H33 of the adopted local plan which seeks to avoid the creation of additions of a size tantamount to new dwellings, retain the scale and form of the existing house, prevent out of character development and to safeguard the outlook and amenity of nearby development.

5.4.2 The adopted residential extensions SPD also sets out limits on extending dwellings in the countryside. The scale of single storey extensions should remain subordinate to the existing dwelling and be sited and designed to ensure that no harm arises to the character or openness of the countryside.

5.4.3 Though this property has been previously extended it is considered that the key test is therefore whether the proposed addition to the detached garage will materially add to the impression of built mass to the detriment of the rural character of the area or openness of the countryside.

5.4.4 Regarding extension to the garden curtilage that has taken place this needs to be assessed against the provisions of policy H31 of the adopted local plan. Policy H31 states that planning permission will not be granted for the change of use of agricultural land to a domestic garden if it would harm the character or appearance of the countryside and/or result in loss of the best and most versatile agricultural land.

5.5 Visual Impact

5.5.1 Dealing first with the extension to the garage, the existing garage is located in a relatively well screened location, hidden from view from the road by an existing dense hedge along the road frontage. Only the gable end is currently exposed to view from Mile Bush Lane or from the nearby public footpath to the south.

5.5.2 The proposed addition exactly replicates the height, eaves level and roof profile of the existing garage and in design terms represents an acceptable example of

domestic architecture in keeping with this rural location. It is also considered that the garage, even as enlarged, will remain as a subordinate feature compared to the scale and impact of the existing house.

- 5.5.3 Regarding any material impact on the rural character of the area, though the addition will feature in views of the site from Mile Bush Lane and nearby public footpath, given the height and width of the addition, it is considered that any material impact on the rural character of the openness of the area will be marginal.
- 5.5.4 Turning to the extension to the garden curtilage that has taken place, the site comprises an open area of level grassland defined by post and rail fencing on its boundaries and comprises agricultural land of good quality as defined on the agricultural land classification maps. Apart from the erection of the low post and rail fence (which is an appropriate rural means of enclosure which can be retained without planning permission) there is currently little to distinguish the use of the land from adjoining open farm land.
- 5.5.5 The key concern is that such development could lead to inappropriate domestication of the countryside. Based upon the current condition of the site, this has not yet occurred and subject to the site remaining in its current condition, it is not considered that any material harm is taking place to the character or appearance of the countryside. However in order to ensure this state of affairs continues, permitted development rights should be withdrawn which would otherwise enable buildings, enclosures, swimming or other pools to be constructed without requiring planning permission from the Council.
- 5.5.6 Furthermore to ensure that night-time rural environment is not adversely affected a condition should be imposed regarding the installation of lighting.
- 5.5.7 Regarding loss of land from agricultural use, given the small area of land involved it is not considered there is any sustainable objection to the land remaining in garden use from this perspective. Furthermore given that no built development is proposed there is also no physical impediment to the land being returned to agricultural use should circumstances change.

5.6 Residential Amenity

- 5.6.1 There are no nearby houses overlooking or abutting the site and as such no harm to residential amenity is identified.

5.7 Other matters:

5.7.1 Regarding the concerns raised by the Parish Council, it is confirmed that the proposed addition will be set behind the western elevation of the existing building. Use as a separate and self contained dwelling would result in a material change of use requiring planning permission. This can be drawn to the applicant's attention by informative.

6. CONCLUSION

6.1 The addition will feature in views of the site from Mile Bush Lane and the nearby public footpath. However, given the height and width of the addition, which on its own or in combination with the extended garage, will continue to be seen as a subordinate feature when viewed against the backdrop of the main dwelling, it is considered that any impact on the rural character or the openness of the area will be insignificant.

6.2 Regarding continued use of the land for garden purposes, given the existing appearance of the site, small area of land involved and that no permanent development is involved preventing its reversion to agricultural use should circumstances change, no material harm is identified to the rural character and setting of the wider area.

6.3 As such the proposed development is considered acceptable while no harm is identified to continued use of the land for garden purposes and it is recommended that planning permission be granted as a consequence.

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. External materials used in the development hereby approved shall be as specified.

Reason: In the interests of visual amenity.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: as shown on drawing nos: 705/02 (existing

elevations), 02A (proposed elevations), 705/01 rev A(existing site layout), P/01 rev B, proposed site layout, LOC/EX and LOC/PR.

Reason: To ensure the quality of the development is maintained in the interests of amenity.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1 Class E to that Order (being the erection of buildings, enclosures, swimming or other pools) shall be carried out within the extended garden area shown on drawing no:705/LOC/EX without first obtaining the permission of the Local Planning Authority;

Reason: To safeguard the character and appearance of the surrounding area.

5. Within the extended garden area shown on drawing no: 705/LOC/EX no form of lighting whatsoever shall be installed within this area without first obtaining the prior approval in writing of the Local Planning Authority.

Reason: To safeguard the night-time rural environment in the interests of visual amenity.

Informatives set out below

You are advised that the enlarged garage can only be used for purposes incidental to the enjoyment of Poplar Tree. Its use for separate and self contained accommodation independent of the use of Poplar Tree will result in a material change of use requiring planning permission in its own right.

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

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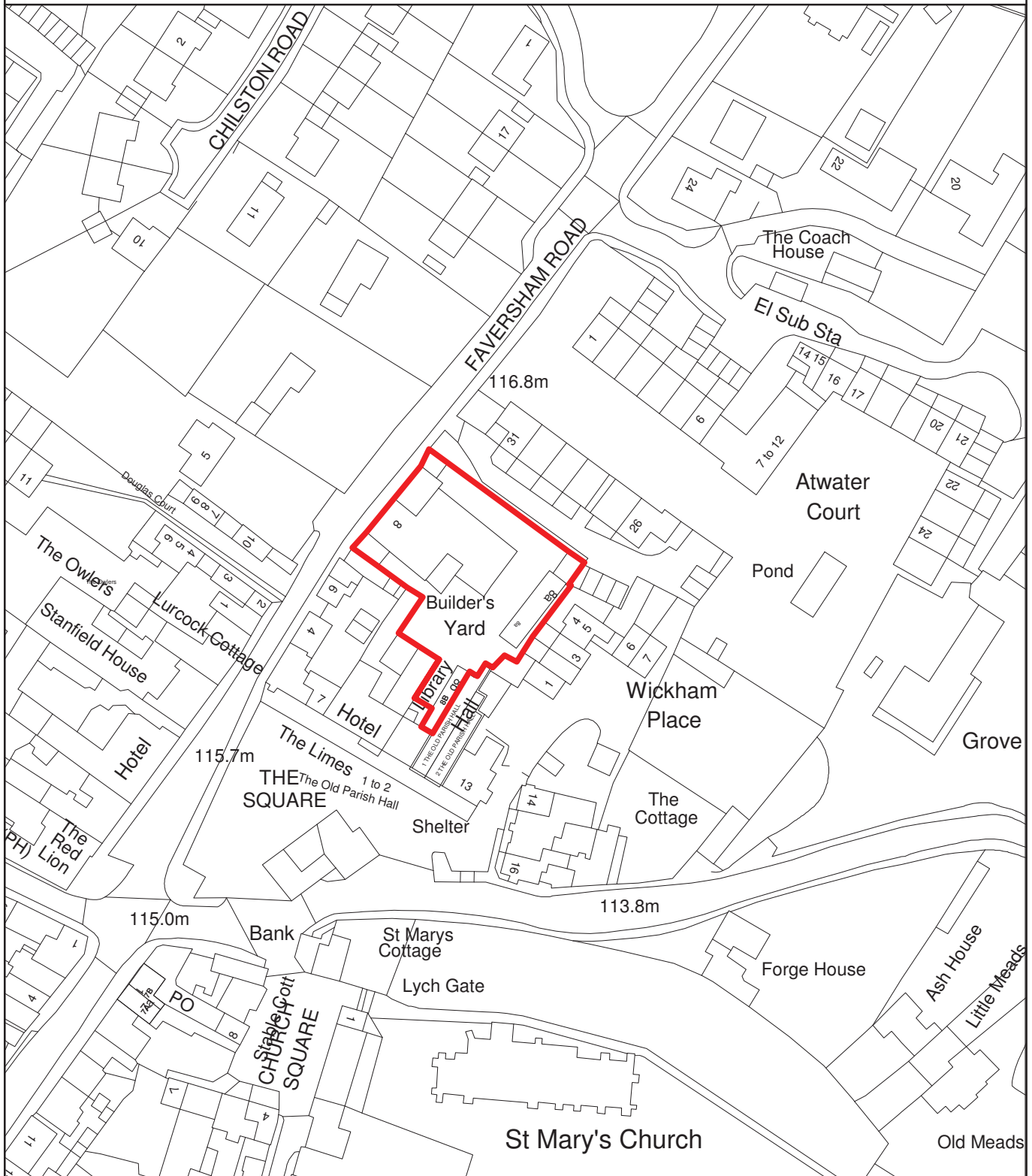
21. 1. 2014

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/1570

GRID REF: TQ8952

8 FAVERSHAM ROAD,
LENHAM.



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Rob Jarman
Head of Planning and Development

APPLICATION: MA/13/1570 Date: 10 September 2013 Received: 11 September 2013

APPLICANT: Ramac Group Ltd.

LOCATION: 8, FAVERSHAM ROAD, LENHAM, MAIDSTONE, KENT, ME17 2PN

PARISH: Lenham

PROPOSAL: Demolition of existing fire damaged building (class A1 retail use and B1 office use) and the erection of a mixed used development comprising class A1 retail use at ground floor level and 4no. two bedroom apartments at first floor level as shown on drawing nos. PL01, PL02, PL16A, PL18, PL19A received on 10th September 2013, and PL12A, PL13A and 102 received on 3rd December 2013, and PL03A, PL14A, PL15A, and PL17B received on 31st March 2014.

AGENDA DATE: 10th April 2014

CASE OFFICER: Richard Timms

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

- It is contrary to views expressed by Lenham Parish Council and they have requested the application be reported to Planning Committee for the reason set out in the report.
- Former Councillor Tom Sams requested it be reported for the reason set out in the report.

1. POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV34, H27, T13, R1, R10
Government Policy: National Planning Policy Framework 2012 (NPPF), National Planning Practice Guidance 2014 (NPPG)

2. HISTORY

MA/13/1571 - Conservation Area consent for the demolition of existing fire damaged building – APPROVED WITH CONDITIONS

MA/03/0777 - Variation of condition 1 of previous permission, MA/01/0287, to continue use of building/land as a dance studio – APPROVED WITH CONDITIONS

MA/03/0742 - Erection of building mounted satellite dish – APPROVED WITH CONDITIONS

MA/89/2086 - Extend existing ground floor offices construct new pitched roof over existing offices with new offices in roof space – WITHDRAWN

MA/81/1405 - Change of use from light industrial to builders workshop and office and erection of covered way – APPROVED WITH CONDITIONS

MA/78/0055 - Use of building for purpose of toolmaking – APPROVED WITH CONDITIONS

66/0262/MK2 - Alterations, extensions and rebuilding of shop – APPROVED WITH CONDITIONS

62/0329/MK2 - Conversion of premises into joinery, timber store and works with offices over – APPROVED WITH CONDITIONS

57/0099/MK2 - Extensions to existing store – APPROVED WITH CONDITIONS

50/0120B/MK2 - Renewal of planning permission - Agricultural shop etc – APPROVED WITH CONDITIONS

50/0120A/MK2 - Agricultural machinery shop, showroom and stores – APPROVED WITH CONDITIONS

3. CONSULTATIONS

- 3.1 **Lenham Parish Council:** Wish to see the application refused and request the application is reported to Planning Committee for the planning reason set out below:

"Highway Issues: Limited parking provision which is inadequate for expected use, leading to the extra burden on the surrounding parking facilities, which are already heavily used and regularly congested. Lack of space for safe manoeuvrability of large delivery lorries, which will be visiting the site several times a day from 6am and will need to reverse along a narrow side entrance. The extremely narrow pavement which leads to The Square, which will prove challenging for wheelchair/pram use particularly where the road becomes a pinch point south of the site.

Noise, air and light pollution associated with extended opening hours; accumulation of waste products, the storage of bins (possible vermin infestation) and the removal of the rubbish by large lorries.

Loss of amenity for local residents many of whom are senior citizens.

Proximity to Conservation Area with possible damage to existing listed buildings during construction phase and afterwards the vibration from increased heavy vehicle movement.

Design: The four flats above the retail area are designed with only one access/exit point and no provision of emergency exits. Natural light into the flats is very limited and the ridge height is not in keeping with the surrounding buildings.

Concerns that emergency vehicles may be unable to freely access the site."

3.2 Kent Highway Services: No objections subject to the following conditions:

- 1. Minor alterations to the site entrance are required in order to allow ease of access to and from the site. The current arrangement improves pedestrian visibility but could lead to conflict when vehicles entering and leaving the site at the same time.*
- 2. Alterations are required to the existing parking bay to enable deliveries to be made and a new parking bay provided further to the north on Faversham Road.*
- 3. Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.*
- 4. Provision and permanent retention of the vehicle turning facilities shown on the submitted plans prior to the use of the site commencing.*
- 5. Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.*
- 6. Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.*

3.3 MBC Environmental Health Manager: No objections subject to a restriction on use and delivery hours being from 7am to 10pm.

3.4 MBC Conservation Officer: No objections subject to materials and joinery details.

3.5 KCC Heritage: No objections subject to archaeology conditions.

3.6 English Heritage: The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

3.7 **KCC Ecology:** No objections subject to the recommendations in the ecological appraisal being implemented including timings of any demolition, bird boxes, bat tile or tubes and native landscaping.

3.8 **Kent Police:** No objections

4. REPRESENTATIONS

4.1 **Hugh Robertson MP** (Faversham & Mid Kent): Agrees with Lenham Parish Council's recommendation of refusal and very much hopes the planning committee will reject this application.

4.2 **Local Residents:** 68 representations received raising the following (summarised) points:

- Harmful impact upon local shops and businesses.
- Existing shops are sufficient for everyday needs.
- Ruin commercial character of village.
- Harm to tourism.
- Highways safety issues.
- Pedestrian safety issues.
- Lack of parking for proposed uses and dance studio.
- Noise and disturbance.
- Pollution.
- Light pollution.
- Loss of privacy/overlooking.
- Overshadowing.
- Visual appearance is not in keeping.
- Eyesore.
- Loss of office use.
- Anti-social behaviour may occur.
- Increase in litter.
- Many elderly residents live nearby.
- Potential damage during construction.
- Water run-off.
- Lack of detail on lighting.
- Harm to community spirit.
- No objections.
- Loss of value.

4.3 **Petition:** 'Say No to The Co-operative' petition of 550 signatures from Lenham Village Stores has been submitted.

4.4 **CPRE:** Raise the following (summarised) issues: Highway safety/parking/noise and disturbance.

4.5 **Former Councillor Tom Sams:** *"This application is one that has caused much discussion and interest within the community. The provision of this retail outlet, and apartments adjacent to a conservation area, should be treated with the utmost sensitivity. I would like local residents to have the opportunity to put forward their views to the planning committee, and members to in particular review highway implications as well as the wider potential impact to Lenham square."*

5. CONSIDERATIONS

5.1 Introduction

5.1.1 This is an application for the demolition of an existing fire damaged building (retail and office use), and the erection of a two storey building with class A1 retail use at ground floor level and four, two bedroom apartments at first floor level at 8 Faversham Road, Lenham.

5.2 Site Description

5.2.1 The application site comprises a two storey building to the front which has a large single storey addition to the rear. The two storey part is of red brick under a tiled roof with modern windows. There is an existing shop front on the south side from the previous retail use side, which features stone cladding. The rear single storey part is of different design and has white painted breeze block walls with a corrugated iron roof.

5.2.2 The building is unoccupied following a fire in 2010 but its lawful use is primarily for A1 retail (former ironmongers: 260m²) and an element of B1 offices (155m²). The site is on the east side of Faversham Road just north of the village Square. There are accesses on the south and north sides of the building and to the rear is a detached single storey building, which is used as a dance studio. The Conservation Area boundary runs along the south edge of the front building and then heads north over part of the rear of the building. There are Grade II* and II listed buildings to the south which front 'The Square' and there is an Ancient Scheduled Monument on the opposite side of the road (18th century 'lock up'). 'The Square' is a defined local retail centre under policy R10 of the Local Plan and its boundary runs along the south edge of the site. Residential properties are located to the south, west, east and north, and to the north comprise sheltered housing for over 65 year olds. The site also falls within a Special Landscape Area.

5.3 Proposal

- 5.3.1 Permission is sought to replace the main building to the front/centre of the site with a two storey building. The dance studio would remain. The new building would have a rectangular footprint around 14.5m x 28.5m and be set on a similar building line as the existing building between 2-2.5m from the road edge. It would be around 1m from the dwelling 'Butchers Cottage' to the south and 11m from the north boundary.
- 5.3.2 The building would have two ridge lines running from front to back with a valley in the middle. The roofs would be largely hipped with small gable features to the top at the front and rear. The ridge height would be 8.2m with the eaves 2.8m at the front and 4.2m to the sides and rear. There would be a combination of hipped dormer windows and conservation roof lights to the roof slopes. The ground floor to the front and northeast side would feature 1.8m x 1.4m windows with casement panels above. The building would be finished with brickwork and hung tiles to the sides, and a plain tiled roof.
- 5.3.3 The ground floor would provide an A1 use retail unit (general shops) of around 381m² of floorspace. The main entrance would be on the northeast side. The first floor would provide four flats each with two bedrooms, two bathrooms and a lounge/kitchen area. Access to the flats would be at the rear on the southwest side.
- 5.3.4 The vehicular access would be where the existing access is in the north corner of the site. There would be landscape areas either side of the access and a row of eight parking spaces outside the retail unit. Three further parking spaces for the retail unit would be provided outside the dance studio providing a total of eleven spaces. Four spaces for the flats would be provided near their entrance and to the south of the dance studio, as would cycle parking. This would require demolition of a small WC block. The parking area for the flats would be gated off from the rest of the site to avoid any vehicle conflicts. Bin storage for the flats would be near the flats entrance as would a retail compound. There would be an access way along the southwest side of the building to the pavement for future occupants to put their bins out.

5.4 Principle of Development & Main Issues

Retail

- 5.4.1 Policy R1 of the Local Plan relates to any retail development in the Borough and states that it can be permitted in the village settlements (such as Lenham) subject to various criteria. The site adjoins 'The Square' local retail centre and Policy R10 which relates to local centres states that,

"Proposals for further Class A1 retail development will be permitted in, or immediately adjacent to, existing district or local centres subject to the appropriate criteria in policies R1 and R2" (R2 is not relevant here)

5.4.2 The site already has a lawful retail use and taking this into account and the policy position, I consider the principle of retail development in this village, and adjoining the existing retail centre is acceptable.

5.4.3 Policy R1 allows retail development provided the following criteria are met:

- 1. That the proposed development will not threaten the overall economic vitality and viability of established retail centres; and*
- 2. That arrangements for road access, parking and servicing of the land and buildings are adequate and that there are no highway objections; and*
- 3. That the development site is both easily and safely accessible by a reasonable choice of modes of transport and by people with disabilities; and*
- 4. That there is no significant detrimental impact on neighbouring land uses or is likely to have an adverse effect on local living conditions.*

5.4.4 Policy R10 states that,

"The Borough Council will maintain existing retail uses in the defined district and local centres, consistent with their scale and function, and development which would harm their vitality and viability will not be permitted."

5.4.5 Therefore the main issues are whether the proposals would harm 'The Square' retail centre, highways matters, accessibility, neighbouring amenity, and the visual impact of the development.

5.4.6 It is also notable that the NPPF at Chapter 3 (Supporting a prosperous rural economy) states that Local Planning Authorities should support the sustainable growth and expansion of all types of business and enterprise in rural areas and promote the retention and development of local services and community facilities in villages, such as local shops.

Residential

5.4.7 Policy H27 of the Local Plan allows for minor residential development within Lenham and the village is a sustainable location for additional housing

development. As such the principle of the flats is acceptable and the main considerations are visual impact, residential amenity, and highways.

5.5 Impact upon 'The Square' Retail Centre

- 5.5.1 The proposal is for 381m² of floorspace which does not exceed the threshold in the Local Plan (500m²) for more detailed scrutiny such as a retail impact assessment or application of a sequential approach, and it is notable that the threshold in the NPPF for a retail impact assessment is 2,500m². In fact the increase of new retail floorspace amounts to some 121m² which is significantly below the thresholds above. The NPPF also outlines at Chapter 2 that application of the sequential test or a retail impact assessment is not required where such uses are potentially allowed under the Local Plan. In this case policy R10 can potentially allow additional retail uses on the edge of the local retail centre and as such detailed retail analysis is not required.
- 5.5.2 Whilst for planning purposes the proposal is simply for an A1 use, it is necessary to give some consideration as to what type of shop the development could provide for. The building provides for a single open plan retail unit which would lend itself to a small convenience store. Such a shop would provide competition with existing convenience shops in the local centre which include a village stores, newsagents, post office, fruit and vegetable store, butchers, bakery, and chemist. However, much of the local centre is made up of specialist shops selling antiques, florists, clothing, aromatherapy, toiletries and there is also a bank, two estate agents, accountants, tea rooms, and pubs/hotel. Whilst a new convenience store would provide competition, it is considered that it is not of such a scale that would cause significant harm to local shops or the overall vitality and viability of the retail centre. Again, it is a key consideration that the floorspace does not exceed the threshold in the Local Plan (500m²) for more detailed scrutiny such as a retail impact assessment. Also, as stated previously, although fire damaged, the site does lawfully involve 260m² of retail floorspace which is a strong material consideration. For these reasons, I do not consider an objection in terms of harm to the retail centre could be sustained.
- 5.5.3 It is noted that information relating to the 'Southern Co-operative' has been submitted within the planning application and this may be the planned user of the development. However, as Members are aware, any particular company that may or may not occupy the premises is not a material planning consideration.

5.6 Highways Matters & Accessibility

- 5.6.1 The applicant has submitted a Transport Statement, local accident data, and tracking diagrams within the site as requested by Kent Highways. Kent Highways have outlined that, "*the number of traffic movements likely to be generated by*

both the existing use of the site and the proposed use of the site has been predicted. With a reduction of trips to take into account linked trips, the number of new trips to the store is expected to be in the region of 25 during the AM peak and 38 during the PM peak." No objections have been raised in terms of the impact of these movements on the local highway network.

- 5.6.2 With regards to the retail use, it is proposed that delivery vehicles would park outside the shop on Faversham Road to unload as there is a lack of room within the site to provide off-street deliveries and turning space for larger vehicles. Delivery lorries would be up to 11.6m in length and there would be no articulated lorries. There will be around 5-6 deliveries per day. There are parking bays outside the site at present and following advice from Kent Highways it is proposed that these would be removed and double yellow lines installed which would allow for deliveries to be made. Kent Highways have raised no objections to this in terms of highway safety and this alteration would be sought via a Traffic Regulation Order (TRO) where local consultation would also take place. Kent Highways considered this will be required as without an area to load/unload deliveries would be likely to cause interference to the free flow of traffic on Faversham Road to the detriment of highway safety and capacity. This could be secured via a 'Grampian' planning condition so that the use could not take place unless the yellow lines are installed. I have discussed this proposal with the Council's Parking Services Section and they have not identified any principle objections to this but clearly the TRO procedure will need to be carried out and any representations fully considered. Kent Highways have also advised that the parking spaces should be replaced further north which I consider is reasonable.
- 5.6.3 In terms of parking, 11 spaces would be provided for the retail use and 4 for the flats. Tracking diagrams have been submitted to demonstrate there is sufficient turning space and Kent Highways have raised no objections to this level of parking and space from highway safety aspect. Cycle parking would also be provided for the flats. The site is within reasonable walking distance of much of the village, bus stops and there is a train station, so I consider this level of parking strikes the right balance between not overly encouraging vehicle use and providing off street parking so as not to cause local highways safety issues.
- 5.6.4 The issue of pedestrian safety has been raised by local residents with reference to the width of the pavement to the site and also reference to elderly pedestrians due to sheltered accommodation for residents over 65 years of age located to the north of the site. Pedestrian trips are predicated at 79 movements for the weekday AM peak and 132 for PM with similar for a Saturday. This would mark an increase in such movements to the site. The pavement on the south side of the road from 'The Square' varies in width between 1.2m and 1.8m and whilst it would be preferable for a better width, Kent Highways have not raised any objection in terms of pedestrian safety. I do not consider this level of footfall

(less than 2 per minute) would result in pedestrians necessarily being forced into the road.

- 5.6.5 The site is at a sustainable location in the village centre within walking distance of existing shops and a central car park. Most village occupants will be able to walk to the store and those from further a field will be able to use the store potentially as a stop gap for convenience goods which could reduce longer distance trips. Linked trips are also likely to occur due to the other shopping services in the village. I consider this is sustainable development in transport terms. There are no objections from Kent Highways in terms of the impact upon the local highway network, parking, deliveries or pedestrians. I therefore consider there are no grounds to object for highway reasons to the retail or residential proposals.
- 5.6.6 Kent Highways have requested minor changes to the access essentially removing some of the landscaping on the north side to increase the width, which can be dealt with by condition.

5.7 Residential Amenity

- 5.7.1 The main considerations for amenity are for existing residential properties adjacent and near to the site and for future occupants of the first floor flats. In terms of neighbouring properties, the retail use is likely to result in an increase in activity at the site from deliveries, parking/turning and customers and thus an increase in general background noise. However, the site is near to the centre of the village where there are existing commercial uses, main roads and numerous houses close by and so there is some general background noise. I would not suggest it is a noisy environment but neither is it tranquil. There is also walling, buildings and vegetation along boundaries which would serve to block some noise. As such, I consider that with suitable hours of use restrictions between 7am to 10pm, as also suggested by Environmental Health, the uses would not be unduly harmful at the site.
- 5.7.2 I have discussed potential hours of deliveries with the Environmental Health Manager and the applicant and it is considered that a restriction on deliveries from 7am to 10pm is reasonable and necessary to protect residential amenity. Deliveries would either be taken through the main store entrance or potentially via the residential bin access on the south side of the building. I consider that the movement of delivery cages along this access at early times would result in a harmful impact upon the amenity of 'Butchers Cottage' and 'Little Butchers' immediately to the south due to the proximity of the access way to these properties. My view is that any deliveries along this route should be restricted to between 9am and 6pm. The applicant has also put forward a proposal for smooth surfacing here (rather than herringbone paving as shown on the plans)

which would serve to reduce noise also. Otherwise the retail compound would be used for bin storage which would not be objectionable.

- 5.7.3 I have discussed external plant such as re-fridgeration or air conditioning units with the agent who advises that none are proposed. I consider such plant may be required and having discussed this with the Environmental Health Manager it is considered that suitable equipment installed at an appropriate location such as the rear of the building would be unlikely to cause any nuisance to existing properties and the proposed flats. As such, the exact details and location of any plant required can be secured by condition to protect amenity.
- 5.7.4 In terms of privacy, the front two dormer windows in the southwest roof slope would result in potential overlooking of the rear first floor windows and gardens of houses to the south, including 'Butchers Cottage' and 'Little Butchers'. I consider that these windows should be obscure glazed with high opening to protect privacy. Originally six rooflights were proposed along the southwest roofslope but the applicant has voluntarily reduced this to two rooflights to reduce any perceived overlooking. The two remaining rooflights are small and would not offer the same clear view as the dormer windows and so I not consider they need to be obscure glazed. Properties further south would be over 21m away so would not suffer from a loss of privacy. There would only be two rooflights on the rear, southeast roof and they would be around 19m from houses to the southwest at 'Wickham Place' with the single storey dance studio between. I do not consider there would be any unacceptable loss of privacy here. The dormer windows on the northeast roofslope would be around 21m from the houses and their rear windows to the northeast at 'Atwater Court'. With this distance and an evergreen hedge between (owned by Atwater Court), I do not consider there would be any unacceptable loss of privacy here.
- 5.7.5 Car/cycle parking spaces for the flats are proposed to the rear of '1 Wickham Place' to the southwest and increased use here could result in overlooking of the rear garden above the existing 1.3m boundary wall. There are also some views over walling where the retail compound is proposed so I consider boundary treatments in these places to raise the height, which can be secured by condition, would protect privacy.
- 5.7.6 In terms of outlook and light, the main impact will be upon 'Butchers Cottage' and 'Little Butchers' to the south. The building would extend 14m beyond the rear of these properties within 1m of the boundary of 'Butchers Cottage'. I have visited 'Butchers Cottage' and note that a single storey pitched roof projection (approximately 4m to the ridge) runs along the vast majority of the north side of the garden. Whilst the proposed building overlaps this property fairly significantly, the existing building would largely block views of the proposed building from the majority of this properties garden, and entirely from ground

floor windows. It would also block views to a degree the from first floor bathroom and bedroom windows. I have also carried out a 45° BRE light test on the first floor windows and the development does not fail the test. Bearing in mind this existing projection, I do not consider the impact upon light or outlook would cause significant harm to 'Butchers Cottage'.

5.7.7 'Little Butchers' is further south and 45° light tests are passed for the ground and first floor rear windows. This property is further from the site and because of this I do not consider it would be overbearing or oppressive to its outlook to warrant objection.

5.7.8 Due to the distance involved I do not consider there would be any harmful impacts in terms of light or outlook to any other neighbouring properties.

5.7.9 I do not consider the flats would suffer from unacceptable noise levels from the ground floor shop and this is a common arrangement, or from the use of the dance studio. The Environmental Health Manager has raised no objections to this. The proposed flats would also have suitably sized rooms and light, and overall sufficient living conditions.

5.7.10 Potential issues of anti-social behaviour have been raised. Whilst this may or may not occur, this is a management issue for the landowner and a matter for the police. I consider a convenience store is not a use that typically would attract significant or serious anti-social behaviour like say a night club might.

5.8 Visual Impact/Heritage

5.8.1 The existing fire damaged building is currently detracting from the local area, Conservation Area and listed buildings. The proposed building would improve the appearance of the site and is designed in the local vernacular in terms of its form, with hipped roofs, hipped dormer windows, and low eaves heights, and in terms of materials with plain tiled roof and hanging tiles. The use of quality materials such as clay roof and hanging tiles, and timber joinery will be essential to ensure a quality finish to the building, which can be secured by condition. The building would be similar to existing in height terms, but would have a reduced mass due to the hipped roofs and double ridge line with valley between. Glazing would break up the front and side faces of the building. The southwest side wall is fairly bland but it is not in public view and faces the access way for bins so I do not consider this is objectionable. The rear wall is relatively blank and so a 'green wall' has been proposed although this is not in public view.

5.8.2 Soft landscape areas would be provided at the access which would provide an attractive frontage here. Surface materials would be herringbone paving for footways and resin bonded gravel for parking spaces, which would provide a

quality finish to these areas and break up the road surfacing that would be used for the other areas. Overall, I consider the development would improve the appearance of the site and would be appropriate in terms of the setting of the Conservation Area and nearby listed buildings. This view is echoed by the Conservation Officer who states that, *"the proposed replacement building, in my view, is of appropriate scale and design and will constitute an enhancement to the setting of the conservation area."*

- 5.8.3 Details of lighting can be secured by condition to ensure it is appropriate in terms of appearance and amenity. As part of the building would fall within a Conservation Area and the rest adjoins it, I consider it is necessary to remove permitted development rights for advertisements to ensure any adverts are appropriate in their context.

5.9 Other Matters

- 5.9.1 A phase 1 habitat survey, and bat scoping and bat emergence survey have been carried out. No evidence of the buildings being used by bats was revealed and it is advised that the development would cause no harm to bats. The main building was being used by nesting starlings. As such, enhancements/mitigation is proposed including bird boxes, swift bricks, and bat tiles. With this in mind KCC Ecology are raising no objections.
- 5.9.2 As the site is in an area safeguarded for medieval and post medieval archaeology, KCC Heritage has recommended conditions which can be attached. The flats would achieve CSH Level 4 which can be secured by condition.
- 5.9.3 Other matters raised and not addressed above include harm to tourism, pollution, loss of office use, increase in litter, potential damage during construction, water run-off, and loss of value. I do not consider the proposal would cause any significant harm to tourism or create any large amounts of pollution. Litter on the premises would be the responsibility of the landowner, and off the site, is a criminal offence and is not a material planning consideration. There are no policies which protect the office use. Potential damage to property and water run-off to neighbouring property are not planning considerations and are matters between landowners. Loss of value is not a planning consideration.

6. CONCLUSION

- 6.1 For the above reasons, the retail proposals are considered to be in accordance with policies R1 and R10 of the Local Plan, which seek to facilitate suitable retail development in sustainable locations such as Lenham, and on the edge of local centres. The proposal would provide for competition in the local centre but is not

considered to be of a scale that would cause significant harm to its vitality or viability, and there is a lawful retail use on site. There would not be an unacceptable impact upon local living conditions subject to appropriate conditions. The visual impact of the development would be acceptable, would enhance the Conservation Area, and there are no highway objections subject to conditions. For these reasons I recommend approval subject to the following conditions.

7. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

2. 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. No development shall take place until details of foundations designs and any other proposals involving below ground excavation have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that due regard is had to the preservation in situ of important archaeological remains.

4. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the building and surfaces 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. Materials shall include clay roof and hanging tiles, stock bricks and timber joinery for the building.

Reason: To ensure a satisfactory appearance to the development and setting of the Conservation Area.

5. 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 including shop fronts in the form of large scale drawings.
 - b) Details of the conservation style rooflights.

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

Reason: To ensure a satisfactory appearance to the development and setting of the Conservation Area.

6. 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. Details shall include measures to ensure privacy to neighbouring properties from the use of residential parking spaces 3 and 4 and cycle parking, and the retail compound.

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

7. The development shall not commence until a plan showing alterations to the vehicular access to increase its width on the north side has been submitted to and approved in writing by the Local Planning Authority. The access shall be implemented as approved and subsequently maintained as such.

Reason: In the interests of highway safety.

8. The development shall not commence until details of ecological enhancements including bird boxes, swift bricks, and bat tiles have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed and maintained.

Reason: In the interests of biodiversity enhancement.

9. Before the development hereby permitted is first occupied, the following proposed windows as shown on drawing no. PL14 shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such:

- 1) First floor dormer window on the south roof slope serving bedroom 1 of Flat 3.
- 2) First floor dormer window on the south roof slope serving bedroom 1 of Flat 2.

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective occupiers.

10. Prior to installation of any external lighting, all details shall be submitted to and approved in writing by the Local Authority. These works shall be carried out in accordance with the approved details before the first occupation of the building. This information shall include a layout plan with beam orientation and a scheme of equipment in the design (luminaire, type, mounting height, aiming angle and luminaire profiles). This scheme shall include a schedule of proposed hours of use for the different components of the submitted light scheme. The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation.

Reason: To minimise the impact of light pollution in the interests of the character and amenity of the surrounding area.

11. No part of the retail use shall be occupied or brought into use until alterations to the existing parking bay outside the site to provide double yellow line parking restrictions that enable deliveries to be made to the site, and a replacement parking bay further to the north on Faversham Road have been provided.

Reason: In the interests of highway safety and pedestrian safety.

12. No part of the development shall be occupied or brought into use until the precise planting details for the soft landscape areas and 'green wall', and a programme for their implementation and long term management, have been submitted to and approved in writing by the Local Planning Authority. The landscaping 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 appearance to the development.

13. No part of the development shall be occupied or brought into use until details of surface materials to reduce noise within the access way along the south side of the building and within the retail compound have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed prior to the use of the building hereby permitted and subsequently

maintained.

Reason: In the interests of residential amenity.

14. No part of the development shall be occupied or brought into use until details of any external plant, machinery or equipment has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed and maintained in good working order to the satisfaction of the Local Planning Authority.

Reason: In the interests of residential amenity.

15. The retail use hereby permitted shall only be open to customers between 7am and 10pm.

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

16. Deliveries shall only take place or be accepted at the store between 7am and 10pm.

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

17. No deliveries shall be taken via the access way along the south side of the building which leads to the retail compound outside of the hours of 9am to 6pm.

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

18. The approved details of the vehicle parking/turning areas and cycle parking 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.

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.

19. 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.

20. The residential flats shall achieve at least Level 4 of the Code for Sustainable Homes. No flat 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.

21. Notwithstanding the provisions of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (or any order revoking and re-enacting that Order with or without modification) no advertisements shall be installed at the site without the permission of the Local Planning Authority;

Reason: To safeguard the character, appearance and functioning of the surrounding area and the setting of the Conservation Area.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) no development within Schedule 2, Part 42, Class A to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character, appearance and functioning of the surrounding area and setting of the Conservation Area.

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

Drawing nos. PL01, PL02, PL16A, PL18, PL19A received on 10th September 2013, and PL12A, PL13A and 102 received on 3rd December 2013, and PL03A, PL14A, PL15A, and PL17B received on 31st March 2014.

Reason: For the purposes of clarity to prevent harm to the residential amenity of neighbouring occupiers and to ensure a satisfactory appearance to the development.

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.

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

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

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

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

Where it is proposed to store more than 200 litres (45 gallon drum = 205 litres) 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 are 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.

Demolition of the buildings should be undertaken outside of the breeding bird season (which is March to August inclusive), unless preceded by an inspection by a suitably experienced ecologist. If active bird nests are found, works must be delayed in these areas until the young have fledged.

While no bats were recorded using the buildings, the main building in particular presents roosting opportunities that bats may move into. Demolition should be undertaken during March to April or October to November when bats are least likely to be present. If demolition is necessary outside of these periods, advice from an experienced, licensed bat ecologist should be sought to ensure that the potential for bats can be adequately addressed.

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



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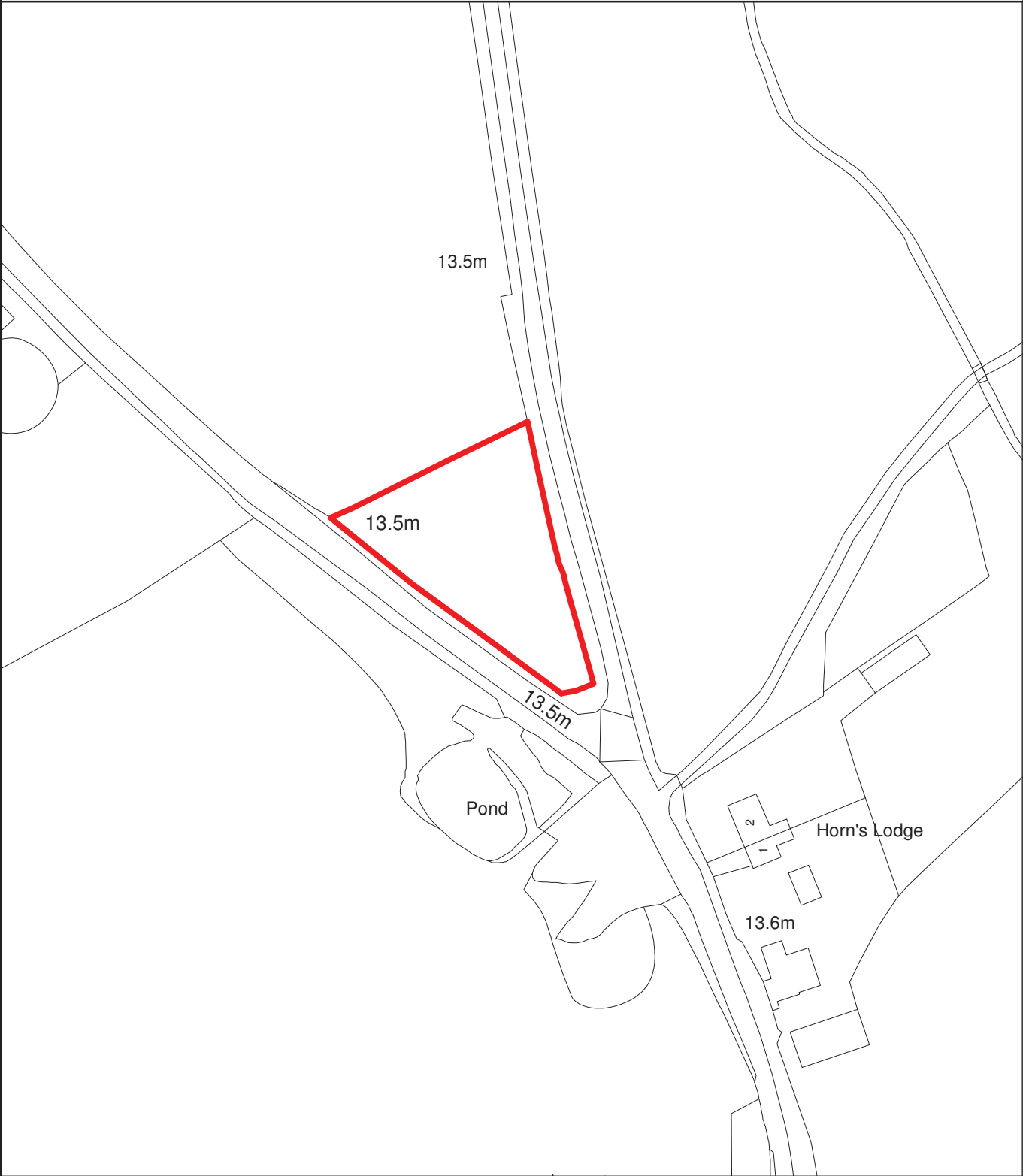
26. 3. 2014

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/1621

GRID REF: TQ7047

**GAIN HILL YARD, CLAYGATE ROAD,
YALDING.**



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Rob Jarman
Head of Planning and Development

APPLICATION: MA/13/1621 Date: 9 September 2013 Received: 23 October 2013
APPLICANT: Mr D Ridgewell
LOCATION: GAIN HILL YARD, CLAYGATE ROAD, YALDING, KENT
PARISH: Collier Street
PROPOSAL: Outline application for demolition of existing buildings and hard standing at the former scrap yard and erection of 2 two storey dwellings with garages and access. All other matters (appearance, landscaping, layout and scale) reserved for future consideration.
AGENDA DATE: 10th April 2014
CASE OFFICER: Annabel Hemmings

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

- it is contrary to views expressed by the Parish Council

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, T13
- National Planning Policy Framework 2012: Chapters 4, 6, 7, 10, 11
- National Planning Practice Guidance 2014

2. HISTORY

MA/90/0775 – Replacement storage building and replacement cabin. Approved 2nd November 1990.

MA/02/0063 – Outline application for the erection of two dwellings with all matters, except means of access, reserved for future consideration. Refused 24th December 2003. Appeal dismissed.

MA/06/1734 – Erection of replacement workshop. Approved 29th December 2006.

MA/07/0321 – Application for a certificate of lawfulness for an existing development being an established use of the site falling under class B2. Refused 5th April 2007

MA/07/0860 - Application for a certificate of lawfulness for an existing development being the use of buildings and land as a scrap yard and vehicle breaking yard. Withdrawn 15th February 2008

MA/09/1881 – Application to extend the time limit for implementing permission MA/06/1734 (erection of replacement workshop). Refused 10th March 2010. Appeal dismissed.

MA/10/0243 – Erection of new office building and associated parking. Refused 12th April 2010

MA/11/0352 – Erection of 2 Class B1 light industrial units. Refused 28th June 2011

3. CONSULTATIONS

Parish Council: Wish to see the application approved and request the application is reported to Planning Committee.

Environmental Health (4th December 2013): Given the former use of the site, it is essential that a contaminated land assessment is carried out and any issue mitigated before any occupation occurs. It is likely the site is grossly polluted and in its present condition could pose a serious risk to human health.

Recommend refusal until a contaminated land assessment has been carried out and any issues found mitigated prior to development.

Environmental Health (4th March 2014): Have now been made aware of a site investigation report dated November 2009.

Although it is now over 4 years old, its content should be relevant to the site as it is now. It is a detailed and thorough historical desk study report combined with an intrusive investigation using an acceptable methodology. It appears that four trial pits were dug on site, but based on the appearance of the material excavated it was determined that no analysis of this material was necessary. However, it would appear that eight sampling points were used and that extensive soil and organics analysis has been carried out. The results appear to show that none of the parameters tested have exceeded the Soil Guideline Values that existed at the time the survey was carried out.

On this basis, and despite the age of this report, it is difficult to come to any other conclusion but to agree with the findings of the assessment – that there is no evidence of contamination that would have an adverse impact on human health.

Section 11.2 states that excavated soils would need a chemical analysis before being acceptable for transportation. I would not disagree with this recommendation. The Environment Agency would need to be consulted and comment on any such analysis that takes place.

No land contamination objections based on the findings of this assessment.

KCC Highways: No objection in principle to this proposal. Have checked the crash records and can confirm that both Claygate Road and Jarmons Lane have an excellent crash record. There have been no injury crashes adjacent to this site in at least the last eight years.

Environment Agency (22nd November 2013): Object to the proposed development because there is insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable. There are two strands to this objection:

- Consider that the level of risk posed by this proposal to be unacceptable; and
- The application fails to provide assurance that the risks of pollution are understood, as a preliminary risk assessment (including a desk study, conceptual model and initial assessment of risk) has not been provided. It requires a proper assessment whenever there might be a risk, not only where the risk is known.

The site proposes drainage to ground without demonstrating that the risk of pollution to controlled waters is acceptable, despite the application acknowledging that contamination is likely from previous uses.

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 of 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.

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.

Environment Agency (5th March 2014): Have now reviewed the additional information (Desk Study and Site Investigation Report).

The report is adequate in respect to risks to groundwater protection. The report observes that the site lies predominantly on Weald clay, a non productive rock type. The report also indicates that there is low permeability in the clay and, therefore, soakaway type drainage will not function at the site, and surface water systems will be more likely to discharge to a local ditch system along the site boundary. This will need to be carefully designed in connection with site drainage to ensure no localised flood issues arise.

Remove objection and request conditions relating to a surface water drainage scheme, finished floor levels, previously unidentified contamination are attached to any planning consent.

4. REPRESENTATIONS

One letter has been from a local resident in support of the proposal. Their comments are summarised below:

- As neighbours to the site for a number of years, we are aware of the problems that have been caused by recent uses on the site, both from a noise and traffic perspective;
- Have lived on this quiet rural lane and have lived with numerous goings on at the site, often working at unsociable hours and at weekends;
- Wholeheartedly support an application for residential use on the site;
- Understand the parish Council lent its support to the previous proposal;
- Have not known the site to flood whilst we have lived as neighbours to the property.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 The application site is located in open countryside in the parish of Collier Street.

5.1.2 It is a triangular plot of land sandwiched between two narrow, single track lanes, Claygate Road and Jarmons Lane, which bound it on the western and eastern sides respectively and meet at the southern corner. The northern boundary abuts an open field/paddock from which it is separated by a ditch. All three sides are marked by mature and semi mature trees, generally Oak and Ash and these are covered by Tree Preservation Order 16 of 2013. There is a Grade II listed building some 50m to the south east.

5.1.3 The site is hard surfaced and at the time of the application site visit housed containers, mobile storage units and several vehicles including caravans. It is surrounded by a palisade fence.

5.2 Proposal

5.2.1 This application seeks consent for the demolition of the existing buildings and hardstanding within the site, the erection of 2 two storey dwellings (with at least 4 bedrooms) and the change of use to residential.

5.2.2 The proposal is an outline scheme with access, layout and scale to be considered as part of this application and appearance and layout reserved for future consideration.

5.2.3 The submitting drawings show two detached dwellings within the site with shared garage facilities. The existing access to Claygate Road would be retained and improved to serve the proposed dwellings.

5.2.4 Whilst appearance is a reserved matter, the supporting document states that the aim of the applicant *"is to create two dwellings worthy of their setting which would respond well to the adjoining properties of rural value. There are several large properties nearby that include brick, tile, render and timber cladding. Our images attached with this application give an indication as to the type of design we would be looking to secure on the site and that it would respond well to its setting and provide a positive contribution to the landscape."*

5.3 Principle of Development

5.3.1 New residential development in the countryside is unacceptable in principle unless there are other determining factors or policies which can justify such development. Policy ENV28 of the Maidstone Borough Wide Local Plan restricts development in the open countryside unless it falls within the following criteria:

1. Reasonably necessary for agriculture and forestry;
2. The winning of minerals;
3. Open air recreation and ancillary buildings;
4. The provision of public or institutional uses for which a rural location is justified.
5. Such other exceptions as indicated by policies elsewhere in this plan.

5.3.2 In this instance, the proposed development does not fall within one of those categories and as the development is for private housing there is no other policy in the plan which overrides ENV28. The agent accepts that the development would be a departure from the development plan; however, he considers that the site is previously developed land and that this together with the

enhancement to the appearance of the area and removal of an unsociable use outweigh the policy objections. I agree that this is previously developed land, however, the policy presumption is still against new residential development in the countryside.

5.4 Consideration

- 5.4.1 The agent argues that Local Plan policy ENV28 is not up to date and does not reflect the guidance contained in the National Planning Policy Framework (NPPF). He considers that the NPPF encourages the effective use of previously developed land, the replacement of poor design with better design, the widening of the choice of quality homes and that in rural areas, special circumstances for new homes would include an enhancement of the immediate setting. He also goes on to state that the NPPF, when dealing with the issue of loss of employment land, states that Local Planning Authorities should avoid the long term protection of sites where there is no reasonable prospect of the site being used for that purpose. Lastly, he highlights that it is the Council's duty to allocate a 5 year housing supply and this has not been achieved.
- 5.4.2 Essentially, the agent is arguing that the application should be recommended for approval as the redevelopment of the site for residential is sustainable as the site is previously developed land, the appearance of the site would be enhanced, the adverse impact of the commercial use of the site would be removed, the proposed dwellings would add to the available stock of housing and make a contribution to the Council's 5 year housing supply.
- 5.4.3 Policy ENV28 of the Maidstone Borough Wide Local Plan 2000 was saved with a number of other policies within the plan in September 2007 in a direction from the Secretary of State. The direction stated "*where policies were adopted some time ago, it is likely that material considerations, in particular the emergence of new national and regional policy and also new evidence, will be afforded considerable weight in decisions.*" This is noted by the Council, the aims of policy ENV28 are consistent with the advice and guidance of the NPPF and this view is consistent with recent appeal decisions.
- 5.4.4 The emphasis of the NPPF on achieving sustainable development is a key consideration in this application. The application site is clearly in the open countryside, outwith any built up area. The occupiers of any residential development on this site would be wholly reliant on the use of a private car to access day to day facilities such as shops and schools. In my opinion, this clearly fails the test for a sustainable location.
- 5.4.5 As stated above, I accept that the site would be considered as previously developed land and it is noted that the NPPF does consider development on a

disused site could be acceptable as an enhancement. This site is not, however, disused. In fact according to the supporting information for this application, the site is in use as a breakers yard and has been for a number of years. No information has been submitted in terms of the viability of the enterprise and the agent does not advance any arguments to suggest that the business is not viable. His stance that the redevelopment of the site would remove the traffic etc associated with the commercial use of the site, gives no reason to conclude any other than the site is in active use.

- 5.4.6 The agent goes on to state that the NPPF supports the replacement of poor design with better design. It is correct that the NPPF supports high quality design and that it is indivisible from good planning. This guidance was not designed to allow every slightly untidy site to come forward for redevelopment purely as a means to tidy them up. If this were the case, this argument could be repeated time and time again throughout the country. In this instance, there is little on the site other than containers, mobile storage units, several vehicles and hard standing and whilst not the most attractive site within the borough, the residential redevelopment of the site is not the only means by which the site could be enhanced in terms of design.
- 5.4.7 Linked with the above is the agent's assertion that the NPPF states one of the special circumstances for allowing new homes in the rural area is that it would be an enhancement of the immediate setting. Infact the NPPF clearly states in paragraph 55 that "*Local Planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.*" One of the special circumstances set out relates to the "*the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.*" In this case there are no permanent or redundant buildings that would be enhanced by their reuse.
- 5.4.8 The potential for visual harm caused by development on this site has been highlighted in previous applications on site and the Inspector also makes specific reference to it in dismissing the appeal on MA/09/1881 in December 2010. In paragraph 4 of his decision letter he states "*The site is in a highly visible location as it is between the arms of a Y shaped road junction. Claygate Road and Jarmons Lane are both single track country lanes and the site is visible from some distance, particularly from the south.*" He also comments on the character of the tree screen, "*The site is surrounded by mature trees and a wire fence, but there is only limited understorey vegetation and in the winter months there are clear views into the site from both roads.*" The appeal decision is attached as an appendix to this report.
- 5.4.9 With the above in mind, I note that the site is in a highly visible location at a road junction. Whilst the site is surrounded by several mature trees, which are

now the subject of Tree Preservation Order, in the winter months there are clear views into this site from both roads. The introduction of two dwellings to the site would introduce incongruous development to the site, which would be harmful to the visual amenities of the area contrary to Policy ENV28 of the Local Plan. Further planting might help to screen the site, but this would take many years to establish and the bulk of the proposed dwellings would be likely to remain highly visible. I am also concerned that there may be pressure from the occupiers of the properties to remove some or the entire tree screen, although this would require consent from the Council now that they are protected.

5.4.10 The agent's final argument to support the application is the Council's lack of a 5 year housing supply. The Council is in the process of allocating strategic housing sites in the Borough and is about to go out to consultation on the emerging plan. With this in mind, and given the limited contribution which the proposed two dwellings would make to the Council's housing supply it is not considered that this is an exceptional circumstance to justify the residential redevelopment of this site.

5.4.11 Given the above, I do not consider there are any exceptional circumstances that would support the residential reuse of this site which would override the policy objections.

5.8 Other Matters

5.8.1 It is noted that when the application was initially submitted that both the Environment Agency and the Council's Enforcement Team raised concerns in relation to possible contamination issues with the site. A Desk Study and Site Investigation report was subsequently submitted and both bodies have now removed their objections.

5.8.2 From reviewing the planning history of the site, it appears that at the time of the previous application for residential development (2002), the site lay within Flood Zone 3 as identified by the Environment Agency. It appears that following reviews of these zones, that the site now lies adjacent to, but not within any identified flood zone.

6. CONCLUSION

6.1 The proposed development would be contrary to Policy ENV28 of the Maidstone Borough Wide Local Plan 2000 as it would constitute unjustified residential development in the open countryside, which would represent a prominent and intrusive development. As such the proposal would be harmful to the character and appearance of the countryside. The proposal also fails to meet the aims and objectives of central government advice and guidance as set out in the National

Planning Policy Framework as it fails the test for sustainable development. The occupiers of any residential development on this site would be wholly reliant on the use of a private car to access day to day facilities such as shops and schools.

7. RECOMMENDATION

REFUSE PLANNING PERMISSION for the following reasons:

1. The proposed development would be contrary to Policy ENV28 of the Maidstone Borough Wide Local Plan 2000 as it would constitute unjustified residential development in the open countryside, which would represent a prominent and intrusive development. As such the proposal would be harmful to the character and appearance of the countryside. The proposal also fails to meet the aims and objectives of central government advice and guidance as set out in the National Planning Policy Framework as it fails the test for sustainable development. The occupiers of any residential development on this site would be wholly reliant on the use of a private car to access day to day facilities such as shops and schools.

Item no. 17 **Page no. 73**
Reference no. MA/13/1621

**Address: Gain Hill Yard, Claygate
Road, Yalding**

The Comments of the Landscape Officer were not reported within the Committee Report. These are set out below:

"When this site was originally visited by the Landscape Officer in 2003 in relation to the trees protected under TPO No. 4 of 1990 and application reference MA/02/0063 he made comments relating to the need for a tree condition survey. The applicant has not submitted any tree information despite the fact that the group of trees surrounding the site has a significant impact on the amenity and landscape character of the area. It is likely they will pose a considerable constraint to development of the site in terms of potential damage to the trees' future health and longevity and future pressure for removal. I am aware of the potential of soil contamination resulting from previous uses of the site and any remediation measures required for the proposed use may potentially conflict with tree retention. I would therefore require the following information before being able to comment further:-

A tree survey and tree constraints plan in accordance with the recommendations of BS5837:2012."

Paragraph 5.4.8 of the report states that the previous appeal decision relating to MA/09/1881 was attached to the main report, unfortunately this was not done. This is now attached.

MY RECOMMENDATION REMAINS UNCHANGED.



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Except for
buses



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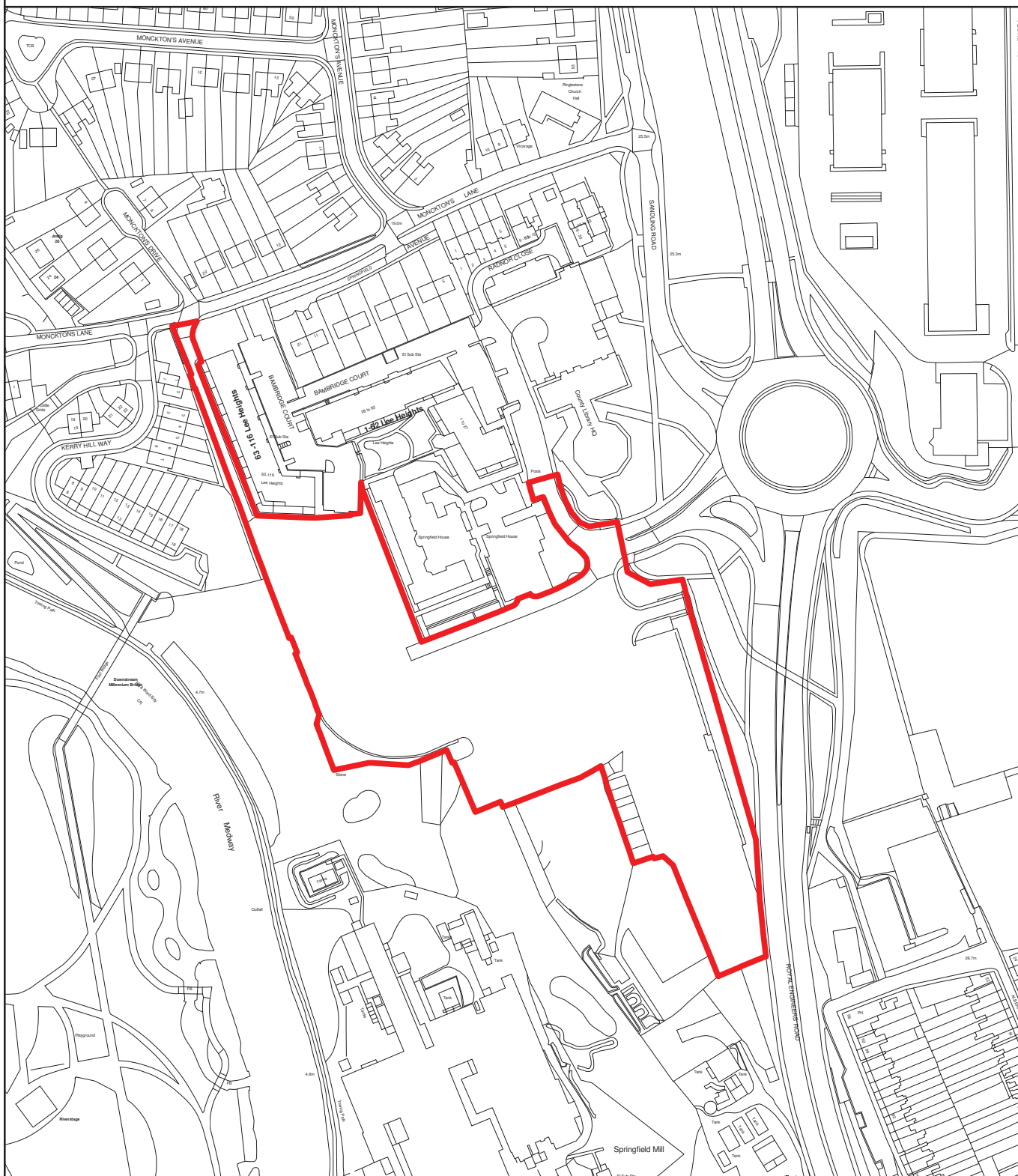
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THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/2099

GRID REF: TQ7556

SPRINGFIELD PARK, ROYAL ENGINEERS ROAD,
MAIDSTONE.



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Rob Jarman
Head of Planning and Development

APPLICATION: MA/13/2099 Date: 4 December 2013 Received: 17 December 2013

APPLICANT: Mr George Adamopoulos, Augur Buchler Maidstone Ltd.

LOCATION: SPRINGFIELD PARK, ROYAL ENGINEERS ROAD, MAIDSTONE, KENT

PARISH: Maidstone

PROPOSAL: Erection of Class A1 retail development (with ancillary cafe), supporting retail (A1-A3), doctors' surgery (Class D1 and associated servicing car parking landscaping and access arrangement as shown on drawing nos. 7119-P0002, 7119-P100, 7119-P101.0revA, 7119-VS01, 02 and 03 and Flood Risk Assessment, Phase 1 Habitat Survey, Bat Report, Invertebrate Report, Reptile Report, Arboricultural Survey, Report and Implications Assessment, Geotechnical investigation, Drainage Strategy, Heritage Assessment, Planning Statement, Retail Assessment, Landscape Strategy, Statement of Community Involvement, Transport Assessment and Travel Plan Framework received 17/12/2013, Noise Impact Assessment and Air Quality Assessment received 06/01/2014, drawing nos. 1378-01-24-02-2014revD, 1378-02 sheet 1 24-02-2014revD, 1378-0224-02-2014revD, 1378-01-24-02-2014 photoshop presentation revD, 7119-P101.1revB, 7119-P107.1revB, 7119-P106revB, 7119-P104revA, 7119-P107.2revB and revised Design and Access Statement received 24/02/2014, draft s106 Heads of Terms and applicants response to MBC comments on Retail Impact Assessment and Retail Impact Tables received 27/02/2014, response to MBC Environmental Health comments received 28/02/2014, and Bat Hibernation report letter received 11/03/2014.

AGENDA DATE: 10th April 2014

CASE OFFICER: Steve Clarke

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

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

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV35, ENV49, R1, R2, R3, T2, T13, T23, CF1.
- Government Policy: National Planning Policy Framework 2012 and National Planning Practice Guidance 2014
- Maidstone Borough Local Plan Regulation 18 Consultation Draft 2014: SS1, SP1, H1, RMX1, DM2, DM3, DM4, DM10, DM16, DM17, DM19

2. HISTORY

2.1 Relevant planning history on the site is as follows:

- MA/13/1623: Request for a screening opinion as to whether the proposed development incorporating a foodstore of 2,325sqm sales area (4,460sqm gross), petrol filling station and residential development of 16 units is development requiring an Environmental Impact Assessment: EIA Not Required 22/10/2013
- MA/10/1327: An application for a certificate of lawful development for an existing development being the implementation of planning permission MA/05/2350 within the three year period from the date of the permission as described in application MA/10/1327: APPROVED 23/09/2010
- MA/06/0782: Outline application for a mixed use scheme comprising office space (B1 use Class), residential and retail development (A1 and A3 use Class) and associated car parking, with all matters reserved for future consideration: WITHDRAWN 18/04/2007
- 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 crèche on the ground floor of the retail unit only, together with associated car parking, landscaping and amended access arrangements (The Mountgrange Scheme): APPROVED 01/08/2007
- MA/05/1913: An application for a screening opinion in respect of proposals for the development of land at Springfield Park Royal Engineers Way for 13000sqm of office floorspace, 189 residential units and retail/cafe purposes: EIA Not Required 18/10/2005
- MA/05/0374 Amendment to previously approved car parking and landscaping layout to Springfield Mansion: APPROVED 15/04/2005

- MA/02/2339 Amendments to blocks E, F and G, for 61No. units comprising 1 and 2 bed apartments, being amendments to MA/01/1356 (Phase III): APPROVED 29/06/2004
- MA/02/2141 Erection of one bed and two bed apartments, consisting of 2No. blocks of 54 units, in block 1 and 61 units in block 2, with associated parking: (Phase 2) WITHDRAWN
- MA/01/1357 An application for listed building consent for demolition of buildings and restoration of fabric at interface: CONSENT GRANTED 14/12/2001
- 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 (The Gensler scheme): APPROVED 01/10/2002

3. CONSULTATIONS

3.1 Environment Agency: Initially objected to the application due to potential impact on groundwater resources:

'We **object** to the application as submitted because the type of development (specifically the inclusion of a new petrol filling station) is likely to result in a significant risk to groundwater resources from which supplies of potable water are obtained. We recommend that planning permission should be refused on this basis.

Reason: The site is located above a Principle Aquifer and the majority of site is located within a groundwater Source Protection Zone 1 (SPZ 1) area where we carefully monitor development proposals of all types. SPZs are designated by us to identify the catchment areas of sources of potable water (that is high quality groundwater supplies usable for human consumption or for industrial processes that require water of high quality) and show where they may be at particular risk from polluting activities on or below the land surface.

We have also reviewed the ground investigation report provided in support of this application ('Geo Environmental Investigation' by GES Services Limited, reference 11146 dated March 2013) and have the following comments to make:

1. The report states that the majority of the site is within an SPZ3. This is incorrect - the site lies mainly within an SPZ1.
2. The report states that four underground oil storage tanks were present. No information has been provided to confirm the assertion that these were removed 12 years ago.
3. The comment 'Groundwater was encountered not encountered' on page 8 is not helpful. No attempt appears to have been made to investigate underlying groundwater quality, an important requirement of investigation given the presence of Underground Storage

Tanks (USTs) and the high environmentally sensitive status of the site. Consequently, a robust groundwater risk assessment has not been undertaken.

4. The report suggests that a deep bore soakaway may be proposed for surface water disposal. We will object to the use of such deep soakways (including boreholes or other structures that bypass the soil layers) for surface water disposal unless the developer can show:

- there is no viable alternative; and
- that there is no direct discharge of pollutants to groundwater; and
- that risk assessment demonstrates an acceptable risk to groundwater; and
- that pollution control measures are in place.

In the few circumstances where borehole soakaways are permitted, each soakaway should be protected by incorporating a SUDS technique or, where this is unfeasible, an oil separator. The borehole casing should extend into a separate chamber and be fitted with a hood or similar device to prevent direct downward flow into the borehole. The depth of the borehole should be agreed with us.

Please note that National Planning Policy Framework (NPPF) 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 of water 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).

Overcoming our objection

The applicant should provide sufficient information to satisfactorily demonstrate to the local planning authority that the risks to Controlled Waters are fully assessed and understood and can be addressed through appropriate measures. These should include, as a minimum, a preliminary risk assessment that identifies all historic and current uses with the potential to contaminate and to determine whether additional, intrusive investigation may be required.

We recommend that developers should:

1. Follow the risk management framework provided in the Contaminated Land Report 11(CLR11), Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the [Environment Agency Guiding principles for land contamination](#) for the type of information that we required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Refer to our website at www.environment-agency.gov.uk for more information.

We look forward to being re-consulted on this development. Please note that we have no major concerns on flood risk grounds and agree in principle with the findings set out in the Drainage Strategy Report prepared by MEiNHART (dated November 2013) submitted with this application.'

3.1.1 Further discussions have taken place between the applicants and the Environment Agency, in an attempt to address the issues set out above. As a result, the proposed petrol filling station has been dropped from the scheme. **The Agency confirmed on 26 March 2014 that their objections to the development have been removed.** They recommend conditions requiring the submission of surface water drainage, a remediation strategy, a verification report and a number of informatives relating to flood risk, contamination, pollution prevention, foul drainage and waste.

3.2 **Southern Water:** Have advised that there are public sewers close to and within the site and have enclosed a plan showing their location and have offered advice as to their requirements in respect of proposed development that may affect the sewers. They have also advised that there is currently insufficient capacity for the development to connect to the foul sewer but that however there is capacity for connection to the surface water sewer. They have requested a condition requiring foul and surface water drainage details to be submitted. The applicant is also advised to contact Southern Water regarding a capacity check to enable the most appropriate point for connection to be established.

3.3 **Highways Agency:** Offers no objection

'We have reviewed the submitted transport assessment and note the already permitted development on this site along with the outline figures agreed with Kent Highways. Taking these in to account we have no reason to believe that there will be any further severe impact on the M20 other than that already permitted.'

3.4 **Kent Highway Services:** Do not object

It is proposed that vehicular access to the site would be gained from the A229 Royal Engineers Road/Chatham Road/Flower Rise Roundabout and that contiguous mini roundabouts would be installed at the site access, which would remain outside of the publicly maintainable highway. It was agreed in principle at pre-application stage that this arrangement, together with the proposed internal layout, would reduce vehicular conflicts at the site access and minimise the risk of traffic blocking back on to Royal Engineers Road. Tracking diagrams have been provided, which demonstrate that Heavy Goods Vehicles could safely access and turn within the petrol filling station and service yard.

A total of 315 car parking spaces are proposed for the retail foodstore (including 16 disabled spaces), the majority of which would be provided within a lower ground level car park. This is some 43 spaces less than the maximum quantum allowed for by the Kent and Medway Structure Plan Supplementary Planning Guidance 4 (SPG4) standards; however in view of the relatively sustainable location of the site, KCC Highways and Transportation considers this level of provision to be acceptable. The County Council would however request that provision is made for up to 10 electric vehicle charging

points. A total of 12 cycle parking spaces is proposed, which is in accordance with the SPG4 standards. A Car Parking Management Plan would be provided prior to operation of the foodstore to prevent long-stay parking by commuters to Maidstone Town Centre. This would impose a maximum stay of approximately two to three hours on customers, which is broadly similar to the restrictions imposed by other town centre retailers.

Level pedestrian access is gained via the footways alongside the site access road and the western side of Royal Engineers Road. A direct pedestrian connection between the site and the northbound bus stop on Royal Engineers Road is proposed, although this would include steps due to the change in gradient. The nearby footbridge, which is accessible for mobility impaired persons, provides access to the eastern side of Royal Engineers Road for pedestrians and cyclists. An alternative pedestrian route to and from Maidstone Town Centre is available via the Medway riverside path and Whatman Park, although it is disappointing that a more direct foot/cycleway link to the existing facilities on Kerry Hill Way is not proposed. I would urge the applicant to review this matter with the adjacent landowner. Following consultation with Kent County Council (KCC)'s Public Rights of Way Team, it is considered appropriate for the applicant to provide a financial contribution to the upgrading of the riverside path should planning permission be granted for the proposed development.

The closest bus stops are located within a reasonable walking distance of the site on Royal Engineers Road. These stops are served by several bus routes, including the high-frequency Route 101 service between Maidstone Town Centre and the Medway Towns and the Route 155 service between Maidstone Town Centre and Chatham via the rural villages on the east bank of the River Medway. Both the northbound and southbound bus stops are equipped with shelters; however it is considered reasonable for the applicant to provide raised kerbs and real-time passenger information screens prior to the commencement of trading should planning permission be granted.

Personal Injury Accident (PIA) data has been sourced from KCC for the local highway network surrounding the site. This covers the three year period to 30th June 2013. A total of 26 accidents were recorded during this period, of which 25 were classified as 'slight' and one as 'serious'. No fatal accidents were recorded during the study period. Following a detailed review of the accident record, the Transport Assessment concludes that it does not indicate an identifiable highway safety problem. KCC Highways and Transportation is in agreement with this assessment.

Weekday peak trip attraction forecasts for the foodstore have been determined using the TRICS database. However, it is notable that the search parameter of 'All Weekdays except Fridays' has been applied, which is not acceptable, as the Friday PM peak is known to be the period of greatest trip attraction to food retail uses. Nevertheless, given the high proportion of secondary trips expected to be associated with the foodstore (as described below), it is not considered that the use of these trips rates would significantly underestimate the impact of the proposed development on the local highway network. The application of these trip rates to the proposed development floorspace produces the following weekday peak trip attraction figures:-

	Proposed Foodstore Trips		
	Arrivals	Departures	Total
Weekday AM Peak	137	104	241
Weekday PM Peak	282	280	562

It was agreed in principle at pre-application stage that at least 90% of the trips attracted to the proposed development would be secondary trips which already exist on the local highway network. Given the prominent location of the site on a key arterial route between the M20 Junction 6 and Maidstone Town Centre, it has been assumed in the Transport Assessment that 95% of trips would be secondary and 5% would be new to the local highway network. Of the secondary trips, it has been assumed that 30% would be 'pass-by' trips and 65% would be 'diverted' trips from other foodstores in and around Maidstone. The stores from which the diverted trips would be sourced have been based upon information contained in the Retail Impact Assessment accompanying the planning application, which is acceptable.

Baseline traffic counts were undertaken at five locations on the local highway network, at KCC Highways and Transportation's request. The resulting survey data has been growthed to the assessment years of 2016 and 2031 using local growth factors derived from the TEMPRO and National Transport Model datasets. The site previously accommodated KCC offices and has since received outline planning permission for residential and offices uses, which have been partially implemented. The potential trip generation of the extant and consented uses, relative to the proposed retail use, is as follows:-

	AM Peak			PM Peak		
	Arrivals	Departures	Total	Arrivals	Departures	Total
KCC Offices	443	38	481	87	466	553
Consented Offices (2001)	370	32	402	73	390	463
Consented Offices (2005/06)	308	98	406	125	340	465
Proposed Retail	137	104	241	282	280	562
Net impact (vs.2005/06 consent)	-171	+6	-165	+157	-60	97

Whilst there would be a slight increase in the total trips attracted to the site in the weekday PM peak with the proposed development in place, it should again be noted that the majority of these trips would be secondary in nature, which is not the case with office uses. The impact of the development on the capacity of the A229 Royal Engineers Road/Chatham Road/Flower Rise Roundabout would therefore be de-minimus in nature.

A car parking accumulation assessment has been undertaken, based on the TRICS trip attraction data described above. This exercise indicates that a maximum car parking

demand of 187 spaces would be expected to occur. The provision of the proposed quantum of 315 spaces would therefore leave adequate spare capacity to cater for the majority of busy periods (e.g. pre-Christmas) without resulting in parking overspill into the surrounding residential areas.

A Framework Travel Plan has been submitted with the planning application, which includes details of the sustainable transport interventions that are proposed to be implemented by the applicant and the associated monitoring, reporting and review regimes. Should planning permission be granted, a full Travel Plan should be submitted to KCC and Maidstone Borough Council for approval prior to first occupation of the development.

On this basis, I can confirm that subject to appropriate planning obligations or conditions being secured I would raise no objection on behalf of the local highway authority:-`

3.4.1 Kent Highway Services subsequently reviewed their requested obligations and suggested conditions.

The following previously requested obligations have been deleted:

- Real Time Passenger Information equipment. KCC will be now reducing its own investment in RTPi equipment at bus stops. This type of information is now much more widely available on individual mobile devices, and the benefits of on-site displays have become much reduced. It would therefore be inappropriate to seek a contribution of this nature from the developer.
- The proposed retail scheme would appear to generate very few walking trips along the riverside path. They consider that it would be difficult to justify the need for a contribution towards it.

3.4.2 A S106 contribution of £10,000 is sought towards improvements towards improvements to nearby bus stops serving the site. This would be carried out in place of the previously suggested Travel Plan monitoring fee.

3.4.3 Suggested conditions are as follows:

- A Construction Environmental Management Plan should be provided before commencement of construction work, so that activities on the site are properly managed - including the safeguarding of access to Springfield House and the existing residential properties, and the removal of parking on the exit out onto the Springfield Roundabout on the A229. All highway and transport construction work for the access to the public highway should be completed before commencement of trading.
- A Car Park Management Plan should be provided before the commencement of trading.
- A Travel Plan, agreeable to both MBC and KCC should be provided before the commencement of trading. (*Officer comment: This would primarily be aimed at those employed at the store but could include measures to promote use by customers of means other than the private car for access*).

3.5 **KCC Biodiversity:** Raise no objections to the proposals and have commented as follows.

'We have reviewed the ecological surveys which have been submitted and we are satisfied that sufficient information has been submitted to determine the planning application.

Bats

The emergence surveys were carried out in October 2013 which is outside the optimum survey period. As there have been features within the building which have been identified as having high or moderate potential to be suitable for roosting bats there is a need for the additional recommended emergence surveys to be carried out. However we have spoken to the ecologist who has stated that they are satisfied that if bats are roosting within the site they expect them to be in low numbers. This is because they feel that the building inspections, ground level tree inspections, hibernation checks, activity surveys and emergence surveys have given them a good understanding of the bat usage within the site. Based on the above we are satisfied that, on this occasion, the additional bat emergence surveys are not required prior to determination. We advise that if planning permission is granted a detailed mitigation strategy is submitted as a condition of planning permission. It must include the results of the additional surveys and details of any mitigation which is required.

Potential Hibernation areas: We are satisfied assessment within the submitted surveys which details that it is unlikely that bats are hibernating within the building. We require no additional information to be provided prior to determination of the planning application.

Trees: The proposed development will result in the loss of trees which have been identified as having moderate or low potential to support roosting bats. If planning permission is granted we would expect a detailed method statement for the removal of the trees to be submitted for comments as a condition of planning permission.

Lighting: Lighting can be detrimental to roosting, foraging and commuting bats. The recommendations discussed in bat report should be taken into account when designing the lighting scheme. We advise that the lighting is designed to ensure that the open space area receives as minimal lighting as possible. We also advise that the Bat Conservation Trust's *Bats and Lighting in the UK* guidance is adhered to in the lighting design (see end of this note for a summary of key requirements). It is welcomed that the applicant is willing to incorporate bat roosting opportunities in to the site. Details of the bat roosts must be incorporated in to the Ecological Mitigation and Management Strategy.

Reptiles

A good population of reptiles have been recorded within the site and we welcome the proposal retain the reptiles within the site boundary. An outline of the mitigation has been included within the reptile survey report and we recommend that if planning permission is granted a detailed mitigation strategy must be submitted for comments as

a condition of planning permission. A management plan for the open space must be submitted for comments to ensure that the site will be managed appropriately in perpetuity.

Breeding Birds

The ecologist confirmed that although the remaining buildings provide suitable habitat for Black Redstarts has been recorded within the site they are satisfied that there is limited potential for them to be present for the following reasons:

- They were not recorded within the site during the ecological surveys.
- Previous surveys have not identified black starts within the site.

However the applicants have confirmed that they are willing to incorporate features in to the site for black redstarts. This is welcomed and the details must be incorporated in to the ecological mitigation and management strategy.

Invertebrates

The invertebrate surveys concluded that the site is likely to be at least county conservation value for terrestrial invertebrates and to mitigate for the loss of the brown field habitat it is proposed that a brown roof is used on the building. Details of the species to be included within the brown roof must be included within the Ecological Mitigation and Management Strategy. It must be designed in consultation with the applicant's ecologist to ensure the most appropriate species are used.

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 reports have recommended a number of ecological enhancements if planning permission is granted we advise that the Ecological Mitigation and Management Strategy is produced as a condition of planning permission.'

3.6 NHS Property Services: Were consulted regarding the need for a new doctors' surgery in this location and have responded as follows:

'Thank you for the opportunity to respond to this application. I write on behalf of NHS England, Kent & Medway Area Team. I am sorry for my delayed response but I have been waiting on advice from colleagues within NHS England (NHSE) regarding the matter.

Over recent years the NHS has invested considerable funding in the development of purpose built surgery premises to improve local facilities in the centre of Maidstone. Funding is now limited and the Area Team of NHS Kent and Medway needs to focus its investment in areas of most need, although realising there are still requirements for on-going investment in primary care facilities particularly where large scale population growth is planned.

Within Maidstone town centre, the NHS has already delivered two new surgery premises and there is a further development proposal in the early stages of design. This, together with existing surgeries will provide the capacity required for now and the immediate future although there remains a need to plan for the longer term future.

The Springfield site proposes residential development (*in the draft Local Plan - my insertion*) that will certainly result in increased patient registrations for health services and an immediate need to access primary care services, and in turn community, secondary care and mental health services. However it is deemed that the scale of the development does not warrant a stand-alone facility. NHS England is now supporting much larger practices serving populations in excess of 10,000 patients and within areas of greatest need. Even with the relocation of an existing service into the area, the predicted growth would not warrant a new facility. Instead, NHSE would request that Developers pay a fair contribution towards the creation of extended facilities across the town, building on existing infrastructure and commissioned services as opposed to creating another centre with a relatively small list size. Such an approach offers practices the ability to have a stronger commissioning position, a wider patient base to serve and the ability to bring a range of services closer to home for patients. Smaller scale practices are unable to offer that potential quite so easily.

It is clear that this particular development will impact directly on the existing local services and as such, NHSE would require financial support from the developers to mitigate this. Funds would be used to extend clinical accommodation to create more capacity to meet the demand the increased population will bring.'

- 3.7 **KCC Public Rights of Way:** Have welcomed and commented on the proposed new pedestrian and cycle link to the River Medway towpath.

'Walking and Cycling

The submitted Design and Access statement proposes a new and additional link to the riverside towpath close to Kerry Hill Way. The Service suggests that this additional link be placed a condition to planning approval, as the alternative (existing) route via Bambridge Court/Moncktons lane has poor connectivity to the Western side of the River. It is requested that a minimum 2.5m shared use cycle path be provided with restrictions to prevent vehicular access. In securing this link the development would meet the desired pedestrian/cycling access. It is also requested that a financial contribution be secured through a Section 106 agreement for the ongoing maintenance of the riverside path and parkland.'

- 3.8 **KCC Petroleum Officer:** No objections.

(Officer comment: The proposed Petrol Filling Station has now been dropped from the current application proposals.)

3.9 **Kent Police Architectural Liaison Officer:** Has no objections and is content having met the applicants that they are addressing the requirements to ensure that the scheme achieves the necessary Secure by Design and BREEAM standards.

3.10 **UK Power Networks:** No objections

3.11 **MBC Environmental Health:** Commented originally as follows in particularly on contamination and air quality issues

Contaminated Land: The Phase I and II reports are thorough and conform to best practice. They were written with preliminary site plans in mind. Therefore their broad conclusions are accepted in principle but in light of this we recommend that a contaminated land condition is placed on the decision notice to ensure that the conceptual site model remains valid and a remediation method statement is produced once final drawings are in place and then the validation can take place in line with the final proposal for the buildings.

The trial pit profiles suggest hydrocarbon odour was present in some pits but TPH and Bap results do not show significant hydrocarbon contamination. This discrepancy is not fully explained as you would expect higher TPH levels where there is odour observed.

Air Quality Report – It identifies that dust suppression measures will be required to manage dust generation during the construction phase and we recommend that this is conditioned in the decision notice.

The ADMS modelling shows that no receptors in proximity to the site will be adversely impacted. The transport data used suggests that transport numbers for this proposal will be less than the already planning consent already in place for the site.

The AADT data used for the three modelled scenarios are the Baseline 2013, Baseline + committed 2016 and baseline + committed + proposed 2016. However, the transport assessment goes further and also estimates a 2031 (end of the local plan) scenario both with and without the proposed development and this is not modelled in the air quality report.

The air pollution significance of the “with” and “without” development scenarios are assessed against current guidelines for significance. We accept that this assessment shows that the residential receptors are unlikely to experience a significant decrease in air quality from this particular development. However, this development should be assessed in the context of what is occurring in the surrounding area. This report only provides half the picture.

The comparison between 2013 base line and 2016 with development is not made in the report. In terms of the exposure being experienced by the receptor (8 for example) the baseline 2013 to 2016 with development increase is + 0.59 and not 0.27.

Receptors	Base	Without	With	Base to without	2016 comparison	Base to with
1	22.59	22.68	22.76	0.09	0.08	0.17
2	22.23	22.31	22.36	0.08	0.05	0.13
3	20.38	20.42	20.45	0.04	0.03	0.07
4	23.1	23.2	23.22	0.1	0.02	0.12
5	28.99	29.2	29.2	0.21	0	0.21
6	26.88	27.06	27.1	0.18	0.04	0.22
7	24.8	24.95	25.09	0.15	0.14	0.29
8	31.36	31.68	31.95	0.32	0.27	0.59
9	20.1	20.15	20.2	0.05	0.05	0.1

The air quality modeling of 2031 scenarios has not been carried out but the AADT data from the transport assessment suggests that by 2031 there will be a 25% increase in AADT and therefore the likely increase in air pollution experienced by receptors (for example 8) is likely to also increase. The AADT figures taken from the Transport assessments are listed below -

2013 base - 48446,
2016 without - 49719
2016 with development - 50850
2031 without development - 59519
2031 with development - 60650

The air quality scenario comparison has been made between 2016 without the development and 2016 with the development. The difference in AADT data for those two scenarios is 2.27%. However, if you compare the background AADT growth and compare 2013 to 2016 with development, the increase is 4.96%. If you were to carry out the same approach between 2013 and 2031 with the development, there will be a 25% increase in AADT.

We accept that this development only makes a small contribution to these increases in AADT but nevertheless the conclusions of this report do not recognise the small part that this development could play in addressing these issues which face all development in the area and start to address the unsustainable traffic growth that this area (Maidstone AQMA) will experience over the lifetime of the Local Plan.

We therefore recommend that an emission reduction condition is placed on the decision notice which will support the sustainable travel framework and demonstrate how this development will support sustainable transport growth in accordance with the NPPF.

Environmental Permitting – The petrol service station will need a permit which can be obtained by applying to Environmental Health. There is already a petrol station close to this site which will be in direct competition to this site which we currently permit.

Sustainable Transport: The Travel Plan Framework document only covers employees of the development and does not cover deliveries to the site or the public's use of the

site. It is therefore limited in addressing the transport and building emissions from the development. This is inadequate and should be developed into a quantitative emission reduction document covering the entire site operations and transport movements. It should link to the emissions reduction condition and demonstrate a whole site approach to reducing emissions and not just focus on employee trips only when the fabric of buildings, commercial deliveries and the public will all contribute to emissions (carbon and other air pollutants) from this development.

Noise Assessment: A concise qualitative assessment has been submitted. Because the development has not yet been built, it relies more on predictions and baseline noise measurements taken at similar distances away from the major noise source – traffic from the A229 – affecting nearby residential property. It has identified three principal noise sources – traffic/operational, construction and plant. It concludes that there will be sufficient mitigation measures in place, even though exact information about construction activities are not yet known. Apparently there will be minimal demolition work required. Plant noise is similarly not known yet, so limit values have been put on the nearest residential properties.

The major noise source, however, is from traffic using the A229. The assessment concludes with a statement in which it says that traffic noise from this development affecting existing noise levels will be negligible, which I agree. The assessment quotes from the Calculation of Road Traffic Noise (CRTN) in establishing that $L_{A10\ 18\ hour}$ has been used as the index to measure traffic noise and then relates this to Highways Agency advice note HD213/11. DMRB (Design Manual for Roads and Bridges) is then quoted where it mentions the correlation between $L_{A10\ 18\ hour}$ and resident dissatisfaction with traffic noise.

CRTN was used to calculate the change in $L_{A10\ 18hour}$ with and without the development taking place in 2016. The figures displayed show a negligible difference – again an unsurprising conclusion, especially when compared with the volumes and noise levels from the A229. The figures hardly change much for a 2016 – 2031 comparison. They do concede that noise from traffic using an access road could cause a minor increase in levels.

Taking all this information into account, I accept the report and its conclusions, subject to a noise management plan being written in which practical steps to minimise noise from this development are outlined.'

3.11.1 Further comments were received following consideration of a response from the applicants to the original comments:

'As I understand it, the letter does not refute the comments made but re-emphasises the stance taken by the applicant and emphasises that the assessment adheres to current guidance. I do not follow all their arguments to be honest. However, I do accept that comparing the baseline 2013 to 2016 Do Something is not a standard approach. This is currently not a common approach and is not set out in the current informal guidance as they state. However, they also recognise that the guidance is being revised and one of the areas that will be considered is this.

They accept that a dust condition from demolition and construction is acceptable and we request this is included in the application. They also say that "A low emission strategy is normally requested for new developments within AQMAs. Therefore a low emission strategy for the proposed development only is considered to be acceptable."

As this site falls within the AQMA can I suggest that the condition we proposed is amended as follows:

Air Quality Emission Reduction

No development shall commence until the developer has developed a low emission strategy detailing and where possible quantifying what measures or offsetting schemes are to be included in the development which will reduce the air pollution emissions of the development during construction and when in occupation. The report should be submitted and approved by the local planning authority, prior to development.

The developer should have regard to the DEFRA guidance from the document *Low Emissions Strategy – using the planning system to reduce transport emission January 2010.*'

3.12 MBC Landscape Officer: Objects to the proposals and has commented as follows:

'Trees on this site are protected by TPO No. 11 of 2001. A group of trees to the northwest of the site are protected by TPO No. 5 of 2002 and trees to the southwest and south of the site are protected by TPO No. 5 of 2003.

An Arboricultural Survey and Arboricultural Impact Assessment report has been produced by Viewpoint Associates LLP and submitted in support of the application. The survey and the considered impacts on trees are appropriate. However, the proposal for the erection of the proposed retail development clearly shows the removal of arguably the most prominent and significant group of trees on the site, including one A category tree and a number of B category trees. The design and layout of this proposal clearly takes no account of the constraints posed by the trees and nor does it justify their removal. As such, it is contrary to the recommendations of BS5837:2012, paragraph 5.

Whilst new trees and low woodland planting have been proposed to help mitigate the adverse impact of the loss of the group of trees, the majority of this additional planting is outside of the site boundary. (*Officer comment: The planting is indicated along the highway verge along Royal Engineers Road in a similar manner as that proposed under application MA/05/2350*). There is no indication of whether this type of planting is feasible and/or sustainable in terms of existing underground services, current ground conditions and acceptability of the scheme to the landowner. I therefore raise an objection accordingly.'

3.13 MBC Conservation Officer: Objects to the application

'The Grade II listed Springfield Mansion lies immediately adjacent to the proposed development site. Section 66(1) of the Planning (Listed Buildings and Conservation

Areas) Act 1990 states: "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". The impact of proposals on the setting of listed buildings is an important consideration acknowledged by the NPPF in Paragraph 129. Setting is defined in the NPPF as "The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve."

The original parkland setting of the mansion has long been lost, erosion having started in the 1930s with the development of the KCC headquarters complex. Modern developments replacing the KCC buildings to the north of Springfield mansion have also had an impact on its setting. However, this makes it all the more important to protect as far as possible the setting which remains for the listed building. Paragraph 013 of the National Planning Practice Guidance points out that local planning authorities may need to consider the impact and implications of cumulative change to the settings of heritage assets. Primary considerations at Springfield will be the maintenance of "breathing space" for the mansion and the avoidance of new development becoming over-dominant. The former KCC offices and previously consented development for the site maintained a campus style of development with considerable permeability between buildings.

Previously permitted proposals included substantial development on the current site. However, whilst in terms of ground coverage the previous scheme probably exceeded that of the current proposals, development was split up into a number of relatively narrow blocks allowing space to permeate through the buildings, thus giving a more human scale and an impression of buildings set within a landscape. In contrast, the current proposals feature a building of monolithic mass surrounded by car parking and access/ servicing areas resulting in a less happy relationship with the listed building. Whereas the previous scheme placed the closest building block to the mansion more or less level with its front elevation, the current scheme's building would project a significant distance forward of it, thus making it more dominating in its impact. The design of the proposed building is not greatly articulated, thus emphasising its monolithic qualities, and in terms of height it will equal the ridge height of the mansion; the large scale detail of features of the new building, such as the windows, will emphasise the excessive size of the building and its lack of sympathy with the scale and design of the listed building.

Paragraph 013 of the National Planning Practice Guidance also draws attention to the fact that setting may not only be affected visually but by other environmental factors arising from other land uses in the vicinity. The level and frequency of traffic movements likely to be associated with the proposed use (including movements by HGVs) would also be likely to have a greater impact on the setting of the listed building than would have been the case with the previous scheme. Works for vehicular access will be more extensive than previously was the case and will have a greater impact on the setting of the mansion.

Whilst not forming part of the current application, the proposed use is likely to generate demand for a high level of advertising on the site and at its entrance; this is likely to further detract from the setting of the listed mansion.

In conclusion, therefore, I consider that the proposals would cause harm to the significance of the listed Springfield mansion because of the various impacts on its setting as set out above. Paragraph 137 of the NPPF states that local planning authorities should look for opportunities for development within the setting of heritage assets "to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably". The current proposals, in my view, neither preserve the setting of Springfield nor better reveal its significance. The level of harm caused probably does not satisfy the high test for substantial harm. However, where less than substantial harm is likely to result, Paragraph 134 of the NPPF requires that this harm be weighed against the public benefits of the proposal. Paragraph 7 of the NPPF outlines in general terms what these might be under headings of economic, social or environmental progress. Under the environmental heading, one of the expressed aims is the protection and enhancement of the historic environment; I believe that these current proposals fail to fulfil that aim.'

- 3.14 **MBC Economic Development:** Object to the development on the grounds that it would be likely to prejudice the Council's preferred strategy for the delivery of comparison goods retail floorspace which is directed to the sequentially preferable site at the Maidstone East/former Royal Mail site within the Town Centre.

4. REPRESENTATIONS

- 4.1 Cllr Harwood has requested the application is brought to the Planning Committee in the event of a recommendation for refusal for the following reasons:

'A significant consultation process has been undertaken by the North Ward Councillors and the results indicate there is clearly a democratic requirement to test this application at Committee.

Key local concerns leading me (and my fellow North Ward councillors) to this view include:

There is very considerable unease at the negative impacts arising from the volume of residential development recently built or planned for North Ward. North Chatham Road super-output area (SOA) is the most deprived under the Government's 'Living Environment' indices of deprivation, while the Ringlestone SOA comes in 3rd (Park Wood SOA is number 2). The reason for this scoring is largely down to an absence of social, health and recreational facilities and poor health and injury outcomes.

North Ward has little open space, no child care facilities no medical facilities, no supermarket (with affordable and healthy fresh food expensive) and low car ownership.

There is a local view that an accessible supermarket and the provision of semi-natural open space will enhance local quality of life.

The proposed use of the site under this application is considered by many residents to have a far less negative impact upon the biodiversity of the application site and the landscape and wildlife of the wider Medway Valley than the alternative housing block use. The applicants describe the provision of 6,100 square metres of native habitat as an element of this application – local people do not believe that anywhere near this generous provision would be delivered by an alternative use such as high density housing.

There is considerable local unease at the impact upon local quality of life and landscape arising from the historic permission and recent MBC plans for the East Station in North Ward. The Springfield proposal is considered as a potential defence against unwelcome changes to an important element of the local townscape.

The potential for accessible employment opportunities within a deprived area of the town is identified as a positive benefit of the proposals in the view of a number of local residents.

The low rise nature of the development proposal and the significant area of semi-natural open space proposed is viewed locally as potentially a far better neighbour for the fine Listed Springfield House than high residential blocks.

A retail use is locally considered to have less potential for anti-social activity than the alternative residential blocks. The fact that a retail use will not generate disturbance, problem pets and un-restrained parking is also flagged-up as positive.

The application raises local hopes that the long-awaited St. Faith's Hall and even a medical surgery may become practically deliverable. North Ward is perceived as a black hole for social infra-structure and this application offers at least hope of delivery.

The high quality and sustainability of design and semi-natural open space proposed is seen by many residents as an exemplar planning approach for a key gateway to the town, which contrasts with very unremarkable and unsustainable recent permissions for housing (Springfield Library for example) and retail (Next at Junction 7 for example).

Local Policy Concerns: The reading of the National Planning Policy Framework by the local Ward Councillors indicates that this application is compliant with national planning policy. The evolving Local Plan currently carries little weight and recent changes to retail policies have not been tested at public consultation or before an Inspector. Further, the three Lib Dem Borough Councillors for the Ward and County Councillor reject the entire premise of the MBC Conservative administrations evolving Local Plan, and have indicated their intention to change key parts of the document should the political situation change.'

- 4.2 Forty-five copies of a proforma letter objecting to the application signed by residents from throughout the local area have been received. Objections are raised on the following (summarised) grounds;

- There is no need for a supermarket in this location.
 - The Town Centre has plenty of vacant retail space and the development would take trade away from the Town Centre.
 - There is no need for another petrol station, there are others already close-by.
 - The local area is well served by convenience stores which meet local needs. This development will jeopardise these businesses.
- 4.3 A petition with 143 signatures opposed to the development has been received.
- 4.4 Seventeen individual letters of representation have also been received. All object to the proposals. Objections are raised on the following (summarised) grounds:
- The development will, in opening up the access from the site to Moncktons Lane be likely to allow illicit access/intrusion, into the adjoining Lee Heights development and potential resultant damage to property.
 - The use of the pedestrian access will have an adverse impact on the privacy and amenities of residents in Kerry Hill Way.
 - Can the access be gated to prevent access to the path open space from dusk to dawn?
 - There will be additional litter, noise and light pollution and anti-social behaviour.
 - The (rear) access is very close to bedrooms in Lee Heights.
 - Inadequate parking is proposed that will just add to existing parking problems on the Springfield site.
 - The development will make access onto Royal Engineers Road from both the Springfield site and the Ringlestone Estate even more lengthy and hazardous than it is currently.
 - Whilst it is stated that 300 jobs will be created, they applicants don't mention the impact on existing jobs at existing retail outlets/small businesses in the area.
 - There is no need for another supermarket in the area.
 - The community involvement process was not as heavily in favour of the proposals as intimated by the applicants.
 - Loss of property value.
 - There is no need for another petrol filling station in the area, trade will just be taken from the existing ones.
 - There must be adequate boundary treatment and fencing to protect the privacy and amenity of gardens to houses in Kerry Hill Way.
 - The proposed Public Open Space should be secured in perpetuity.
 - Loss of trees.
- 4.5 The agents acting in relation to Maidstone East and its potential development partners have objected to the application, primarily in relation to the applicant's consideration of the sequential approach.

- The Springfield site is Out of Centre whilst Maidstone East is Edge of Centre in terms of the sequential test and therefore sequentially preferable in terms of the NPPF.
- Maidstone East is confirmed as being available for development and is allocated for retail development. The developers are working actively with prospective foodstore operators to submit an application. Solum is confirmed as willing to bring forward development and these objections demonstrates their concerns regarding the threat of out of centre retail.
- Maidstone East is confirmed as suitable for development and is confirmed as such in the Council's 2013 Maidstone Town Centre Assessment (August 2013), which confirms that the Maidstone East and Royal Mail site has the potential to accommodate a retail-led scheme of an appropriate scale and content. The site has good connections to the Town Centre and can accommodate all Network Rail's requirements.
- The site is viable for a foodstore development and the supporting station infrastructure.
- They consider that Springfield Park would prejudice any development coming forward that will meet the Council's broad policy aspirations for Maidstone East given the current state of the market and the limited number of operators available or willing to invest in new space in Maidstone. The development at Springfield fails the NPPF impact test as well.

4.6 A letter of objection has also been received from agents acting on behalf of the owners of Len House (Robins and Day Peugeot dealership) Mill Street.

- In respect of Len House, it is confirmed that contrary to the applicant's contention in the retail impact assessment/sequential test submitted with the application that the site is available. It confirms that the site is too large to meet the modern requirements of a motor dealership and given the costs of maintaining the building and the limited ability to adapt the building due to its listed status to meet current requirements it is highly likely the business will need to relocate certainly within the plan period.
- The letter confirms that the agents have been instructed by Peugeot Citroën to advise on options for securing fit-for-purpose accommodation for the car dealership. A number of options can be identified which do include relocation or retaining part of the site as a dealership and releasing part of the site for a foodstore. They state that the site can be considered to be available.
- They also contend that the Len House site is suitable at around 6500m² over two-storeys and with scope for additional buildings. They also states that there are numerous examples of foodstore developments occurring in listed buildings and the land around the building allows scope to adapt and extend or develop new buildings to meet format requirements of operators.
- They also contend that in viability terms that the current requirements of a car dealership do mean smaller premises are required in both floorspace and site area terms and that relocation is likely to release capital rather than being

unviable as the applicants have suggested. They state that a foodstore use is, contrary to the claim by the applicants, precisely the use to secure the future of the listed building and secure modern accommodation for the existing business.

- The Len House site is stated to be available suitable and viable as well as being sequentially preferable to the Springfield site which should not be approved.

4.7 The owners of the mansion have written in support of the application commenting as follows:

- We purchased Springfield House from Mountgrange in 2005 and spent a year undertaking its renovation. It is now a successful, flexible business office location, which even through the recession was averaging 80% plus occupancy.
- One of our concerns has always been the completion of the landscaped area to the south of Springfield, which was a condition of the original consent to construct large scale offices at Springfield Park. Seven or eight years later, this remains the case.
- We are pleased to see that your new proposals include the landscaping of this area. In view of the extensive delay, it would be useful if you could confirm that, should consent be granted, your clients would be prepared to undertake these landscaping works at the outset of the construction phase, ideally with an obligation for completion of say six months.
- We are developers ourselves and we may be prepared to acquire this land and undertake the obligation to complete the landscaping works, subject to your clients meeting all costs. It makes sense for us to look after its long term management, along with the rest of the gardens.
- In the meantime, our planning consultants will be writing to Maidstone Borough Council broadly supporting your planning application, subject to these comments. In my view, there is not demand for large offices with huge floor plates in Maidstone, and this is as sustainable a location as any for food retail use.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 Springfield Park is located on the west-side of the A229 Royal Engineers Road, some 500m north of the junction of Royal Engineers Road/Staceys Street/Fairmeadow on the edge of Maidstone Town Centre and 1500m south of junction 6 of the M20 at the 'Running Horse Roundabout'. Entrance to the complex is gained via an arm off a roundabout junction that also serves Invicta Park Barracks and Chatham Road.

5.1.2 The site amounts to some 2.1ha in area.

5.1.3 The buildings within the site with the exception of the Mansion have been demolished; all that remains are substantial mounds of rubble and the foundations of some of the demolished buildings closest to the A229.

- 5.1.4 The site itself has a range of levels within it. The site rises approximately 4.3m from the southern boundary towards the main entrance from the A229. In a westerly direction, the site falls from the A229 towards the River Medway by over 10.5m in a series of banks and sections created by retaining walls and the remains of the previously existing buildings.
- 5.1.5 The mansion building is located adjacent to the northern boundary of the site and is listed Grade II. Beyond this is the completed residential phase of the 'Gensler' scheme known as Lee Heights and the former County Library building and tower now vacant.
- 5.1.6 A number of individual trees and groups of trees within the site are subject to Tree Preservation Order no. 11 of 2001.
- 5.1.7 The site is located within the defined urban area of Maidstone. It has no designation on the Maidstone Borough-wide Local Plan (MBWLP) Proposals Map 2000. However, immediately to the west is the Medway Valley Area of Local Landscape Importance (ALLI) subject to saved policy ENV35 of the MBWLP. Royal Engineers Road (the A229) that forms the eastern boundary of the site is subject to saved policy T2 of the MBWLP which seeks to promote the provision of public transport preference measures.

5.2 Proposal

- 5.2.1 The application is a full application and seeks permission for the erection of a food superstore with an ancillary cafe three smaller retail units and space above these units. A petrol filling station that was initially also proposed as part of the development has now been removed from the scheme.
- 5.2.2 The proposed retail store extends to two storeys in height and includes 5,503m² gross internal floorspace, which will be provided above an undercroft car park accommodating space for 315 vehicles (including 16 accessible bays and 12 parent and child) and 30 cycle spaces. The store will include an ancillary customer cafe at second floor level along with a series of smaller retail units designed to meet local community needs such as a pharmacy. The area above these units is said to be suitable for a Doctor's surgery. The floorspace within the development breaks down as follows:-

	Floorspace m²
Foodstore Gross Internal Area (including atrium)	5,503
Foodstore Net Sales	3,252
Net Convenience Retail Space	2,439
Net Comparison Space	813
Café	158 (included within GIA)

Retail units x3 (Class A1-3)	76 x 3 = 228
Doctors surgery (Class D1)	441
Car Park Spaces	315

- 5.2.3 Access to the site is proposed from the existing Springfield roundabout. A second mini roundabout immediately then separates the delivery vehicle traffic from the customers to the foodstore. The customers would use the access road sited between the store and the mansion down (towards the river) to descend to the car park located underneath the store. A small area of the car park extends out from under the building to its west. This would be screened by new tree and shrub planting. Escalators will connect the car park to the store and will be housed in a glazed, double height atrium space running adjacent to Springfield House.
- 5.2.4 As part of the proposals the landscaped setting on the western side of Springfield House will be renewed. The openness of the former tennis court area is shown to be maintained with a new broad lawn, edged informally with borders and shrubs. A new staircase will connect through the repaired stone wall down to the level where the old Kent County Council car park used to be. This will be cleared and the soil restored to create a new meadow with woodland planting and a new surface water swale. Paths will be laid (suitable for pedestrians and cyclists) through the new spaces and will connect via the existing access route, to Monkton's Lane.
- 5.2.5 The northern elevation of the proposal has significant relationship with the Grade II Listed mansion that it lies to the south of. The proposed material palette is influenced by this building using red brick to frame large areas of glazing which seeks to provide activity to this facade. These openings are further articulated by dressed stone surrounds echoing the language that was originally used to frame the windows of the listed building. Timber columns sit within these expressed brickwork frames. Timber louvres provide privacy screening to the upper floor where the staff accommodation is positioned along the atrium.
- 5.2.6 The massing of this elevation steps down from the focal entrance down to the river, reflecting the stepping of the natural topography along this axis. It is approximately 10.8m in height above ground level at its main entrance point (the north east corner of the building), and 13.7m above ground level at the opposite extent of this elevation as the natural topography falls towards the River Medway. The building is approximately 62.5m in width and 77m in length with the retail unit/doctors surgery section projecting a further 7m approximately overall.
- 5.2.7 Further active frontage is provided along the flank elevation running adjacent to Royal Engineers' Road. This facade shares the same material palette as the

north elevation, and again steps down slightly from the focal corner at the site entrance.

- 5.2.8 Large areas of clear glazing provide views of activity within the built form, with the smaller retail units and doctors surgery above running along this elevation. This two-storey mass is approximately 9.5m in height. Further along this elevation is a brick service yard wall which serves to screen the activity within the yard. This also reflects the architectural language of the store. Bays within expressed brickwork piers provide space for the 'artwork walls' as indicated on the elevation drawings.
- 5.2.9 The western elevation (facing towards the River Medway) has a significant relationship with the major west facing elevation of the mansion. Views from the opposite side of the River Medway show this flank elevation of the proposal alongside the decorative facade of the mansion.
- 5.2.10 The brick framed language is continued on this elevation, as it wraps around from the atrium to turn the corner and provide a focal feature of this elevation. This language is repeated at the opposite end of this facade but would be hidden from this view by an area of dense landscaping and existing trees. Between the brick, stone and glazed elements, composite cladding panelling is proposed, the cladding is punctuated by generous areas of high level glazing.
- 5.2.11 This material palette wraps around onto the Southern elevation of the proposed store., although the majority of this elevation would be screened from view by well established trees behind the site, the Service Yard corner is expressed by the inclusion of two red brick frames addressing a key view from a southern approach to the site along Royal Engineers' Road.
- 5.2.12 The roof of the store is proposed as a sedum roof and would be lit by a series of linear rooflights.
- 5.2.13 It is indicated in the application that approximately 323 (F.T.E.) jobs could be created by the development.
- 5.2.14 It is proposed that the development would seek to achieve a BREEAM Very Good rating in terms of its construction and efficiency.
- 5.2.15 The application is accompanied by proposed draft Heads of Terms for a s106 agreement should permission be granted. These are as follows:
- A sum of £120,000 towards the redevelopment St Faiths Hall in Ringlestone. The applicants have stated that they understand that this amount would be used in conjunction with other section 106 monies that have been raised from other

developments in the same area to complete the funds necessary to move the scheme forward.

- The transfer to the Council of the green space located in front of Springfield Mansion to be used as a landscape/ecology area. The sum for undertaking the initial landscape works comes to £51,000 and then a commuted maintenance sum over a period of 7 years is proposed which totals £49,000 bringing it to £100,000 in total.
- A sum of £80,000 towards improvements proposed in the Town Centre.
- A sum of £10,000 requested by KCC towards improvements to nearby bus stops serving the site.

5.2.16 The application was accompanied by a Planning Statement, Design and Access Statement, Retail Impact Assessment, Arboricultural survey report and implications assessment, Phase One ecological survey and reptile, invertebrate and bat surveys, Transport Assessment and draft Travel Plan, Noise assessment, Air Quality Assessment, Geo—environmental assessment, Flood Risk assessment, Drainage strategy, Heritage Statement and Landscape Strategy.

5.3 Principle of Development

5.3.1 As stated above, the site has no specific designation in the Maidstone Borough-wide Local Plan 2000. It is allocated for residential development as part of a larger allocation in the Regulation 18 Consultation Draft of the new Local Plan under Policy H1.

5.3.2 However, policy R2 of the adopted Local Plan does require for a sequential analysis to be undertaken for retail development outside the Town Centre – along a similar line to the NPPF. This matter is set out below, but should any applicants for development of this scale be unable to demonstrate that they have met this requirement; the proposal would fail to accord with this policy. As set out below, I do not consider that this has been met, and as such, I am of the view that the proposal fails to comply with this policy, which is consistent with paragraph 24 of the NPPF.

5.4 Sequential Test

5.4.1 The applicants have submitted a retail impact assessment as part of their planning application in accordance with policy R2 of the Borough-wide Local Plan and the NPPF. The Council has received independent advice on this submission, and also in terms of the submissions made on the sequential sites analysis.

5.4.2 In terms of the sequential analysis the applicants have identified a number of sites within and around Maidstone that may be considered suitable for a retail proposal of this scale. In drawing up this list, the applicants have liaised with

Council Officers in order to ensure that the appropriate sites are being considered.

- 5.4.3 For retail applications of more than 2,500 square metres within out of centre sites (and this site is out of centre) that do not conform with the Development Plan, a retail impact assessment is required to be provided (by virtue of the NPPF) which should include an assessment of the impact of the proposal upon:
- Existing, committed and planned public and private investment in the centre;
 - Town centre vitality and viability.
- 5.4.4 The National Planning Policy Framework states that where an application 'fails to satisfy the sequential test, or is likely to have a significant adverse impact on one or more of the above factors, it should be refused' (paragraph 27).
- 5.4.5 Further guidance on the application of the sequential and impact tests is provided in the National Planning Policy Guidance on Ensuring the vitality of Town Centres at paragraphs 008, 009, 013 and 015 in particular. This advises that the sequential test should be considered first as this may identify that there are preferable sites in town centres for accommodating main town centre uses (and therefore avoid the need to undertake the impact test). The sequential test will identify development that cannot be located in town centres, and which would then be subject to the impact test. The impact test determines whether there would be likely significant adverse impacts of locating main town centre development outside of existing town centres (and therefore whether the proposal should be refused in line with policy). It applies only above a floorspace threshold of 2,500m² as set out in paragraph 26 of the National Planning Policy Framework.
- 5.4.6 The sequential test guides main town centre uses towards town centre locations first, then, if no town centre locations are available, to edge of centre locations, and, if neither town centre locations nor edge of centre locations are available, to out of town centre locations, with preference for accessible sites which are well connected to the town centre. It supports the viability and vitality of town centres by placing existing town centres foremost in both plan-making and decision-taking.
- 5.4.7 The Regulation 18 consultation draft of the Maidstone Borough Local Plan is consistent with the NPPG and NPPG regarding retail development in the Borough and particularly the Town Centre. The current application site is not within the defined Town Centre (policies SS1 and SP1) and policy DM19 which relates to main town centre uses and advises that they should be located in existing centres. In addition, policy RMX1 allocates the Maidstone East and Maidstone sorting office site for comparison and convenience retailing and residential.

5.4.8 I would advise Members that the floorspace headroom for convenience shopping within the Borough to 2031 is 6100m². It is the Council's strategy to seek that this is provided on the allocated Maidstone East/former Royal Mail sorting office site.

5.4.9 The applicants have assessed the following sites and their assessment has been assessed by independent advisors:

- Maidstone East and adj. former Royal Mail Sorting Office.
- King Street Car Park and adj. former bowling alley (combined site);
- Len House;
- The Mall (Former TJ Hughes store)

Site 1: Maidstone East Station and Adjacent Former Royal Mail Sorting Office (combined site)

5.4.10 This site is edge-of-centre in NPPF terms (being located within 250m of the existing and proposed PSA) and has good pedestrian links with the town centre via Week Street. The site is very accessible, being adjacent to Maidstone East Station and close to the A229 dual-carriageway, and occupies a prominent location off Sandling Road. It is therefore sequentially-preferable compared with the application site. The applicants state that the site is available and the Council concurs with this view.

5.4.11 The combined site measures approximately 3.6 hectares and, in our view, is the largest site on the edge of Maidstone Town Centre which is suitable for retail development. The site is identified for convenience goods retailing within the emerging Local Plan, and has recently been the subject of an EIA Screening Opinion and pre-application discussions for large scale retail development anchored by a new food/non-food superstore.

5.4.12 The applicants agree that the site is suitable for retail development in principle; however; they do not consider it suitable for the proposed new foodstore (principally due to car parking requirements).

5.4.13 The Council's assessors have discussed this issue with the agents for the site's prospective developers (Solum); a substantial new superstore could be accommodated on the site with sufficient car parking to serve the superstore, station users and other town centre visitors. In addition, the applicant's claim that the foodstore-led scheme has been "shelved" is at odds with recent discussions with the agent instructed for the site. Indications are that an application is to be submitted in the near future. Whilst it is understood that there is currently no named operator for the superstore, it is unreasonable for the applicants to conclude that the site is not a suitable or viable option for a

substantial new foodstore for this reason. It is noted that the proposed new superstore advocated in this application also has no named operator.

- 5.4.14 Therefore, in the view of the Council's consultants a view with which I concur, the site is available, suitable and viable to accommodate the proposed new food/non-food superstore (potentially as part of a wider mixed-use scheme comprising the proposed supporting retail units).

Site 2: King Street Car Park and Adjacent Former Bowling Alley (combined site)

- 5.4.15 The site is edge-of-centre in NPPF terms (being identified as part of Maidstone Town Centre's Secondary Shopping Area, which is closely related to the Core Shopping Area, and being closely related to the PSA proposed within the emerging Local Plan). The site occupies a highly accessible and prominent town centre location (opposite the major retailers of BHS and Boots) and benefits from excellent pedestrian links to the wider PSA, town centre car parks, the bus station and Maidstone's railway stations. It is therefore sequentially-preferable compared with the application site.

- 5.4.16 The applicants state that the site is available and the Council and its advisors concur with this view; the King Street Car Park is owned by MBC and the adjacent Former Bowling Alley has recently fallen vacant. The combined site measures approximately 0.45 hectares. The applicants state that the site is too small to accommodate the proposed new foodstore, and would require multi-storey car parking above. Whilst not of a sufficient size to physically accommodate the 'footprint' of the proposed development and surface level car parking, we consider that with due flexibility on the part of the applicant (as required by paragraph 24 of the NPPF), this combined site would be a suitable and viable alternative to the application site.

- 5.4.17 Therefore, in our consultants' view with which I concur, the site is available, suitable and viable to accommodate the proposed new foodstore if the applicant were to demonstrate flexibility on issues such as scale and format.

Site 3: Len House

- 5.4.18 The site is edge-of-centre in NPPF terms (being located within 300m of the existing and proposed PSA) and occupies a prominent location off the A229 dual-carriageway to the south of Maidstone Town Centre. It is therefore sequentially-preferable compared with the application site.
- 5.4.19 The site is currently occupied by a car dealership (Peugeot) which, we understand, is seeking to relocate within the emerging Local Plan period. As such, there is no long term future for the site in its current use and is therefore considered available in the short to medium term.

- 5.4.20 This site measures approximately 0.4 hectares including the outside forecourt. WYG state that it is too small to accommodate the proposed new foodstore and would not be suitable for operator requirements in its current form. Whilst not of a sufficient size to physically accommodate the 'footprint' of the proposed development and surface level car parking, we consider that with due flexibility on the part of the applicant (as required by the NPPF), this site would be a suitable, sequentially-preferable alternative to the application site.
- 5.4.21 It is acknowledged that the site comprises a Grade II listed building, which would be likely to constrain development to some degree; however this would not necessarily rule out some retail development. The applicants are advised to explore further the viability of adapting the existing building to accommodate a large food/non-food store before concluding that it is not a viable option.
- 5.4.22 Therefore, in our view, the site is available, suitable and potentially viable to accommodate the proposed new foodstore if the applicant were to demonstrate flexibility on issues such as scale and format.

Site 4: The Mall (namely Former TJ Hughes Store)

- 5.4.23 The site is in-centre in NPPF terms (being located within the existing and proposed PSA). It is therefore sequentially-preferable compared with the application site.
- 5.4.24 The Mall as a whole is currently not available for the proposed development. However, there are vacant units within The Mall (namely the Former TJ Hughes Store) which are available in the short term. This is acknowledged by the applicants in their sequential assessment.
- 5.4.25 The store measures approximately 6,000 sq m gross over three floors; including approximately 1,700 sq m at ground floor and 2,500 sq m at upper floor with the remainder at basement for back-of-house functions. This quantum of gross floorspace is sufficient to accommodate the proposed new superstore, albeit in a different format, subject to flexibility on the part of the applicant (as required by the NPPF).
- 5.4.26 The store is situated at the eastern end of The Mall; close to the bus station, the Sainsbury's foodstore and other key town centre retailers. It is also adjacent to The Mall's multi-storey car park, which includes over 1,000 spaces and serves the wider town centre. For these reasons, we consider that the store could be a viable alternative to the application site. Members may recall that when The Mall first opened, a Sainsbury's supermarket occupied some of the space within what became the former TJ Hughes store.

5.4.27 In response to further comments from the applicant on the Council's consultant's critique of their retail assessment and sequential test, the following further comments were made regarding the sequential test.

- 'We maintain that the following sites are sequentially-preferable alternatives and, with due flexibility on the part of the developer (as reinforced by the new NPPG), potentially capable of accommodating a large new foodstore:
 1. Maidstone East (with or without the Adjacent Former Royal Mail Sorting Office);
 2. King Street Car Park and Adjacent Former Bowling Alley (combined site);
 3. Len House; and
 4. Former TJ Hughes Store, The Mall.
- In order to satisfy the sequential test, we maintain that the developer should demonstrate flexibility and investigate sequentially-preferable sites for the 3 no. proposed supporting retail units. MDA's sequential assessment still fails to explore the scope for such flexibility.
- We therefore consider that the application fails the sequential test set out in the NPPF (and as reinforced by the new NPPG).'

I concur with these conclusions and do consider that the proposed foodstore fails the sequential test as set out in the NPPF and the new NPPG guidance published on 6 March 2014.

Retail Impact

5.4.28 The relevant Development Plan policy to consider here is Borough-wide Local Plan Policy R1, which requires that proposed retail development will not threaten the overall economic vitality and viability of established retail centres. For an application such as this, which is outside a town centre and not in accordance with an up-to-date development plan, the NPPF (paragraph 26) also requires assessment of:

- "the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made."

5.4.29 In seeking to assess impact the applicants prepared and submitted an impact assessment. It is standard practice in such assessments to use a methodology to quantify the impact of a proposal on town centre trade. The assessment calculates how much of expenditure spent in town centre shops/existing retail provision will be diverted to the new store. This is broken down into percentages, and a gross percentage given from town centre diversion.

- 5.4.30 As indicated earlier, the Council has sought advice on the retail impact of the proposal from external consultants. As set out within the report submitted with the application, there is no necessity for the applicant to demonstrate need; however, the local planning authority is required to assess the potential harm of any proposal, in particular upon Maidstone town centre.
- 5.4.31 The critique that the Council has received with regards to this does not disagree with the submission that the proposal would not have a significantly detrimental impact upon the existing retailers within the town centre, or in fact that there may be the capacity for two supermarkets to be provided *over the plan period*. I concur with this view. There may well be capacity for two convenience stores to be provided over the plan period. However, this proposal would clearly make Maidstone East less likely to be developed, in the short to medium term, and as this is the Council's highest priority sequentially preferable site, this would be contrary to the objectives of the authority. The proposed development therefore fails the test of impact upon planned public and private investment in the town centre as set in the NPPF.
- 5.4.32 Given that the development as proposed is considered to fail both the sequential and impact tests as set out in the NPPF and reinforced by the new National Planning Practice Guidance I consider that there are clear objections to the principle of the development as proposed.
- 5.4.33 Members will also be aware that the application site is part of a larger site allocated in the Regulation 18 Consultation Draft of the Local Plan for residential development. Clearly the development of the site for retail purposes would not be in accordance with that proposed allocation.

5.5 Design and Visual Impact

- 5.5.1 The proposed development due to its intended use is of a significantly different mass and form to the extant 'Mountgrange' permission which proposed a series of office and residential blocks. The residential blocks in that scheme were located closest to the mansion and dropped down the site towards the river utilising the land levels on the site.
- 5.5.2 As stated above, the Grade II listed mansion lies immediately adjacent to the proposed development site and the impact of proposals on the setting of listed buildings is an important consideration.
- 5.5.3 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states: "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall

have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". The impact of proposals on the setting of listed buildings is an important consideration acknowledged by the NPPF in Paragraph 129. Setting is defined in the NPPF as "The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve."

- 5.5.4 The NPPF (paragraphs 129, 132-134) and the National Planning Practice Guidance (Decision taking: Historic environment; paragraphs 008, 009, 017, requires decision takers to assess the significance of the heritage asset and whether substantial harm is caused to the heritage asset. In general terms the advice states that substantial harm is a high test that may not arise in many cases. *'It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.'* (NPPG para 017)
- 5.5.5 I concur with the Conservation Officer's view that the original parkland setting of the mansion has long been lost, erosion having started in the 1930s with the development of the KCC headquarters complex, and his concern to ensure the continued importance of protecting as far as possible the setting which remains for the listed building.
- 5.5.6 In such consideration the primary aim will be the maintenance of "breathing space" for the mansion and the avoidance of new development becoming over-dominant. It is true that the previously permitted and extant proposals included substantial development on the current site. However, whilst in terms of ground coverage the previous scheme probably exceeded that of the current proposals, development was split up into a number of relatively narrow blocks allowing space to permeate through the buildings, thus giving a more human scale and an impression of buildings set within a landscape.
- 5.5.7 In contrast, the current proposals feature a building of monolithic mass surrounded by car parking and access/ servicing areas resulting in the view of the Conservation Officer 'a less happy relationship with the listed building.'
- 5.5.8 In addition, whereas the previous scheme placed the closest building block to the mansion more or less level with its front elevation, the current scheme's building would project a significant distance (approximately 90m) forward of it, thus making it more dominating in its impact.
- 5.5.9 Paragraph 013 of the relevant section of the NPPG also draws attention to the fact that setting may not only be affected visually but by other environmental factors arising from other land uses in the vicinity. The level and frequency of traffic movements likely to be associated with the proposed use (including movements by HGVs) would also be likely to have a greater impact on the

setting of the listed building than would have been the case with the previous scheme. Works for vehicular access will be more extensive than previously was the case and will have a greater impact on the setting of the mansion.

- 5.5.10 I generally concur with the view of the Conservation Officer that the proposals would cause harm to the significance of the listed Springfield mansion because of the various impacts on its setting as set out above.
- 5.5.11 Paragraph 137 of the NPPF states that local planning authorities should look for opportunities for development within the setting of heritage assets "to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably".
- 5.5.12 The current proposals do not in my view, either preserve the setting of Springfield House nor better reveal its significance. I concur with the Conservation officer's view that the level of harm caused probably does not satisfy the high test for substantial harm.
- 5.5.13 However, where less than substantial harm is likely to result, Paragraph 134 of the NPPF requires that this harm be weighed against the public benefits of the proposal. Paragraph 7 of the NPPF outlines in general terms what these might be under headings of economic, social or environmental progress. Under the environmental heading, one of the expressed aims is the protection and enhancement of the historic environment. These current proposals fail to fulfil that aim.
- 5.5.14 I do consider however, that the re-introduction of the open space to the western side of the mansion will improve its setting and preserve to a significant degree important views from the west bank of the Medway from within Whatmans Park of this important elevation of the listed building.
- 5.5.15 The buildings is as stated above substantial and the need to maintain a level sales floor on a sloping site has largely dictated its form. Its overall height matches the ridge height of the adjacent listed building.
- 5.5.16 The design of the proposed building is not considered to be greatly articulated, thus emphasising its monolithic qualities, and in terms of height it will equal the ridge height of the mansion; the large scale detail of features of the new building, such as the windows, will emphasise the excessive size of the building and its lack of sympathy with the scale and design of the listed building. To my mind the development is also not well related to Royal Engineers Road given the development is set back from it with an access road and service yard prominent

in the foreground. The extant scheme showed buildings set closer to and well related to Royal Engineers Road creating an acceptable street scene.

5.5.17 The proposed/indicated pallet of materials is generally considered acceptable however. In addition, the proposed provision of a sedum roof and the commitment to achieving a BREEAM Very Good rating are welcomed.

5.6 Residential Amenity

5.6.1 Concern has been expressed by a number of residents in particular Bambridge Court, Lee Heights and Kerry Hill Way, regarding the potential impact on their amenity. The proposed superstore is located to the south of the existing mansion building which lies between the site and the adjacent residential development. Access to the car park is also located to the south of the mansion beyond the proposed open space area.

5.6.2 I consider that the separation between the car park and the new store and the existing residential properties is appropriate and that activity associated with the use of the access road will not have such an adverse impact as to warrant and sustain an objection on these grounds. Access to the store from Royal Engineers Road utilises the existing main access to the Springfield site which again I consider provides adequate separation from the existing residents on the site.

5.6.3 I also note the concerns of local residents regarding the opening up of a pedestrian and cycle link to Moncktons Lane from the proposed open space area and the site as a whole. The route has not been used for a number of years due to the enclosure of the current site that prevents access and as such residents have become used to this. However, it is the case that as part of the extant 'Mountgrange' scheme the path would have been used as a pedestrian/cycle access to the development on the Springfield site giving access to Moncktons Lane and the riverside towpath/Whatmans Park. I therefore raise no objections to the intended use set out in the current application. If permission were to be granted I consider that it would be possible to ensure appropriate access at suitable times to the site to prevent the late-night disturbance anti-social behaviour feared by the residents.

5.6.4 I raise no objections to the development with regards to impact on residential amenity.

5.7 Highways

5.7.1 Members will note from the comments set out in the report that the Highways Agency have raised no objections to the development and its impact on the Strategic Road Network in this case the M20 in the vicinity of Junction 6.

- 5.7.2 Kent Highway Services have also considered the submitted transport assessment and the potential impact on the local road network. Whilst they conclude that there would be a slight increase in the total trips attracted to the site in the weekday PM peak with the proposed development in place compared to the extant permission (some +157 arrivals), they consider that the majority of these trips would be secondary in nature, which is not the case with office uses. There would be less movements (-171 arrivals) in the weekday AM peak compared to office development.
- 5.7.3 It is considered therefore that the impact of the development on the capacity of the A229 Royal Engineers Road/Chatham Road/Flower Rise Roundabout would be de-minimus in nature. There is therefore no objection on highway capacity grounds.
- 5.7.4 No objections are raised also to the development on highway safety grounds.
- 5.7.5 The proposed level of car parking provision is also considered to be appropriate with sufficient extra capacity on the site to ensure that overspill parking at busy times does not affect nearby residents/streets.
- 5.7.6 A Travel Plan would be required as part of any permission and it is considered appropriate to secure a contribution of £10,000 to improve existing 'bus stops in the vicinity of the site. This would be achieved through a s106 agreement.
- 5.7.7 Whilst the comments in the representations relating to parking provision and traffic impact are noted, no objections are raised to the development on highway grounds.

5.8 Landscaping and Ecology

- 5.8.1 Arboricultural and ecological surveys have been undertaken and reports submitted to accompany the application, together with a landscape strategy, that includes some additional planting to enhance the site's frontage to Royal Engineers Road.
- 5.8.2 Subject to the indicated ecological enhancements being provided within the site, including within the proposed open space area to the west of the mansion and store, there are no objections to the development in terms of its impact on ecology.
- 5.8.3 The Landscape Officer has raised objections to the loss of the group of protected trees towards the site frontage. These were successfully retained under the extant Mountgrange scheme and provide an amenity feature at the front of the

site opposite another group of trees that together frame the access road to the Mansion car park and what would be the access to the residential element of the extant scheme. I consider that the loss of these trees would be regrettable and would cause harm to the appearance of the site and area.

5.9 Other Matters

- 5.9.1 The Environment Agency have now withdrawn their objections to the proposals in terms of the potential impact on groundwater and source protection zones that the site sits within as a result of the withdrawal of the petrol filling station from the scheme. Subject to safeguarding conditions regarding surface water drainage and contamination issues (the latter also requested by the Council's Environmental Health team) they have no objections to the development.
- 5.9.2 Issues relating to air quality have been addressed as part of the application and I am satisfied that they could be addressed by means of the condition suggested by the Council's Environmental Health team.
- 5.9.3 With regard to the proposed doctors' surgery, Members will have noted the views of NHS Property Services which include comments from NHS England set out earlier in the report.
- 5.9.4 Within Maidstone town centre, the NHS has already delivered two new surgery premises and there is a further development proposal in the early stages of design. This, together with existing surgeries will provide the capacity required for now and the immediate future although there remains a need to plan for the longer term future.
- 5.9.5 However as Members will have noted, it is deemed that the scale of the development does not warrant a stand-alone facility. NHS England is now supporting much larger practices serving populations in excess of 10,000 patients and within areas of greatest need. Even with the relocation of an existing service into the area, the predicted growth would not warrant a new facility.
- 5.9.6 Instead, NHS England would request that developers pay a fair contribution towards the creation of extended facilities across the town, building on existing infrastructure and commissioned services as opposed to creating another centre with a relatively small list size. Such an approach offers practices the ability to have a stronger commissioning position, a wider patient base to serve and the ability to bring a range of services closer to home for patients. Smaller scale practices are unable to offer that potential quite so easily.

5.9.7 I conclude therefore that the proposed doctors' surgery is unlikely to be deliverable on this site as it would not attract NHS funding and this facility that has been mentioned as a benefit would not exist.

5.10 S106 obligations

5.10.1 As indicated earlier draft s106 heads of terms have been proposed by the applicants as follows:

- A sum of £120,000 towards the redevelopment St Faiths Hall in Ringlestone. The applicants have stated that they understand that this amount would be used in conjunction with other section 106 monies that have been raised from other developments in the same area to complete the funds necessary to move the scheme forward.
- The transfer to the Council of the green space located in front of Springfield Mansion to be used as a landscape/ecology area. The sum for undertaking the initial landscape works comes to £51,000 and then a commuted maintenance sum over a period of 7 years is proposed which totals £49,000 bringing it to £100,000 in total.
- A sum of £80,000 towards improvements proposed in the Town Centre.
- A sum of £10,000 requested by KCC towards improvements to nearby bus stops serving the site.

5.10.2 Members will be aware that all potential s106 obligations must be assessed against and meet the requirements of the three tests of Regulation 122 of the CIL Regulations 2010 and paragraph 204 of the NPPF 2012. All obligations 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 The proposed 'bus-stop improvements will enhance facilities for public transport users accessing the site and I consider that such a contribution would meet the three tests outlined above.

5.10.4 In respect of the other suggested contributions I would advise Members that in my view and also having had the benefit of legal advice on the issue, that I do not consider that the other suggested contributions meet all the required tests as set out above. The proposed development is a foodstore and I do not consider that the proposed contributions are necessary to make the development acceptable in planning terms. There is also some doubt in my mind that the community hall contribution and the green space contribution could be argued to be directly related to the development, this failing at least two of the three tests.

6. CONCLUSION

- 6.1 There are some benefits that would clearly arise from this scheme.
- It would see the redevelopment of a site that has been largely vacant and boarded-up since KCC vacated the Springfield campus over 10 years ago.
 - A new open space area that would improve the setting of the listed mansion and also the setting of the existing development at Lee Heights/Bambridge Court would also be provided.
 - The development could provide the equivalent of 320 F.T.E. jobs and represents a substantial inward investment into the area.
- 6.2 However, as set out earlier in the report, there is a fundamental objection to the development in that it clearly fails the sequential test as set out in the NPPF and the National Planning Practice Guidance. There are in my view and that of the Council's retail consultants sequentially preferable sites within the Town Centre particularly the Council's preferred site for such development Maidstone East.
- 6.3 Furthermore, I also consider that to approve the scheme on this site would be prejudicial to the delivery of development at the Maidstone East site which would be contrary to the Council's strategy for development of the Town Centre.
- 6.4 Members will have noted the comments of the NHS set out earlier in the report. Given these views, it is my opinion that the proposed doctors' surgery is unlikely to be delivered.
- 6.5 The development would also result in the loss of significant and prominent protected trees of public amenity value, which would be harmful to the area's character and appearance.
- 6.6 The location, scale and form of the development would cause harm to the setting of the adjacent designated heritage asset and also the surrounding area in general due to its poor relationship with the streetscape.
- 6.7 I consider therefore that despite the benefits that would arise from the scheme, these would be outweighed by the harm that would result from the development. As such the following recommendation is appropriate.

7. RECOMMENDATION

REFUSE PLANNING PERMISSION for the following reasons:

1. The proposed development does not comply with the Council's strategy for future retail development in Maidstone as set out within the Maidstone Borough Wide Local Plan (2000), or within the emerging Maidstone Local Plan (which are consistent with the National Planning Policy Framework), which designate other sites for new retail development and do not designate this site for such a use.
2. The proposed development does not comply with Policy R2 of the Maidstone Borough Wide Local Plan (2000) as it is out-of-centre in retail terms and furthermore does not comply with the sequential approach set out in paragraph 24 of the National Planning Policy Framework, and there are more sequentially preferable sites available which could accommodate the proposed development with due flexibility on the part of the developer.
3. The proposed development would have a significant adverse impact on planned investment in Maidstone town centre, which would put at risk the Council's strategy to secure new retail development on the Maidstone East site and elsewhere within the town centre, as set out within the Maidstone Borough Wide Local Plan (2000) and in the emerging Maidstone Local Plan, and is therefore contrary to paragraph 26 of the National Planning Policy Framework.
4. The proposed development would result in the loss of trees that are protected by a Preservation Order (11 of 2001). The loss of these trees would have a significantly detrimental impact upon the character and appearance of the locality, and would therefore fail to comply with paragraph 109 of the National Planning Policy Framework.
5. The proposed development is not considered to constitute good design by reason of its proposed siting, scale and general articulation and the significant areas of road/access ways and the service yard fronting Royal Engineers Road. The development would result in harm to the visual appearance and character of the surrounding area and in particular cause harm to the setting of the adjacent designated heritage asset Springfield House, thus contrary to the advice in the National Planning Policy Framework 2012 in particular paragraphs 64, 132 and 133.

Representations

Two neighbour representations have been received raising the following (summarised) points:

- Poor design.
- Objection to pedestrian walk way due to loss of privacy, light and noise pollution, and anti-social behaviour.
- Access is not suitable.
- Highway issues

A representation has been received from 'Tesco' raising the following (summarised) points:

- The application is contrary to the NPPF on retail development.
- Material submitted is not sufficiently robust to demonstrate the development should be permitted contrary to the Government's town centre first policy.
- Question retail statement and consider it provides an over-estimation of trade diversion, does not address loss of linked trips to the town centre, and overestimates the potential of the new store to divert trade from existing stores in the catchment.
- It would lead to a significant adverse impact upon the vitality and viability of the town centre.
- There are sequentially preferable sites such as Maidstone East/former Royal Mail sorting office.

A further letter of representation has been received from Solum Regeneration who are a partnership between Network Rail and Kier Property working towards a scheme to deliver a new supermarket, substantial non-food retail, a new station with station car parking and improvements to the public realm. The letter is accompanied by a letter from Network Rail and southeastern. The purpose of these late submissions is to provide an update with regard to the redevelopment of the Maidstone East site and to quash the rumours that the sorting office is no longer available. It is stated that a planning application is due to be submitted fairly soon.

Officer Comment

These issues have already been raised through representations on the planning application and are considered in the main report.

In terms of retail impact, as outlined in the main report, following advice from external consultants, the Council does not disagree with the assertions in the impact assessment. However, it is considered that the proposed development does not comply with the Council's strategy for future retail development in Maidstone, does not follow the sequential approach required by local and national policy, and would have a significant adverse impact on planned investment in Maidstone town centre, which would put at risk the Council's strategy to secure new retail development on the Maidstone East site and elsewhere within the town centre.

RECOMMENDATION

My recommendation remains unchanged:

REFUSE PLANNING PERMISSION

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3. 4. 2014





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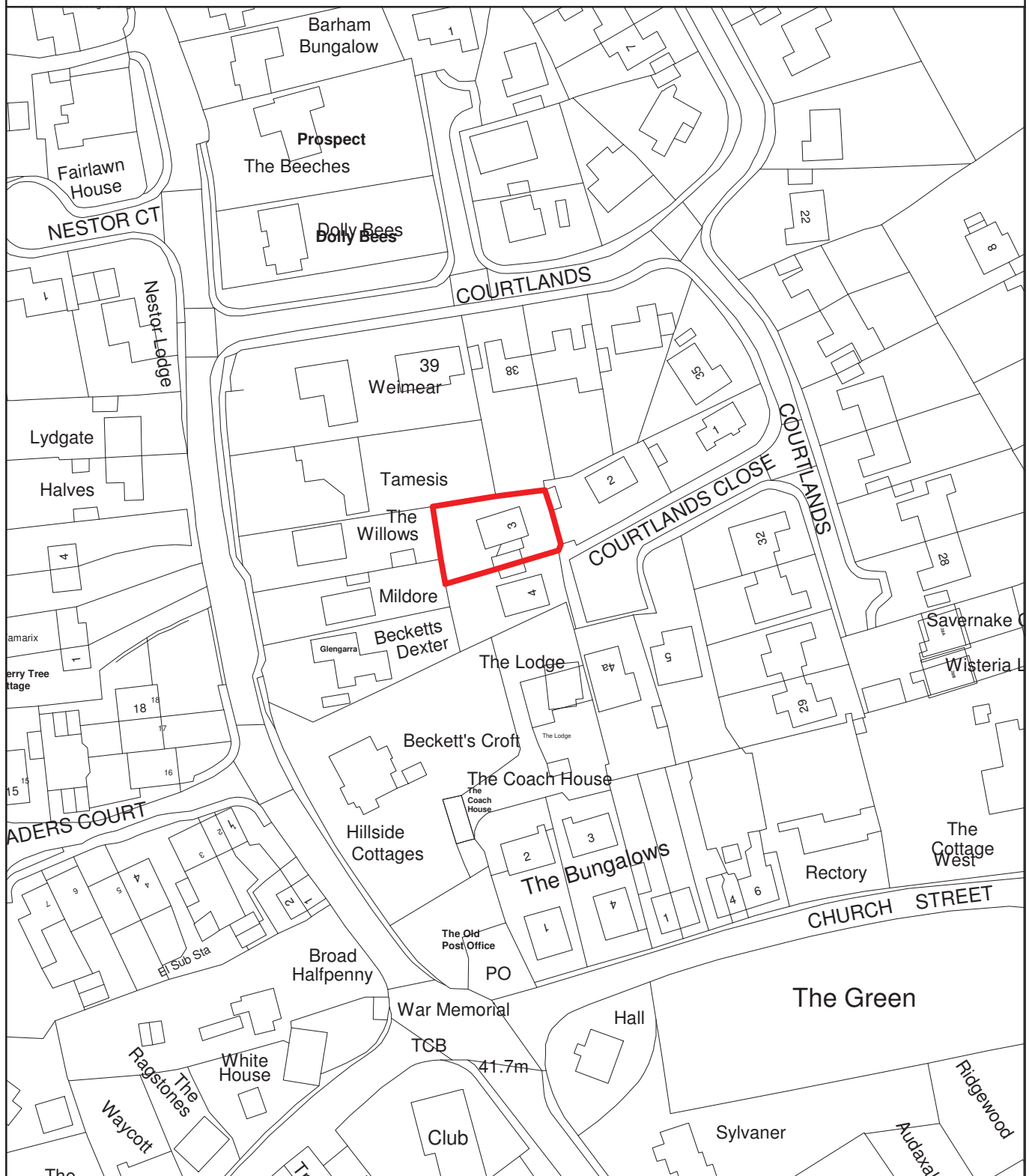
Agenda Item 19

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/2140

GRID REF: TQ7053

3 COURTLANDS CLOSE,
TESTON.



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Rob Jarman
Head of Planning and Development

APPLICATION: MA/13/2140 Date: 10 December 2013 Received: 6 January 2014
APPLICANT: Mr Winston Terry
LOCATION: 3, COURTLANDS CLOSE, TESTON, MAIDSTONE, KENT, ME18 5AT
PARISH: Teston
PROPOSAL: Conversion of single garage to living accommodation as shown on proposed elevation and block plan received 12/12/2013 and site location plan received 06/01/2014.
AGENDA DATE: 10th April 2014
CASE OFFICER: Louise Welsford

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

- It is contrary to views expressed by Teston Parish Council

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: H18
- Government Policy: NPPF 2012, NPPG 2014

2. HISTORY

MK3/67/0068 for the construction of the estate: APPROVED

3. CONSULTATIONS

3.1 Teston Parish Council: Commented initially as follows:-

The application is a little ambiguous - we note in fact that the hardstanding has already been put down. You confirmed in our recent telephone conversation that this would amount to permitted development provided sufficient measures were taken to accommodate adequate drainage within the boundary of the property. We would ask MBC officers to satisfy themselves that such measures are in place.

The application refers to an existing condition stemming from the original planning permission. You were unable to confirm details of that condition when we spoke.

The Parish Council takes the view that if the condition is relevant to this application and precludes the conversion of the garage to living accommodation then that condition should be positively asserted and upheld until such time as it is removed.

If the condition does not relate to conversion of the garage and you are minded to approve the application we would ask that building control is fully asserted in relation to heat and noise.'

- 3.2 A copy of the previous consent MK3/67/0068 was provided to the Parish Council and details regarding the status of the hardsurface. The Parish Council made further comments as follows:

'This is the restriction that relates to our comment on the application. We are assuming that it will be a prime consideration during processing of the application, as it was a factor raised within the timescales for comment. We would like to see the planning condition upheld.'

- 3.3 The officer recommendation was discussed with the Chairman of the Parish Council, including the reasons for the recommendation and the following comments were then received.

'We spoke yesterday and I believe our Chairman, Peter Coulling, later spoke with you. The Parish Council maintains its objections to the application and would wish the matter to go before the Planning Committee.'

4. REPRESENTATIONS

- 4.1 None received

5. CONSIDERATIONS

5.1 Site Description

- 5.1.1 This application relates to a detached bungalow, which is located within the village settlement boundary of Teston, in a cul-de-sac. The streetscene is characterised by bungalows, typically with at least 2 off-road parking spaces (and some with more). There are no on-street parking restrictions in the close.

5.2 Proposal

- 5.2.1 Planning permission is sought for the conversion of an existing single garage to living accommodation. Planning permission is required due to the existence of condition 1 on planning permission MK3/67/0068, for the erection of the bungalow this required that the parking area (which would include the garage) be kept available for the parking of vehicles. The reason for the imposition of

the condition was that it was considered to prevent inconvenient parking and for amenity reasons.

5.3 Highways

5.3.1 There is currently parking upon the driveway for at least 4 cars, the driveway having been extended in November 2009. The applicant has confirmed that it drains within the boundaries of their property and is permeable, so planning permission would not have been required for this.

5.3.2 Sufficient parking for this village location would remain upon the extended driveway, with a minimum of 4 spaces being available. In any case, there are no on-street parking restrictions and on-street parking is achievable. While Courtlands is narrow, Courtlands Close where the dwelling is located is not unusually narrow and there is ample off-road space available to park. Moreover, this is not an isolated, rural location, but is relatively well related to the main urban area, being only a short distance from the main arterial route, Tonbridge Road. I note that no neighbour objections have been received raising local parking issues. In conclusion, I am satisfied that there are no significant parking/highways issues and that it is no longer necessary to retain the condition, which was imposed approaching 50 years ago, for this particular property.

5.4 Visual Impact

5.4.1 Changes to the front elevation (the replacement of the garage door with a window) would be visually acceptable in the street-scene and would not adversely affect its character or appearance.

5.5 Residential Amenity

5.5.1 The nature and siting of the proposal are such that there are no significant residential amenity issues.

5.6 Other Matters

5.6.1 As the use would remain as residential, there are no significant heat or noise issues and building control issues are separate matters to planning matters.

6. CONCLUSION

6.1 There is clearly considered to be more than adequate parking available and the site is not in a location where it is considered that significant highway issues would arise. It is therefore recommended that permission be granted to convert

the garage to living accommodation in this case, as the condition is no longer necessary for this property.

7. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building unless otherwise agreed in writing by the local planning authority;

Reason: To ensure a satisfactory appearance to the development and to preserve the character and appearance of the streetscene.

3. The development hereby permitted shall be carried out in accordance with the following approved plans:
proposed elevation and block plan received 12/12/2013 and site location plan received 06/01/2014;

Reason: To ensure a satisfactory appearance to the development and to preserve the character and appearance of the streetscene.

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

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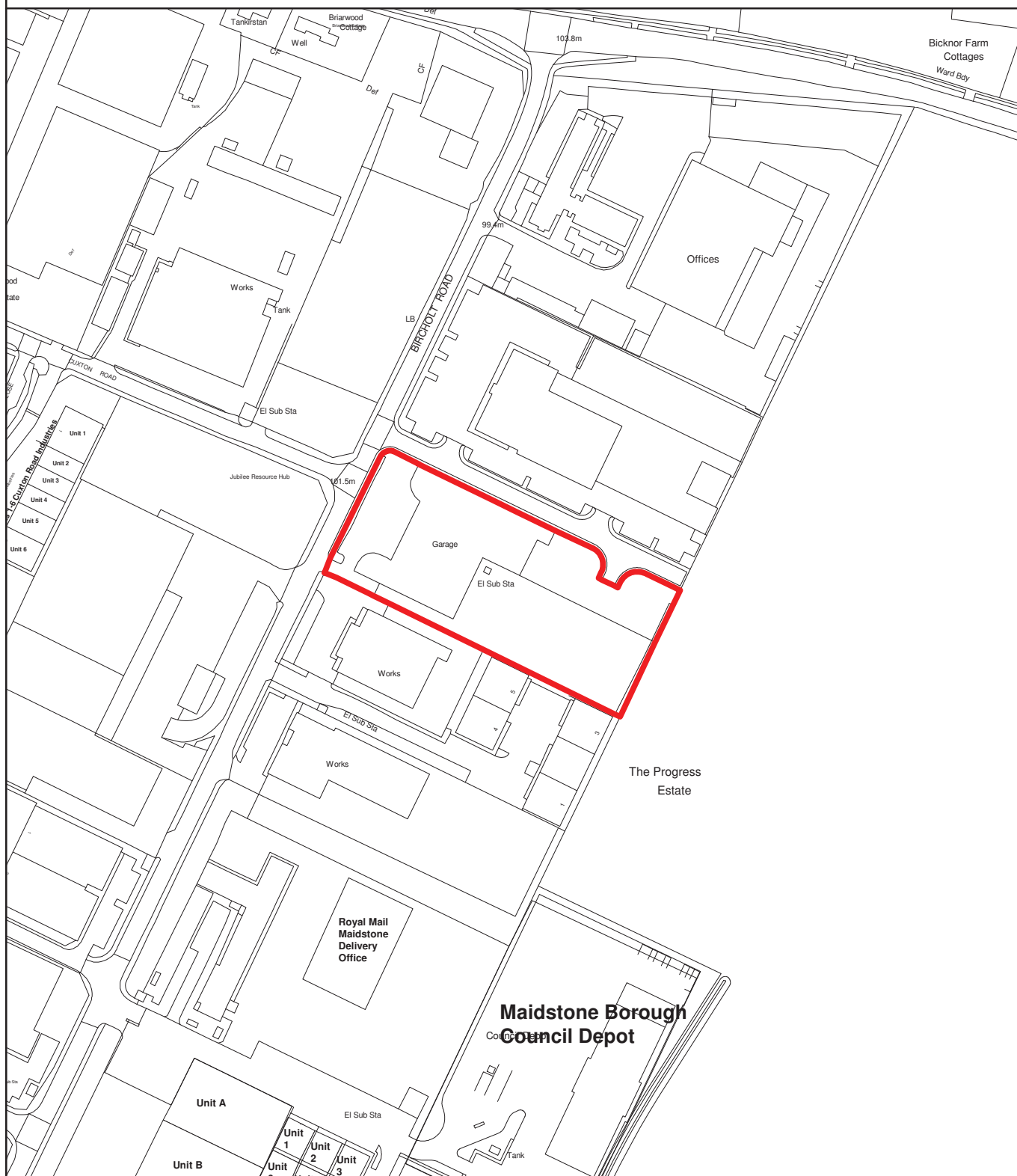
12. 3. 2014

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/2190

GRID REF: TQ7952

MOTORLINE MAIDSTONE, BIRCHOLT ROAD,
MAIDSTONE.



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Rob Jarman
Head of Planning and Development

APPLICATION: MA/13/2190 Date: 16 December 2013 Received: 19 December 2013

APPLICANT: Mr Glen Obee, Motorline Holdings Limited

LOCATION: MOTORLINE MAIDSTONE, BIRCHOLT ROAD, MAIDSTONE, PARKWOOD, KENT, ME15 9XY

PARISH: Boughton Monchelsea

PROPOSAL: Proposed refurbishment of existing car dealership including part demolition of existing show room, part extension to workshop with class 7 MOT bay, installation of new first floor offices, new external valet bay and associated works as shown on Design & Access statement, site location plan and drawing nos. N090/1-3 & 10-14 received 19/12/13 and Phase 1 Desktop Study received 07/03/14.

AGENDA DATE: 10th April 2014

CASE OFFICER: Kathryn Altieri

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

- Maidstone Borough Council owns the land.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: R18(iii), ED2(iv), ENV6
- Government Policy: National Planning Policy Framework
- Planning for Growth Ministerial Statement (March 2011)
- National Planning Practice Guidance

2. RELEVANT HISTORY

- MA/11/1866 - Change of use to provide an MOT station within existing building – Approved with conditions
- MA/09/0361 - Demolition of existing showroom and workshop buildings, erection of new car dealership incorporating MOT facility and associated works - Approved with conditions

3. CONSULTATIONS

- 3.1 **Boughton Monchelsea Parish Council:** Raise no objection.

3.2 **KCC Highways Officer:** Raises no objection.

3.3 **Environmental Health Officer:** Raises no objection;

3.3.1 *"Details submitted indicate that the workshop areas, which are most likely to be the source of noise annoyance during future operation are mainly enclosed. There will be some temporary disturbance from the demolition and construction activities and measures should be taken to minimise these. The applicant should also be aware of the possibility of spray carry over from the valeting bay and from plant noise, but this is likely to only interfere with the on-site occupiers."*

3.4 **Environment Agency:** Raises no objection with recommended conditions;

3.4.1 *"After receiving submitted document titled 'Report on Desk Study' by Applied Geology (dated 6th March 2014). We accept this report as an appropriate Preliminary Risk Assessment. The report has identified the potential for contamination to be present and has indicated that although soil sampling and testing have been undertaken, the results are yet to be reported. On the basis of the information provided, we are now able to remove our objection but we consider that planning permission should only be granted to the proposed development as submitted with as the site is located over a Principal Aquifer and it is understood that the site may be affected by historic contamination."*

4. REPRESENTATIONS

4.1 No representations received.

5. CONSIDERATIONS

5.1 Site description

5.1.1 The application site is a car showroom known as 'Motorline Maidstone' which is located in Parkwood Industrial Estate, Bircholt Road. The site is to the east of the junction with Cuxton Road; and approximately 185m to the south of the junction with Sutton Road.

5.1.2 The main building is towards the front of the site, with customer parking and a 'used car' display in front. To the rear of the building there are associated workshops and then beyond this there is another parking area. There are two access points into the site from Bircholt Road, one either side of the main building. The application site is adjacent other commercial units, including other car showrooms. The eastern boundary of the site backs onto Langley Park Farm, a site that has recently been granted outline planning permission for mixed residential/commercial development subject to a Section 106 agreement (MA/13/1149).

5.1.3 The application site is within the defined urban area and is a designated employment/car showroom area as shown by the Maidstone Borough-Wide Local Plan 2000 (MBWLP).

5.2 **Proposal**

5.2.1 The proposal is for the refurbishment of the existing car dealership. The works would include part demolition of the existing show room (front and rear); part extension to the workshop with a class 7 MOT bay; new flat roof extension; the installation of new first floor offices; a new external valet bay; new 2.4m high palisade fencing; and reconfiguration and resurfacing of parking areas. To the front, the car display area and the level of customer parking would be enlarged.

5.2.2 The extension to the rear of the building would cover an area of some 30m by 18m (540m²); and this together with the elements removed, would give the building a square shape 43m by 55m (2365m²). The areas demolished covered a floor area of some 177m², so the footprint has been increased by approximately 363m².

5.2.3 The finished building would have a height of 8.8m from ground level, which is 0.6m higher than the existing ridge height; and the building would, when finished, be set back some 35m from Bircholt Road (currently it is set back some 13m from the road). In terms of materials, the building would be clad in composite panels (metallic silver); and the roof would be of new profiled metal sheeting (Goosewing grey). The valet bay would be built of vertical profile sheeting and its roof would be concealed by a parapet finish.

5.2.4 The proposed valet/wash bay would be located to the rear of the site and would have a footprint of 19.5m by 6m. This single storey structure would have a shallow sloping mono-pitched roof which at its highest point would stand some 3.7m in height from ground level.

5.2.5 The two access points from Bircholt Road would remain unaffected by the proposal, but the development would see a new vehicle access from the access road to the north of the site to the proposed front parking area. In total, the proposal would see the loss of 8 customer/servicing parking spaces.

5.3 **Principle of development**

5.3.1 The proposal site does fall within a designated employment site under policy ED2 of the MBWLP, as well as within an area where vehicle showrooms are permitted under policy R18 of the MBWLP. Given the existing use of the site and the nature of the proposal, I am satisfied that the development under consideration here would be in accordance with these policies.

5.3.2 The proposal is also in line with the National Planning Policy Framework (NPPF) which seeks to promote sustainable economic growth. Indeed, a key reason for the proposed refurbishment here is to maximise the site's economic potential.

5.4 **Design, siting and appearance**

5.4.1 The proposed extension would give the impression of squaring-off the existing building rather than appearing as an over-sized sprawling addition; the valet bay would be single storey and of a reasonable scale; and the resurfacing and fencing is to replace what already exists. In addition, the proposed extension to the main building, the detached valet bay, and the associated works to the car park to the east of the site (including the resurfacing and the new fencing), would be to the rear of the site away from Bircholt Road, and would therefore not appear visually dominant or harmful.

5.4.2 The proposal would see the shallow pitches of the existing roof replaced with a flat roof that would stand some 0.6m higher than the current building. I do not consider the change in the height of the building to be excessive, or the amended roof design to be visually incongruous in its industrial estate setting. Indeed, the proposal would be very much read in context with the surrounding buildings that are of a similar scale and appearance; and after the two sections of the building to the front of the building are demolished, its 35m set back from the road would further reduce its overall bulk. Moreover, the large glazed panels, particularly to the front elevation and the northern flank of the building, would also reduce its mass whilst providing a good level of visual interest.

5.4.3 In terms of materials, the building would be clad in composite panels (metallic silver); and the roof would be of new profiled metal sheeting (Goosewing grey). The valet bay would be built of vertical profile sheeting and its roof would be concealed by a parapet finish. These modern materials would be in keeping with the surrounding area, but to ensure a satisfactory finish to the proposal I will impose a pre-commencement condition requesting samples to be submitted for approval.

5.4.4 The modest increase in the level of hardstanding to the front of the site is not considered excessive when compared to what is there already; and given the character and existing uses of the surrounding area it would not appear visually incongruous. The proposal does indicate soft landscaping to the front of the site; and in my view, this would further enhance the appearance of the proposal. Indeed, in accordance with the policy ENV6 of the Development Plan and the NPPF's promotion of good design and enhancement, I consider it reasonable to impose a pre-commencement condition requesting details of a landscaping scheme. There are protected Birch trees along the eastern side of Bircholt Road (close to the Sutton Rd junction), and the landscaped frontage continues with

the adjacent Mercedes Benz garage having planting (including trees) along its own frontage. In order to provide continuity along this stretch of road, I would look for appropriate tree planting to the front (immediately adjacent the footpath), and this will be emphasised in the wording of the condition.

5.4.5 With everything considered, I am of the view that the proposal would not appear visually harmful, but very much a development read in context with the character, appearance and setting of the surrounding area.

5.5 **Residential amenity**

5.5.1 There are no residential properties within 150m of the application site. I am therefore satisfied that the proposed works would not have an adverse impact on the amenity of any residential occupant.

5.5.2 The land to the east of the site has recently been granted outline planning permission for mixed residential/commercial development subject to a Section 106 agreement (MA/13/1149). However, I am satisfied that this proposal would not have an adverse impact on the living conditions of future occupants. It should also be noted that there is no indication that the access road to the north of the application site would become a route into a new housing development.

5.6 **Highway safety implications**

5.6.1 The access points from Bircholt Road remain unaffected; the access point into the rear of the site (on the northern boundary) also remains unaltered; and a new customer entrance would be created to the front of the building (on the northern boundary). The site is in existing use as a car showroom, the main access points are unaltered, and I am satisfied that the relatively modest increase in floor space (some 363m²) of the building and the loss of 8 customer spaces would not result in a significant intensification of use of the site or put further pressure in terms of parking provision. I am also satisfied that the creation of the new office space would not result in an over intensification of the site. I am therefore satisfied that this proposal would not result in any highway safety issue and raise no objections in this respect.

5.6.2 The KCC Highways Officer also raised no objections to this proposal but did recommend that the new entrance on the northern side of the site could be in the form of vehicle crossovers in order to give priority to pedestrians. However, I do not consider it reasonable to pursue this matter as I would not view this as a reason to refuse the application.

5.7 **Other considerations**

- 5.7.1 The Environment Agency (EA) did initially object on the grounds that there was insufficient information to demonstrate that the risk of pollution to Controlled Waters was acceptable, as the site is located over a Principal Aquifer and directly on the Hythe Formation. The additional information was required due to the risk of mobilising contamination as part of the new development. The applicant did submit a Desk Study that has been deemed as an appropriate Preliminary Risk Assessment, and the Environment Agency have removed their objection to the proposal with appropriate conditions to ensure the protection of Controlled Waters. I consider the recommended conditions to be justified and reasonable.
- 5.7.2 There are no ecological issues with this site; and given the existing use and condition of the application site, and the nature of this proposal, I do not consider it necessary or reasonable to request any further information in this regard.
- 5.7.3 The proposal is to extend and refurbish an existing building and so I do not consider necessary to impose any BREEAM standards of build.

6. **CONCLUSION**

- 6.1 I am of the view that this proposal would not cause any demonstrable harm to the character, appearance and amenity of the surrounding area. I therefore consider that this proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant and recommend conditional approval of the application on this basis.

7. **RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

2. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the

approved materials;

Reason: To ensure a satisfactory appearance to the development.

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

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

4. 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.

5. 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.

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

Reason: To ensure that the development positively responds to the character and appearance of the locality and to ensure highway safety.

7. Prior to the commencement of development approved by this planning permission the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
 - 1) A site investigation scheme, based on the above report, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 2) The results of the site investigation and detailed risk assessment referred to in (1) 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.
 - 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 (2) 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: For the protection of Controlled Waters.

8. 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, verified and reported to the satisfaction of the Local Planning Authority;

Reason: To protect harm to health.

9. Prior to occupation of the development, a verification report demonstrating completion of the 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 verification plan to demonstrate that the site remediation criteria have been met. It shall also include any 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 verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved;

Reason: Should remediation be deemed necessary, the applicant should demonstrate that any remedial measures have been undertaken as agreed and the environmental risks have been satisfactorily managed so that the site is deemed suitable for use.

10. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details;

Reason: Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater.

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

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

12. The development hereby permitted shall be carried out in accordance with the following approved plans:
N090/10, 11, 12, 13 & 14 received 19/12/13;

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

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

www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of soakaways and the water table.

It is noted from the application the foul water will be directed to mains. Should this change, the Environment Agency would wish to be re-consulted.

Car wash liquid waste is classed as trade effluent. Before discharging to a sewer, a trade effluent consent should be obtained or a trade effluent agreement with the water and sewerage company or authority is entered into. If the applicant is not able to discharge effluent to the foul sewer it will be classed as waste and they must then comply with their duty of care responsibilities. More information regarding the discharge of trade effluent can be found at www.netregs.gov.uk and <http://publications.environment-agency.gov.uk/pdf/PMHO0307BMDX-e-e.pdf>

Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment. The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground

pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund. All precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention, the applicant should refer to the Environment Agency's guidance 'PPG1 - General guide to prevention of pollution', which is available on their website at www.environment-agency.gov.uk.

Please note that cleansing agents can negate the effect of petrol interceptors. The Environmental Permitting Regulations make it an offence to cause or knowingly permit any discharge that will result in the input of pollutants to groundwater.

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the EHM regarding noise control requirements.

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

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

Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site. Should any asbestos be found during works the following informative applies:

Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during refurbishment if asbestos is discovered during works 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.

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

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RENAULT

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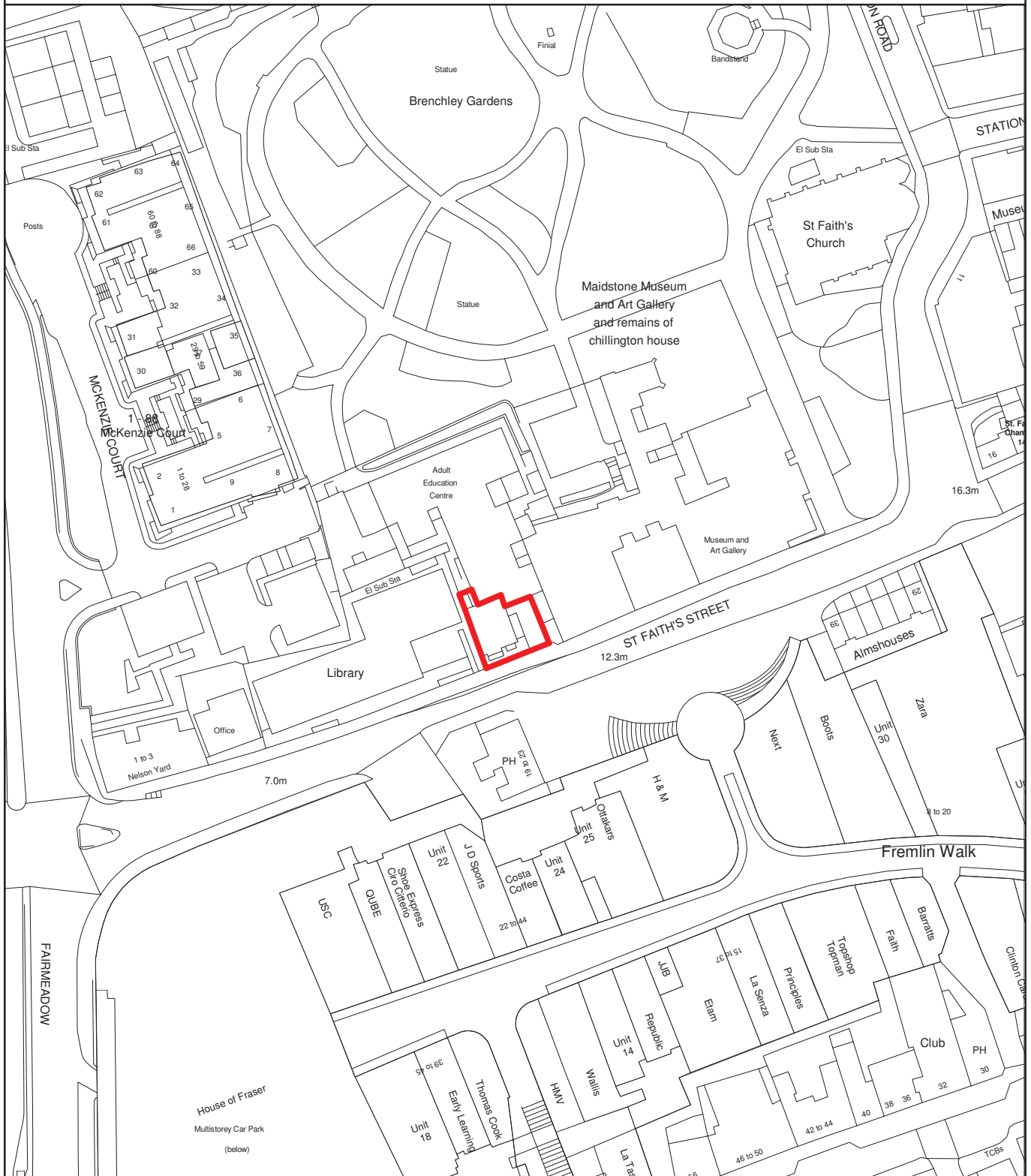
Agenda Item 21

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/14/0133

GRID REF: TQ7555

CHILLINGTON HOUSE, ST FAITHS STREET,
MAIDSTONE.



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Rob Jarman
Head of Planning and Development

APPLICATION: MA/14/0133 Date: 27 January 2014 Received: 27 January 2014

APPLICANT: Property & Procurement Services

LOCATION: CHILLINGTON HOUSE, ST FAITHS STREET, MAIDSTONE, KENT,
ME14 1LH

PARISH: Maidstone

PROPOSAL: Change of use of the building to 4No. flats as shown on drawing numbers 14.627.01, 14.627.02, 14.627.03, 14.627.04, 14.627.05, 14.627.06 and 14.627.07, supported by a Planning Statement (incorporating Heritage and Design and Access Statements), all received 27th January 2014

AGENDA DATE: 10th April 2014

CASE OFFICER: Catherine Slade

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

- The Council owns the building to which the application relates.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: T13, CF3
- Government Policy: National Planning Policy Framework 2012, National Planning Policy Guidance 2014, PPS5 Planning and the Historic Environment – Practice Guide
- Other: Kent Design Guide 2009

2. HISTORY

- MA/14/0134 - An application for listed building consent for internal alterations to facilitate the change of use of the building to 4No. flats – CURRENTLY UNDER CONSIDERATION, REPORTED ON THE PAPERS
- MA/93/1271 - Change of use of existing building from a mixed use for museum/offices/workshops/residential purposes to a sole use for museum purposes and internal alterations to improve means of escape - APPROVED WITH CONDITIONS

2.1 The building forms part of a complex of buildings associated with the Grade II* listed Chillington House, which houses the Maidstone Museum and Art Gallery. It is considered to be listed itself by virtue of this close relationship. Chillington House was listed in 1951. Chillington House dates from the Elizabethan period,

although it has been much modified and added to, and has been open as a museum since 1858, and for much of this period as a college of art and sciences. The building to which the current application relates is believed to have been constructed in the period between 1896 and 1908 as a residence for the Principal of the college.

- 2.2 The building has most recently been in use for purposes associated with Maidstone Museum and Art Gallery.
- 2.3 The current proposal is the subject of a concurrent application for listed building consent under application reference MA/14/0134, the details of which are set out above.

3. CONSULTATIONS

- 3.1 **Maidstone Borough Council Conservation Officer:** raises no objection to the proposed works subject to conditions requiring the submission, written approval and implementation of details of joinery. The officer makes the following detailed comments:
 - 3.1.1 *"Chillington House comprises a major 16th Century town house which was significantly extended in various campaigns in the latter half of the 19th Century after the museum was opened in it in 1858. It is the museum part of the building which attracts the Grade II* listing, mainly because of the 16th century fabric.*
 - 3.1.2 *In the 1890s further extensions were made to the western side of the museum to form new premises for the School of Science and Art which were opened in 1894; these are now used by the Adult Education Centre. These buildings were designed by the architects Ruck and Smith of Maidstone (Ruck had been a former pupil of the Art School); they are in the Flemish Renaissance style popular in the 1890s and together with the museum buildings form a highly attractive group of huge significance to the character and interest of the Chillington House Conservation Area, not only for their architectural merit but also for their social historical interest as representations of civic pride in the late 19th century.*
 - 3.1.3 *The building which is the subject of the current application did not form part of the first phase of building connected with the School of Science and Art, but from old Ordnance Survey map evidence was erected between 1896 and 1908. Although somewhat simpler in design, stylistically it relates well to the rest of the School of Science and Art and museum buildings. It is likely that it is also a design by Ruck and Smith (who later designed County Hall and the Police Station and Court buildings in Palace Avenue). It makes a positive contribution to the character of the Conservation Area, particularly given its projection towards the street so that it forms one side of an entrance courtyard to the Adult Education Centre.*
 - 3.1.4 *The building is thought to originally have been built to provide a house for the principal of the School of Art and Design, and later it was used as a residence for*

the curator of the museum. Latterly it has been used as offices for museum staff. Its original residential nature is evidenced by the domestic scale of its rooms, which contain some fine fireplaces. The original staircase is also a fine feature which adds significance to the building.

- 3.1.5 *The proposal to return the building to residential use, albeit in the form of four flats, is considered to be appropriate in listed building terms. The scheme has been designed so as to interfere as little as possible with the original room layout and retains the staircase and other notable interior features. No external changes are proposed."*
- 3.2 **English Heritage:** did not wish to comment on the application.
- 3.3 **Kent County Council Highway Services Engineer:** Raises no objection to the proposal.
- 3.4 A site notice was displayed at the site, and a notice published in a local newspaper.

4. REPRESENTATIONS

- 4.1 No representations were received.

5. CONSIDERATIONS

5.1 Site Description

- 5.1.1 The application site is located to the north of St Faith's Street, an unclassified public highway, in the town centre of Maidstone. As set out above, the building is part of a complex of Victorian and earlier buildings associated with Chillington House, a Grade II* listed building which houses the Maidstone Museum and Art Gallery. The complex of buildings forms the core of the Chillington House Conservation Area, together with St Faith's Church to the north east, and the gardens themselves which are located to the north. Also within the conservation area are the mid twentieth century Kent County Council library located to the south west of the site, and the Albion Inn, a Grade II listed building located on the opposite side of the highway. The Fremlins shopping centre is located beyond the public house, further to the south east.
- 5.1.2 The site is located in the south west of the complex of buildings associated with Chillington House. It comprises one of the later Victorian additions to the complex, and adjoins the earlier School of Science and Art located to the rear which is currently in use by Kent County Council Adult Education Services. These two buildings share a pedestrian access from St Faiths, which is via a small courtyard area formed by the two buildings and the western elevation of Chillington House itself.
- 5.1.3 The building is a substantial four storey building (including basement accommodation) formed of red brick with ashlar window surrounds in keeping

with the older parts of the Chillington House complex. Despite these visual cues between the various elements of the complex, the architectural style of the proposal site differs from that of the other, older buildings in being simpler and cleaner of line, omitting elements such as the stone mullions and Dutch gables which are characteristic of the older buildings. The building is externally little changed, and has retained some its most interesting internal features.

5.1.4 The building is prominent in the streetscape by virtue of its scale and proximity to the public highway, but remains subservient to the main form of Chillington House by virtue of its set back from the front boundary to the public highway, its lesser vertical proportions in respect of the room heights, and the relative grandeur of the architectural design of the different elements of the buildings.

5.2 Proposal

5.2.1 The application seeks planning permission for the conversion of the existing building from accommodation serving the museum to four self contained residential properties, one on each floor. The lower ground floor flat would have its own entrance, however the other three would be served by a shared lobby, landing and staircase area located in the north west corner of the building. The proposal would result in the creation of two 2 bed flats and two 1 bed flats.

5.2.2 The proposal has been designed in order that original internal features are retained, and largely preserves the original layout of the building with limited interventions which are clearly identified on the drawings submitted.

5.2.3 No works, other than the replacement of joinery on a like for like basis where necessary, are proposed to the exterior of the building, however the change of use requires the benefit of planning permission. The works to the interior of the existing buildings, which do not require planning permission, are assessed under the scope of a separate application for listed building consent (MA/14/0134).

5.3 Principle of Development

5.3.1 The proposal site is located well within the defined centre of Maidstone in a sustainable location in close proximity to the town's bus station and three railway stations and well served by local facilities and amenities. The site has formerly been in use for purposes associated with the Maidstone Museum and Art Gallery, and as such falls within the definition of previously developed land, and the proposed residential units would be provided through the conversion of an existing building. For these reasons the principle of residential use in this location is considered to be acceptable, being in accordance with central government planning policy as set out in the National Planning Policy Framework, which states in paragraph 51 that Local Authorities should, in suitable locations, "normally approve planning applications for change to residential use from commercial" where there is no strong economic case for the proposed development being inappropriate.

- 5.3.2 The National Planning Policy Framework 2012 (NPPF) also sets out a presumption in favour of sustainable development, which in the context of decision making is defined as approving development proposals that accord with the Development Plan without delay, and where the Development Plan is silent, granting planning permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits.
- 5.3.3 For the reasons set out above, it is considered that the principle of the change of use is acceptable in the context of local, regional and national planning policy and guidance, subject to all other material considerations.
- 5.3.4 To my mind, in the circumstances of this case the key issues in the assessment of the application are the design of the proposed development and its impact upon the surrounding heritage assets.

5.4 Design and impact upon the surrounding heritage assets

- 5.4.1 The NPPF recognises that heritage assets are an irreplaceable resource, and requires Local Planning Authorities, in determining applications for development, to protect, enhance and conserve the historic environment, recognising that they should be conserved in a manner appropriate to their significance, taking into account the desirability of putting them to viable uses consistent with their conservation, providing support for proposals which bring underused heritage assets into appropriate use.
- 5.4.2 In this case, the proposal site comprises a Victorian building with Grade II* listed status by virtue of its relationship to Chillington House and its status as one of a number of buildings contributing towards the Chillington House complex. In addition, there are other listed buildings in close proximity to the site including the Albion Inn and the Sir John Banks Almshouses, and it is located within the Chillington House Conservation Area. As such, the impact of the proposed development on the designated heritage assets is of utmost importance in the determination of the application.
- 5.4.3 In this case, the change of use would not result in any physical alterations to the exterior of the building, and whilst the nature of the proposed development would inevitably have some impact upon the manner in which the building would be used, this would be in keeping with the original function of the building and not harmful to its character or appearance. It is not considered that the change of use would result in any detriment to the setting of other listed buildings or the conservation area.
- 5.4.4 For these reasons it is considered that the proposal is acceptable in respect of its impact upon on or neighbouring the site.

5.5 Other

- 5.5.1 The proposed development does not include the provision of on site car parking, however as Members are aware, Maidstone Borough Council does not have any

adopted parking standards for new development, and as set out above, the Kent County Council Highway Services Engineer raises no objection to the proposal on these grounds, given the highly sustainable location of the proposal site.

- 5.5.2 The proposal site is not located in close proximity to any residential properties other than the Sir John Banks Almshouses, which are located approximately 70m to the east of the site, and the McKenzie Court development to the north west which is screened from the proposal site by existing buildings. The proposal would therefore not result in harm to the residential amenity of occupiers of existing dwellings.
- 5.5.3 Policy CF3 requires proposals which would result in the loss of “community facilities”, to demonstrate that an acceptable replacement facility is provided. In this case, alternative equivalent office space has been provided through the refurbishment of former storage areas within the main Chillington House building, and the staff formerly housed in the proposal site have been relocated to the replacement facility. The proposal therefore satisfies the requirements of the policy.
- 5.5.4 Conversions of existing buildings are exempt from requiring compliance with the Code for Sustainable Homes, and the scale of the proposed development is such that it falls below the thresholds triggering contributions towards healthcare, education and social services, and parks and open spaces. As such, none are sought in the circumstances of this case.
- 5.5.5 The proposal is not located in an area recorded by the Environment Agency as being prone to flood by virtue of its elevation, and the proposal would not result in any harm to landscape assets. It is noted that the proposal does not include the provision of on site private amenity space, however this is true of many proposals for flatted accommodation, and the proximity of the site to Brenchley Gardens and other public open spaces and the constraints of the site in respect of provision of landscaping, are considered to be such that in the circumstances of this case, this absence is acceptable.
- 5.5.6 Although no details are provided of waste and recycling bin storage area, there is adequate space within the courtyard for such purposes and to introduce a bin shed would be detrimental to the openness of this feature; as such no details are sought.

6. CONCLUSION

- 6.1 For the reasons set out above, it is considered that the principle of residential development in this location is acceptable, and that the design and scale of the proposal are such that the character of the listed buildings on and adjacent to the site would be preserved, as would that of the Chillington House Conservation Area. The proposal would not result in any harm to residential amenity and is otherwise acceptable in regard to highway issues and in all other material considerations.

6.2 It is therefore concluded that planning permission be granted subject to conditions.

7. RECOMMENDATION

PLANNING PERMISSION BE GRANTED, subject to the following condition:

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 all new internal and external joinery in the form of large scale drawings 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;

Reason: To ensure safeguard the quality of the development and the character, appearance and historic and architectural integrity of the listed building in accordance with central government planning policy as set out in the National Planning Policy Framework 2012 and PPS5 Planning and the Historic Environment - Practice Guide.

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

drawing numbers 14.627.01, 14.627.02, 14.627.03, 14.627.04, 14.627.05, 14.627.06 and 14.627.07, supported by a Planning Statement (incorporating Heritage and Design and Access Statements), all received 27th January 2014;

Reason: To ensure safeguard the quality of the development and the character, appearance and historic and architectural integrity of the listed building in accordance with central government planning policy as set out in the National Planning Policy Framework 2012 and PPS5 Planning and the Historic Environment - Practice Guide.

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



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31. 3. 2014



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Caution
Uneven Surface

31. 3. 2014



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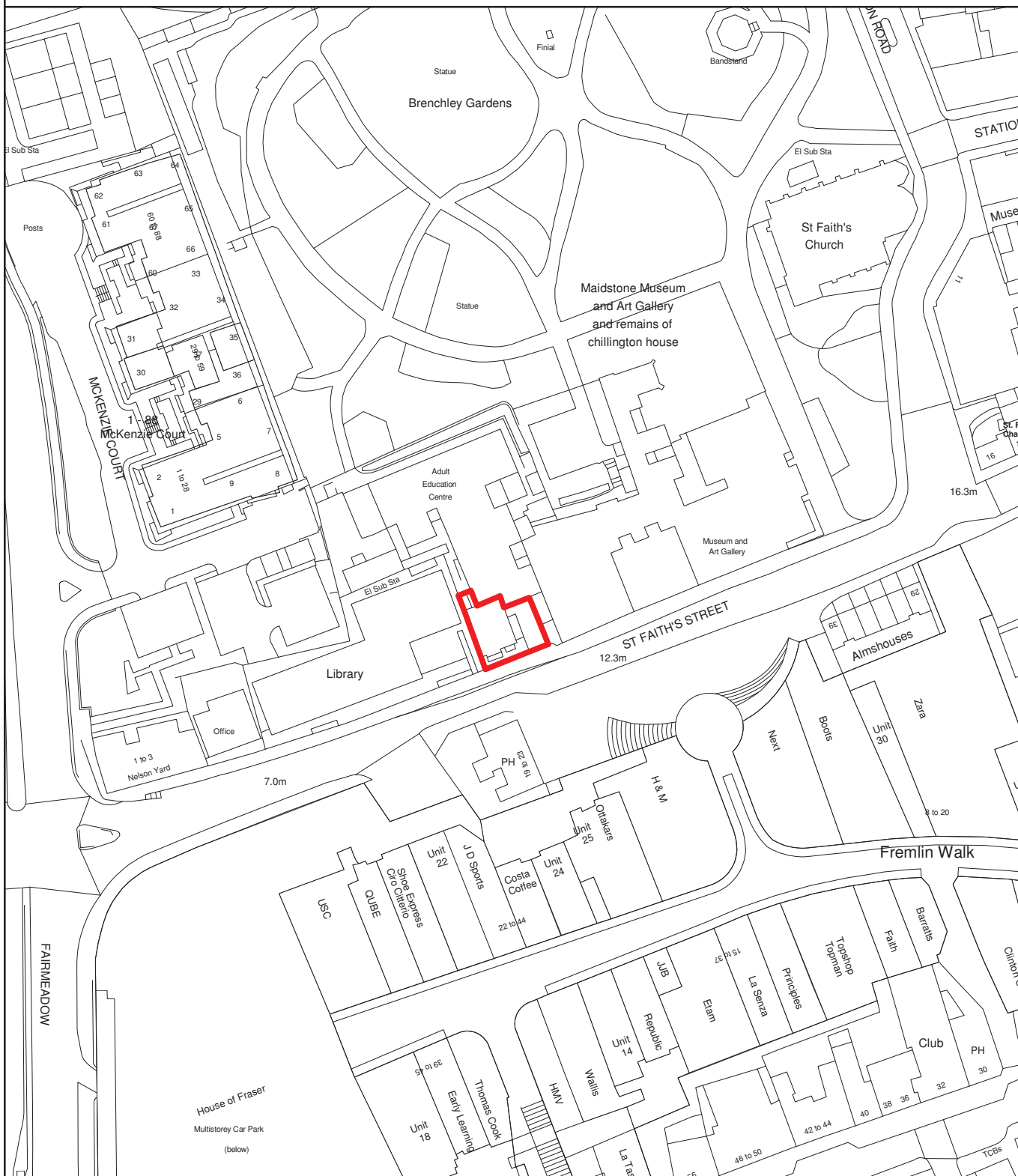
Agenda Item 22

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/14/0134

GRID REF: TQ7555

CHILLINGTON HOUSE, ST FAITHS STREET,
MAIDSTONE.



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Rob Jarman
Head of Planning and Development

APPLICATION: MA/14/0134 Date: 27 January 2014 Received: 27 January 2014

APPLICANT: Property & Procurement Services

LOCATION: CHILLINGTON HOUSE, ST FAITHS STREET, MAIDSTONE, KENT,
ME14 1LH

PARISH: Maidstone

PROPOSAL: An application for listed building consent for internal alterations to facilitate the change of use of the building to 4No. flats as shown on drawing numbers 14.627.01, 14.627.02, 14.627.03, 14.627.04, 14.627.05, 14.627.06 and 14.627.07, supported by a Planning Statement (incorporating Heritage and Design and Access Statements), all received 27th January 2014

AGENDA DATE: 10th April 2014

CASE OFFICER: Catherine Slade

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

- The Council owns the building to which the application relates.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: None relevant
- Government Policy: National Planning Policy Framework 2012, National Planning Policy Guidance 2014, PPS5 Planning and the Historic Environment – Practice Guide

2. HISTORY

- MA/14/0133 - Change of use of the building to 4No. flats – CURRENTLY UNDER CONSIDERATION, REPORTED ON THE PAPERS
- MA/93/1271 - Change of use of existing building from a mixed use for museum/offices/workshops/residential purposes to a sole use for museum purposes and internal alterations to improve means of escape - APPROVED WITH CONDITIONS

2.1 The building forms part of a complex of buildings associated with the Grade II* listed Chillington House, which houses the Maidstone Museum and Art Gallery. It is considered to be listed itself by virtue of this close relationship. Chillington House was listed in 1951. Chillington House dates from the Elizabethan period, although it has been much modified and added to, and has been open as a museum since 1858, and for much of this period as a college of art and sciences.

The building to which the current application relates is believed to have been constructed in the period between 1896 and 1908 as a residence for the Principal of the college.

- 2.2 The building has most recently been in use for purposes associated with Maidstone Museum and Art Gallery.
- 2.3 The current proposal is the subject of a concurrent application for planning permission under application reference MA/14/0133, the details of which are set out above.

3. CONSULTATIONS

- 3.1 **Maidstone Borough Council Conservation Officer:** raises no objection to the proposed works subject to conditions requiring the submission, written approval and implementation of details of joinery. The officer makes the following detailed comments:
 - 3.1.1 *"Chillington House comprises a major 16th Century town house which was significantly extended in various campaigns in the latter half of the 19th Century after the museum was opened in it in 1858. It is the museum part of the building which attracts the Grade II* listing, mainly because of the 16th century fabric.*
 - 3.1.2 *In the 1890s further extensions were made to the western side of the museum to form new premises for the School of Science and Art which were opened in 1894; these are now used by the Adult Education Centre. These buildings were designed by the architects Ruck and Smith of Maidstone (Ruck had been a former pupil of the Art School); they are in the Flemish Renaissance style popular in the 1890s and together with the museum buildings form a highly attractive group of huge significance to the character and interest of the Chillington House Conservation Area, not only for their architectural merit but also for their social historical interest as representations of civic pride in the late 19th century.*
 - 3.1.3 *The building which is the subject of the current application did not form part of the first phase of building connected with the School of Science and Art, but from old Ordnance Survey map evidence was erected between 1896 and 1908. Although somewhat simpler in design, stylistically it relates well to the rest of the School of Science and Art and museum buildings. It is likely that it is also a design by Ruck and Smith (who later designed County Hall and the Police Station and Court buildings in Palace Avenue). It makes a positive contribution to the character of the Conservation Area, particularly given its projection towards the street so that it forms one side of an entrance courtyard to the Adult Education Centre.*
 - 3.1.4 *The building is thought to originally have been built to provide a house for the principal of the School of Art and Design, and later it was used as a residence for*

the curator of the museum. Latterly it has been used as offices for museum staff. Its original residential nature is evidenced by the domestic scale of its rooms, which contain some fine fireplaces. The original staircase is also a fine feature which adds significance to the building.

3.1.5 *The proposal to return the building to residential use, albeit in the form of four flats, is considered to be appropriate in listed building terms. The scheme has been designed so as to interfere as little as possible with the original room layout and retains the staircase and other notable interior features. No external changes are proposed."*

3.2 **English Heritage:** did not wish to comment on the application.

3.3 A site notice was displayed at the site, and a notice published in a local newspaper.

4. REPRESENTATIONS

4.1 No representations were received.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 The application site is located to the north of St Faith's Street, an unclassified public highway, in the town centre of Maidstone. As set out above, the building is part of a complex of Victorian and earlier buildings associated with Chillington House, a Grade II* listed building which houses the Maidstone Museum and Art Gallery. The complex of buildings forms the core of the Chillington House Conservation Area, together with St Faith's Church to the north east, and the gardens themselves which are located to the north. Also within the conservation area are the mid twentieth century Kent County Council library located to the south west of the site, and the Albion Inn, a Grade II listed building located on the opposite side of the highway. The Fremlins shopping centre is located beyond the public house, further to the south east.

5.1.2 The site is located in the south west of the complex of buildings associated with Chillington House. It comprises one of the later Victorian additions to the complex, and adjoins the earlier School of Science and Art located to the rear which is currently in use by Kent County Council Adult Education Services. These two buildings share a pedestrian access from St Faiths, which is via a small courtyard area formed by the two buildings and the western elevation of Chillington House itself.

5.1.3 The building is a substantial four storey building (including basement accommodation) formed of red brick with ashlar window surrounds in keeping with the older parts of the Chillington House complex. Despite these visual cues between the various elements of the complex, the architectural style of the proposal site differs from that of the other, older buildings in being simpler and

cleaner of line, omitting elements such as the stone mullions and Dutch gables which are characteristic of the older buildings. The building is externally little changed, and has retained some its most interesting internal features.

- 5.1.4 The building is prominent in the streetscape by virtue of its scale and proximity to the public highway, but remains subservient to the main form of Chillington House by virtue of its set back from the front boundary to the public highway, its lesser vertical proportions in respect of the room heights, and the relative grandeur of the architectural design of the different elements of the buildings.

5.2 Proposal

- 5.2.1 The application seeks listed building consent for works to facilitate the conversion of the existing building from accommodation serving the museum to four self contained residential properties, one on each floor. The lower ground floor flat would have its own entrance, however the other three would be served by a shared lobby, landing and staircase area located in the north west corner of the building. The proposal would result in the creation of two 2 bed flats and two 1 bed flats.
- 5.2.2 The proposal has been designed in order that original internal features are retained, and largely preserves the original layout of the building with limited interventions which are clearly identified on the drawings submitted.
- 5.2.3 No works are proposed to the exterior of the building, other than the replacement of joinery on a like for like basis where necessary, however the change of use requires the benefit of planning permission and is the subject of a separate application for planning permission (MA/14/0133), which is also reported on the papers.

5.3 Assessment

- 5.3.1 The application is for listed building consent, and as such the only matter for consideration under the scope of the current application is the impact of the proposal on the character and appearance of the listed building.
- 5.3.2 The detail of the application has been arrived at in close consultation with the Council's Conservation Officer, who raises no objection to the proposal, subject to the condition set out above, and considers that the proposed works are sympathetic to the original fabric and character and appearance of the listed building. English Heritage raise no objection to the proposed works.
- 5.3.3 In respect of the works to the interior, the scheme is considered to be successful in retaining remaining features of architectural interest including fireplaces and the internal staircase, and to respect the original form and layout of the building. They are considered to be appropriate and necessary for the conversion of the building to the use proposed (see MA/14/0133) which is considered to be appropriate in light of the historic use and purpose of the building, and to retain the overall character of the original building whilst allowing the retention of

original features of interest. For these reasons the works to the interior of the building are considered to be acceptable.

5.3.4 The proposal does not include any alterations to the exterior of the building.

6. CONCLUSION

6.1 For the reasons set out above, it is considered that the design and scale of the proposed works would safeguard the preservation and enhancement the historical integrity and character of the Grade II* Listed Building. The proposal is therefore considered to comply with Central Government guidance as set out in the National Planning Policy Framework 2012 and PPS5 Planning for the Historic Environment – Practice Guide, and I therefore recommend approval subject to the conditions set out below.

6.2 As this is a Listed Building Consent application made on behalf of the Council, it must be referred to the Secretary of State for determination and consequently I have phrased my recommendation to Members accordingly.

7. RECOMMENDATION

REFER THE APPLICATION TO THE SECRETARY OF STATE FOR DETERMINATION, RECOMMENDING THAT LISTED BUILDING CONSENT BE GRANTED subject to the following conditions:

1. The works to which this consent relates must be begun before the expiration of three years from the date of this consent;

Reason: In accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) 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 all new internal and external joinery in the form of large scale drawings 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;

Reason: To ensure safeguard the quality of the development and the character, appearance and historic and architectural integrity of the listed building in accordance with central government planning policy as set out in the National Planning Policy Framework 2012 and PPS5 Planning and the Historic Environment - Practice Guide.

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

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31. 3. 2014



3.2014

Bringing Learning to Life

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Caution
Uneven Surface

31. 3. 2014



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Agenda Item 23

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 10th APRIL 2014**

APPEAL DECISIONS:

1. – MA/ 12/1541-

Erection of four blocks of two and three-storey terraced houses comprising 12 two-bedroom and 12 three-bedroom houses for affordable rent with associated private amenity space and car parking as shown on drawing nos., K11/0367/001, 100revA, 101revB, 102revB, 200revA, 201revB, 202revB, 300revA, 301revB, 302revA, 400revA, 401revA, 402revD, 403revD JKK6700/1revA, SJA/TCP/11136-01 (tree constraints plan), arboricultural implications report, Design and Access Statement and Planning Statement, Bat survey report, Ecological Assessment, Viability Statement, Code for Sustainable Homes Pre-Assessment and Desk-based contamination assessment received 22/08/2012, drawing no. K120413/ES001revA received 28/08/2012, letter received 22/10/2012, drawing no K11-0367010revA, Tovil Green Site Crossing Map, and drawing no.TD578/02revD received 19/12/2012. (Insert proposal)

APPEAL: DISMISSED 12/03/14 AND COSTS DISMISSED 27/03/14

LAND OFF, TOVIL GREEN, TOVIL, MAIDSTONE

(PLANNING COMMITTEE ON 27/06/13)
