

AGENDA

ADJOURNED PLANNING COMMITTEE MEETING



Date: Thursday 11 February 2016

Time: 6.00 p.m.

Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors Ash, Clark, Cox, English (Chairman),
Harper, Harwood, Hemsley, Munford,
Paine, Paterson, Perry, Round and
Mrs Stockell

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting

Continued Over/:

Issued on 5 February 2016

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

Alison Broom

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

6. Disclosures by Members and Officers
7. Disclosures of lobbying
8. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
9. 15/507194 - Land Adj Ulcombe C Of E Primary School, The Street, Ulcombe, Kent 1 - 12
10. 15/508307 - Eyhorne Green, Musket Lane, Hollingbourne, Kent 13 - 25
11. 15/508348 - Hockers Farm, Hockers Lane, Detling, Kent 26 - 43
12. 15/509547 - Rear Of Regal House, 11-13 Albion Place, Maidstone, Kent 44 - 57
13. Appeal Decisions 58 - 59
14. Chairman's Announcements

PLEASE NOTE

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

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

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.



15/507194 Land Adj Ulcombe C of E

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REPORT SUMMARY

REFERENCE NO - 15/507194/FULL		
APPLICATION PROPOSAL Construction of a detached house and a pair of semi-detached houses with associated parking as shown on drawing numbers 2018-100 Rev E; received 4.01.2016 and 2018-103 Rec A and 2018-104 Rev A; received 11.09.2015.		
ADDRESS Land Adj Ulcombe C Of E Primary School The Street Ulcombe Kent ME17 1DU		
RECOMMENDATION Permission		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposed development is located within the village envelope of Ulcombe and the principle of sustainable residential development is accepted in accordance with policy H27 of the Local Plan 2000 and the aims and objectives of the NPPF.		
REASON FOR REFERRAL TO COMMITTEE Ulcombe Parish Council wish to see the application refused and request the application is heard at planning committee.		
WARD Headcorn	PARISH/TOWN COUNCIL Ulcombe	APPLICANT Mr Lee Selling AGENT Ray Rhodes Associates
DECISION DUE DATE 04/11/15	PUBLICITY EXPIRY DATE 04/11/15	OFFICER SITE VISIT DATE 17/09/2015
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): 15/505524/FULL - Divert public right of way – Pending consideration. This application is currently being processed by the council legal department. 15/504762/REM - Approval of Reserved Matters for the erection of two semi-detached houses and one detached house with access road to associated parking and landscaping. (all matters being sought) – Withdrawn by the applicant. The outline planning permission (11/1339) had expired before the reserved matters application was submitted. The applicant was advised to submit a full planning application. 11/1339 - An outline application with all matters reserved for future consideration for a residential development of two semi-detached houses and one detached house with access road to associated parking and landscaping – Permitted under delegated powers. 10/1320 – Outline application for the construction of 4no. two storey semi-detached houses with parking, garages and landscaping with all matters reserved for future consideration – Refused due to overdevelopment of the site. 11/1339 was submitted as a response to overcome the reasons for refusal.		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The application site is located on the west side of The Street within the bounds of Ulcombe village. The site is within the Greensand Ridge Special Landscape Area. The site involves an overgrown disused play area previously associated with

Ulcombe Primary school which is located adjacent the site to the south. There are a number of trees on the site; one of which is a TPO Dawn Redwood. Residential properties lie to the north and opposite the site and farmland to the west.

- 1.2 In practice Public Right of Way (PROW) KH320 runs along the southern edge of the site, but from the council records and previous applications on this site, the legal route runs across the application site. The KCC PROW Officer raises no objection to the development but notes the footpath (in its present location) should be kept free during construction and once the development is complete. It is therefore assumed that the proposed development would not affect the PROW.

2.0 PROPOSAL

- 2.1 The application proposes the erection of a detached two storey house toward the front of the site aligned east/west and a pair of semi-detached two storey houses further back into the site aligned north/south. The houses are a simple cottage style with half hipped roofs, formed of facing bricks, tile hanging, and tiled roofs. Two parking spaces are proposed for each dwelling with the access road running along the southern edge of the site. The development would share the existing vehicle access from The Street with the school, with a separate entrance into the site set back from the road frontage.

3.0 AMENDMENTS

- 3.1 An amended block plan (ref: 2018-100 Rev E) was received on 4 January 2015 altering the layout of the three proposed dwellings and indicating the root protection area (RPA) of the TPO Dawn Redwood. The revised layout seeks to retain the Dawn Redwood on site. Additional consultation was undertaken for 14 days, including consultation with the Council Arborist.

4.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough-Wide Local Plan 2000: H27, ENV6, ENV26, ENV34, T13
- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)

5.0 LOCAL REPRESENTATIONS

- 5.1 One letter of objection has been received from neighbouring properties. Comments are summarised as follows:

- Overdevelopment of the site.
- Highways safety in relation to the vehicle access onto The Street.
- Planning permission has not been granted for the removal of the substation.
- Removal of trees.
- Correspondence from past application should be reviewed when determining this application.

- 5.2 **Ulcombe Parish Council:** Objects to the proposal on the following (summarised) grounds:

- Highways highway safety / vehicle access.
- Overdevelopment of the site.

6.0 CONSULTATIONS

- 6.1 **KCC Highways:** Raise no objections subject to conditions.
- 6.2 **MBC Environmental Health:** No objections subject to informatives.
- 6.3 **MBC Landscape / Tree Officer:** No objections to the amended layout which would allow for the retention of the Dawn Redwood on site. The revised layout is acceptable in RPA terms providing the new hard surfacing is no-dig construction and that the whole construction of the driveway will need to be permeable with suitable load spreading mechanisms. The distance from the tree to the properties is probably the best that can be achieved on this site and that shadowing of the properties and gardens is unlikely from the tree. The tree is likely to get significantly larger than its current size, so there is the chance of future pressure for inappropriate works/future occupiers being apprehensive about the possibility of failure in adverse weather.
- 6.4 **Southern Water:** No objections. Request an informative is attached.

7.0 APPRAISAL

Principle of Development

- 7.1 The site is located within the defined village envelope of Ulcombe where the principle of additional housing is accepted in accordance with the Local Plan and NPPF. The site is identified as appropriate for minor residential development as set out in Policy H27. Outline permission for broadly the same development was approved on this site in 2011.
- 7.2 The site was previously owned by the school and formed part of a play area with play equipment. KCC previously obtained outline planning permission for three dwellings on this site (11/1339 – lapsed permission) and the land is therefore deemed surplus to the requirements of the school and not required for educational purposes.
- 7.3 I consider the key issues to be the impact upon the character and appearance of the area, the impact upon neighbour amenity, highways safety and parking congestion and impact on trees.

Visual Impact

- 7.4 The application site is located within Ulcombe village envelope. The site is also located in a Special Landscape Area, although given that the site is within the village envelope the principle of additional residential development is accepted and less weight is therefore afforded to rural policies.
- 7.5 Lapsed outline permission 11/1339 demonstrated that 3 residential units could be successfully accommodated on the application site. This application proposes a semi-detached pair and a detached house in broadly the same location and footprint as the indicative layout / design as the outline consent and, I have no reason to come to a different conclusion than before and therefore consider that the three houses could be accommodated on the site without having a detrimental impact on the character of the wider village or immediate streetscape. Plot 1 would be set back from The Street with the principle elevation fronting onto and connecting with the streetscene. Plots 2 and 3 would be located toward the rear of the site and views from The Street would largely be screened by Plot 1. All three plots have spacious gardens, including a large front garden at Plot 1 and the application site would not

appear overly cramped as a result. The immediate section of The Street to the north of the application site is characterised by a number of backland developments such that the proposed layout would not appear out of keeping with the surrounding pattern of development. In addition, the development would not project further west than the school buildings located to the south.

- 7.6 The proposed palette of materials, form, scale and design is considered acceptable for this location and would be in keeping with character of the village and surrounding residential development. A simple unobtrusive residential design is proposed and the half hipped roofs would help reduce the overall scale of the houses. A condition will be attached to ensure a high standard of building materials are used to compliment the surrounding residential area.
- 7.7 The internal room sizes and private outdoor amenity space proposed is considered to offer an acceptable standard of living accommodation for future occupants.
- 7.8 Overall the design, scale, layout and palette of material proposed are considered to be in keeping with the character of the surrounding residential area.

Residential Amenity

- 7.9 Ulcombe School is located to the south of the application site and farmland is located to the west. Properties to the north are separated from the application site by The Street, a public highway.
- 7.10 A detached property known as Waterside, with a long rear garden, is located to the north of the application site. The first floor rear windows of the semi-detached pair of houses would afford views towards the rear garden of Waterside. However, views would not be toward the private outdoor amenity areas directly at the rear of the neighbouring property and there would be no direct view into habitable rooms. Additionally levels of overlooking into the rear garden area of Waterside would not be significantly worse than current levels of mutual overlooking between neighbouring residential properties in a residential area such as this. Given the separation distance from the neighbouring boundary and limited views into the rear garden area I do not consider that the proposed development would result in an unreasonable loss of privacy. Further, given the separation distances between Waterside and the proposed development I do not considered there would be an unreasonable loss of outlook or light to any neighbouring properties.

Highways

- 7.11 The proposal includes two off-street parking spaces for each property in accordance with the Councils parking standards.
- 7.12 Objections from the Parish Council and local residents have been raised with regard to highways safety in relation to the proposed access onto The Street. In this regard it is noted that an existing access onto The Street would be utilised and shared with the adjacent school. KCC Highways Authority is not a statutory consultee for developments of this size (less than 5 units) but has nevertheless been consulted. KCC Highways Authority has not raised any objections in terms of highways safety on the grounds that the development would not result in a significant increase in vehicle movements and would utilise an existing vehicle access onto The Street. Objections on highways safety grounds could therefore not be sustained.

- 7.13 The proposed vehicle access through the site southern side of the site would share the current route of the PROW and the KCC PROW officer has not raised any objections to the proposed development in terms of the impact on the PROW providing the route remains clear during construction. An application is currently with the council legal department to formalise the diversion of the PROW to its current route.
- 7.14 A condition will be attached to secure cycle parking and refuse storage as part of the development to promote sustainable modes of travel and protect the visual amenity of the area. I am of the opinion that sufficient space could be provided on site.

Landscaping and ecology

- 7.15 No ecology survey has been submitted and no survey was deemed necessary during the previous permissions on this site. It is acknowledge that the site is somewhat overgrown, however, the site is within a built up area and is partially managed by the electricity company for access to the substation and, in my view, is unlikely to constitute a significant habitat. In coming to this conclusion I have had regard to the previous applications on this site and the fact that protected species and their habitat are protected by other legislation.
- 7.16 The application involves the removal of a number of trees on the site but a revised layout showing the RPA and the retention of the TPO Dawn Redwood have been submitted. The Tree officer does not object to the removal of trees on the site and is of the view that the Redwood has significant amenity value and has confirmed that the revised layout is acceptable with regards to the RPA and over shadowing of the proposed properties. The Tree Officer raises concern about future pressure to undertake works to the tree when at full size, which does weigh against the proposal. Notwithstanding this any future works to the tree would require consent from the Council and any requests to remove the tree at a later date would most likely require a replacement specimen to be replanted. In this instance there is a need to come to a balanced view regarding the proposed development and the potential impact on the TPO Dawn Redwood. To my mind the public benefits arising from the additional three houses in a sustainable village location are significant and given the TPO status of the Dawn Redwood any future tree works could be closely controlled by the Council to ensure long term protection of the tree.
- 7.17 The proposal includes an element of soft landscaping at the front of the houses which is considered to enhance the character and appearance of the area. A condition will be attached to ensure native species are planted. Boundary treatment is shown on the site plan, however, further details will be requested by condition to ensure the boundary treatment along The Street is not too high or dominant.

Other Matters

- 7.18 The issues regarding the relocation of the electricity sub-station are matters for the electricity supplier and not the planning system. The substation would be relocated outside the site. If the size of the relocated substation falls within the GPDO permitted size then it will be carried out by the electricity company as a Statutory Undertaker, otherwise it would be subject to another planning application for the LPA to consider.

8.0 CONCLUSION

- 8.1 The proposed development is located within the village envelope of Ulcombe and the principle of sustainable residential development is accepted in accordance with policy H27 of the Local Plan 2000 and the aims and objectives of the NPPF.

9.0 RECOMMENDATION – GRANT Subject to the following conditions/REFUSE for the following reasons:

CONDITIONS to include

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

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

- (2) Prior to any works above dpc level, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

The details and samples of the materials submitted shall include details of swift and / or bat bricks incorporated into the eaves of the proposed building;

Reason: To ensure a satisfactory appearance to the development and to preserve the setting of nearby listed buildings.

- (3) Prior to any works above dpc level, details of the cycle and refuse storage have been submitted to, and approved in writing by, the Local Planning Authority. The approved facilities shall be provided before the first occupation of the buildings hereby permitted and maintained thereafter.

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

- (4) The development shall not commence until details of the proposed slab levels of the building(s) and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

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

- (5) Prior to any works above dpc level, 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.

- (6) Prior to any works above dpc level, a scheme of landscaping using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's

implementation and long term management, shall be submitted to and approved in writing by the Local Planning Authority

The landscape scheme shall be designed using the principle's established in the Council's adopted Landscape Character Assessment 2012 and shall include details of:

- Landscaping adjacent the vehicle access and details of the landscaping along the east and west boundary of the site.

The landscaping of the site shall be carried out in accordance with the approved details over the period specified.

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

- (7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the 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 external appearance to the development.

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

Reason: To ensure adequate drainage arrangements.

- (9) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: In the interest of highways safety.

- (10) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, no further development shall take place on the site without the prior written consent of the Local Planning Authority;

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

- (11) No development shall take place until a method statement detailing the materials and construction of the hard surfaces in accordance with the principles set out in the current edition of BS 5837 and other current best practice guidance, has been submitted to and approved in writing by the local planning authority.

Reason: To protect the RPA of retained trees on the site.

- (12) The development shall not commence until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter;

Reason: To ensure an energy efficient form of development.

- (13) The development hereby permitted shall be carried out in accordance with the following approved plans:

2018-100 Rev E; received 4.01.2016 and 2018-103 Rec A and 2018-104 Rev A; received 11.09.2015.

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

INFORMATIVES

- (1) A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

to Applicant: APPROVAL

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

Amendments were received.

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

Case Officer: Andrew Jolly

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

Reference number: 15/507194

Replace condition 5 with the following amended condition:

Prior to the commencement of any works above dpc level, details of all fencing, walling and other boundary treatments shall be 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;

Boundary details to include gaps at the foot of fencing to allow movement of wildlife.

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

Replace condition 6 with the following amended condition:

Prior to the commencement of any works above dpc level, a scheme of landscaping using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management, shall be submitted to and approved in writing by the Local Planning Authority

The landscape scheme shall be designed using the principle's established in the Council's adopted Landscape Character Assessment 2012 and shall include details of:

- Details of the proposed landscaping on all the site boundaries.
- Native Landscaping adjacent the vehicle access and the houses.
- Mixed native hedgerow planting on the north and west boundaries.
- Hedgerows to be placed on the outside of any proposed boundary fencing.
- Incorporation of cord wood into boundary landscaping.
- Incorporated of habitat piles within hedgerow boundary planting.

The landscaping of the site shall be carried out in accordance with the approved details over the period specified.

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

Recommendation remains unchanged.

Reference number: 15/507194

Amendment to conditions:

Change all references to dpc level to 'damp proof course level' and amend all relevant conditions accordingly.

Recommendation remains unchanged.



REPORT SUMMARY

REFERENCE NO - 15/508307/FULL			
APPLICATION PROPOSAL Erection of 4 dwellings and relocation of access to builder's yard as shown on drawing numbers P1515-200 Rev A, P1515-300 Rev A, P1515-327; dated 14-10-2015 and P1515-100 Rev B, P1515-50 Rev B; dated 30-10-2015 and P1515-225 Rev B, P1515-226 Rev B, P1515-325 Rev B, P1515-326 Rev B; dated 01.12.2015, and supporting documents: Topological Survey by Boundaries Partnering; dated 8-05-2015 and Arboricultural Implications Report (ref: ha/aiams1/musketla); dated 23-06-2015 and Preliminary Ecological Appraisal by KB Ecology (ref: 2015/06/02); dated 16-06-2015 and Design and Access Statement; dated 9-10-2015.			
ADDRESS Eyhorne Green, Musket Lane, Hollingbourne, Kent, ME17 1UU			
RECOMMENDATION			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposed development is located within the village envelope of Hollingbourne and the principle of sustainable residential development is accepted in accordance with policy H27 of the Local Plan 2000 and the aims and objectives of the NPPF.			
REASON FOR REFERRAL TO COMMITTEE Hollingbourne Parish Council wish to see the application refused and have requested the application is referred to committee for determination.			
WARD North Downs		PARISH/TOWN COUNCIL Hollingbourne	APPLICANT Mr P J And J E Teague AGENT Manning Duffie Architects Ltd
DECISION DUE DATE 09/12/15		PUBLICITY EXPIRY DATE 09/12/15	OFFICER SITE VISIT DATE 26/10/15
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
15/505331/FULL	Erection of 7 dwellings on part of builder's yard, together with associated landscaping works	Withdrawn	01.09.2015

MAIN REPORT**1.0 DESCRIPTION OF SITE**

The application site is located on the south side of Musket Lane in the village envelope of Hollingbourne. The application site is located within Hollingbourne Conservation Area and a Special Landscape Area. The application site and Hollingbourne Conservation Area are covered by an Article 4 Direction.

- 1.1 The site is roughly rectangular in shape and amounts to approximately 0.1 hectare. The ground levels on the site rise from south to north and east to west. The application site relates to the front half of an existing builders yard and part of the residential garden area of Eyhorne Green. A majority of the site is laid to hard standing and there are a number of containers on the builder's yard site which are used for storage. A lean-to structure and timber shed are located on the northern

boundary of the application site and would be removed to facilitate the development. There are a number of trees along the north and west boundary of the application site which are protected by virtue of their location within the Conservation Area.

- 1.2 To the east of the site is the two storey terrace row of 1-3 Eyhorne Green Cottages. To the south of the site is the remaining builders yard and Eyhorne Green, a detached two storey residential property and the Eyhorne Farmhouse is located to the west of the application site. Athelstan Green, a cul-de-sac of some 12 houses, is located opposite the application site to the north. Autumn Cottage, a grade II listed building is located on the opposite side of Musket Lane to the north of the application site. There are TPO trees and protected hedgerows on the boundary of Autumn Cottage, adjacent Musket Lane.

2.0 PROPOSAL

- 2.1 This application proposes the erection of four dwellings on the front half of the established builders yard and garden area of Eyhorne Green. The vehicle entrance to the builder's yard would be relocated to the southwest of the site.
- 2.2 The application proposes two pairs of semi-detached houses with frontage onto Musket Lane. Each property would have two off-street parking spaces located to the side of the houses. The houses would be of a traditional form and design with facing brickwork, brick detailing, tile hanging and slate roofs. Small front gardens areas are proposed with landscape planting abutting Musket Lane. Rears gardens of the houses would back onto the retained builder's yard with a retaining wall constructed along the northern boundary to account for the changes in ground level.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough-Wide Local Plan 2000: H27, ENV6, ENV34, T13
- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Hollingbourne Neighbourhood Plan

4.0 LOCAL REPRESENTATIONS

- 4.1 Two letters of objection have been received from neighbouring properties. Comments are summarised as follows:

- Pleased to see the density of the housing has been reduced.
- Removal of existing hedgerow along the eastern boundary.
- Loss of privacy from windows on the east flank wall.
- Parking congestion.
- Increase in traffic.
- Drainage issues.
- Loss of trees on the site.

5.0 CONSULTATIONS

- 5.1 **KCC Highways:** Raise no objections on behalf of the highways authority.
- 5.2 **MBC Landscape Officer:** *'The Arboricultural Implications Report produced by ACS consulting is considered to be acceptable in principle. Whilst I consider that there are no arboricultural grounds on which to object to this proposal, I am disappointed that the space for replanting to mitigate the loss of existing trees is so minimal. Any landscape condition should include for one large stature tree. The soft landscape verge to the west of plot 4 appears to be the only space in which a tree can be*

accommodated. I would suggest a Scots Pine (Pinus sylvestris) would be a suitable replacement tree on this site'.

- 5.3 **MBC Conservation Officer:** Raises no objection, there are insufficient heritage grounds to justify refusal of this application. The applicant should be encouraged to achieve a better quality scheme by addressing the issues raised. Recommends conditions should be attached regarding samples of materials, joinery details, landscaping (including boundary treatments), removal of all PD rights and details of slab levels.

'The existing builders' yard causes some harm to the character of the conservation area, although it is somewhat screened by scrubby trees along the road frontage which help to create a "green" feel to this site in this location towards the periphery of the village where development is more scattered than in the main street. I have no objection in principle to a residential development on this site and the current scheme is a marked improvement over that previously submitted for seven houses; however, it will result in a significant change in character resulting in a much more urban appearance to the site and a loss of trees which do make a minor contribution to the existing character of this part of the conservation area. This urbanisation will be exacerbated by the tall retaining walls necessary, particularly to the rear of the site.

The house designs in themselves are appropriate although the siting might be slightly improved by moving the houses a little further back into the site (they are currently slightly in advance of the adjoining terrace) – this might enable some additional planting along the frontage to soften the appearance'.

- 5.4 **MBC Environmental Health:** Concerns raised regarding contaminated land. No objections subject to conditions.

- 5.5 **Hollingbourne Parish Council:** Requests refusal on the following grounds:

'Subject to the sewerage capacity inspection taking place within the village, we must refuse the erection of four dwellings at this time'.

The Parish Councils requests the application is heard at planning committee.

6.0 **AMENDMENTS**

- One Scots Pine introduced on the eastern boundary of the application site.
- Oriel window removed from first floor eastern flank wall of Plot 1.
- Amendments received on 1 December 2015.

7.0 **APPRAISAL**

Principle of Development

- 7.1 The site is located within the defined village envelope of Hollingbourne where the principle of additional housing is acceptable in accordance with the Local Plan and NPPF. The site is identified as appropriate for minor residential development as set out in Policy H27. There are no policies that seek to retain the current use of the premises and therefore the principle of the development is acceptable. I consider the key issues to be the impact upon the character and appearance of the conservation area and SLA; the setting of listed buildings; the impact upon neighbour amenity, highways safety and parking congestion and impact on trees and ecology.

Visual Impact

- 7.2 The application site is located within the Hollingbourne village envelope and Hollingbourne Conservation Area. The site is also located within a Special Landscape Area although given that the site is within the village envelope the principle of additional residential development is accepted and less weight is therefore afforded to rural policies. I consider the key consideration visually is the impact on the character and appearance of the Conservation Area and streetscape, and the setting of neighbouring listed buildings.
- 7.3 Tree/hedgerow planting along Musket Lane partially screens the site from public views along Musket Lane, however, views into the site are afforded from the vehicle entrance onto Musket Lane and through breaks in the boundary vegetation. The builder's yard which currently occupies the application site comprises a number of storage containers, open storage areas and areas of hardstanding which is not considered to enhance or preserve the character of the Conservation Area.
- 7.4 No objections are raised to the removal of the storage containers and redevelopment of the builder's yard as the site is not considered to make a positive visual contribution to the Conservation Area.
- 7.5 The proposed palette of materials, form, scale and design of the houses is considered acceptable for this location and would generally be in keeping with character of the village and surrounding residential development. A simple unobtrusive residential design is proposed with hipped roofs which would help reduce the overall scale of the houses. A condition will be attached to ensure a high standard of building materials are used to compliment the surrounding residential area and Conservation Area.
- 7.6 The gradient of the application site increases from the east to west and the two pairs of semi-detached houses would be located on higher ground than the adjacent terrace row of Nos.1-3 Musket Lane, due to the changes in ground level. However, the additional height (approx. 2m) would not be a significant increase taking into account the slope in the land, form / scale of the houses, the gap between the adjacent terrace (approx. 5.5m), which would ensure the proposal does not unacceptably dominant the adjacent properties. The simple form of the roof would also reduce the scale of the development and the scale, height and form of the proposed development would be in keeping with other residential properties within the Conservation Area.
- 7.7 Off-street parking is proposed at the side of the houses which allows for soft landscaping / small gardens to be located at the front adjacent Musket Lane. The location of the parking could be considered out of character with the more historic properties in Hollingbourne village envelope which often abut the public highway and do not provide any off-street parking. However, off-street parking is a requirement from KCC and the parking at the side of the houses is preferred to parking located directly at the front of each house. In my view parking would not dominate the site or streetscape due to the proposed location at the side of the houses and areas and front garden / landscaping. The location of the houses close to the road frontage would be in keeping with other developments within Hollingbourne.
- 7.8 Autumn Cottage is a grade II listed building located on the opposite side of Musket Lane to the north of the application site. Autumn Cottage is set back more 20m distance from the road frontage with close boarded fencing and tree planting located along the Musket Road boundary. Due to the boundary treatment and set back from the road Autumn Cottage is largely screened from public view and does not make a significant contribution to the streetscape of Musket Lane. Due to the separation

distance, established screening and Autumn Cottage's presence within the Conservation Area, I am of the view that the proposal would not negatively affect the setting of the listed building.

- 7.9 Reviewing the conservation officer comments I have studied the proposed site plan and can confirm that the front elevation of the Plot 1 and 2 are set slightly behind the building line of the adjacent terrace. Plot 3 and 4 are staggered further back into the site. Pushing the proposed houses further back into the site would, in my view, have a detrimental impact on the level of garden space for each property. As regard the retaining wall, this would be located at the rear of the site and would not be visible in the streetscene.
- 7.10 Overall the design, scale, layout and palette of material proposed are considered to be in keeping with the character of the Conservation Area and in accordance with.

Residential Amenity

- 7.11 Residential properties directly to the south of the site include 1-3 Musket Lane, with the closest property to the application site No.3. The proposed development (Plot 1) would project some 4.5m beyond the rear building line of 3 Musket Lane. The single storey attached garage at Plot 1 would be set in some 1m distance from the shared boundary with No.1 and, the two storey flank wall of Plot 1 would be set in approx. 4m–4.5m distance from the shared boundary. I do not consider that the proposed development would result in an unreasonable loss of outlook or light to the neighbouring property given the separation distance from the shared boundary and due to the south facing aspect of the rear garden areas at 1-3 Musket Lane. The proposed drawings also indicate that the development would be in accordance with the BRE guidelines.
- 7.12 The proposed development would be located approx. 15m distance from Eyhorne Green which is located at a higher ground level to the south of the site, and over 20m distance from Eyhorne Farmhouse, located to the west of the site. Given these separation distances and changes in ground levels I do not consider the proposed development would result in an unacceptable loss of amenity to these properties.
- 7.13 Some overlooking would be afforded into the rear garden areas of neighbouring properties, however, levels of overlooking would not be significantly worse than current levels of mutual overlooking between neighbouring residential properties in a built up area such as this. Importantly, the proposal would not result in any direct loss of privacy or overlooking into the private amenity areas or habitable rooms of any neighbouring properties due to the separation distances involved and orientation of windows.
- 7.14 The internal room sizes and private outdoor amenity proposed is considered to offer an acceptable standard of living accommodation for future occupants in accordance with the Nationally Described Space Standards.
- 7.15 The proposed development would be located in proximity to the retained builder's yard and operations from this commercial use could have a negative impact on the amenity of future occupiers. There are already a number of residential properties located within proximity to the established builder's yard such that I do not consider that noise and disturbance arising from the commercial use would warrant refusal of the planning application. A condition requiring a noise survey is attached to ensure the houses would be constructed in a manner, where necessary, to reduce the noise impact from the builder's yard. Should the noise surveys indicate that commercial

noise is an issue the necessary mitigation measures would be put in place to protect the amenities of the future occupants of the dwellings.

Highways

- 7.16 The proposal includes two off-street parking spaces for each property in accordance with the councils parking standards. The vehicle entrance to the builder's yard would be relocated as a result of the development. KCC Highways have not raised any objections on parking or highways safety grounds. A condition will be attached to secure cycle parking as part of the development to promote sustainable modes of travel.

Landscaping and ecology

- 7.17 A large portion of the site is laid to hard standing with the remaining areas comprises a section of the residential garden area of Eyhorne Green which is mainly laid to lawn. There are also a number of trees on the north and western boundary of the site.
- 7.18 The existing builder's yard section of the site is a managed brown field site and I do not consider that any significantly adverse impact upon biodiversity or nature conservation interests is likely to occur as a result of the development of this area. In addition the relevant garden area of Eyhorne Green is mainly laid to lawn and therefore holds limited ecological value.
- 7.19 The Ecology Appraisal by KB Ecology indicates that the site offers negligible potential for reptiles and amphibians, no potential for dormice and there are no signs of badgers or bats on the site. The site does have a high potential to support breeding birds within the trees and shrubs. The Ecology Appraisal demonstrates that the application site offers low potential to support significant wildlife species with the exception of birds and it is considered that the mitigation and enhancement measures outline within the Ecology Appraisal would offset the impact of the proposed development. No objections are therefore raised on ecology grounds.
- 7.20 Consideration needs to be given to the removal of the hedgerow and trees at the front of the site (northern boundary). The trees within the application site are protected by virtue of the location within the Conservation Area. Trees / hedgerow along the northern boundary consist of three Sycamore trees, a Scots Pine and a row of Leyland Cypress. The trees / hedgerow located along the northern boundary of the site are considered to make a contribution to the character of the Conservation Area due to the prominent location along the boundary of the site, which abuts Musket Lane. However, all the trees within the site, including the trees located along the northern boundary, have been identified as category C trees in the Arborists report and, the Council Landscape Officer raises no objections to the removal of the trees and hedgerow at the front of the site along Musket Lane. The loss of the trees / hedgerow within the site is a balanced issue. The Arborists report demonstrates that the trees are not worthy of retention due to the health / type of tree / hedge. In my view the main contribution of the boundary vegetation along Musket Lane at present is the screening of the application site and builder yard and storage areas. In this instance there is a need to come to a balanced view regarding the loss of the trees and hedgerow and it is considered that the public benefits arising from the additional four houses in a sustainable village location, would outweigh the visual harm resulting from the loss of the trees. In addition the amended plans incorporate a Scots Pine along the western boundary which would help mitigate for the loss of the trees and new hedgerow would be planted in sections along Musket Lane, although due to the constraints of the site it would not be possible to fully mitigate the loss of all the trees / vegetation on the site.

- 7.21 The proposal includes an element of soft landscaping at the front of the houses which is considered to enhance the character and appearance of the Conservation Area. A condition will be attached to ensure native species are planted at the front of the site.

Other Matters

- 7.22 The Parish Council has objected to the proposal citing the existing sewerage capacity within the village as the reason for objecting. The application form indicates that foul sewerage would be disposed of via mains sewer and surface water would be disposed of via soakaway. The application site is not located within flood zone 2 or 3. Southern Water is the authority responsible for foul and surface water in this instance. Southern Water have not objected to the proposal and have requested that further details of foul and surface water are sought via planning condition, in consultation with Southern Water.

8.0 CONCLUSION

- 8.1 The proposed development is located within the village envelope of Hollingbourne and the principle of sustainable residential development is accepted in accordance with policy H27 of the Local Plan 2000 and the aims and objectives of the NPPF.
- 8.2 The proposed development would preserve the character and appearance of the Conservation Area and the setting of nearby listed buildings. There is a need to come to a balanced view regarding the loss of the trees and it is considered that the public benefits arising from the additional four houses in a sustainable village location, would outweigh the visual harm resulting from the loss of the trees.
- 8.3 It is therefore considered that the development of the site for four dwellings is acceptable and it is recommended planning permission is granted subject to conditions.

11.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS to include

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

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

- (2) Prior to any works above dpc level, details of the following matters shall be submitted to and approved in writing by the Local Planning Authority:-

- a) External joinery details for all new windows and doors, to a scale of 1:20;

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

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

- (3) Prior to any works above dpc level, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

The details and samples of the materials submitted shall include details of swift and / or bat bricks incorporated into the eaves of the proposed housing units;

Reason: To ensure a satisfactory appearance to the development and interest of ecological enhancement.

- (4) Prior to any works above dpc level, details of all fencing, walling and other boundary treatments shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

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

- (5) Prior to any works above dpc level, a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land and on adjoining sites, 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, shall be submitted to and approved in writing by the Local Planning Authority.

The landscape scheme shall be designed using the principle's established in the Council's adopted Landscape Character Assessment 2012 and shall include details of the repair and retention of existing hedgerows and tree lines within the site;

The landscaping of the site shall be carried out in accordance with the approved details over the period specified;

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

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

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

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

Reason: To ensure adequate drainage arrangements.

- (8) Prior to any works above dpc level, details of cycle storage on the site shall be submitted to, and approved in writing by, the Local Planning Authority. The

approved facilities shall be provided before the first occupation of the buildings hereby permitted and maintained thereafter.

Reason: In the interests of promoting sustainable travel

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

1) A preliminary risk assessment which has identified:

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

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

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

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

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

Reason: In the interests of health and safety.

- (10) Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: To protect the amenity of future occupants.

- (11) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority an Arboricultural Method Statement which shall be in accordance with BS 5837 (2012) Trees in relation to design, demolition and construction - Recommendations that shall include details of what works there will be to existing trees prior to the commencement of works together with measures for their protection in the course of development;

Reason: To ensure the retention of existing trees within the site.

- (12) No development shall take place until details of slab levels of the buildings and existing site levels have been submitted to and approved by the LPA and the details shall be completed in accordance with the approved levels.

Reason: To ensure a satisfactory form of development in accordance with the aims and objectives of the NPPF.

- (13) Prior to any works above dpc level, details of proposed renewable energy sources shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented prior to the occupation of any dwelling;

Reason: In the interests of sustainable development in accordance with the aims and objectives of the NPPF.

- (14) The development hereby approved shall be carried out in accordance with the submitted Arboricultural Implications Assessment by ACS Consulting dated 23rd June 2015 unless otherwise agreed in writing by the local planning authority;

Reason: To ensure the retention of existing trees within the site.

- (15) Prior to any works above dpc level, the ecological mitigation measures at section 4.10 of the Preliminary Ecological Appraisal (KB Ecology dated 16/06/15), and outlined below, shall be submitted to and approved in writing by the local planning authority;

- Provision of hedgehog nesting boxes
- Provision of 12cm square gaps under any new fencing to allow hedgehogs access
- Provision of ready-made bird boxes
- Provision of bat roosting spaces within the new buildings
- Establish climbing plants on walls and other vertical structures

The development shall be built in accordance with the approved ecological mitigation strategy and Ecological Appraisal by KB Ecology dated 16/06/15 and, all features shall be retained in that manner thereafter;

Reason: In the interest of biodiversity protection.

- (16) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, no further development shall take place on the site without the prior written consent of the Local Planning Authority;

Reason: To preserve the character and appearance of the Conservation Area.

- (17) The development hereby permitted shall be carried out in accordance with the following approved plans:

P1515-200 Rev A, , P1515-300 Rev A, P1515-327; dated 14-10-2015 and P1515-100 Rev B, P1515-50 Rev B; dated 30-10-2015 and P1515-225 Rev B, P1515-226 Rev B, P1515-325 Rev B, P1515-326 Rev B; dated 01.12.2015, and supporting documents: Topological Survey by Boundaries Partnering; dated 8-05-2015 and Arboricultural Implications Report (ref: ha/aiams1/musketla); dated

23-06-2015 and Preliminary Ecological Appraisal by KB Ecology (ref: 2015/06/02); dated 16-06-2015 and Design and Access Statement; dated 9-10-2015.

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

INFORMATIVES

to Applicant: APPROVAL

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The applicant/agent was advised of minor changes required to the application and these were agreed.

The applicant/agent was provided formal pre-application advice.

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

Case Officer: Andrew Jolly

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

Reference number: 15/508307

Amend condition 3 to read as follows:

Prior to any works above damp proof course level, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

The details and samples of the materials submitted shall include painted timber windows (front elevation), clay hanging tiles, natural slate roof tiles, a section of ragstone wall on the west boundary adjacent Plot 4, gravel driveways and details of swift and / or bat bricks incorporated into the eaves of the proposed housing units;

Reason: To ensure a satisfactory appearance to the development and interest of ecological enhancement.

Amendment to conditions:

Change all references to dpc level to 'damp proof course level' and amend all relevant conditions accordingly.

Southern Water has confirmed there is sufficient capacity in the local network to accommodate a development of this size.

Recommendation remains unchanged.

Agenda Item 11



REPORT SUMMARY

REFERENCE NO - 15/508348/FULL			
APPLICATION PROPOSAL Change of use of an existing farm building to provide 3no. residential dwellings with associated parking, access, landscaping and infrastructure works on the land at Hockers Farm.			
ADDRESS Hockers Farm Hockers Lane Detling Kent ME14 3JN			
RECOMMENDATION Approve subject to the conditions set out in Section 9 of this report.			
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> - The development would preserve the character and appearance of the Area of Outstanding Natural Beauty. - The development would result in the re-use of an existing agricultural building for residential purposes. - The Council cannot demonstrate a 5 year housing supply and as such local housing supply policies are considered out-of-date, the proposed scheme would not result in significant impacts to outweigh the benefit of additional housing supply. - The development would represent a sustainable form of development in compliance with the core principles of the NPPF. 			
REASON FOR REFERRAL TO COMMITTEE Detling Parish Council wish to see the application refused.			
WARD Detling And Thurnham Ward	PARISH/TOWN Detling	COUNCIL	APPLICANT Esquire Developments Ltd AGENT DHA Planning
DECISION DUE DATE 14/12/15	PUBLICITY EXPIRY DATE 14/12/15	OFFICER SITE VISIT DATE 27/11/15	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
Land to the west of the site			
13/0966	Proposed erection of 7no. dwellings and garaging together with the provision of landscaping, access and ancillary works	Permitted	16/10/13
Land to the south			
09/01847	Change of use of land from grazing of horses to mixed use of keeping and grazing horses	Permitted	03/08/09
Land to the north			
13/0256	Certificate of Lawful Development (Existing) – Keeping and stabling of horses	Permitted	16/07/13

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The application site relates to a parcel of agricultural land located beyond the village boundary of Detling. The site is accessed from end of the cul-de-sac of Orchard View. The site is within an Area of Outstanding Natural Beauty (AONB) and a Special Landscape Area (SLA).
- 1.2 An existing access is provided from Orchard View, which would appear to relate to the recent approval for residential development on land to the west of the application site. The hardcore surface provides vehicular access to the rear of the development (which has commenced) and provides a compound area containing three storage containers.
- 1.3 There is an existing open fronted agricultural barn on the site, constructed from concrete and corrugated roof. There are a number of ancillary buildings, structure and storage facilities, including two caravans, a storage container (not associated with the residential development to the west) and a couple of small single storey buildings. There is an existing stable block to the south of the main agricultural building.
- 1.4 The agricultural building appears to be used for storage, with hay, machinery and other items located within the barn.
- 1.5 The land to the east and west of the building is currently overgrown. With the land to the west sloping slightly westwards up to the adjacent residential development. The land to the east is predominantly flat.
- 1.6 There is a mix of boundary treatments, but this is predominantly low key wooden post or wire fencing where the site boundaries the open countryside. The residential development is currently enclosed by 1.8m closes boarded fencing, but this would appear to be for the construction phase only and native hedging would be provided along the boundary.
- 1.7 The surrounding land to the south, north and east is agricultural, currently used for grazing land for sheep and horses. The land to the north of the proposed access appears to be used as a more formal equestrian use with stabling.

2.0 PROPOSAL

- 2.1 The applicant has described the proposal as the 'change of use' of the existing open fronted agricultural barn to provide 3 residential dwellings. The proposed building includes timber cladding with exposed brick work to replace corrugated metal sheeting and concrete blockwork walls and plain tile roofing to replace corrugated metal roofing. The development would retain the footprint and proportions of the existing building.
- 2.2 The three dwellings are provided with three separate residential gardens with a new landscaping scheme on other parts of the site.
- 2.2 The development would involve the creation of an access from Orchard View and associated hardstanding to provide parking and turning area.

- 2.6 The scheme has been amended from the original submission. This has removed the need to raise the roof of the existing barn, has removed the single storey side extensions and detached garage. The layout has been amended to provide a separate access to the neighbouring field and has allowed for additional soft landscaping.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF):
National Planning Practice Guidance (NPPG):
Development Plan:
Maidstone Borough-wide Local Plan 2000: Policies ENV6, ENV28, ENV33, ENV34, ENV45 and T13

Other Documents:
Kent Downs AONB Management Plan 2014-2019 (Second Revision)
Kent Design Guide Review: Interim Guidance Note 3-Residential Parking

4.0 LOCAL REPRESENTATIONS

4.01 Parish Council

Original Consultation: The Parish Council has considered the above planning application and wishes to register its objections to these proposals.

- *The site falls outside of the village envelope and is within an Area of Natural Outstanding Beauty.*
- *The Parish Council believes that there is adequate development at Hockers Farm and that the village is now being expended by stealth which is not acceptable.*
- *The design of the dwellings are office-like and in our view, not in keeping with the design of the area.*

The Parish Council wishes to raise objections to this application and supports the objections already submitted by local residents.

Re-consultation: Previous comments still stand. The application site is well outside the village envelope (which was only extended to accommodate the existing development) and is also in an Area of Outstanding Natural Beauty.

The development would set a precedent for future application and there has already been discussions with the landowner regarding the development of the orchard.

- 4.02 Adjoining neighbours were notified of the application as originally submitted and notified again on receipt of amended plans. A site notice was also put up at the site. 6 objections have been received in response to the original consultation which are summarised as follows:

- Site outside village envelope
- Incursion into AONB
- Precedent
- New access built, was supposed to be for agricultural farm not to serve residential development
- Barn used by commercial business and storage of hay for horses

- Not a heritage asset, disused or redundant building
- Vehicle numbers does not take into account agricultural vehicles or commercial vehicles
- Disagree with planning statement
- Lack of neighbour notification

5.0 CONSULTATIONS

5.01 Kent Highways

No comment, application outside protocol for comments.

5.02 UK Power Networks

(Original and Re-consultation): No objection

5.03 Southern Gas Network

(Original and Re-consultation): Note location of pipe and suggest guidance.

5.04 Natural England

No objection, standing and general advice

5.05 Environmental Health

Require assessment of noise impact of farm operations on residential premises

6.0 BACKGROUND PAPERS AND PLANS

Application form
Planning Statement
Design and Access Statement
Preliminary Ecological Appraisal
Phase 1 Desk Study, Site Reconnaissance and Phase II Site Investigation Report
Palladium Consulting Engineers Ltd Report dated 28th July 2015
Drawing Number 22414A/10 (Conveyance Plan of the Site)
Artists Impressions x3
Drawing Number 22414A/01A Revision P1 (Existing Plans and Elevations)
Drawing Number 22414A/01A Revision P1 (Existing Site Plans and Existing Site Location Plan)
Drawing Number 22414A/02 Revision P5 (Proposed Site Plan and Proposed Roof Plan)
Drawing Number 22414A/03 Revision P4 (Proposed Floor Plans and Elevations)
Drawing Number 22414A/04 Revision P4 (Proposed Street Scene's)
Drawing Number 22414A/05 Revision P2 (Proposed Street Scene's)
Drawing Number 22414A/100 Revision P1 (Hardsurfacing comparison drawing)

7.0 APPRAISAL

Principle of development

Permitted Development Provision

- 7.01 The Town and Country Planning (General Permitted Development) (England) Order 2015, Part 1, Class Q subject to various criteria and a restricted prior approval procedure allows the change of use from agricultural buildings to residential use without the need for full planning permission. Planning permission is required for the current proposal as Class Q does not apply in the Area of Outstanding Natural Beauty where the application site is located. Whilst planning permission is necessary in this case, the greater flexibility introduced by the above legislation generally demonstrates the Governments pro-active approach to the re-use of existing agricultural buildings.
- 7.02 The Town and Country Planning (General Permitted Development) (England) Order 2015, Part 1, Class R subject to various criteria and a restricted prior approval procedure allows the change of use from agricultural buildings to flexible uses, including shops (Class A1), restaurants and cafes (Class A3), and offices (Class B1). The 'fall back' position in this case is not considered to carry significant weight in terms of the proposed scheme that is for residential use.

Loss of the agricultural building

- 7.03 Policy ENV45 of the Local Plan allows for the conversion of rural buildings for residential purposes subject to various criteria. Paragraph 3.143 states that the: *'...re-use of buildings for residential purposes will not be allowed unless it can be demonstrated that every effort has been made to secure business re-use, and that residential conversion is the only means of retaining buildings that are worthy of retention for their contribution to the character and appearance of the Kent countryside.'*
- 7.04 The applicant's Planning Statement advises that the application building could not be converted to business use due to the proximity of new housing that is under construction on a neighbouring site. The applicant has further advised that it is their opinion that in their view policy ENV45 equally supports residential or commercial conversions.
- 7.05 Policy ENV45 of the Local Plan further states that the conversion of rural buildings for residential purposes will not be permitted where *'The building is of permanent, substantial and sound construction, and its re-use can be achieved without major or complete reconstruction.'*
- 7.06 The submitted planning application is accompanied by a structural report. This outlines that the existing roof covering and vertical sheeting on the building would require removal, repair works to the existing frame, underpinning foundations, remove existing perimeter wall. The works would remove all the appearance features of the existing building although as part of the revised proposal the works would now be carried out within the parameters of the existing building.
- 7.07 With the lack of satisfactory evidence to show that the application building could not be used for another commercial use (including a B1 use) and the major works that are required to the building, the current application has been assessed as a departure from Local Plan policy ENV45.

- 7.08 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the Development Plan comprises the Maidstone Borough-Wide Local Plan 2000. Whilst the current proposal does not meet any of the criteria set out in policy ENV45 it is considered that there are material considerations present that justify a departure from the Development Plan and these are set out below

Housing supply

- 7.09 The National Planning Policy Framework 2012 (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states that Council's should identify a 5 year land supply together with the requirement for an additional 5% buffer.
- 7.10 The update of the Maidstone Strategic Housing Market Assessment (June 2015) established an objectively assessed need for housing of 18,560 dwellings between 2011 and 2031, or 928 dwellings per annum, and these figures were agreed by the Strategic Planning, Sustainability and Transportation Committee on 9 June 2015.
- 7.11 Taking account of the under supply of dwellings between 2011 and 2015 against this annual need, the Council is able to demonstrate a housing land supply of 3.3 years as at 1 April 2015. The Council therefore cannot currently demonstrate a five-year supply of deliverable housing sites, and this position was reported to the Strategic Planning, Sustainability and Transportation Committee on 23 July 2015.
- 7.12 Paragraph 49 of the NPPF advises that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites. Local Plan policy ENV45 considers the reuse of rural buildings for residential purposes and therefore relates to the supply of housing and cannot as a result be considered up to date. In these circumstances the NPPF advises at paragraph 14 that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against other policies in this Framework; or where specific policies in this Framework indicate development should be restricted.

Sustainability

- 7.13 Paragraph 7 of the NPPF sets out the three dimensions of sustainability that underpin the purpose of the planning system. These dimensions relate to the economic role, social role and environmental role.
- 7.14 Economically the proposed scheme relates to conversion of the building to residential use and this would generate some work for the construction industry. It is considered that with the scale of the proposal the part the scheme would play in contributing to building a *strong, responsive and competitive economy* would be limited.
- 7.15 The NPPF sets out at Paragraph 7 that the social role should involve: '*supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being.*'
- 7.16 As highlighted above, the Council cannot demonstrate a five-year housing supply; and as a result there is a need to provide additional housing within the Borough.

The proposed development would contribute towards this target by providing three additional dwellings in line with paragraph 7 of the NPPF.

- 7.17 Planning permission was granted in October 2013 for 7 new dwellings on neighbouring site to the south, this approval was in line with the housing allocation in the Local Plan 2000 (Policy H1, vii). Due to the nature of the current development (re-use of an existing building) it is not considered that there are any significant differences in terms of its sustainability credentials.
- 7.18 The application site benefits from good links to the village of Detling. Whilst services within the village are limited to a pub and Church, a bus service is available to link with the larger settlements for facilities such as a school, shop, and doctor's surgery.
- 7.19 The NPPF sets out the environmental role should '*contribute to protecting and enhancing our natural, built and historic environment.*' The core principle at paragraph 17 continues by outlining that planning should: '*take account of the different roles and character of different areas....recognising the intrinsic character and beauty of the countryside.*' '*contribute to conserving and enhancing the natural environment.*' Section 11 of the NPPF continues to outline the conservation and enhancement of the natural environment as a key consideration.
- 7.20 The Planning Statement states that:
- 'The conversion works would be carried out in a sympathetic manner such that they enhance the visual aesthetics of the building and its setting in the landscape. The proposal involves a significant amount of landscape planting and ecological enhancement measures. As a consequence the proposal can enhance the contribution it makes to the visual amenity and ecological contribution of the site to the AONB.'*
- 7.21 The Design and Access Statement also states that the '*the proposals will not represent a significant departure in terms of scale, mass, height or appearance to the prevailing character of the urban edge immediately to the west.*'
- 7.23 The NPPF at paragraph 115 attaches great weight to conserving the landscape and scenic beauty in the AONB. The current proposal involves significant alterations to this building as part of the conversion to residential use and the potential impact on the local area is considered later in this report.

Overall

- 7.22 The proposed scheme would allow for the provision of three additional dwellings and it is acknowledged that the Council falls below their 5 year housing supply target. However the NPPF does make the provision that should the harm outweigh the benefits of the scheme (in this case the benefit relates to housing provision), permission can be refused. In principle it is considered that the subject to the landscape considerations (discussed below) the proposed conversion to residential use could not be readily resisted due to the change of use of an existing building and the provision of new housing in a sustainable location.

Visual impact

- 7.23 The application site is located in an Area of Outstanding Natural Beauty (AONB) and in a Special Landscape Area (SLA). In terms of broad principles, development in the countryside is controlled under the provisions of Development Plan Policy and

Central Government Guidance, particularly so new housing. Residential development that is located in an unsustainable location and which adversely affects the character, amenity and functioning of the rural area should be resisted. The landscape qualities of the SLA and AONB must be given particular protection.

- 7.24 The character of the area has changed over time, with a shift from agriculture to equestrian uses for keeping and grazing horses. Sheep grazing was also observed on the site visit. The AONB Management plan identifies this shift as characteristic within the AONB and outlines this continued growth in equine activity as playing an important role in the future of the AONB land based economy, if the use is managed in a sustainable and sympathetic manner.

- 7.25 Paragraph 115 of the NPPF states:

'Great weight should be given to conserving landscape and scenic beauty in ...Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.'

- 7.26 Policy ENV33 of the Local Plan seeks to protect the AONB and Policy ENV34 of the Local Plan with reference to the SLA states that:

'Particular attention will be given to the protection and conservation of the scenic quality and distinctive character of the area and priority will be given to the landscape over other planning considerations.'

- 7.27 Policy ENV28 of the Local Plan seeks to protect the countryside, it states that :

'In the countryside planning permission will not be given for development which harms the character and appearance of the area.'

- 7.28 The Kent Downs AONB Management Plan 2014-2019 (Second Revision) sets out the main issues, threats and opportunities to the AONB. Amongst others the 'Cumulative loss of landscape features, tranquility and character due to incremental development' is highlighted as a key threat. Policies outlined in the management plan seeks oppose 'new development or changes to land use that disregard or run counter to the primary purpose of the Kent Downs AONB' and 'proposals which negatively impact on the distinctive landform, landscape character, special characteristic and qualities, the setting and views to and from the AONB...unless they can be satisfactorily mitigated.'

- 7.29 The current application site is immediately adjacent to housing development of 7 houses that is currently under construction. The eastern boundary of this adjacent housing development reflects adjacent residential gardens, with this site not extending any further east past adjacent rear garden boundaries. The application site is currently occupied by an agricultural barn. The barn is located further east past the defined rear boundary of adjacent gardens and in open countryside however it is immediately adjacent to an approved housing development of 7 houses.

- 7.30 Paragraph 55 of the NPPF seeks to promote sustainable development in rural areas, stating that housing should be located where it will enhance or maintain the vitality of rural communities. New isolated homes in the countryside should be avoided. Due to the location of the site adjacent to approved housing it is not considered that the new dwellings would be isolated with the site also provided with pedestrian links into the village and public transport links to larger settlements.

- 7.31 The proposed vehicle and pedestrian access would be provided whether the current proposal progressed or not (to allow for the loss of the access route through the land to the south) and the application is now accompanied by a plan to demonstrate that the extent of hardstanding would not significantly exceed the existing. A landscaping scheme would be provided and although the character of the building would change, the overall design is not considered unacceptable.
- 7.32 Whilst the proposed scheme would result in the encroachment of residential development into the countryside, it would not result in new built form and would reuse an existing building with no increase in building height or bulk. The conversion works would be well designed and a comprehensive landscape scheme (which could be subject to conditions) would ensure that the quality of the development would be acceptable and would not significantly harm the visual character and appearance of the AONB and SLA.

Impact on residential amenity

- 7.33 The application site is currently isolated from immediate neighbours. Access would be taken from Orchard View and would be located to the side of number 9 Orchard View. Other neighbouring dwellings within Orchard View and surrounding roads would be a significant distance from the application site to not be significantly harmed by the proposed development.
- 7.34 The new residential development to the west of the site would result in nearer neighbours to the application site. However there would be a distance of over 20m separating the new proposed dwellings to the boundary and a greater back to back distance between the two sets of dwellings. Due to the distance of separation it is considered that the relationship of the proposed and new dwellings would be acceptable and would not unduly harm residential amenity.
- 7.35 The potential additional noise and disturbance associated with the use of the access for the proposed residential use needs to be considered. The flank wall of 9 Orchard View is absent of openings and the garden is enclosed by a 1.8m close boarded fence. Three dwellings are proposed and this would result in vehicle movements that would pass in close proximity to the property at Number 9. However due to the number of units, the orientation and relationship with Number 9 and the position of the proposed access it is considered on balance that the new access and associated residential use would not cause significant harm to the occupiers of Number 9.
- 7.36 With regard to the amenity of the future occupiers, it is considered that they would benefit from a suitable standard of amenity in terms of privacy, outlook and the standard of the accommodation. The Environmental Health Officer has raised concerns regarding the compatibility with the adjacent agricultural uses. The neighbouring uses are predominantly equestrian and it is noted that there may be some noise and disturbance from this use. The relationship between the proposed residential accommodation and adjacent uses would not be dis-similar to that with adjoining existing residential uses and the potential harm is not considered significant to warrant refusal of the application.
- 7.37 Overall it is considered that the proposed development is acceptable in terms of the impact on the amenity of existing neighbouring residential occupiers and the level of amenity that will be provided for proposed residential occupiers.

Highways and parking

- 7.38 The access to the agricultural barn on the application site would historically have dissected the adjacent site to the west (now under development for a residential scheme). A new access from Orchard View has been laid out around the periphery and to the north of this adjacent site. This access would be formalised as part of the current scheme, with the provision of a passing space and an area of hardstanding to the front of the barn to provide parking, and turning area.
- 7.39 The development would benefit from 8 parking spaces including 'nose to tail' parking at each side of the building. KCC guidance outlines for a village/rural location, for 4+ bedroomed houses, 2 car parking spaces should be provided. The car parking provision meets the criteria and it is considered that the parking provision proposed would be acceptable.
- 7.40 The proposed private access from Orchard View and the turning areas on the site are considered suitable and it has been demonstrated that they are suitable for large refuse vehicles.
- 7.41 No objection is raised in respect of the highways and parking implications of the proposed development.

Impact on ecology

- 7.42 The application is accompanied by a Preliminary Ecological Appraisal. This has been carried out by a suitably qualified company and the outcome would appear reasonable.
- 7.43 There is a likely possibility of common lizards and slow worms. In this respect the Ecological Appraisal recommends that land adjacent to the site in the applicant's ownership is used as a receptor site and further mitigation is provided by means of exclusion fencing.
- 7.44 The report outlines details relating to methods, mitigation and enhancement. It is considered that should the scheme be acceptable in all other respects the matter of ecology could be dealt with by way of planning conditions.

Impact on trees

- 7.45 There are no notable trees on the site and those trees could be satisfactorily protected by conditions if permission were granted. A scheme of landscaping would also allow for additional tree planting and landscaping should the principle of the scheme be acceptable.

Other issues

- 7.46 A neighbour representation has raised a concern with the consultation approach to the scheme. In response it is confirmed that the protocol for consultation has been followed with letters sent to neighbouring properties with an adjoining boundary and a site notice put up at the access to the site (on the boundary with Orchard View). It is not considered that any person has been prejudiced by the consultation process and the correct procedure has been followed.

8.0 CONCLUSION

- 8.01 In the absence of a 5 year housing land supply, the NPPF advises that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application. For the above reasons it is considered that the location is suitable for three houses, there would not be any significant harm to the AONB or SLA, and the proposals represent a sustainable and good quality design.

9.0 RECOMMENDATION – GRANT PERMISSION Subject to the following conditions:

- (1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Preliminary Ecological Appraisal

Phase 1 Desk Study, Site Reconnaissance and Phase II Site Investigation Report

Palladium Consulting Engineers Ltd Report dated 28th July 2015

Drawing Number 22414A/02 Revision P5 (Proposed Site Plan and Proposed Roof Plan)

Drawing Number 22414A/03 Revision P4 (Proposed Floor Plans and Elevations)

Drawing Number 22414A/04 Revision P4 (Proposed Street Scene's)

Drawing Number 22414A/05 Revision P2 (Proposed Street Scene's)

Drawing Number 22414A/100 Revision P1 (Hardsurfacing comparison drawing)

Reason: For the avoidance of doubt and in the interests of proper planning

- (3) Prior to any works above dpc level, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials. The details and samples of the materials submitted shall include details of bird and / or bat bricks incorporated into the eaves of the proposed housing units;

Reason: To ensure a satisfactory appearance to the development and interest of ecological enhancement.

- (4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development shall be carried out within Classes A-G of Part 1 and Class A of Part 2 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order).

Reason: In the interests of protecting the character and amenities.

- (5) Prior to the first occupation of any of the approved dwellings, refuse storage and screening shall be in place that is in accordance with details that had previously been submitted to and approved in writing by the Local Planning Authority. The

development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: To facilitate the collection of refuse, preserve visual amenity and to reduce the occurrence of pests.

- (6) Prior to development commencing, a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall take account of any protected species that have been identified on the site, and in addition shall have regard to the enhancement of biodiversity generally. The development shall be implemented in accordance with the approved proposals and shall be carried out in perpetuity.

Reason: To protect and enhance existing species and habitat on the site in the future. This information is required prior to commencement as any construction work may impact upon species or habitat. This information is required prior to commencement as any works on the site has the potential to harm habitats or species that may be present on the site.

- (7) No works that may affect local reptile populations shall commence until a mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. All works shall proceed in accordance with the approved strategy.

Reason: To protect the existing population of reptiles and to improve the habitat for reptiles on the site in the future.

- (8) The area shown on Drawing Number 22414A/02 Revision P5 as vehicle parking space and turning shall be provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority before the premises are occupied, and shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users.

- (9) Prior to any works above dpc level, a scheme of landscaping using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management, shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall be designed using the principle's established in the Council's adopted Landscape Character Assessment 2012 and shall include details of:

- The repair and retention of existing hedgerows and tree lines within the site.
- New native trees and shrub species on the boundaries
- Planting of wildflower grassland, shrubs and nectar-rich plants.

The landscaping of the site shall be carried out in accordance with the approved details over the period specified;

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

- (10) 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 external appearance to the development.

INFORMATIVES

- (1) The developer is advised that a scheme for the use of wheel cleaning, dust laying and road sweeping should be implemented, 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.
- (2) Your attention is drawn to the following working practices which should be met in carrying out the development:
- Your 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: if necessary you should contact the Council's environmental health department regarding noise control requirements.
 - It is advised that clearance and burning of existing woodland or rubbish should be carried out without nuisance from smoke etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the Council's environmental health department.
 - It is advised that plant and machinery used for demolition and construction should only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.
 - It is advised that vehicles in connection with the construction of the development should 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.
 - The applicant is advised of 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 is advisable. Where possible, the developer shall provide residents with a name of a person and maintain dedicated telephone number to deal with any noise complaints or queries about the work.
 - The applicant is advised that adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.

- It is recommended that the developer produces a Site Waste Management Plan in order to reduce the volumes of waste produced, increase recycling potential and divert materials from landfill. This best practice has been demonstrated to both increase the sustainability of a project and maximise profits by reducing the cost of waste disposal.
- It is advised that adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.
- The applicant is advised that if relevant, the applicant should consult the Environmental Health Manager regarding an Environmental Permit under the Environmental Protection Act 1990.

Note to Applicant:

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by offering pre-application advice, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance the applicant/agent was advised of minor changes required to the application and these were agreed, the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

Case Officer: Rachael Elliott

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

Reference number: 15/508348

Additional representation

A further letter has been received from the Parish Council dated 23rd January 2016 which in summary raises the following objections :

- The site falls outside of the village envelope and is within an AONB.
- There is adequate development at Hockers Farm and the village is now being expanded by stealth. This has been clarified by the Parish Council relating to the gradual increase in size of the village envelope by the inclusion of the Hockers Farm development to the south and this development would result in further encroachment into the AONB and the potential increase in the village envelope.
- Detling is classed as unsustainable because of its lack of services and most residents use cars to access the village.
- Additional three dwellings would overload the village streets and increase potential danger.
- Proposals would be office like and out of keeping with the area.

Recommendation : Grant planning permission as set out in Section 9.0 of the report.

Reference number: 15/508348

Amendment to Paragraphs 7.43 and 7.44

Paragraph 7.43 identified that land adjacent to the site was in the applicant's ownership, this is now known to be incorrect. As a result of this and following further discussions with the agent the receptor site for potential reptile populations would now be provided within the application site itself (within the red line). The method for identifying an appropriate site, translocation, mitigation, enhancement and management of the reptile populations can be satisfactorily dealt with by way of planning condition (as outlined below).

Additional Paragraph to Section 7.0

Design Matters

Paragraph 56 of the NPPF states :

'The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.'

The proposed development would result in the re-use of an existing agricultural building. The existing building has no particular design merit and constitutes an open-fronted agricultural building with a predominantly corrugated appearance. The building is a fairly large structure and fundamentally agricultural by its appearance, design and existing use.

The proposed change of use would utilise the existing structure and form of the agricultural building. The submitted structural report has sought to demonstrate that this would be feasible. The proposed scheme would enclose the structure with the use of weatherboarding and provide glazing/fenestration to the front and rear elevations. The openings would be of a scale and proportion fitting to the scale of the building. The design would be simple and would respect its current agricultural use.

Overall the design is considered to be acceptable and would not cause significant harm the character and context of the site and its surroundings by reason of its design.

Amendments to conditions at Section 9.0

Amend reference to dpc in Condition's 3 and 9 to read damp proof course.

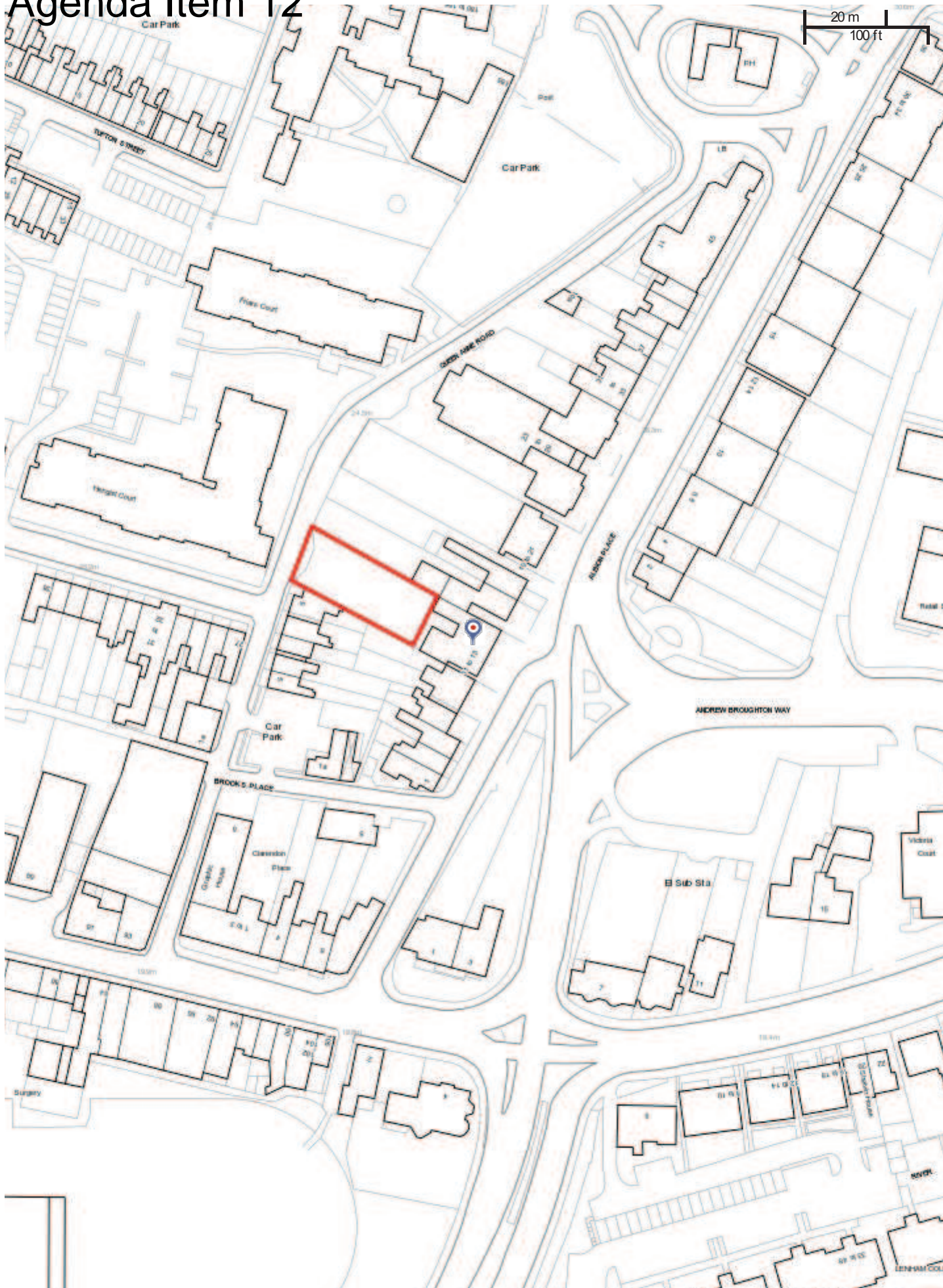
Amend condition 7 relating to Ecology to read :

No development shall commence until a suitable receptor site for the translocation of reptiles has been identified within the site. Details shall be submitted to the Local Planning Authority for approval together with details relating to a translocation, mitigation, enhancement and long term management strategy for the reptile populations.

Reason : To ensure that the reptile population identified within the submitted ecological report are adequately dealt with prior to commencement of development.

Recommendation : Grant planning permission as set out in Section 9.0 of the report subject to the amendments to Conditions 3, 7 and 9.

Agenda Item 12



15/509547 Rear of Regal House
Scale: 1:1250
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REPORT SUMMARY

REFERENCE NO - 15/509547/OUT		
APPLICATION PROPOSAL <p>Outline application for erection of 3 storey building containing 8 flats, and access to car park with 6 car spaces, bin and cycle stores to include access, appearance, layout and scale with only landscaping for future consideration; as shown on drawing numbers 14-46-20, 14-46-21, 14-46-24, 14-46-25, 14-46-26; dated November 2015 and 14-46-22; received on 11.01.2016.</p>		
ADDRESS Rear Of Regal House, 11-13 Albion Place, Maidstone, Kent, ME14 5DY		
RECOMMENDATION – Approve		
SUMMARY OF REASONS FOR RECOMMENDATION <p>The site represents a sustainable town centre location and this brownfield development would make beneficial use of an existing car park. The proposals are considered to be acceptable in terms of impact on the character and appearance of the streetscene and setting of the Conservation Area or listed buildings.</p> <p>The proposals are not considered to result in any unacceptable unneighbourly impacts, parking, traffic and highway safety impacts, or unacceptable visual impacts. The proposed residential apartments are considered to provide acceptable living conditions for prospective occupiers.</p> <p>The proposals are not considered to conflict with the relevant Government guidance in the National Planning Policy Framework or policies within the Maidstone Borough-Wide Local Plan.</p>		
REASON FOR REFERRAL TO COMMITTEE <p>Cllr English has called the application to committee.</p>		
WARD High Street Ward	PARISH/TOWN COUNCIL	APPLICANT Mr Gary Aldridge AGENT Primefolio Ltd.
DECISION DUE DATE 12/01/16	PUBLICITY EXPIRY DATE 12/01/16	OFFICER SITE VISIT DATE 01/12/15
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		
15/505482/OUT	<p>Outline application for erection of 3/4 storey building containing 10 flats, and access to car park with 6 car spaces, bin and cycle stores with access, appearance, layout and scale to be considered at this stage and all other matters reserved for future consideration – Refused on 02.10.2015.</p> <p>Decision Appealed – Pending a decision from PINS.</p>	
15/501366/OUT	<p>Outline application for the erection of 3/4 storey building containing 10 flats with associated access, parking, bin and cycle stores. (Access, appearance, layout and scale being sought) – Refused for the following reasons:</p> <p>1.The proposed building does not constitute good design, by reason of its height, form, scale and siting would result in a prominent and incongruous development that would have a detrimental visual impact on the character and appearance of the street scene, Holy Trinity Conservation Area and the setting of nearby grade II listed buildings and locally listed buildings contrary to the aims and objectives of the NPPF and the Maidstone (Holy Trinity) Conservation Area Character Appraisal (2007) and the Maidstone</p>	

	<p>(Holy Trinity) Conservation Area Management Plan (2010).</p> <p>2. The layout does not incorporate adequate on-site vehicular parking and maneuvering, represents a cramped form of development and would not provide convenient, safe and attractive pedestrian, cycle and vehicle access contrary to the aims and objectives of the National Planning Policy Framework.</p> <p>Dismissed at Appeal on 05.10.2015.</p>
13/0219	Application to extend the time limit for implementing permission MA/10/0205 (Erection of a three storey block of 6 one bedroom flats and 2 studio flats with associated parking and amenity space) for a further three years – Approved 02.04.2013 – Delegated Decision
10/0205	Erection of a three storey block of 6 one bedroom flats and 2 studio flats with associated parking and amenity space. (Resubmission of MA/08/2178) – Approved 6 April 2010 – Delegated Decision
08/0326	Erection of 9 self-contained flats, cycle store and bin store with associated access and parking – Refused due to the scale, height and design resulting in a harmful impact on the conservation area and streetscape.

1.0 DESCRIPTION OF SITE

- 1.1 The application site relates to an existing car park area within the urban area of Maidstone accessed off Queen Anne Road. The site is part of the car park for a commercial premise, 11/13, that fronts onto Albion Place.
- 1.1 Adjacent to the site to the south is a row of residential terrace properties which are locally listed and are located within the Holy Trinity Conservation Area. To the north are a number of other car park areas to commercial properties of Albion Place. The Holy Trinity Conservation Area is located immediately to the south and west of the site and the properties 7 to 21 Albion Place form a group of grade II listed buildings.

2.0 PROPOSAL

- 2.1 The proposal is for an outline application for the erection of a 3 storey building containing 8 flats with associated access, parking, bin and cycle stores, with access, appearance, layout and scale being sought at this stage and landscaping reserved for future consideration.
- 2.2 The proposal would provide 8 flats in total, (4 x 1 bed flats and 6 x 2 bed flats).
- 2.3 The central section of the building would be three storeys in height at some 11.4m above ground level with a pitched roof. An undercroft section would be located on the south side of the main building and would utilise a pitched roof at some 8.8m in height above ground level. The building would be set back from Queen Anne Road by some 800mm with planting and boundary railings located between the road and building frontage. To the rear of the building a 45 sqm communal garden is proposed, along with refuse storage, cycle parking and 6 car parking spaces. Pedestrian access to the building would be afforded below the undercroft at the side of the main building.
- 2.4 The building would be formed of yellow/brown stock facing bricks, Portland grey render, grey Upvc windows and dark grey concrete tiled roof.

Main difference between 15/505482/OUT

- Reduced from 10 to 8 flats.

- Forth floor accommodation removed. Three storeys of accommodation proposed.
- Roof form changed from gable central section to pitched roof.
- Eaves of main building lowered.
- Pitched roof added to side extension to replace lean-to roof.

3.0 PLANNING CONSTRAINTS

- 3.1 The application site is located directly adjacent the Holy Trinity Conservation Area and nearby a number of grade II listed buildings and non designated heritage assets. This is brownfield site located in the urban area of Maidstone town centre.

4.0 POLICIES

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)
Local Plan 2000: ENV6, T13

5.0 Supplementary Documents:

Maidstone (Holy Trinity) Conservation Area Character Appraisal 2007
Maidstone (Holy Trinity) Conservation Area Management Plan adopted March 2010
Nationally Described Space Standard – technical requirements draft September 2014

6.0 LOCAL REPRESENTATIONS

- 6.1 One neighbour has objected to the proposal on the following (summarised) grounds:

- Out of scale with adjacent cottages.
- The proposed façade is no different to the earlier submission.
- The large roof space will be converted to living accommodation at a later date.
- Ground floor lay layout is not correct (*amended*)
- The height is no different from the previous submission.
- Loss of car parking for offices.
- Overbearing impact.
- Loss of light to windows at No.9 Queen Anne Road.
- Out of character with the conservation area.

7.0 CONSULTATION RESPONSES

- 7.1 **Maidstone Conservation Officer:** Raise no objection to this application on heritage grounds subject to conditions re: samples of materials, submission and approval of large scale details of windows, doors and balustrades and landscaping.

'The proposal is to develop a 3-4 storey block of flats on the Queen Anne Road frontage to the rear of 11/13 Albion Place. These buildings plus adjacent ones in Albion Place are Grade II listed buildings dating from the 1820s; in addition, the adjoining terrace at Nos 5-9 Queen Anne Road comprises locally listed buildings dating from circa 1840 which lie within the Maidstone Holy Trinity Conservation Area.

Currently the site presents an unattractive frontage to Queen Anne Road and is in use as a car park serving the frontage buildings. I have no objection in principle to its development and permission has previously been given for a 3 storey block of flats (although I personally raised objections to its design which attempted an inappropriate pastiche of the adjoining terrace). Another previous application for a four storey block was refused under reference 15/501366 and the subsequent appeal dismissed on the grounds that the block proposed was too high for its context and would adversely affect the setting of listed buildings and the adjacent conservation area.

The current proposals are in a modern idiom and purely in design terms are more appropriate than that previously permitted. The approved Conservation Area Management Plan for the Holy Trinity Conservation Area proposes a three storey maximum height for new developments and although this site lies outside the conservation area it is immediately adjacent to it. The scheme now submitted accords with these guidelines, appearance and scale being matters not reserved for subsequent approval, and would appear to overcome the reasons for dismissal of the recent appeal'.

7.2 MBC Landscape Officer: There is a small group of trees to the south of the site protected by TPO No.30 of 1973. They are unlikely to be affected by the development proposal. Raise no arboricultural objections subject to pre commencement conditions requiring an Arboricultural Method Statement.

7.3 KCC Highways: No objections subject to conditions.

7.4 MBC Environmental Health Officer: No objections subject to noise and contamination conditions.

7.5 Southern Water: No objections. Southern Water requires a formal application for connection to the public foul sewer.

7.6 Kent Police: The development no longer falls within the threshold for Kent Police comments.

8.0 APPRAISAL

8.1 Land Use / principle of development

8.2 There are no policies that seek to retain the current car parking area at the site and therefore the principle of the development is acceptable. In addition, extant planning permission (ref: 13/0219) comprising a residential apartment block of 8 units has previously established the principle of redeveloping of this site for residential use.

8.3 The site is located within the urban area of Maidstone where the principle of additional residential development is acceptable. Overall the principle of the proposed land use is considered to be in accordance with the NPPF and Local Plan 2000.

8.4 I consider the key issues to be the impact upon the character and appearance of the local area and streetscape, impact on the setting of the Holy Trinity Conservation Area, the setting of grade II listed and locally listed buildings, the impact upon neighbour amenity and highways safety and parking congestion. It is also necessary to assess whether the previous reasons for refusal have been overcome.

8.5 Design

8.6 This application has been submitted following the refusal of planning application 15/505482/OUT, 15/501366/OUT and the dismissed appeal.

8.7 The Holy Trinity Conservation Area Appraisal states:

'It will be important to ensure that where redevelopment is appropriate in principle that it is of suitable form, scale and quality. Buildings should be of two or three storeys, they should adhere to established building lines and not be set back from the street by any great distance, they should utilise good quality materials which reflect those currently predominant (red or yellow stock bricks; clay tile or slate roofs), they

should respect the current rhythm of streets largely determined by the terraced house form; and they should be of a high architectural standard’.

- 8.8 The Maidstone Holy Trinity Conservation Area Management Plan reaffirms this statement and advises the Council will adopt the following principles when dealing with planning applications within the Conservation Area or on sites affecting its settings:

‘The overriding consideration in dealing with any proposal for development will be whether or not it would either preserve or enhance the special character of the Conservation Area. Any proposal which fails to do so will be refused. The Council will not insist on any particular architectural style for new building works, but the quality of the design and its execution will be paramount. The Council encourages the use of high quality contemporary design, subject to proposals being appropriate to their context in terms of scale and use of materials; however, there may be instances where a traditional approach is appropriate – in such cases, designs should be high in quality and well-researched, resulting in a scheme which accurately reflects the design, scale, massing, detail and materials of local tradition’.

‘Buildings should respect the predominant scale of buildings in the Conservation Area, which is modest. Buildings should not exceed 3 storeys in height’

- 8.9 The application site is located adjacent the Holly Trinity Conservation Area and the buildings immediately to the south of the site are locally listed heritage assets. Therefore any development of this site would need to be sensitively designed to respect the setting of the conservation area, be of a high design standard and would need to preserve and enhance the setting of the conservation area and neighbouring properties. There is no built development on the application site at present and the current use as a car park is considered to have a negative impact on the setting of the conservation area.
- 8.10 The applicant has sought to address the design / scale reasons for refusal by removing the forth floor accommodation, changing the form of the roof to a pitched roof and lowering the eaves of the main building.
- 8.11 The proposed changes are considered to overcome the previous reasons of refusal and the building would now be a maximum of three storeys in height in accordance with the guidance in the Conservation Area Statement. In addition, the redesign of the main roof and lowered eaves would reduce the roof bulk and form, thus reducing the dominance of the building within the streetscape and setting of the conservation area. The simple pitched roof would be more in keeping and sensitive to the surrounding neighbouring developments along Queen Anne Road and the adjacent Conservation Area. The building would also respect the established building line along the east side of Queen Anne Road. It is considered that the form and design of the building would successfully integrate into the streetscape in accordance with the NPPF.
- 8.12 The existing site comprises a car park area dominated by hardstanding and parked cars which does not enhance the character of the streetscape or setting of the adjacent Conservation Area. No objections are raised with regard to the design of the building, which is in a modern idiom, given the varied character of the streetscape and nearby Conservation Area, and the development of this prominent site is considered to make a positive contribution to the Conservation Area compared to the existing use.

- 8.13 The height of the building remains broadly the same as previously proposed at some 11.4m to the ridge above ground level. Whilst the overall height has not been reduced the changes to the roof form and lowered eaves level would reduce the overall scale and prominence of the building to an acceptable level. The conservation officer no longer raises any heritage objections in terms of the design and scale of the building.
- 8.14 Nos. 5-9 Queen Anne Road are located to the south of the site and have been included within the Holy Trinity Conservation Area, as they close the view along Marsham Street and are considered to make a positive contribution to the character, appearance and setting of this section of the conservation and the streetscape of Queen Anne Road. Nos. 5-9 are designated as locally listed buildings and are defined as 'essential' to the character of the conservation area in the Appraisal.
- 8.15 The changes to the design, including a simple pitched roof and lowered eaves level are considered to have overcome the previous objections to the refused scheme in terms of the overwhelming impact on Nos. 5-9 Queen Anne Road. It is considered that the proposed building would now respect the character and appearance of the adjacent terrace and would successfully integrate into the streetscape at this prominent location at the end Marsham Street. The proposal is now considered to be more intimate in scale than the frontage properties located along Albion Place. A condition will be attached to ensure a high standard of materials to preserve the setting of the Conservation Area.
- 8.16 Whilst I do not consider the under croft arrangement necessarily constitutes a high standard of design, per se, the extant planning permission for this site also incorporates an under croft section and similar types of vehicle access are evident within the Holy Trinity Conservation Area. As such I raise no objection to the under croft, per se. I also consider the footprint to be fairly large. The building would expand the width of the site and occupy a disproportionate amount of the site which could be considered to represent overdevelopment of the site and fail to relate to the modest footprint of the residential properties to the south. Nevertheless, the proposed footprint would be similar to that of the building approved under planning permission 13/0219 and this extant planning permission constitutes a material planning consideration in the decision making process. I am also of the view that the north flank wall would appear somewhat stark and oppressive due to the depth, height and lack of fenestration detailing. However, a similarly blank flank wall was approved under the 13/0219 scheme and the simplified roof form of the proposed development would represent an improvement over the approved design when viewed from the north. Overall, no objections are raised with regard to the size of the footprint and the appearance of the northern elevation due to the similarities to the approved scheme.
- 8.17 A small degree of landscaping bounded by railing (no design details) is proposed at the front adjacent Queen Anne Road which would generally be in accordance with the prevailing pattern of development in the streetscape. The Conservation Area Management Plan also promotes frontages close to the road edge. Further boundary details will be sought by condition to ensure an appropriate design / height for this location.
- 8.18 Overall it is therefore considered that the proposed changes to the design, scale and form have overcome the previous reasons for refusal and the proposed development would preserve the setting of the Conservation Area.
- 8.19 Living Standards and Sustainable Development

- 8.20 Maidstone Council does not have an adopted policy regulating minimum internal room sizes to ensure good standards of living accommodation for future occupiers. The most relevant document in this regard is the Nationally Described Space Standard.
- 8.21 The 1 bed flats are close to the baseline minimum requirements, however, the internal configurations show that the units could accommodate all the required facilities for a residential unit and I consider that an acceptable living standard would be provided. A shared outdoor communal area is proposed at the rear of the building and is considered acceptable.
- 8.22 Stair and electric stair lift access is proposed to the upper floors; however, the drawings do not clearly indicate that level access would be provided. All new residential units should accord to Lifetime Home Standards which is covered via building regulations.
- 8.23 Independent access for the residential units is welcomed. Some concern is raised with respect to the location at the side of the building and the fact the pedestrian approach is shared by the vehicle undercroft access, however, this was not raised as an issue by the Inspector when assessing the previous scheme.
- 8.24 The Design and Access Statement indicates the development would utilise an array of Solar PV panels which would reduce the carbon footprint of the building through renewable energy.
- 8.25 Transport / Parking
- 8.26 Policy T13 of the Local Plan advises that the Council will seek to adopt, inter alia, reduced requirements for parking for locations which have good access to means of travel other than the private car and ensure parking requirements in general are kept to the operational minimum. The NPPF promotes sustainable development.
- 8.27 The application site forms a car parking area at the rear of 11/13 Albion Place with approx. 16 parking spaces in total. The parking spaces are currently used by the commercial companies based in 11/13 and neighbouring buildings. The site is located in a controlled parking zone within the Maidstone Town Centre, a sustainable location with good access to bus routes and train stations. There are also a number of council and privately owned public car parks within proximity of the application site and in the town centre area in general. As a result a reduction / loss of off-street parking spaces is considered not to have an unacceptable impact on the on street parking conditions and no objection is raised to the loss / reduction of the parking area at the site.
- 8.28 Kent County parking standards would not be met within this proposal, however, the site is located within a sustainable location in proximity to Maidstone town centre, train station and bus routes and future occupants of the flats and existing commercial units at 11/13 Albion Place would not have to rely on private vehicles. Further, the proposal would not result in any unacceptable highway safety issues to warrant refusal. KCC Highways has been consulted and do not raise any objections on highways safety grounds.
- 8.29 The parking area at the rear has been reconfigured to overcome the previous reasons for refusal and sufficient cycle parking and refuse storage would be provided.
- 8.30 Neighbour Amenity

- 8.31 No amenity objections were raised to the two recently refused applications on this site and the reduction in the roof bulk / lowered eaves height is considered an improvement over the previous scheme in amenity terms.
- 8.32 Properties located on the west side of North Street would be separated from the development by the width of the public highway therefore no objections are raised with regard to loss of amenity to these properties.
- 8.33 The properties located to the east and fronting Albion Place are in commercial use and no amenity objections are raised as a result. There are no properties located immediately to the north of the site.
- 8.34 No.9 Queen Anne Road would be most affected by the development due to the proximity to the application site. No.9 benefits from a high level opening in the north facing flank wall, and openings at ground and first floor level at the rear. The lower three storey section of the proposed development would be located adjacent the boundary shared with no.9 and the sloping roof would assist in reducing the bulk and dominance of the development adjacent the boundary and would ensure sufficient light and outlook is afforded to the high level flank opening. In addition, the attached car port and ground floor side extension would separate the proposal from the main house. Whilst the outlook from No.9 would undoubtedly change as a result of the proposed development, the scale, mass and siting of the three storey undercroft section would be similar to that approved under planning permission 13/0219 and the proposal is considered not to result in an unreasonable loss of neighbour amenity toward number No.9 over or above the approved scheme.
- 8.35 Other matters**
- 8.36 The previous use could give rise to health and safety issues if not properly monitored. As such the council Environmental Health department have requested pre-commencement land contamination and internal noise conditions.
- 8.37 The site is currently laid with hard surfacing and the proposal would not give rise to any tree or ecological issues as a result.

9.0 CONCLUSION

- 9.1 The site represents a sustainable town centre location and this brownfield development would make beneficial use of an existing car park. The proposals are considered to be acceptable in terms of impact on the character and appearance of the streetscene and setting of the Conservation Area.
- 9.2 The proposals are not considered to result in any unacceptable unneighbourly impacts, parking, traffic and highway safety impacts, or unacceptable visual impacts. The proposed residential apartments are considered to provide acceptable living conditions for prospective occupiers.
- 9.3 The proposals are not considered to conflict with the relevant Government guidance in the National Planning Policy Framework or policies within the Maidstone Borough-Wide Local Plan.

RECOMMENDATION – Grant subject to the following conditions:

CONDITIONS

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

a. Landscaping

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

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

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

- (2) Prior to any works above dpc level, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

The details and samples of the materials submitted shall include details of swift and / or bat bricks incorporated into the eaves of the proposed building;

Reason: To ensure a satisfactory appearance to the development and to preserve the setting of nearby listed buildings.

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

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

- (4) Prior to any works above dpc level, details of all fencing, walling and other boundary treatments shall be 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;

Boundary details shall include;

- Front boundary details to include a dwarf wall with railings above
- Rear boundary details should allow for an open aspect to the rear of 11-13 Albion Place.

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

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

Reason: To ensure adequate drainage arrangements.

- (6) Prior to any works above dpc level, details of the cycle and refuse storage on the site shall be submitted to, and approved in writing by, the Local Planning Authority. The

approved facilities shall be provided before the first occupation of the buildings hereby permitted and maintained thereafter.

Reason: In the interests of amenity.

- (7) Prior to the commencement of development an Arboricultural Method Statement in accordance with BS5837: 2012 (including root protection details if required) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of tree protection.

- (8) Landscaping details submitted pursuant to condition 1 above shall be implemented in the first available planting season. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: To ensure a satisfactory landscaped setting for the development.

- (9) Prior to the occupation of the approved building the existing vehicle access shall be closed up in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of highways safety and visual amenity.

- (10) Prior to any works above dpc level, the following details shall have been submitted to and approved in writing by the Local Planning Authority:-

- Large scale details of windows, doors and balustrades, to a scale of 1:20.

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

Reason: To ensure a satisfactory appearance to the development.

- (11) Prior to any works above dpc level, a scheme to demonstrate that the internal noise levels within the residential units will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: To protect the amenity of future occupiers.

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

- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors

- potentially unacceptable risks arising from contamination at the site.

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

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

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

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

Reasons: in the interests of health and safety.

- (11) No development shall take place until details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the Local Planning Authority;

- i) Details of the roof overhangs and eaves.
- ii) Details of window and door joinery and recesses/reveals
- iii) Details of balustrades

The development shall be undertaken in accordance with the approved details and maintained thereafter;

Reason: To ensure satisfactory appearance to development and high quality of design.

- (12) The development shall not commence until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter;

Reason: To ensure an energy efficient form of development.

- (13) The development hereby permitted shall be carried out in accordance with the following approved plans:

14-46-20, 14-46-21, 14-46-24, 14-46-25, 14-46-26; dated November 2015 and 14-46-22; received on 11.01.2016.

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

INFORMATIVES

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The applicant/agent was advised of minor changes required to the application and these were agreed.

INFORMATIVES

to Applicant: APPROVAL

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

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

The application was approved without delay.

The applicant/agent was advised of minor changes required to the application and these were agreed.

The applicant/agent was provided formal pre-application advice.

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

Case Officer: Andrew Jolly

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

Reference number: 15/509547

Reason for call in:

Cllr English has called the application to committee due to concerns over the design quality and impact upon the Conservation Area.

Appeal history:

An application for a four storey building was dismissed at appeal (ref: 15/501366/OUT) on 5.10.2015. The Inspector dismissed the appeal stating that a four storey building in this location would be at odds with the prevailing pattern of development within this part of the street scene and fail to promote or reinforce local distinctiveness.

Difference between the current proposal and dismissed appeal scheme:

- Proposal approx. 1m lower in height than the dismissed appeal.
- Omission of 4th floor accommodation.
- Pitched roof facing Albion Place rather than a gable end.
- Eaves height of the main building reduced.

The proposed changes are considered to overcome the Inspectors reasons and the building would now be a maximum of three storeys in height, in accordance with the guidance in the Conservation Area Statement. The redesign of the main roof, lowered ridge and lowered eaves would reduce the roof height and massing in comparison to the appeal scheme, thus reducing the dominance of the building within the streetscape and setting of the conservation area. The simple pitched roof would be more in keeping and sensitive to the surrounding neighbouring developments along Queen Anne Road and the adjacent Conservation Area.

Amendment to conditions:

Change all references to dpc level to 'damp proof course level' and amend all relevant conditions accordingly.

Recommendation remains unchanged.

Agenda Item 13

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 4th February 2016**

APPEAL DECISIONS:

1. 15/503630

Erection of two blocks comprising five apartments and associated amenity space, car parking, cycle storage and refuse storage as shown on drawing numbers 196/75, 196/76, 196/100, 196/101, 196/102A, 196/103 and Planning and Design and Access Statement; dated April 2015 and Site Location Plan; received 29.04.2015.

APPEAL: Dismissed

16 Old Tovil Road
Maidstone
Kent
ME15 6PR

(Delegated Decision)

2. 14/506376

Outline application for development of 6no. detached dwellings with associated car parking and gardens with access to be determined at this stage and other Matters Reserved.

APPEAL: Dismissed

Land At
Woodcock Lane
Boughton Malherbe
Kent
ME17 2AZ

(Delegated Decision)

3. 14/505920

Partial demolition of existing barn and demolition of other outbuilding, conversion and extension of barn to a B1 (a) office use, with ancillary works for access, turning and parking.

APPEAL: Allowed with Conditions

Lynch Bank Farm Barn
Detling Hill
Detling
Kent
ME14 3EX

(Committee Decision)

4. 15/503004

Demolition of existing garage/workshop
and erection of two chalet bungalows with
integral garages service access drive and 2no
parking spaces per dwelling

APPEAL: Dismissed

Land Adjacent 15
Caring Lane
Bearsted
Kent

(Delegated Decision)
