

PLANNING COMMITTEE MEETING

Date: Thursday 5 July 2018
Time: 6.00 p.m.
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Adkinson, Bartlett, Boughton, English (Chairman), Harwood, Kimmance, Munford, Parfitt-Reid, Prendergast, Round (Vice-Chairman), Spooner, Vizzard and Wilby

The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.

AGENDA

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 12 July 2018
6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
7. Disclosures by Members and Officers
8. Disclosures of lobbying
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
10. Minutes of the meeting held on 14 June 2018 1 - 5
11. Presentation of Petitions (if any)
12. Deferred Items 6 - 7
13. 18/501427 - Medway House, 26-28 Medway Street, Maidstone, Kent 8 - 15

Issued on Wednesday 27 June 2018

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

14.	18/502320 - Land East To The Grove Residential Home, 6 Bower Mount Road, Maidstone, Kent	16 - 26
15.	18/501158 - Knoxbridge Farm, Cranbrook Road, Staplehurst, Tonbridge, Kent	27 - 34
16.	18/500618 - Land South Of Heath Road, Linton, Maidstone, Kent	35 - 59
17.	18/500160 - 3 Tonbridge Road, Maidstone, Kent	60 - 83
18.	18/502380 - Wateringbury Level Crossing, Bow Road, Wateringbury, Kent	84 - 94
19.	18/502213 - The Firs, Boxley Road, Walderslade, Kent	95 - 100
20.	18/502379 - East Farleigh Mghw Level Crossing, Farleigh Lane, Farleigh Bridge, East Farleigh, Maidstone, Kent	101 - 109
21.	18/502385 - Vinters Park Crematorium, Bearsted Road, Weaving, Kent	110 - 115
22.	Appeal Decisions	116 - 117
23.	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.

For full details of all papers relevant to the applications on the agenda, please refer to the public access pages on the Maidstone Borough Council website. Background documents are available for inspection by appointment during normal office hours at the Maidstone Borough Council Reception, King Street, Maidstone, Kent ME15 6JQ.

PUBLIC SPEAKING AND ALTERNATIVE FORMATS

If you require this information in an alternative format please contact us - call **01622 602899** or email committee@maidstone.gov.uk.

In order to speak at this meeting, please contact Democratic Services using the contact details above, by 4 p.m. on the working day before the meeting. If making a statement, you will need to tell us which agenda item you wish to speak on. Please note that slots will be allocated for each application on a first come, first served basis.

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MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON THURSDAY 14 JUNE 2018

Present: Councillor English (Chairman) and
Councillors Bartlett, Boughton, Greer, Harper,
Harwood, Kimmance, Munford, Parfitt-Reid,
Prendergast, Spooner, Vizzard and Wilby

Also Present: Councillor Mrs Gooch

26. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Adkinson and Round.

27. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Greer for Councillor Round
Councillor Harper for Councillor Adkinson

28. NOTIFICATION OF VISITING MEMBERS

Councillor Mrs Gooch indicated her wish to speak on the report of the Head of Planning and Development relating to application 17/505995 (Court Lodge Farm, The Street, Teston, Maidstone, Kent).

29. ITEMS WITHDRAWN FROM THE AGENDA

18/501199 – ERECTION OF A NEW DWELLING WITH GARDEN AND PARKING – LAND ADJACENT TO THE BUNGALOW, ROSE LANE, LENHAM HEATH, MAIDSTONE, KENT

The Committee was informed that since publication of the agenda, this application had been formally withdrawn by the applicant.

RESOLVED: That the position be noted.

30. URGENT ITEMS

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

31. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

32. EXEMPT ITEMS

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

Note: Councillor Kimmance entered the meeting during consideration of this item (6.05 p.m.).

33. MINUTES OF THE MEETING HELD ON 24 MAY 2018

RESOLVED: That the Minutes of the meeting held on 24 May 2018 be approved as a correct record and signed.

34. PRESENTATION OF PETITIONS

There were no petitions.

35. DEFERRED ITEMS

17/506306 - APPROVAL OF RESERVED MATTERS APPLICATION FOR THE ERECTION OF 250 DWELLINGS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE BEING SOUGHT) AND DETAILS OF CONDITIONS 5, 7, 9, AND 10 RELATING TO PHASING, LANDSCAPING AND ECOLOGY, PURSUANT TO 14/502010/OUT (OUTLINE APPLICATION FOR THE ERECTION OF RESIDENTIAL DEVELOPMENT FOR UP TO 250 DWELLINGS WITH ACCESS AND GARAGING WITH ACCESS CONSIDERED AT THIS STAGE AND ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION) - HEN AND DUCKHURST FARM, MARDEN ROAD, STAPLEHURST, TONBRIDGE, KENT

See Minute 36 below

17/505995 - ERECTION OF A DETACHED FIVE BEDROOM DWELLING WITH ASSOCIATED PARKING - COURT LODGE FARM, THE STREET, TESTON, MAIDSTONE, KENT

See Minute 37 below

17/503291 - ERECTION OF 6 NO. LIGHTWEIGHT COMMERCIAL/INDUSTRIAL UNITS - THE PACKHOUSE, QUEEN STREET, PADDOCK WOOD, TONBRIDGE, KENT

17/503237 - OUTLINE APPLICATION (SOME MATTERS RESERVED) FOR DEMOLITION OF EXISTING BUILDINGS, AND CESSATION OF COMMERCIAL USE ON SITE; ERECTION OF RESIDENTIAL DEVELOPMENT PROVIDING 18 NO. UNITS, OF WHICH 12 X 1 BED AND 6 X 2 BED. PROVISION OF 16 PARKING SPACES/2 DISABLED SPACES AND 4 VISITOR SPACES. ACCESS, LAYOUT AND SCALE BEING SOUGHT - J B GARAGE DOORS, STRAW MILL HILL, TOVIL, MAIDSTONE, KENT

17/504412 - DEMOLITION OF STORAGE BUILDINGS AND ERECTION OF 5 DETACHED DWELLINGS, 2 CAR PORTS FOR PLOTS 1 AND 5, AND 2 TWO BAY CAR PORTS FOR THE EXISTING HOUSE AND BARN CONVERSION APPROVED UNDER 14/505872/FULL - IDEN GRANGE, CRANBROOK ROAD, STAPLEHURST, TONBRIDGE, KENT

The Development Manager said that he had nothing further to report in respect of these applications at present.

36. 17/506306 - APPROVAL OF RESERVED MATTERS APPLICATION FOR THE ERECTION OF 250 DWELLINGS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE BEING SOUGHT) AND DETAILS OF CONDITIONS 5, 7, 9, AND 10 RELATING TO PHASING, LANDSCAPING AND ECOLOGY, PURSUANT TO 14/502010/OUT (OUTLINE APPLICATION FOR THE ERECTION OF RESIDENTIAL DEVELOPMENT FOR UP TO 250 DWELLINGS WITH ACCESS AND GARAGING WITH ACCESS CONSIDERED AT THIS STAGE AND ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION) - HEN AND DUCKHURST FARM, MARDEN ROAD, STAPLEHURST, TONBRIDGE, KENT

All Members stated that they had been lobbied.

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

The Principal Planning Officer advised the Committee that since the publication of the urgent update report on Tuesday 12 June 2018, three further neighbour representations had been received raising issues that had been raised already and fully considered in the report.

Ms Highwood, an objector, Councillor Sharp of Staplehurst Parish Council, and Mr Cooper, for the applicant, addressed the meeting.

RESOLVED: That the reserved matters details be approved subject to the conditions set out in the report and the additional condition set out in the urgent update report.

Voting: 8 – For 5 – Against 0 – Abstentions

37. 17/505995 - ERECTION OF A DETACHED FIVE BEDROOM DWELLING WITH ASSOCIATED PARKING - COURT LODGE FARM, THE STREET, TESTON, MAIDSTONE, KENT

All Members except Councillor Parfitt-Reid stated that they had been lobbied.

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

Mr Gwynne, an objector, Councillor Coulling of Teston Parish Council, and Councillor Mrs Gooch (Visiting Member) addressed the meeting.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission for the summarised reasons set out below and to give delegated powers to the Head of Planning and Development to finalise the exact wording:

1. *The proposed development by virtue of its positioning, design, layout and loss of landscaping would appear as a cramped and harmful form of development which fails to conserve or enhance the character or appearance of the Teston Conservation Area and fails to conserve or enhance the setting of the Grade II* listed St Peter's and St Paul's Church and the Grade II listed Court Lodge Farm, and as such the proposal is contrary to policies SP17, SP18, DM1, DM4 and DM30 of the Maidstone Borough Local Plan (2017) and any public benefits (if any arise) do not outweigh the identified harm.*
2. *The S106 agreement which applies to this part of the land still serves a useful purpose in protecting the character and appearance of the Teston Conservation Area and should not be removed/varied.*

RESOLVED: That permission be refused for the following summarised reasons and that the Head of Planning and Development be given delegated powers to finalise the exact wording:

1. The proposed development by virtue of its positioning, design, layout and loss of landscaping would appear as a cramped and harmful form of development which fails to conserve or enhance the character or appearance of the Teston Conservation Area and fails to conserve or enhance the setting of the Grade II* listed St Peter's and St Paul's Church and the Grade II listed Court Lodge Farm, and as such the proposal is contrary to policies SP17, SP18, DM1, DM4 and DM30 of the Maidstone Borough Local Plan (2017) and any public benefits (if any arise) do not outweigh the identified harm.
2. The S106 agreement which applies to this part of the land still serves a useful purpose in protecting the character and appearance of the Teston Conservation Area and should not be removed/varied.

Voting: 13 – For 0 – Against 0 – Abstentions

38. 18/501199 - ERECTION OF A NEW DWELLING WITH GARDEN AND PARKING - LAND ADJACENT TO THE BUNGALOW, ROSE LANE, LENHAM HEATH, MAIDSTONE, KENT

See Minute 29 above

39. CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised the Committee that arrangements would be made for a meeting of the Chairman, Vice-Chairman and Political Group Spokespersons of the Planning Committee to be held in the near future, and if Members wished to include items on the agenda, they should raise them with their Spokesperson direct. It was suggested that Conservation

Area audits and training for Members and Substitute Members of the Planning Committee be included on the agenda for the meeting.

40. APPEAL DECISIONS

The Committee considered the report of the Head of Planning and Development setting out details of appeal decisions received since the last meeting. The Development Manager advised the Committee that whilst the appeals against the decisions taken under delegated powers to refuse applications 13/1732 (The Oaks, Frittenden Road, Staplehurst, Kent) and 13/1713 (Land East of Maplehurst Lane, Staplehurst, Kent) had been allowed, the enforcement notices covering the rear of the sites had been upheld.

RESOLVED: That the report be noted.

41. DURATION OF MEETING

6.00 p.m. to 8.05 p.m.

Agenda Item 12

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

5 JULY 2018

REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

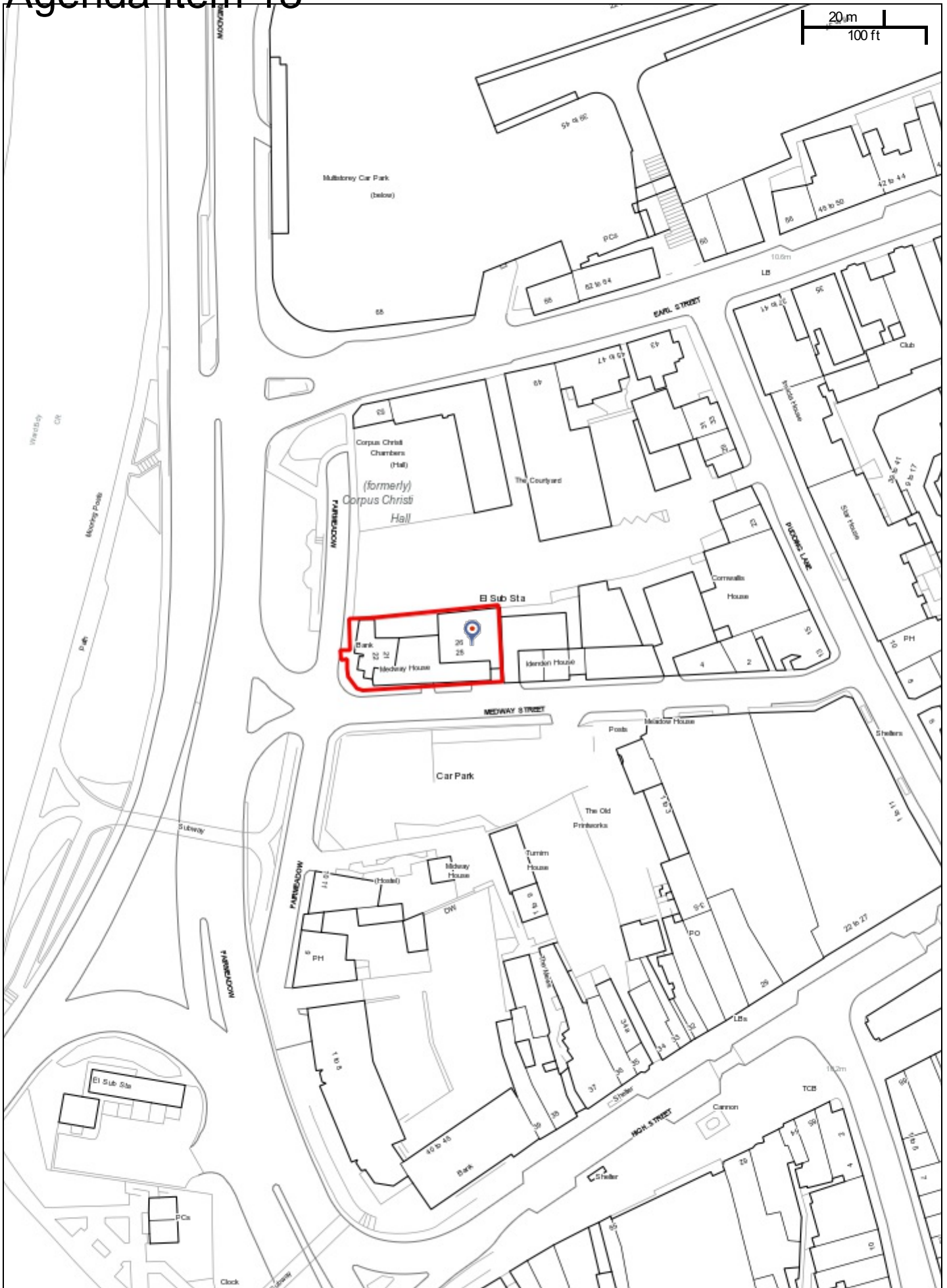
DEFERRED ITEMS

The following applications stand deferred from previous meetings of the Planning Committee. The Head of Planning and Development will report orally at the meeting on the latest situation.

APPLICATION	DATE DEFERRED
<p><u>17/503291 - ERECTION OF 6 NO. LIGHTWEIGHT COMMERCIAL/INDUSTRIAL UNITS - THE PACKHOUSE, QUEEN STREET, PADDOCK WOOD, TONBRIDGE, KENT</u></p> <p>Deferred to:</p> <ul style="list-style-type: none">• Check whether the correct certificates were served;• Seek the views of Kent Highway Services on the implications of the potential use of HGVs to serve the site taking into account possible business growth;• Investigate the potential for traffic calming measures on the shared access;• Seek details of the proposed landscaping scheme including what it would comprise and where it would be planted;• Enable the Officers to draft suggested conditions to prevent the amalgamation of the units into one enterprise and to link the hours of illumination to the hours of opening of the premises;• Discuss with the applicant the possibility of limiting the hours of operation on Saturdays; and• Enable a representative of Kent Highway Services to be in attendance when the application is discussed.	<p>19 December 2017 adjourned to 4 January 2018</p>
<p><u>17/503237 - OUTLINE APPLICATION (SOME MATTERS RESERVED) FOR DEMOLITION OF EXISTING BUILDINGS, AND CESSATION OF COMMERCIAL USE ON SITE; ERECTION OF RESIDENTIAL DEVELOPMENT PROVIDING 18 NO UNITS, OF WHICH 12 X 1 BED AND 6 X 2 BED. PROVISION OF 16 PARKING SPACES/2 DISABLED SPACES AND 4 VISITOR SPACES. ACCESS, LAYOUT AND SCALE BEING SOUGHT - J B GARAGE</u></p>	<p>1 February 2018 adjourned to 8 February 2018</p>

<p><u>DOORS, STRAW MILL HILL, TOVIL, MAIDSTONE, KENT</u></p> <p>Deferred to:</p> <ul style="list-style-type: none"> • Investigate the scope for improved pedestrian links from the site entrance to existing footways; • Seek the advice of Kent Highway Services on the cumulative impact of new development in the area on the highway network; • Enable a representative of Kent Highway Services to be in attendance when the application is discussed; • Review the density, design and layout of the scheme having regard to the topography, setting and history of the site and seek to secure the provision of structural landscaping; and • Discuss with the Council's Parks and Open Spaces Team whether the proposed Open Space Contribution might be spent at other sites within the immediate area subject to CIL compliance checks. 	
<p><u>17/504412 - DEMOLITION OF STORAGE BUILDINGS AND ERECTION OF 5 DETACHED DWELLINGS, 2 CAR PORTS FOR PLOTS 1 AND 5, AND 2 TWO BAY CAR PORTS FOR THE EXISTING HOUSE AND BARN CONVERSION APPROVED UNDER 14/505872/FULL - IDEN GRANGE, CRANBROOK ROAD, STAPLEHURST, TONBRIDGE, KENT</u></p> <p>Deferred to:</p> <ul style="list-style-type: none"> • Seek the submission of a strategy for an open, wet Sustainable Urban Drainage system, identifying how it will work and where it will be positioned within the existing layout; and • Seek modifications to boundary fencing to allow the passage of wildlife. 	<p>26 April 2018 adjourned to 30 April 2018</p>

Agenda Item 13



18/501427/FULL - Medway House, 26-28 Medway Street, Maidstone, Kent

Scale: 1:1250

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REPORT SUMMARY

**Planning Committee Report
5 July 2018**

REFERENCE NO - 18/501427/FULL			
APPLICATION PROPOSAL - Erection of a two storey extension at roof level to create 6 new one bedroom dwellings. (Resubmission of 18/500233/FULL)			
ADDRESS - Medway House 26-28 Medway Street Maidstone Kent ME14 1JS			
RECOMMENDATION - GRANT PLANNING PERMISSION subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION - The development, subject to planning conditions complies with all relevant policies of the Development Plan (Maidstone Borough Local Plan 2017) and government guidance in the NPPF. There are no overriding material considerations to indicate a refusal of planning permission.			
REASON FOR REFERRAL TO COMMITTEE – Cllr Clive English have requested that the application is reported to the Planning Committee if Officers are minded to recommend approval.			
WARD High Street	PARISH/TOWN COUNCIL N/A	APPLICANT Moor Park Estates Limited AGENT Proun Architects	
DECISION DUE DATE 10/05/18	PUBLICITY EXPIRY DATE 26/04/18	OFFICER SITE VISIT DATE 06/04/18	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
18/500233/FULL	Construction of a two storey extension at roof level to create 6no. new one bedroom dwellings.	WITHDRAWN	09.03.2018
17/502680/FULL	Change of use of ground floor from Class B1 (a) office to Class C3 residential comprising 2 x 1 bedroom and 1 x 2 bedroom dwellings.	PERMITTED	01.08.2017
17/500202/PNO CLA	Prior notification for the change of use of ground floor offices to 3 residential units. For its prior approval to: Transport and Highways impacts of the development. Contamination risks on the site. Flooding risks on the site. Impacts of noise from commercial premises on the intended occupiers of the development.	Prior Approval Required	01.03.2017
15/500307/PNJ LA	Prior Notification for the change of use of Office to Residential for it's prior approval to:- Transport and highways impacts of the development.- Contamination risks on the site.- Flooding risks on the site.	Prior Approval Not Required	15.04.2015
MA/03/2109	Change of use from offices to a mixed use comprising offices and 9No. residential apartments as shown on site location plan, drawing nos. 3005/P01, P02, P03, P04, P05, P06, Marketability Report and Planning statement received on 14/10/2003, drawing nos.	PERMITTED	29.03.2005

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application relates to a 4 storey former office building which has been converted to residential accommodation (Class C3). The building is located on a prominent corner plot north of the junction of Medway Street and Fairmeadow. The application building has a rendered painted finish with flat roof that has the lift shaft projecting above it. The site is located within the Maidstone Town Centre boundary just outside the Town Centre Conservation Area.
- 1.02 Across Medway Street to the south of the application building is the Medway Street car park which is allocated for a high density residential scheme under policy H1 (13) of the adopted local plan (2017). Idenden House a three story office building with shops at ground floor is located to the east of the application building. Immediately north of the building is Allin Place, a 6 storey block of flats with a distinctive curved roof. There is a Grade II listed building (The Courtyard) further to the north of Allin Place.
- 1.03 The site is located within Flood Zone 2 as designated by the Environment Agency and ground levels on Medway Street rise gently in a general west to east direction towards Pudding Lane.

2.0 PROPOSAL

- 2.01 The application involves erection of a two-storey extension at roof level (4 stories to 6 stories) to create 6 new one bedroom dwellings that would each have floor space over the two floors. The first, second and third floors have been converted into 9 residential apartments and the ground floor was re-modelled to provide three self contained flats under planning application reference 17/502680/FULL.
- 2.02 The current application is a re-submission of application with reference number 18/500233/FULL which was withdrawn to enable the applicant address the Council's concerns regarding overlooking and loss of privacy of the occupants of the neighbouring building. The current scheme addresses the Council's concerns by incorporating a 1.8 metre obscure glass privacy screen across the entire length of the north facing elevation above the fourth floor.
- 2.03 The proposed development would be just under 6 metres in height from the roof top of the existing building. It would be approximately 2.3 metres higher than the existing lift shaft projecting above the existing building. The development would be recessed from the edge of the existing front elevation by just over 2 metres providing a balcony area for the new accommodation. It would have a curved roof design similar to the roof design of the neighbouring development at Allin Place (14/0096 - Residential development for 21(no) apartments including undercroft parking granted 04.09.2014)
- 2.04 Each of the proposed units would have an inside floor area of 63 square metres over the two additional floors. The new top floor (fifth floor) would have bedrooms, study, hall and bath rooms with living area and kitchen on the new lower floor (new fourth floor). The development would have individual private terraces facing onto Medway Street and communal access on the new lower of the two floors (fourth floor). A 1.8 metre obscured glass privacy screen is provided to prevent overlooking of the flats at Allin Place from the external communal access to the flats on the new fourth floor (closest windows are to bathrooms and kitchens). The new rear facing aluminium framed roof light openings would be above 1.8 metres from the inside floor level.
- 2.05 The existing internal stair would to be extended to provide access to the two new floors with render external finish to match the existing building. A canopy would be provided over the entrance area at fourth floor level to provide shelter outside the access staircase.

3.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Borough-Wide Local Plan 2017: SS1, SP4, Policy H1 (13), DM1, DM9, DM12, DM16, DM23 of the adopted local plan (2017)
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Supplementary Planning Document on Air Quality

4.0 LOCAL REPRESENTATIONS

4.01 **Local Residents:** 10 representations received from local residents raising the following (summarised) issues:

- Overlooking and loss of privacy
- Adverse impacts resulting from high density and overcrowding
- Overshadowing of development at Allin Place
- Lack of parking provision
- Harm to visual appearance of building and streetscene
- Lack of refuse storage facilities within the scheme

5.0 CONSULTATIONS

5.01 **KCC Floor and Water Management:** Comments that the application falls outside the definition of major development and also falls outside KCC's remit as a statutory consultee.

5.02 **Environment Agency:** No objection

5.03 **KCC Highways and Transport:** No objection

6.0 APPRAISAL

Main Issues

6.01 The application seeks planning permission for the erection of a two-storey extension at roof level to create 6 new one bedroom dwellings. The main issues for consideration are:

- Principle of development
- Visual impact
- Impact on residential amenity
- Parking and Highway safety
- Flooding

Principle of development

6.02 The application site is within Maidstone Town Centre. Policy SS1 of the adopted local plan sets out the sustainability strategy for Maidstone Borough. The Maidstone urban area is the most sustainable location in the hierarchy where new development is directed, followed by the rural service centres and the larger villages as defined on the proposals map to the Maidstone Borough Local Plan (2017).

6.03 Policy SP4 sets out the Council's vision to regenerate the town centre to help maintain its place as one of the premier town centres in Kent. The outlined vision for the town centre within policy SP4 supports additional residential development to help promote town centre vitality, especially during the evening. The policy requires development in the town centre to demonstrate a quality of design that respond positively to the townscape.

- 6.04 The Council seeks to achieve high quality design throughout the borough is set out in Policy DM1 of the adopted local plan (2017). The policy requires proposals to positively respond to and where appropriate enhance the character of their surroundings. A key objective of policy DM1 is to ensure that proposals respect the amenities of occupiers of neighbouring properties and provides adequate residential amenities for future occupiers. Policy DM12 requires new housing development to be at a density that is consistent with achieving good design without compromising the distinctive character of the area in which it is situated.
- 6.05 In considering the above, the principle of this proposal which involves erection of a two-storey extension at roof level to create 6 new one bedroom dwellings has strong policy support in the adopted local plan and the NPPF and considered acceptable as a consequence. The application site is in a highly sustainable location with good access to public transport and where goods, services, facilities can be easily accessed without the use of a private motor vehicle. In this context the principle of increasing residential density in this location is fully supported subject to the other considerations set out below.

Visual impact:

- 6.06 The vicinity of the application site is mainly commercial in character, with residential accommodation at the rear (east) and to the north of the site (Allin Place) with an open car park to the south on the opposite side of Medway Street. The application building although located in a prominent position on the junction of Medway Street and Fairmeadow is not of any great architectural merit. The proposal to erect a two storey addition at roof level would maintain the balance and proportions of the building and would add interest to the existing building appearance. Whilst the proposal would be slightly higher in relation to the existing lift shaft projecting above the application building, it would be of the same height as the neighbouring development at Allin Place and therefore it would not appear visually harmful in the vicinity of the site.
- 6.07 The footprint of the proposed extension would be recessed from the existing front elevation by just over 2 metres to reduce the impact on the streetscene. There would be a separating distance of approximately 7metres between the new elevation and the rear elevation of the residential development at Allin Place which would ensure that there is no overbearing impact when viewed in the context of this development. This relationship between the buildings is common in similar urban locations.
- 6.08 The development would result in the transformation of the existing flat roof to a distinctive curved roof matching the appearance of the roof of the neighbouring development at Allin Place. This would improve the visual appearance of the building and the general vicinity of the site. Surfacing material is indicated to include Zinc cladding which would match the materials used for the existing lift shaft. The visual appearance that would result from this development would complement the character and appearance of the application building and the general street scene. It is therefore considered that the proposal complies with objectives of policy DM1 of the adopted local plan and is acceptable as a consequence.

Residential Amenity:

- 6.09 Maidstone Council has no specific standard relating to minimum flat sizes and layouts. However, policy DM1 of the adopted local plan requires development proposals to be assessed in terms of the amenity for future occupants and the occupiers of neighbouring residential properties. The internal space provided within the new one bedroom flats is consistent with national space standards and would provide acceptable living accommodation for future occupants. The six units are all provided with private external space with direct access.
- 6.10 As with some of the existing flats, future occupants of the development will have access to private balcony which overlooks Medway Street Car Park and the River Medway to the west of the site.

- 6.11 The proposal as previously submitted would have had adverse impacts on the amenities of the occupants of the residential development at the rear of the application building. The submitted design amendments incorporate a 1.8 metre high obscure glass privacy screen across the entire length of the north facing elevation above the fourth floor. This would ensure that there is no unacceptable impact in terms of overlooking and loss of privacy from this part of the development. Whilst there are window openings on the facing elevation of the adjacent building at Allin Place, the rear facing aluminium framed roof light openings would be above 1.8 metres from the inside floor level and as such does not raise any concerns in respect of overlooking or loss of privacy. No neighbouring property in the vicinity of the site would be harmed by this development.
- 6.12 With regards to the impact of the proposal on outlook, it is not considered that there would be a significant adverse impact on existing residents of the building or occupiers of the neighbouring flats at Allin Place considering the scale, location, separating distances and height of the development.
- 6.13 The application is accompanied by Daylight and Sunlight Assessment which concludes that all neighbouring windows comply with the relevant BRE criteria. Therefore in planning terms there would be no unacceptable impact in terms of loss of light or overshadowing resulting from this development.
- 6.14 The application site fronts a busy town centre street with likely existing noise and disturbance from nearby commercial uses. In this context it is recommended that a planning condition is used to seek sound attenuation measures that would safeguard the amenities of future occupants of the development.

Parking and Highway Safety Considerations:

- 6.15 The development would not benefit from any off-street parking provision. However, the application site occupies a highly sustainable town centre location with good public transport links and good access to goods and services on foot and without the need to use a private vehicle. It is noted that the Highway Authority does not object to this application on parking or highway safety grounds and consequently it would be unreasonable to object to this application on this basis.

Flooding:

- 6.16 The guidance in the NPPF and Environmental Agency standing advice requires development in Flood Zone 2 and 3 to provide Flood Risk Assessment in support of planning applications. The proposed development is for the upward extension of an existing four storey building. Whilst the site falls within a flood zone, the Environment Agency is only concerned about the possible isolation of residents in a flood event. As such subject to residents signing up to flood warning service there is no objection to the proposal on flooding grounds. It is highlighted that planning permission was previously granted for the change of use of the ground floor of the building to provide three residential dwellings.

Other Matters:

- 6.17 Comments have been received raising objection to the application on grounds of lack of refuse storage provision within this scheme. There is scope for additional refuse storage provision at the site and it is recommended that a condition requesting submission of details of additional refuse facilities for the site is appended to the grant of permission.
- 6.18 The issues raised by local residents have been addressed in the main body of this report.

7.0 CONCLUSION

- 7.01 The proposed development is acceptable on design and there is no material harm to the character and appearance of the building, the street scene or setting of the nearby grade II listed building. There are no significant impacts on the amenities of the existing occupants of the building or the occupants of the neighboring residential building at Allin Place. The development would provide a reasonable standard of amenity for future occupants while contributing to the borough's identified housing shortfall. There are no objections on parking, highway safety or flooding grounds. The development complies with the relevant provisions in the NPPF and the development plan and therefore the balance falls in favour of granting planning permission.

8.0 RECOMMENDATION

- 8.01 GRANT planning permission subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans unless otherwise agreed in writing by the local planning authority:

Plan/Drawing number 3094-P-35 Rev B Proposed Fourth Floor Plan
Plan/Drawing number 3094-P-36 Rev B Proposed Fifth Floor Plan
Plan/Drawing 3094-P-37 Rev B Proposed Roof Plan
Plan/Drawing 3094-P-38 Rev A Proposed South Elevation
Plan/Drawing 3094-P-39 Rev B Proposed North Elevation
Plan/Drawing 3094-P-40 Rev A Proposed East Elevation
Plan/Drawing 3094-P-41 Rev B Proposed Section A-A
Plan / Drawing 3094-P-42 Rev B Proposed Section B-B

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

3. Prior to the development hereby approved commencing written details and samples of the materials to be used in the construction of the external surfaces of the development and hard surfaces shall have been submitted to and approved in writing by the Local Planning Authority. It shall include the incorporation of biodiversity enhancement in the form of swallow boxes and the development shall be constructed using the approved materials and maintained thereafter

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

4. Prior to the development hereby approved commencing a scheme to ensure satisfactory internal noise levels in the residential units in accordance with the "good" design range identified by BS 8233 1999, 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 shall be carried out in accordance with the approved details prior to first occupation of any of the units and shall be retained as such at all times thereafter.

Reason: In the interests of aural amenity.

5. Prior to the development hereby approved commencing details of facilities for the storage of refuse and cycles on the site for the occupiers of the approved accommodation shall be submitted to and approved in writing by the local planning authority and the approved facilities shall be provided before the first occupation of any of the units ;

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

6. As the site is lies in an Air Quality Management Area, future residents shall be provided with a welcome pack promoting the use of sustainable transport. This should include information on local buses, cycle routes and links to relevant local websites with travel information and details of the local sharing Car Clubs.

Reason: In the interest of Air Quality Management.

7. As future residents may be at risk of being isolated due to flooding, future residents shall be provided with a welcome pack with details of how to sign up to local flood warning services.

Reason: To safeguard future residents

INFORMATIVES

1. Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during works, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.
2. As the development involves demolition and / or construction it should be carried out in accordance with the Mid Kent Environmental Code of Development Practice.

Case Officer: Francis Amekor

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

Case Officer Francis Amekor

Case Officer Sign	Date
Francis Amekor	

Agenda Item 14



18/502320/FULL Land east to The Grove Residential Home, 6 Bower Mount Road, Maidstone, Kent

Scale: 1:1250

Printed on: 27/6/2018 at 9:17 AM by JoannaW



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REPORT SUMMARY

REPORT SUMMARY

5th July 2018

REFERENCE NO - 18/502320/FULL			
APPLICATION PROPOSAL - Erection of three detached houses with associated garages on vacant land to the east of The Grove Care Home. With new entrance and drive off Bowermount Road.			
ADDRESS - Land East To The Grove Residential Home, 6 Bower Mount Road Maidstone Kent ME16 8AU			
RECOMMENDATION - GRANT PLANNING PERMISSION subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION - The proposal complies with all relevant policies of the adopted Maidstone Borough Local Plan 2017), provisions of the Supplementary Planning Document (SPD) for London Road and Bower Mount Road Area and the National Planning Policy Framework and there are no overriding material considerations to indicate a refusal of planning permission.			
REASON FOR REFERRAL TO COMMITTEE - Cllr Jonathan Purle have requested that the application be determined by the planning committee if the case officer was minded to recommend approval.			
WARD Bridge	PARISH/TOWN COUNCIL N/A	APPLICANT Mr R Oliver AGENT Kent Design Partnership	
DECISION DUE DATE 12/07/18	PUBLICITY EXPIRY DATE 08/06/18	OFFICER SITE VISIT DATE 25/0/2018	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
18/500083/FULL	Erection of three detached houses with associated garages on vacant land to the east of the Groves Care Home. With new entrance and drive off of Bower Mount Road.	WITHDRAWN	09.03.18
MA/01/0880	Outline application for erection of 6 no. two bedroom apartments with external appearance, landscaping and design reserved for future consideration, as shown on dwg No. 10665/01 received on 31.05.01 and as amended by additional documents being 10665/02A and 03A received on 03.09.01.	REFUSED	12.10.01

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site comprises an area of land approximately 0.17ha taken from the side garden of Grove Residential Home. The site is located between two residential homes on the north-west side of Bower Mount Road a predominantly residential area.
- 1.02 The main building at the site Grove Residential Home is a substantial two-storey detached building which has a lawful established use as a residential care home, although it is likely that the original use of the building was as a single dwelling house. The building is set in a well maintained landscaped garden and the larger side garden area that is the subject of this current application is laid to lawn. The

remaining garden area immediately to the east of the main building has a raised terrace with a lower grassed area beyond it.

- 1.03 The site is located within the defined urban area of Maidstone and has no specific landscape or economic designation in the adopted Maidstone Borough Local Plan (2017). The site is enclosed along Bower Mount Road by a two metre high ragstone wall as is much of this part of the streetscene. Behind the ragstone wall and along the southern boundary is a line of mature trees and shrubs which are visible above the fence screening the site from view. The site falls within the Bower Mount Road North Character Area as set out within the SPD for London Road, Bower Mount Road and Buckland Hill Character Area Assessment Document.
- 1.04 There are a number of protected trees within the site. Ground levels at the front part of the site are generally flat rising gently east to west. There is a change in ground level at the rear part of the site such that adjoining properties to the north and west are on higher ground in relation to the application site level. There are no listed buildings in the immediate vicinity of the site and the site is not located within a conservation area.

2.0 PROPOSAL

- 2.01 The application is resubmission of the previous scheme under reference number 18/500233/FULL which was withdrawn following objections by the Council. The objections related to the likely impact on the occupiers of the existing residential care home to the east of the application site.
- 2.02 The proposal is for the erection of three detached houses with associated garages on garden land which has now been clearly separated from Grove Residential Home by a 1.8 metre closeboarded fence. The main change from the earlier submission is the relocation of the proposed dwelling at the front of the site from the east of the site to the western half of the site.
- 2.03 The dwellings proposed would be of traditional design and in summary:
- Plot one (annotated as 1010 on the submitted layout plan) A five bedroom dwelling with a maximum width of 17 metres and depth just under 9 metres. It would have a height of 9.2 metres with eaves just above five metres. This building would have a hipped tiled roof. The ground floor would have living room, kitchen, study, utility room and a garage. The first floor would have an ensuite master bedroom, three double rooms one with ensuite facility, a single room, family bathroom.
 - Plot two (annotated as 1020 on the submitted layout plan):: The development on plot two would comprise of a five bedroom dwelling with a width of 16.2 metres and depths of 11.5 metres. It would be 9.7 metres above ground level with eaves at 5.5 metres. The roof of the garage element would be set down from the ridge of the main building by 2.5 metres. The building on plot two would have a pitched tiled roof. Four bedrooms with ensuite facilities would be provided at first floor in addition to a fifth bedroom in the roof of the garage. The ground floor would have a porch, kitchen, living room and utility room.
 - Plot three (annotated as 1030 on the submitted layout plan): The building on plot three would have an L shaped footprint accommodating four ensuite bedrooms at first floor. The ground floor would have a kitchen dinner, living room, utility and cloak room and a garage. It would have a maximum width of 12.5 metres, height of 7.6 metres with eaves at 5 metres. This element of the scheme would have hipped end roof with the roof of the garage set down from the ridge of the main dwelling.

- 2.05 The development includes the provision of a new separate access and drive onto Bower Mount Road which requires the creation of an opening in the stone fence wall along Bower Mount Road.

3.0 POLICY AND OTHER CONSIDERATIONS

- 3.01 Maidstone Borough-Wide Local Plan 2017: SS1, SP1, DM1, DM9, DM11, DM12, DM23 of the adopted local plan (2017)
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Supplementary Planning Documents: Adopted London Road, Bower Mount Road and Buckland Hill Area Character Area Assessment SPD (2008).

4.0 LOCAL REPRESENTATIONS

- 4.01 **Local Residents:** Nine representations received from local residents raising the following (summarised) issues:

Exacerbate parking pressures, increase in traffic and highways safety
Harm to streetscene resulting from removal of ragstone wall
Impacts on residential amenity of neighbouring occupiers resulting from proximity to boundaries
Development would have a cramped appearance
Access would cause noise and disturbance to occupants of residential home to the east of the site.
Misleading information in terms of relationship to neighbouring dwellings
Design and Access Statement does not satisfactorily address all issues
Incomplete Arboricultural Report
Impacts on amenities of no.1 Fairview Cottages similar to previous refusal under 01/0880

- 4.02 Representations have been received from Cllr Jonathan Purle raising objections to the application and requesting that it is reported to the planning committee if the case officer is minded to recommend approval.

5.0 CONSULTATIONS

Heritage, Landscape and Design: No objections subject to conditions covering landscaping and a further condition requiring all works to be undertaken in strict accordance with Jim Quaife's Arboricultural Survey and Planning Integration Report submitted with the application.

- 5.01 **KCC Highways and Transport:** No objections

6.0 APPRAISAL

Main Issues

- 6.01 Planning permission is sought for the erection of three detached houses with associated garages on garden land to the east of Groves Residential Home, together with the formation of a new vehicle access and crossover. The main issues for consideration are:

Principle of development
Visual impact
Impact on residential amenity
Parking and highway safety

Landscaping
Biodiversity implications:

Principle of development

- 6.02 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 other material considerations indicate otherwise.
- 6.03 Policy SS1 of the adopted local plan sets out the sustainability strategy for Maidstone Borough. The Maidstone urban area is the most sustainable location in the hierarchy where new development is firstly directed followed by the rural service centres and the larger villages as defined on the proposals map to the Maidstone Borough Local Plan (2017).
- 6.04 Policy SP1 of the adopted local outlines the Council's objectives of ensuring that the Maidstone urban area remains an attractive place to live and work. In line with this objective, the Council aspires to infill appropriate urban sites in a way that contributes positively to the local distinctive character.
- 6.05 The Council's aspiration of achieving high quality design throughout the borough is set out in Policy DM1 of the adopted local plan (2017). The policy requires proposals to positively respond to and where appropriate enhance the character of their surroundings. The provision of adequate residential amenities for both future residents and for the occupiers of neighbouring properties is also a key objective of this policy.
- 6.06 Additional guidance is set out in policy DM12 of the plan requiring new housing development to be at a density that is consistent with achieving good design without compromising the distinctive character of the area in which it is situated. The proposed density of development is in line with the character of the site and the surrounding area.
- 6.07 Guidance on vehicle parking standards is outlined in policy DM23 of the adopted local plan. It aims at ensuring that new development provides adequate off street parking to accommodate the need generated by new development. Policy DM23 also and seeks to protect areas surrounding new development from inappropriate vehicle parking.
- 6.08 The site falls within the Bower Mount Road North Character Area and the adopted Supplementary Planning Document (2008) sets out the criteria for infill residential development. It states that the borough would expect development to respond to the scale, height, form, materials, alignment and character of the historic buildings. The SPD further requires development within the area to retain traditional boundary wall and matured landscape, whilst protecting and enhancing land scape features. The SPD identifies the curtilage of the residential home as a negative feature within the street.
- 6.09 Having regards to the above, it is considered that there is policy support within the adopted local plan and the NPPF for this type of infilling in the Maidstone urban area which is the most sustainable locations in the hierarchy. The principle of the proposal is considered acceptable as a consequence.

Visual Impact

- 6.10 The application site which forms part of the substantial side garden of Grove Residential Home lies within the urban context of Maidstone. The street is predominantly residential in character comprising mainly large detached houses set

within spacious plots. The area has a pleasant appearance which is enhanced by the stone walls and matured vegetation. The positive characteristic of the area includes a spacious verdant character, ragstone wall, landscape structure of matured trees, with buildings set back from the road.

- 6.11 The development which is contained within the side garden of the existing building would be enclosed by the ragstone wall to the south and residential gardens to the west, north and east. It would retain much of the existing ragstone wall running along southern boundary. There are several existing openings in walls along Bower Mount Road serving existing properties and considering that a significant proportion of the stone wall would be retained there would be no unacceptable harm to the character of the streetscene from the current proposal.
- 6.12 The overall built coverage would be similar to residential development further to the east of the site and across the street to the south of the site. The development would not appear cramped or of a density out of keeping with the prevailing character and pattern of local development. It is noted that there is some variety in the local area that includes infill high density developments and the three storey Scandinavian style houses with distinctive low pitched roofs and projecting windows as the road curves northwards.
- 6.13 The traditional design of the properties and the use of materials which includes facing brickwork would reflect the character and appearance of existing dwellings within the street. Therefore, the development would not appear visually harmful when seen in the context of the site and surrounding development. For this reasons, the development would sit comfortably within the street scene and retain the character and appearance of the area.

Residential Amenity:

- 6.14 In line with requirements of the adopted local plan, the proposal needs to be assessed in terms of the level of amenity for future occupants and the occupiers of neighbouring residential properties. The development would provide acceptable internal floor space compliant with national space standards for future occupants. Similarly, the outdoor amenity areas indicated on the plans submitted are of adequate proportions and would provide acceptable amenity space for future occupants of the dwellings both in terms of size, accessibility and usability.
- 6.15 The proposed building on plot 3 would have a separating distance of 3 metres from the common boundary of the property to the east of the site known as Holly Bank with a separation of approximately 15 metres between existing and proposed building elevations.
- 6.16 The proposed first floor windows openings in the elevation facing Holly Bank are to bathrooms. It is standard practice to use planning conditions to ensure that obscure glazed is used in bathroom windows and that the windows are incapable of being opened except for a high level fanlight opening of at least 1.7m above the inside floor level. A condition is recommended to ensure that these restrictions are used in this instance to safeguard the privacy of the occupiers of the neighbouring dwelling and for future occupiers of the proposed accommodation. After considering the location, height and angles of proposed window and door openings the proposed development is acceptable in relation to maintaining the privacy for the property called Holly Bank and for occupants of the proposed development.
- 6.17 Objections have been received from the occupants of No.1 Fairview Cottages which is located further to the north east of the property at Holly Bank. The development on plot 3 would have a separating distance of approximately 20 metres from this cottage. No.1 Fairview Cottages would be sufficiently distanced from the dwelling on plot 3 and

considering that the first floor east facing window openings would be conditioned to be obscure glazed and incapable of being opened, there would be no significant adverse impact on the amenities of occupiers of this property so severe as to merit a refusal of planning permission.

- 6.18 Traffic calming measures incorporated within the scheme will ensure that vehicles using the access travel at very low speed, this will ensure that any noise is minimised and the proposal is acceptable in relation to maintaining the amenities of the occupants of the residential home to the east of the site.
- 6.19 Overall, in considering separation distances, orientation, positioning and window and door locations, the proposal is acceptable in relation to the amenities of the future occupants of the proposed buildings and the occupants of neighbouring residential dwellings in terms of outlook, privacy, light or general disturbance. There is no identified harm to the amenities of the occupiers of the residential home to the east of the application site (no.6a).

Parking, Access and Highway Safety

- 6.20 The submitted plans indicate the provision of two car parking spaces for each dwelling together with two visitor parking spaces. The parking provision within this scheme is compliant with the requirements set out in policy DM23 of the adopted Maidstone Borough Local Plan.
- 6.21 Paragraph 32 of the National Planning Policy Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The proposed development would have very limited impact in terms of trip generation on the local road network and therefore it does not raise any highway safety impacts. The proposed access would have good sightlines in both directions. In this context, the proposal is considered acceptable in relation to parking, access and highway safety and this view is supported by the Highways Authority.

Landscaping:

- 6.22 The proposed development would see the removal of a number of low quality trees located on the rear part of the site. The Landscape Officer considers the submitted tree survey, protection and removal plans acceptable and does not raise any objections on arboricultural grounds as their loss would have little effect on the overall amenity of the area.
- 6.23 The replacement tree shown towards the front of the site will be approximately 10m from the front elevation of the property on plot one which is considered sufficient to ensure the new tree can mature without future conflict with the property. The Landscape Officer further comments that considering that it has been some time since the removal of the original Beech tree (unrelated to this application), it is appropriate to include a condition securing the replacement of this tree and protection of retained trees by fencing as shown in the submitted Quaif Woodlands Arboricultural Report. With this considered, I am satisfied that the Council can secure an enhanced landscaping as part of the current application and this would be secured by condition.

Biodiversity:

- 6.24 The guidance in the NPPF encourages opportunities to incorporate biodiversity enhancements in and around new developments. The application site is currently a managed garden area within the urban area and biodiversity enhancements can be achieved within the scheme in the form of provision for bat and sparrow boxes/bricks which would be secured by condition.

Other Matters:

- 6.25 Comments have been received objecting to the application on grounds that the submitted plans are incorrect and misleading in terms of relationship to neighbouring dwellings with the application site. The accuracy of the submitted plans has been checked and they were found to be at the correct scale and there is no evidence to support this assertion.
- 6.26 Comments have been received stating that the impacts of this application on amenities of no.1 Fairview Cottages is similar to previous refuse scheme under application reference number MA/01/0880. The refused scheme is materially different from this current application and planning legislation requires that each planning application is determined in accordance with provisions of the local plan. The impact of the application on the neighbouring dwelling at no.1 Fairview Cottages has been carefully assessed and it was not considered that there are any unacceptable impacts that should merit a refusal of planning permission.
- 6.27 Further comments object to the application on grounds that the submitted Design and Assessment Statement and Jim Quaife's Arboricultural Survey and Planning Integration Report are incomplete and do not sufficiently address the issues raised by this application. Officers consider that sufficient information has been submitted to allow an accurate assessment of the submitted proposal.

7.0 CONCLUSION

- 7.01 The development is acceptable in terms of design and appearance, and there are no significant adverse impacts on the character, appearance and visual amenity of Bower Mount Road. The proposals have been found to be acceptable in relation to parking provision within the site scheme and in terms of highway safety. The proposed development respects the amenities of the occupiers of neighbouring residential properties.
- 7.02 The development is consistent with the relevant provisions of the local development plan (Maidstone Borough Local Plan 2017), The London Road, Bower Mount Road and Buckland Hill Area Character Area Assessment –SPD (2008) and National Planning Policy Framework NPPF and there are no other material considerations that would indicate a refusal of planning permission. Approval is recommended subject to appropriate conditions.

8.0 RECOMMENDATION

- 8.01 GRANT planning permission subject to the following conditions:

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

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

- (2) The development shall not commence past slab level until written details and samples of the materials to be used in the construction of the external surfaces of the new build development 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 and maintained thereafter unless otherwise agreed in writing by the local planning authority;

The details of the material shall include bat and sparrow boxes/bricks incorporated into the development.

Reason: To ensure a satisfactory appearance to the development.

- (3) Prior to any part of the development hereby approved reaching damp proof course, details of a decentralised and renewable or low-carbon sources of energy and how they will be incorporated into the development shall be submitted for prior approval in writing by the Local Planning Authority. The approved details will be in place before first occupation of any part the development hereby approved and maintained as such at all times thereafter.

Reason: To secure an energy efficient and sustainable form of development to accord with the provision of the NPPF.

- (4) Prior to occupation of the proposed new dwelling a minimum of one electric vehicle charging point per dwelling shall be installed and ready for use and in accordance with details that have previously been submitted to and approved in writing by the local planning authority that includes a programme for installation, maintenance and management with the points retained thereafter and maintained in accordance with the approved details.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with paragraph 35 of the NPPF.

- (5) Prior to any part of the development hereby approved reaching damp proof course, details of all fencing, walling and other boundary treatments (to include gaps for the passage of wildlife) shall have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the buildings and maintained thereafter;

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

- (6) The development shall be carried out in strict accordance with Jim Quaife's Arboricultural Survey and Planning Integration Report submitted with the application.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

- (7) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their long term management. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines; it shall include replacement and protection of the Beech tree near the site entrance as shown in Quaif Woodlands arb report.

Reason: To ensure adequate protection of trees and a satisfactory external appearance to the development and in the character of the area.

- (8) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the 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.

- (9) The approved details of the parking/turning areas shall be completed before the commencement of the use of the buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

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

- (10) Before the development hereby permitted on plot 3 is first occupied, the first floor windows opening on the east facing elevation (as shown on drawing no.16.03SK12 Rev. B) shall be fitted with obscure glazing and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such to the satisfaction of the Local Planning Authority.

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

- (11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), any development that falls within Schedule 2, Part 1, Class A, B, C and E or any erection of outbuildings, boundary treatments or laying of hardstanding shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by prospective occupiers.

- (12) No development shall take place until details of a sustainable drainage scheme for the disposal of surface water and waste water have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure that the principles of sustainable drainage are incorporated into this development and to ensure ongoing efficacy of the drainage provisions.

- (13) No development shall take place until details of on site parking and turning for all construction traffic have been submitted to and approved in writing by the local planning authority. The details shall be implemented before construction commences and retained until the completion of the construction.

Reason: To ensure adequate on site parking and turning provision is made for construction traffic in the interest of highway safety and the free flow of traffic.

- (14) Prior to the development hereby approved commencing details of facilities for the storage of refuse and cycles on the site for the occupiers of the approved accommodation shall be submitted to and approved in writing by the local planning authority and the approved facilities shall be provided before the first occupation of any of the units ;

Reason: No such details have been submitted and in the interest of residential amenity and sustainable travel choices.

- (15) The development hereby approved shall not commence above slab level until details of scheme for the enhancement of biodiversity on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the development by means such as swift bricks, bat tube or bricks. The approved measures shall be implemented in accordance with the approved details prior to first occupation of any of the houses and all features shall be maintained thereafter.

Reason: To protect and enhance the ecology and biodiversity on the site in the future.

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

Plan/Drawing 16.03.13 Rev. B Plot 1010 - East Elevation
Plan/Drawing 16.03.14 Rev. A Plot 1020 - South Elevation
Plan/Drawing 16.03.15 Rev. B Plot 1030 - South Elevation
Plan/Drawing 16.03.23 Rev. B Site Section A
Plan/Drawing 16.03.30 Rev. A Proposed Site Layout
Plan/Drawing SK01 Plot 1020 - South Elevation
Plan/Drawing SK03B Plot 1030 - South Elevation
Plan/Drawing SK07 Plot 1020 - North Elevation
Plan/Drawing SK08 Plot 1020 - East Elevation
Plan/Drawing SK09 Plot 1020 - West Elevation
Plan/Drawing SK12 B Plot 1030B - East Elevation
Plan/Drawing SK20 Plot 1010 - North Elevation
Plan/Drawing SK21 Plot 1010 - South Elevation
Plan/Drawing SK22 Plot 1010 - East Elevation
Plan/Drawing SK23 Plot 1010 - West Elevation

Aboricultural Survey & Planning Integration Survey received on 30th April, 2018

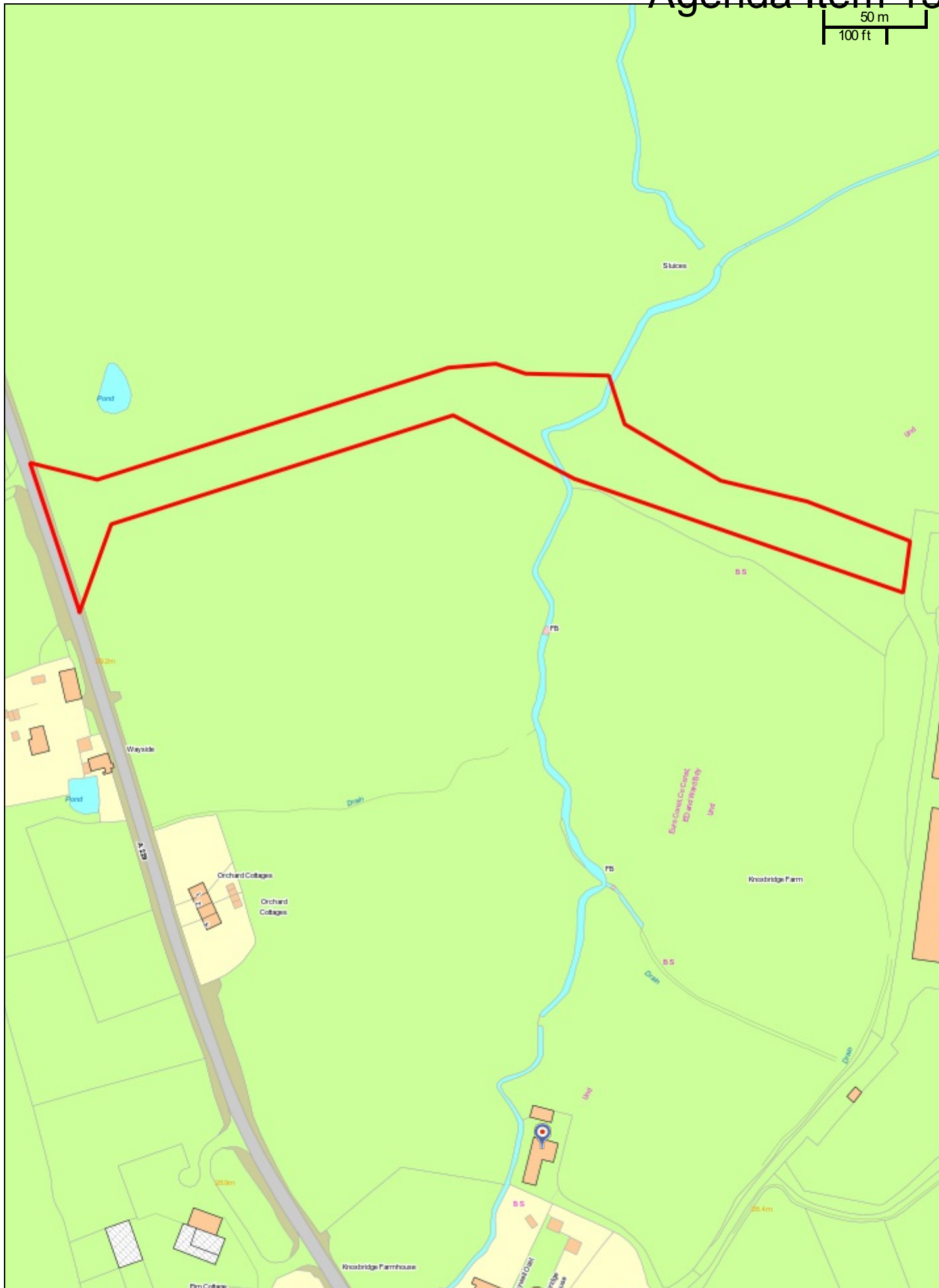
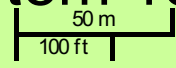
Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

Case Officer: Francis Amekor

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

Case Officer Francis Amekor

Case Officer Sign	Date
Francis Amekor	



18/501158/FULL Knoxbridge Farm, Cranbrook Road, Staplehurst, Tonbridge, Kent

Scale: 1:2500

Printed on: 27/6/2018 at 9:21 AM by JoannaW



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REPORT SUMMARY

REFERENCE NO - 18/501158/FULL		
APPLICATION PROPOSAL Provision of new farm access to Knoxbridge Farm from A229, including landscaping, crossing over stream and barrier. (Resubmission of 16/508630/FULL)		
ADDRESS - Knoxbridge Farm, Cranbrook Road, Staplehurst, Tonbridge, Kent, TN17 2BT		
RECOMMENDATION - REFUSE		
SUMMARY OF REASONS FOR REFUSAL There is no overriding need for the access road in this location, in either highway safety or residential amenity terms, and there are no significant benefits that would outweigh the identified visual harm. The proposal is not acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
REASON FOR REFERRAL TO COMMITTEE Petition of more than 100 signatures has been received in support of proposal.		
WARD Staplehurst	PARISH Staplehurst	COUNCIL APPLICANT Fridays Ltd AGENT Mr David Harvey
DECISION DUE DATE 09/07/18	PUBLICITY EXPIRY DATE 11/05/18	OFFICER SITE VISIT DATE 22/03/18
RELEVANT PLANNING HISTORY:		

- 16/508630: Access from A229 - Refused (Aug 2017: visual impact grounds)
- 16/07865 (Tunbridge Wells): Provision of farm access – Approved (Feb 2017)
- 16/07705 (Tunbridge Wells): 3 replacement poultry houses – Approved (Mar 2017)
- TW/15/504981 (KCC): Installation of Anaerobic Digester - Approved (Sept 2015)
- 09/03366 (Tunbridge Wells): Erection of 3 poultry sheds - Approved (Mar 2010)
- MA/03/0264: Access from A229 - Refused (June 2003: visual impact grounds)

1.0 SITE DESCRIPTION

1.01 The proposed development site forms part of Knoxbridge Farm, a large colony style chicken farm established by Fridays. The farm extends to approximately 130ha comprising arable crop production and a poultry farm, which forms the subject of the proposed development.

1.02 The farm itself is located in the borough of Tunbridge Wells, to the south-east of Staplehurst, and to the east of the A229 Cranbrook Road. The majority of the proposal site and the proposed access road however are within the Borough of Maidstone (except for some 40-50m of the eastern end of the road). There is an existing access to the farm from the A229, this is adjacent to the Knoxbridge café and within Tunbridge Wells, which is also a public footpath (WC237). Part of the site is within Flood Zone 3,

and part of the site (parallel with Cranbrook Road) within an Area of Archaeological Potential.

- 1.03 The surrounding area is rural in character, comprised predominantly of farmland in arable production or pasture, woodland blocks, and interspersed rural properties; and for the purposes of the Local Plan, the proposal site is within the countryside.

2.0 PROPOSAL

- 2.01 The proposal is for the provision of a new farm access road to Knoxbridge Farm from the A229. The new access will provide an alternative to the existing access and would be located further north along the A229. It is stated that the proposal would not have an impact on the operation of the farm in terms of vehicle movements.

- 2.02 The proposed access is in a similar location to that refused under planning application in August 2017 (reference 16/508630) for the following reason:

“Proposal would result in unnecessary and inappropriate development in open countryside which would be harmful to the intrinsic character of the landscape. No significant evidence has been advanced to indicate any overriding highways or residential amenity benefits such as to outweigh the fundamental harm to the character of the countryside. The application is therefore contrary to Local Plan 2000 Policy ENV28; and Local Plan (Reg 19) Submission Version 2016 Policy SP17”.

- 2.03 The main difference between the proposal refused permission and the current proposal is additional planting now shown along the southern edge of the new road (close to farm buildings).

3.0 POLICY AND OTHER CONSIDERATIONS

- Local Plan (2017): SS1, SP17, DM1, DM3, DM30, DM36
- National Planning Policy Framework (2012)
- National Planning Practice Guidance (2014)
- Landscape Character Assessment (am. 2013) & Supplement (2012)
- Maidstone Landscape Capacity Study: Sensitivity Assessment (2015)
- Staplehurst Neighbourhood Plan (2016-2031)

4.0 LOCAL REPRESENTATIONS

- 4.01 **Local Residents:** 9 representations received in support of application, including a petition of 224 signatures in favour of the proposed access road on the grounds of highway safety. Raise objections to current access because of unwanted odours; property damage; air quality; and transportation of animal waste and dangerous substances.

- 4.02 1 representation objects with concerns over location of new access and what impact it would have upon their amenity.

5.0 CONSULTATIONS

- 5.01 **Staplehurst Parish Council:** Wish to see application approved and do not request its referral to planning committee;

Councillors commented proposal would help address residents' concerns about safety in Knoxbridge area and recommend application is approved.

- 5.02 **KCC Highways:** Raise no objection to proposal but also have no highway safety objection to existing access (see main report).
- 5.03 **Landscape Officer:** Their view does not conflict with the case officer's view taken from a planning perspective (see main report).
- 5.04 **KCC Flood & Water Management Team:** Raise no objection.
- 5.05 **Biodiversity Officer:** Raises no objection.
- 5.06 **Environmental Protection Team:** Raise no objection.
- 5.07 **Environment Agency:** Has no comments to make.
- 5.08 **Upper Medway Internal Drainage Board:** Raises no objection.
- 5.09 **Agricultural Advisor:** Commented application doesn't fall within their advisory remit.
- 5.10 **KCC Archaeology Officer:** Has made no comments.
- 5.11 **Health & Safety Executive:** Raise no objection on safety grounds.
- 5.12 **Tunbridge Wells Borough Council:** Raise no objection.

APPRAISAL

Main issues

- 6.01 Development proposals in the countryside will not be permitted unless they accord with other policies in the Local Plan and will not result in harm to local character and appearance; and impacts on the appearance and character of the landscape shall be appropriately mitigated and where possible, enhance local distinctiveness (policies DM1, DM3 and DM30).
- 6.02 The adopted Staplehurst Neighbourhood Plan is also part of the Development Plan, and policy PW2 seeks new development outside the village envelope to be assessed in terms of its potential impact upon the visual setting and landscape features of the site and its surroundings.
- 6.03 This report will set out and consider the applicant's justification for the proposal, as well as its visual impact and its potential impact upon residential amenity; biodiversity; surface water drainage; and other planning matters as relevant.

Highway safety implications

- 6.04 In terms of the new access the Highways Authority comments are summarised as follows:

Visibility sight lines

- 6.05 Visibility sightlines of 4.5m x 160m will be provided for the new access in accordance with Design Manual for Roads and Bridges advice note TD 42/95. In this instance, a set-back distance of 4.5m has been used which is more than that required under The Kent Design Guide. No objection is raised in relation to the visibility of the access to the A229 Cranbrook Road.

Personal injury Collision Record

6.06 The applicant has provided personal injury collision record data (sourced from KCC) for the A229 Cranbrook Road within the vicinity of the proposed and existing site accesses. As this only covers the period up to 31/03/16 crash map has used to check for the additional period up to June 2017, and KCC have confirmed no additional collisions have been recorded.

Vehicle tracking

6.07 On reviewing the swept path analysis, the proposed junction arrangements are considered satisfactory for the largest types of vehicles that are likely to use them.

6.08 As an overview, KCC are satisfied that it has been demonstrated that the required standards for access onto the strategic road network can be achieved and so no objection is raised by them to the new access in this respect.

Suitability of the existing access

6.09 In assessing the need for the proposed new access road (which is considered against visual harm later in this report) the Highways Authority has stated that there is no issue with the standard of the existing site access that the new road is proposed to replace for HGV access. Whilst the Highways Authority state that the proposed access would be of a higher standard in respect of visibility and turning movements, the personal injury collision record for the existing access does not provide evidence to support the conclusion that there are inordinate safety issues at the existing access. The existing access is not considered a crash cluster site by KCC (that being within a 50m diameter having experienced 4 or more crashes in a 3yr period). The agent also states that none of the Farm's vehicles have been directly involved in collisions at the existing access.

Summary

6.10 On this basis, there is considered to be insufficient evidence to demonstrate that this new access/road is required, necessary, and will result in a significant improvement in road safety. Furthermore, as there is already an existing access to the farm that KCC do not consider to have inordinate safety issues, and it is considered that the proposal cannot be considered 'reasonable' for the purposes of agriculture.

Visual impact

6.11 Policies SS1 and SP17 of the Local Plan states that protection will be given to the rural character of the borough; and proposals in the countryside will not be permitted if they result in harm to the character and appearance of the area. Policy DM30 states that new development should maintain, or where possible, enhance the local distinctiveness of an area.

6.12 In accordance with the Council's Landscape Character Assessment and Capacity Study, the Low Weald generic guidelines seek to "...conserve the largely undeveloped landscape with its scattered development pattern and isolated farmsteads". More specifically, the site is within the Knoxbridge Arable Lowlands character area (46) as designated in the Maidstone Landscape Character Assessment, and the overall landscape sensitivity for this area is considered to be high and sensitive to change.

- 6.13 There are no protected trees on, or immediately adjacent to the site, and the applicant has submitted a Landscape and Visual Appraisal (LVA) that concludes that there would be no total or substantial loss upon the main landscape features that characterise the application site.
- 6.14 Notwithstanding this, the proposed access including the necessary sightlines would puncture through a hedgerow along the A229, with some hedgerow also being removed within the site itself; and the first 40m of the new access would measure 7.5m wide, with the remaining road measuring more than 4m wide. The new road would measure more than 400m in length and traverse what is currently an open field, albeit with the edges of the fields lined by trees and/or hedges.
- 6.15 The proposal would appear as an urbanising feature on this sensitive landscape, by virtue of it dissecting existing fields with the laying of significant levels of hard surfacing, then the public view of large vehicles moving up and down this road; and by the introduction of an intrusive element along the A229 in the shape of the new junction and views of the road through the junction. This is considered to be unacceptable encroachment in to the countryside, being at odds with the rural context and sensitive nature of the site and the surrounding area. It is considered that it would require substantial screening in order to shield the proposal from public view, and any new landscaping/screening would take a number of years to reach maturity; and even once established it could be considered to be incongruous with the character of what is currently an open undeveloped field.
- 6.16 The proposal would be contrary to the Council's Landscape Character Assessment, as the proposal is not considered to be closely associated with an existing settlement or farmstead, given that it is a new urbanising feature measuring more than 400m in length that carves through undeveloped land; and given that it introduces new development along the A229. There is also reference in the LVIA to trees that are proposed to be removed, but the submitted plans do not clearly indicate the details of the existing vegetation in question. The Landscape Officer would normally expect arboricultural information to be provided to enable a proper assessment of the effects of the proposed development.
- 6.17 Whilst the Landscape Officer confirms that the conclusions of the applicant's LVA are drawn from the methodology followed, there are always elements of subjectivity within this. So whilst the Landscape Officer does not disagree that the proposed mitigation planting would help screen and filter views of the access road in the long term, they state that there is clearly an adverse effect arising from the effect of additional human activity within this sensitive landscape. The Landscape Officer goes on to comment that the access road does not conserve and enhance the historic field pattern, and nor is it directly associated with existing farmsteads or in keeping with existing. The Landscape Officer therefore considers the scheme to not reflect the Council's suite of landscape documents in respect of this character area, which is defined as being of high overall sensitivity and sensitive to change.
- 6.18 It has been concluded that further information or screening etc. that could be requested through planning conditions would fail to mitigate against

the harm identified. It is therefore considered that the development would result in unacceptable harm to the rural character and appearance of the landscape hereabouts, contrary to the findings of the submitted LVIA. There are considered to be no overriding circumstances here that justify such a harmful development in this location that has already been refused by the local planning authority, and the identified harm would therefore be contrary to the relevant policies of the Local Plan and policy PW2 of the Staplehurst Neighbourhood Plan.

Residential amenity

- 6.19 The proposed access/road would not have an unacceptable impact upon the amenity of any local resident.
- 6.20 The argument has been made that the proposal will benefit the existing residential properties that are located close to and along the existing access, because the proposal would result in a net loss of HGV/tractor movements. However, the access will still be used by other motor vehicles coming and going from the farm and elsewhere; there is no substantial evidence submitted with the application that demonstrates that the existing access is harmful to the amenity of the existing residents, in terms of general noise and disturbance; and as KCC have stated, they do not consider the existing access to the farm to have inordinate safety issues.
- 6.21 Furthermore, there are no reasonable means for this local planning authority to ensure that no heavy vehicles would use the existing access, or in fact define what vehicles can and cannot use this access as it is not in Maidstone borough. As it is currently in use and of an appropriate standard KCC highways would also not have the means or reason to stop the use of the existing access. Imposing a condition to restrict what type of vehicles can use the existing access would also not prevent use of the existing access as once the new access was in use this would not be reasonably enforceable. As such, a condition of this nature would not pass the NPPF's 6 tests for when planning conditions should be imposed.

Other considerations

- 6.22 A preliminary ecological appraisal report was submitted as part of this application. The Biodiversity Officer is satisfied with this report's findings and concludes that there will be no need for further survey work to be carried out prior to determination of this application. This conclusion is reached given the small area of habitat to be lost as a result of the proposed development, and given the works are unlikely to impact the population of any species present within the wider area. If this application was recommended for approval and as agreed by the Biodiversity Officer, suitable conditions could be imposed to secure appropriate ecological mitigation (including a precautionary mitigation strategy).
- 6.23 The Environmental Protection Team raise no objection in terms of noise, air quality and land contamination grounds; and the Environment Agency has assessed this application as having a low environmental risk and have no comments to make in terms of flood risk. The Upper Medway Internal Drainage Board also raises no specific objection to the proposal; and the KCC Flood and Water Management Team have raised no objection to the proposal in terms of surface water drainage.

6.24 Part of the site (close to the road) falls within an Area of Archaeological Potential, but as the KCC Archaeology Officer has made no comment, it assumed that they raise no objection to the proposal on archaeological grounds.

6.25 The comments made by Staplehurst Parish Council and the local representatives have been considered in the assessment of this application. However, it should be noted that potential property damage and what environmental implications there may be with transporting animal waste and dangerous substances are not material planning considerations.

7.0 CONCLUSION

7.01 It is considered that the proposal would result in an inappropriate development that would be harmful to the character and appearance of the countryside hereabouts that has a high overall landscape sensitivity. The application fails to adequately demonstrate an overriding need for the access road in this location, in either highway safety or residential amenity terms, and so there are considered to be no significant benefits that would outweigh this identified harm. It is therefore considered that the proposal is not acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. A recommendation of refusal of the application is made on this basis.

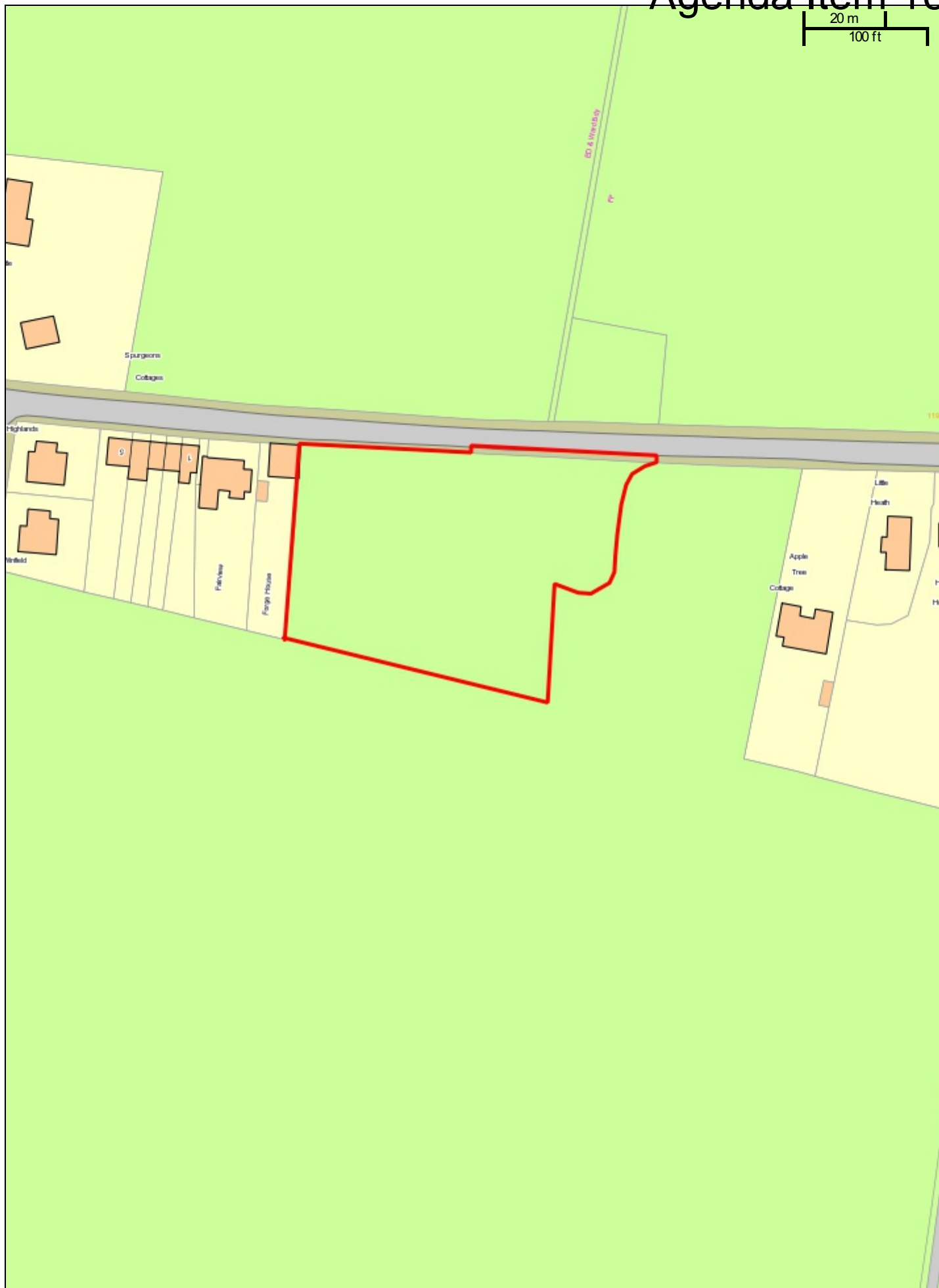
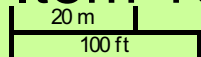
8.0 RECOMMENDATION – REFUSE for following reason:

The proposal would result in an inappropriate development in the countryside that would cause unacceptable harm to the character and appearance of the landscape that is of high overall landscape sensitivity. No significant evidence has been submitted to indicate overriding highway safety or residential amenity benefits such as to outweigh this identified harm. The application is therefore contrary to policies SP17, DM1, DM3 and DM30 of the Maidstone Local Plan (2017); the Maidstone Landscape Character Assessment & Supplement (2012); the Maidstone Landscape Capacity Study: Sensitivity Assessment (2015); the Staplehurst Neighbourhood Plan (2016 – 2031); and the National Planning Policy Framework (2012). Case Officer: Kathryn Altieri

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

Case Officer Kathryn Altieri

Case Officer Sign	Date
Kathryn Altieri	



18/500618/FULL Land South of Heath Road, Linton, Maidstone, Kent

Scale: 1:1250

Printed on: 27/6/2018 at 9:25 AM by JoannaW



Planning Committee Report

REPORT SUMMARY

5 July 2018		
REFERENCE NO - 18/500618/FULL		
APPLICATION PROPOSAL Erection of new doctor's surgery building with associated parking, landscaping and creation of new vehicular access onto Heath Road.		
ADDRESS Land South Of Heath Road Linton Maidstone		
RECOMMENDATION Approve subject to conditions and a s106 legal agreement.		
SUMMARY OF REASONS FOR RECOMMENDATION The development is a modern high specification facility delivering the required general practice capacity and service transformation to meet the future needs of the growing population covered by the practices. The new building will give capacity for a wider range of services to be delivered from the practice, enabling access to cluster based services for a wider population. Most concerns I am satisfied that they can be overcome by the legal agreement or imposition of conditions.		
REASON FOR REFERRAL TO COMMITTEE This is major development in the countryside and in an area of Local Landscape Value		
WARD Coxheath And Hunton	PARISH/TOWN COUNCIL	APPLICANT Alan Firmin Ltd & Greensand Health Centre & Orchard Medical AGENT DHA Planning
DECISION DUE DATE 12.07.2018	PUBLICITY EXPIRY DATE 05.07.2018	OFFICER SITE VISIT DATE 22.02.2018

Planning History

MA/16/506648/HYBRID Hybrid application for detailed planning permission for a residential development of 70 dwellings comprising of 2, 3 and 4 bedroom two storey terraced, semi-detached and detached houses and 4 No. 1 bedroom units together with outline planning permission for a two storey medical centre with all matters reserved for future consideration.

Approved 20.11.2017

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.1 The application site is agricultural land of 0.40ha of Hill Farm Linton. It is just within the parish of Linton being located to the east of the village of Coxheath, 120m from the outer extent of the village boundaries and approx. 1km from its centre. The rest of Hill Farm lies to the east and south of the application site.
- 1.2 The site is located directly to the south of the B2163 (Heath Road) and is behind an existing hedgerow and pedestrian footway. The site is rectangular in shape measuring 90m wide to the frontage with Heath Road to the north and an average of 58m deep. It slopes up from north to south (119.9m AOD on the northern boundary to a low point of 121mOD on the southern boundary).

- 1.3 It forms part of a larger field which extends to the south and east, there is no eastern or southern boundary on the ground as such. The western boundary aligns with that of Forge House.
- 1.4 To the west and east of the site is existing ribbon residential development along both Heath Road and Vanity Lane. Forge House is the nearest dwelling to the west (immediately on the common boundary) and Apple Tree Cottage is 40m to the east.
- 1.5 Approximately 400m to the east of the site is the A229 at Linton Crossroads, one of the main routes into the town centre of Maidstone. It is identified within the Maidstone Local Plan 2017 as a public transport corridor. Bus stops on this route are within 400m walking distance and there are regular bus services to and from Maidstone town centre.
- 1.6 The centre of the village of Loose is approximately 500m to the NE and to the SE is Linton, approximately 800m. Both of these settlements have footways and bus services. The larger village of Boughton Monchelsea is approximately 1 mile eastwards from the site (beyond the Linton crossroads).
- 1.7 PROW KM134 at Linton runs 430m to the south. KM64 is also in the vicinity, being north of Heath Road as are KM63 and KM67.
- 1.8 The site lies outside the village boundaries and is thus countryside. It is at the northern extent of the designation of the Greensand Ridge Landscape of Local Value (LLV) in the Local Plan Policies Map.

2. PROPOSAL

- 2.1 The proposed development is for the construction of a new doctor's surgery initially for the existing number of 7 GPs with parking, access and landscaping to replace the existing Stockett Lane Surgery (Greensand Health Centre) and Orchard Medical Centre, both currently located near to the centre of Coxheath. The surgery is intended to provide improved service provision in Coxheath and the surrounding areas for the existing and future patients arising from projected population growth locally, principally through planned new housing. The arguments in support of the development from the agent are summarised as follows:
 - Overcome the restriction experienced by both current premises
 - increased capacity for training of future primary care professionals;
 - Creation of additional primary care capacity
 - Cater for additional patients coming to the area through planned housing development
 - Extended hours and increased services;
 - Reduced pressure on secondary care services;
 - Improved services and support for the over 75 age group
 - promoting integrated health and social care
- 2.2 The proposed doctor's surgery will provide 1,312 sqm of D1/A1 Use Class (non-residential institution and retail) floorspace. The pharmacy is 138sqm and the pharmacist's room is 18.5 sqm leaving the D1 use at 1155.5 sqm.
- 2.3 The building will be L-shaped and have a height to eaves of 5m and a ridge height of approx. 9.7m. The main east-west section will be 47m wide and 14m deep and the return will be 29m deep and 13.5m wide.

- 2.4 Staffing is indicated to be 30 FTE . The schedule of accommodation is
- 10no. Consulting Rooms
 - 5no. Nurse Treatment Rooms
 - 1no. Interview Room
 - 1no. Minor Operations Room
 - Pharmacy (138sqm)
 - Offices and Administration Rooms
 - Conference and Training Facilities
 - Pharmacist room (18.5 sqm)
 - Paramedic Room
- 2.5 There will be a new vehicle access with footways either side from the public highway on the eastern part of the site (approx. 60m from Forge House and approx. 30m from Apple Tree Cottage).
- 2.6 The access road will measure 6m in width allowing for two-way traffic, which widens at the bell mouth of the junction to 20m to allow for larger vehicles to leave without interrupting the flow of traffic on Heath Road. The access design also includes a proposed overrun strip to accommodate for larger vehicles including emergency and refuse freighter vehicles. The access onto the site will provide suitable visibility splays measuring 2.4m x 120m to the east and 2.4m x 140m to the west. Parking will be provided to the north of the building: 52 parking spaces with nominally 40 being visitor spaces and 12 being staff spaces. There will also be a cycle bay and a pick-up/drop-off area near the door of the surgery/pharmacy to allow for patients getting a lift or taxi to the site plus a space for emergency vehicles to park. The parking and turning areas will be constructed using a porous form of block paving and tarmac at the access point.
- 2.7 Part of the existing hedgerow along the site frontage adjacent to Heath Road will be retained, except for an opening of 40m needed to create the vehicular access and its visibility splays. The retained hedgerow is indicated to be reinforced with additional native planting and a newly re-planted hedgerow is to follow the kerblines into the site for approx. 20m.
- 2.8 A separate pedestrian/cyclist access is proposed from the public highway on the western side of the site which will align with a new non-signalised pedestrian crossing proposed for Heath Road.
- 2.9 The proposed building will be two-storey. It will have a conventional eaves height of 5m comparable to the dwellings in the vicinity. Its ridge height of 9.7m is however taller than a conventional house as it derives from the steep pitch of 45 degrees over a deep span.
- 2.10 The building includes the use of quarter barn-hipped pitched roofs and projecting feature gables to the elevations, with large areas of glazing and vertical brick detailing in panels within timber clad sections. The materials will be brick, timber weatherboarding and slate roof tiles. The building will be set back approximately 19m from Heath Road. It will be set 7m from the boundary with Forge House. Tree planting and reinforcement of the existing hedgerow with native planting is indicated along that boundary, along the frontage to Heath Road and along part of the eastern boundary. The rear of the site is to have a landscaped sensory garden with the southern boundary to be fenced with tree planting.

- 2.11 The internal layout shows a ground floor of which half of the floorspace will be given over to the retail pharmacy and entrance lobby/reception/waiting area/cafe with the remainder providing consulting rooms, nurse treatment rooms, staff room, plant room and other associated facilities. At first floor are minor operations room, further consulting rooms, nurse treatment rooms, offices, pharmacist and paramedic rooms and a multi-purpose conference/training room.
- 2.12 A refuse store is indicated in the SE corner of the site, set over 40m from the boundary to Apple Tree Cottage.
- 2.13 In terms of materials, doors and windows are indicated to be black powder coated aluminium, the roof to be slate tiles, the walls to be faced with a red brick and timber weatherboarding.
- 2.14 Foul drainage is to mains sewer; surface water be disposed of via a sustainable drainage system yet to be detailed. The drainage strategy submitted at the request of KCC as Lead Local Flood Authority details an intention to use porous paving, attenuation tank and a deep bored soakaway.
- 2.15 The application includes section drawings indicating that there is no line of sight of the building from the PROW KM134 at Linton to the south.
- 2.16 The planning statement details a Public Exhibition Event that was held in November 2017 at Coxheath Village Hall. The agent states that the majority of respondents (50%) said that they supported the proposed development with 41% opposed to it. The other remaining respondents (9%) did not express a view either way.
- 2.17 The application documents include a phase 1 habitat survey which concludes that the site is arable with grassland margins with the only likely ecological interest being the hedgerow although precautionary measures will be taken during site clearance and there are recommendations to enhance the site for ecology (native planting and species rich new hedgerows).
- 2.18 The Transport Statement based upon comparable GP surgeries (albeit not all with onsite pharmacies) states that in 2023, 40% of the traffic is expected to distribute to the west and 60% to the east (Linton crossroads). At peak hours, the traffic related to the new surgery is said to be 35 in and 19 out in the morning peak hour and 15 in and 21 out at the evening peak hour. Overall based on 7 GPs the traffic is estimated to be approx. 280 x 2-way movements over the working day of 0700-1900 (an average of 23 per hour but that excludes traffic associated purely with the retail pharmacy).

3. POLICY AND CONSIDERATIONS

Maidstone Borough-Wide Local Plan 2017

Policy SP11 (Larger Villages)

Policy SP13 (Coxheath Larger Village)

Policy SP17 (The Countryside)

Policy DM1 (Principles of good design)

Policy DM3 (Natural environment)

Policy DM21 (Assessing the transport impacts of development)

Policy DM23 (Parking standards)

Policy DM30 (Design principles in the countryside)

National Planning Policy Framework (NPPF) Paragraph 17; 34; 61; 69;95;118;186;

National Planning Practice Guidance (NPPG)

4. LOCAL REPRESENTATIONS

4.1 The application was publicised as major development by press and site notice.

Local Residents:

4.2 3 representations received from local residents raising the following (summarised) issues

Support (1 letter)

- Most of the patients of both existing practices live outside Coxheath
- Regarding the outline consent for the Clock House Development- where planning authorities is at risk on appeal if they decline one application because they prefer another.
- Heath Road is part of Coxheath - will be housing development all along the road over the next few decades which need GP surgeries: must ensure that there is enough physical capacity for all in the practice area.
- The new building proposed is on the outskirts of Coxheath but accessible to most residents there and to patients living in south Maidstone
- It will not bring unnecessary traffic into the village
- General layout is fine and the building is attractive
- No objection to including a full service pharmacy: the existing pharmacy in Coxheath is far too small with very poor on-street parking.
- Opportunity for an extra shop in the village centre.
- The land at Clock House and the Orchard GP site could be used for more housing
- In Staplehurst the PCT gave away control to a small national chain- disliked due to remote ownership and management.

Objections (2 letters)

- Substantial shortfall in parking provision could cause chaos
- Inadequate background statistics re the present number and vehicle type and direction of traffic along Heath Road, nor of its growth over last 15 years.
- Linton Crossroads is beyond capacity at times- need to reflect the traffic demands of the expanding Wares Farm fruit packing centre and future traffic from the Leeds-Langley Relief Road.
- Proposed future patient numbers of 14,360 requires explanation. Need more information as to the extent and location of new health centres to fully serve the developments in SE Maidstone.

- Dangers of pedestrian use of B2163, largely of older people, school children to and from the Academy and mothers with children and buggies throughout the day in a street with variable pavement provision
- 9 personal injuries actual accidents have occurred in the last three years.
- no regular bus services for patients to use, as the bus company may reduce, alter the times of the service, or stop the bus service at any point in the future.
- difficulties getting onto/off a bus. It is not acceptable to expect anyone who is ill/disabled/elderly to stand around in all weathers waiting for a bus to arrive. It is not feasible for anyone who is ill to walk over half a mile especially in inclement weather to access this surgery.
- At busy times of the day at Linton Crossroads, patients would make it difficult to arrive at the proposed surgery for their allotted appointment time.
- It is illogical to move the pharmacy from its accessible position in the village centre to a site over half a mile away, depriving the public of quick and easy access to pharmacy services or to discuss health issues.
- Elderly patients are worried about how they will travel to the proposed new surgery.
- A food/drink outlet may patients feel nauseous.
- Café should not be open to the general public depriving patients of parking facilities.
- A greenfield site will lead to further "creeping development" between the parishes of Coxheath and Linton
- NHS West Kent Clinical Commissioning Group is has approved a medical centre on the Clock House Farm site which will be far more suitably located for the residents of Coxheath.

Consultations

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

4.3 Linton Parish Council: Objection:

- rural, greenfield site, badly and inconveniently sited, outside the boundaries of the village it aims to serve
- Difficulty to access via public transport or on foot.
- unacceptable commercial development on farmland in the open countryside in direct contravention of Policy SP17
- will extend the village envelope of Coxheath into Linton and urbanise the boundary buffer between the two communities
- there is an alternative site on Clock House Farm which is centrally situated within Coxheath

- contrary to Policy SP13 as would undermine the village retail centre
- a negative economic and social impact on the Coxheath village centre, as people and facilities are drawn out of the village, contrary to Policy DM17 of the Maidstone Local Plan
- Clock House Farm site is preferred even if less parking
- It is disadvantageous to build a new access onto Heath Road and increase traffic flows. The new access will be sited in the 40mph limit area and will thus be inherently less safe than the Clock House access within the 30mph limit area.
- Coxheath residents will have to walk a long way along the B2163 to reach the surgery.
- Damage and loss will be caused to rural hedging defined as important under the Hedgerow Regulations 1997

4.4 **Coxheath Parish Council:** Objection:

- many of the more vulnerable members of our community will be severely disadvantaged as a substantial proportion of the population is in the over 60 age group.
- We fought to include land for a new medical centre in the village of Coxheath to be included in our frustrated Neighbourhood Plan.
- A move to this proposed site will cause difficulty to residents and/or will add significantly to traffic movements and congestion.
- a new medical centre at Clock House Farm is preferable to a completely new one outside the parish boundary and remote from any centre of population.
- If, despite our reservations, Maidstone Borough Council is minded to approve this application, then:
- The land earmarked for a medical centre in the village should remain as public open space and not housing.
- No encroachment in protected area to the south of the proposed site, (the Greensand Ridge and overlooking the Low Weald of Kent is designated 'Land of Local Landscape Value')
- Transporting elderly and vulnerable residents has to be addressed: existing bus service can be erratic and cannot be relied upon to deliver patients to their appointments on time.
- Parking should increase to avoid undesirable and dangerous overflow parking on Heath Road
- Access by foot from Coxheath must also be considered eg well maintained footways and the addition of a new bus layby eastbound, along with a suitable controlled pedestrian crossing

4.5 **Loose Parish Council:** Objection:

- unacceptable commercial development on farmland in open countryside in direct contravention of Policy SP17 of the Maidstone Borough Local Plan
 - Alternative site on Clock House Farm: the outline planning permission is already place and is situated in within the village.
 - Negative economic and social impact on Coxheath village centre, as people and facilities are drawn out of the village, which conflicts with Policy DM17 of the Maidstone Local Plan
 - There will be 52 parking spaces, although there could some 30 doctors, nurses and administration staff employed at the centre.
 - Damage and loss will be caused to rural hedging defined as important under the Hedgerow Regulations 1997.
 - The land to the south of the proposed site is adjacent to 'Land of Local Landscape Value' and it is important to guard against any encroachment into this protected area
 - Access to the proposed site on foot from Coxheath must be considered. Well-maintained footways and the addition of a new bus layby, along with a suitable controlled crossing, will be necessary on the Heath Road.
 - The Heath Road (B2163) is already a very busy road and to build another access will further increase traffic flow along the road. The new access will be sited in a 40mph limit area
- 4.6 Kent County Council (Local Highway Authority): The proposed access is situated within a 40 mph speed limit section of the B2163, Heath Road so visibility sightlines of 2.4m x 120m should be provided. The position of the existing hedgerow requires clarification to avoid any conflict with the sight lines proposed. A Stage 1 road safety audit has been undertaken. As part of the Stage 2 road safety audit: vegetation to be removed from footway surface construction; drainage details to be submitted.
- 4.7 In the last 3 years up to September 2017, 9 personal injury collisions have been recorded (of which 2 were serious) but neither poor highway maintenance nor design were contributory factors.
- 4.8 The applicant has proposed to provide 52 parking spaces, which includes 12 staff and 2 disabled spaces. Supplementary Planning Guidance (SPG4), Kent Vehicle Parking Standards advises medical centres should be provided with a maximum of 1 space per 2 staff and 4 spaces per consulting/treatment room. Therefore 75 spaces should be provided. The proposal represents 69% of the maximum recommended provision. The relatively good opportunities for sustainable transport usage e.g. walking and public bus should also be acknowledged when considering the adequacy of the proposed parking. In summary the parking provision proposed is considered to be broadly in line with SPG4 guidance.
- 4.9 The applicant has undertaken swept path analysis for a 5.4m long ambulance, 4.7m long estate car and 11.3m long refuse freighter: there is considered to be sufficient space for all vehicles that are likely to use the development to turn and exit onto the public highway in forward gear.

- 4.10 The trip rates contained within the transport statement state that the development is expected to generate 54 trips in the AM peak (08:00-09:00), 36 trips during the PM peak (17:00 to 18:00) and 557 trips across a 12 hour day (07:00-19:00), based upon 7 doctors being based at the development, which is the same number that work out of the existing medical centres. It is disappointing that trip rates for the pharmacy aspect of the development have not been included. It is unclear if the sites taken from the TRIC's data base do or do not contain a pharmacy. However, it is acknowledged that those trips associated with the pharmacy are likely to be '*linked trips*,' by patients who are visiting the development anyway for a medical appointment.
- 4.11 Junction analysis has been undertaken via a Picady assessment. It is accepted that the junction operates within capacity without any associated queuing during the AM and PM peak. A large development consisting of 210 dwellings has recently been granted permission so further junction analysis is required at the developments site access at the junction with the B2163, Heath Road that includes the committed development in question.
- 4.12 As the proposed medical centre will initially have the same number of GPs as the existing facilities it is replacing, any increase in trips as a result of the proposed development will be negligible as the traffic generated by the development is already on the local highway network. On this basis additional junction modelling of the Linton crossroads is not deemed necessary.
- 4.13 The nearest public bus stop is situated outside the site frontage on Heath Road within 400m of the development.
- 4.14 A new uncontrolled pedestrian crossing with tactile paving will be provided to enable pedestrians using the development to cross the road and access the development. In addition, the footpaths either side of the access will be 1.8m wide. In conclusion, the pedestrian access arrangements are considered satisfactory for the scale and use of the proposals.
- 4.15 Medical centres should be provided with a minimum of 1 cycle parking space per 2 consulting rooms, so 8 cycle parking spaces is therefore considered adequate.
- 4.16 Should it be deemed necessary to provide electric vehicle charging points then it is recommend that they consist of 10% of the total provision, which would be 5 spaces in this instance.
- 4.17 A draft travel plan has been prepared in support of the application that includes numerous initiatives to promote the use of sustainable transport. The initiatives and action plan described within this document are considered adequate. KCC Highways will require a fee of £5,000 to assist the highway authority in the monitoring and development of the full travel plan.
- 4.18 (additional comments) Further junction capacity analysis at the site access junction with the B2163, Heath Road includes the committed development and all arms of the Linton Crossroads junction will continue to operate within capacity up to the horizon year of 2023 with no associated queuing. An additional drawing (drawing DHA/1237/11) has been produced confirming that the existing hedgerow will be set back in order to achieve the necessary sightlines. The anticipated amount of traffic that will be generated as a result of the development is not considered to be severe and therefore the Local Highway Authority has no objection.

- 4.19 Southern Water: Requires a formal application for a connection to the foul sewer to be made by the applicant or developer. Initial investigations indicate that there are no public surface water sewers in the area to serve this development.
- 4.20 Kent County Council (drainage): Recommend the application is not determined until a complete surface water drainage strategy has been provided for review. A drainage strategy has been submitted in response to this comment and any comments thereon will be reported in an update to the Committee.
- 4.21 NHS (West Kent Clinical Commissioning Group): The CCG recognises the need to ensure the future provision of sustainable general practice services for the populations covered by Greensands Health Centre and The Orchard Medical Centre and acknowledges that the existing general practice infrastructure will not meet the future needs of the growing population. General Practice Premises Developments must support service transformation and joined up working across health and care services; this is recognised in the design and access statement provided with the application. Both Greensands Health Centre and The Orchard Medical Centre have engaged the CCG in their plans as they have developed and they will, at the appropriate point, submit a business case to the CCG for consideration and approval in line with the CCG General Practice Premises Development Policy.
- 4.22 The CCG holds the budget for recurrent premises costs (e.g. rent and rates) and must therefore formally review all premises development proposals to ensure they meet the strategic needs of the CCG, are affordable and offer value for money .
- 4.23 The CCG's Local Care Plan set outs the local care model for out of hospital services in response to the Kent and Medway Sustainability and Transformation plan. Strong and resilient general practice is the bedrock upon which our local care plans are being built and these are essential to serve the majority of health needs in west Kent. We will encourage practices to work together to deliver the required general practice capacity and service transformation. The CCG acknowledges that the existing general practice premises for Greensands and The Orchard cannot accommodate any growth and therefore will not meet the future needs of the growing population. The practices suffer from inefficient and recurring day to day operational issues and are unable to expand the practice workforce or support the delivery of required services. The practices have engaged the CCG in their plans as they have developed and it is our understanding from the engagement to date that the plans would enable delivery of the following in line with the CCG Local Care Plan: A sustainable solution for the future supporting growth in the population; resilient general practice services; a joined up and multi-disciplinary way of working; delivery of efficiencies; managed care reducing demand on secondary care services; expansion of the general practice workforce
- 4.24 Those GPs who are currently engaged with the GP training programme to deliver the aspiration to become a training practice supporting the overall workforce strategy to attract and retain staff; Capacity for a wider range of services to be delivered from the practice, enabling access to cluster based services for a wider population. General Practice Premises Developments must support service transformation and joined up working across health and care services.
- 4.25 General Practices are independent contractors and are responsible for premises development plans in line with the CCG General Practice Premises Development Policy. Whilst land for a medical centre has been secured as part of a s106 agreement relating to the Land South of Heath Road, Coxheath (16/506648) this does not represent CCG approval for a medical centre at this site. Approval is only

obtained through submission of a business case in line with the CCG's General Practice Premises Development Policy.

- 4.26 Crime Prevention Design Adviser: The applicant/agent have not demonstrated that they have considered crime prevention nor attempted to apply the seven attributes of CPTED. To date we have had no communication from the applicant/agent and there are other issues that may need to be discussed and addressed including a formal application for BREEAM and SBD if appropriate.
- 4.27 Suggestions: gates to protect the car park area; additional fencing and gates; CCTV, security and safety alarm measures for both the surgery and pharmacy; security of the reception area and desk to ensure the safety of staff and also to maintain the privacy to ensure compliance with the Data Protection Act; Access control measures to protect staff areas.
- 4.28 Maidstone Borough Council Environmental Protection:
- 4.29 AQ: The site is in a semi-rural area and outside the Maidstone Town Air Quality Management Area. The scale of this development and/or its site position does not warrant either an air quality assessment or an Air Quality Emissions Reduction condition applied to it. However, installation of a publically accessible Electric Vehicle charging point would be a promotion of a sustainable travel option.
- 4.30 Contamination: there is no indication of land contamination based on information from the contaminated land database and historic maps databases and nor any significant chance of high radon concentrations.
- 4.31 Drainage: The application form states that foul sewage will be dealt with via mains system; and there are no known Private Water Supplies in the vicinity.
- 4.32 Lighting: Details regarding any external lighting should be required as a condition of any planning permission granted.
- 4.33 EV Charging Points At least 1 publically accessible EV rapid charge point (of 22kW or faster) should be provided per 1000m² of floor space.

5. APPRAISAL

- 5.1 The scheme needs to be appraised primarily in regard of the siting in the countryside and in an Area of Local Landscape Value (Greensand Ridge). It is therefore necessary to assess if there are sufficient material considerations that may, on balance, outweigh the normal policy of restraint for development of this scale and nature in this particular location.

Alternative location

- 5.2** Members will note that some of the objections refer to an alternative location for this facility at Clock House Farm. That site is an L-shaped piece of land of 0.275ha (ie 2/3 of the current application site area) to the side and rear of the Orchard Medical Centre within the village boundaries of Coxheath. This was secured in the s106 legal agreement for the Persimmon Homes development that is underway under ref MA/16/506648/HYBRID. The timetable within the s106 is complicated but essentially the CCG had for a period of 12 months from the commencement of development (which was 16 August 2017) to serve a Medical Centre Land Notice and within 4 months after that complete the Transfer with further time limits for construction of the Centre. If the Medical Centre does not take place at Clock House Farm the land would be used instead as Open Space. The Notice has not

been served to date pending the determination of this current application for the Hill Farm site which is the preferred site of the Coxheath GP Practices, not least because of its 50% larger size and the greater level of facilities, services and flexibility that offers.

- 5.3 Hence the scheme subject of this current planning application is being pursued and the reasons given by the agent are as follows: the land at Clock House Farm identified for the medical centre is not of sufficient size, scale or layout and land for co-location of doctors, dentist and pharmacy of this scale cannot be accommodated on any land nearer to the village centre. The agents also state that the landowner has no land closer to Coxheath that could be used instead as the application site of this submission.

Need

- 5.4 A key principle of the NPPF is the need to take account of and support local strategies to improve health, social and cultural wellbeing for all and deliver sufficient community facilities and services to meet local needs. Paragraph 69 of the NPPF outlines that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities.
- 5.5 Policy SP11 relates to larger villages and Policy SP13 relates to Coxheath specifically. Both encourage improvements to health infrastructure such as extension and/or improvements at Orchard Medical Centre and Stockett Lane Surgery.
- 5.6 There is no dispute that the existing facilities at Orchard Medical Centre and Stockett Lane Surgery need enhancement to overcome the deficiencies of both and to cater for enlarged patient rolls from development allocations in the locality. It is clear from the submission of the agents that the scheme is intended to be future proofed in that it also aims to cater for any other housing developments in its catchment that may be allocated or come to fruition in the future. The principle of the scheme is supported by the West Kent CCG based on the size and extent of the patient catchments of the 2 practices which are merging.
- 5.7 The need for co-location with related facilities such as the dentist and the pharmacy are less evidenced but the opportunity to achieve the wider objectives of the CCG are recognised as achieving key elements in its General Practice Premises Development Policy. Co-location with a pharmacy is a growing trend in modern GP surgeries.

Location in Countryside/Landscape

- 5.8 The NPPF requires that the intrinsic character and beauty of the countryside be recognised.
- 5.9 Policy SP17 of the Local Plan states that development proposals in the countryside will not be permitted unless they accord with other policies in the plan and they will not result in harm to the character and appearance of the area. The policy also requires the distinctive landscape character of the Greensand Ridge to be conserved and enhanced as a Landscape of Local Value. It also requires retention of the separation of individual settlements and account to be taken of the evidenced Landscape Character, ie the Maidstone Landscape Character Assessment and the Supplement (2012). Impacts on the appearance and character of the landscape should be appropriately mitigated and Landscape and Visual Impact

Assessments should be submitted to support development proposals in appropriate circumstances.

- 5.10 In my opinion, the scheme is designed with due sensitivity to the rural location and it does not in itself result in a merging of settlements.
- 5.11 The application site is the northernmost extent of the Linton Greensand Ridge LLV, with the Landscape Character area of "Coxheath Plateau" to the north of Heath Road. It is described in the 2012 Character Assessment as follows:
- Scarp face of the Greensand Ridge
 - Extensive views across the Low Weald to the south
 - Orchards set within small scale field pattern
 - Historic parkland
 - Very distinctive and historic built environment
 - Series of narrow lanes that run against the contours
- 5.12 The Maidstone Landscape Capacity Study: Sensitivity Assessment January 2015 is a document with the objective to assess the comparative sensitivity of the borough's landscapes to development. It describes Linton's Greensand Ridge as able to accommodate development complying with the following key criteria:
- Follow guidelines in the Maidstone Landscape Character Assessment 2012
 - Respect the local vernacular in scape, density and materials
 - Conserve orchards and the traditional small scale field pattern
 - Conserve the undeveloped character of the landscape
 - Avoid linear infill development along roads
 - Consider exposed landscape in views from the Low Weald to the south
- 5.13 The test in the policy is conservation of the landscape character. It is perhaps difficult to conclude that a building of this considerable size with associated access, parking and incidental development does not harm the character and appearance and landscape of the countryside in which it is proposed to be located.
- 5.14 However, decisions from appeal Inspectors have clarified that it is necessary to assess landscape harm on a site by site basis. Hence for each development proposal, the part of the LLV needs a specific consideration of any defining qualities of special note and whether it has the level of sensitivity attributes to other parts of the LLV (when judged against the 2012 guidance as supplemented by the 2015 Capacity study).
- 5.15 In this instance, the application site marks the transition from urban fringe to the Greensand Ridge. However, this is not development on the visually sensitive ridge as it is on land that slopes up to it on its northern side; it does not cause loss of orchard or small scale field pattern, and due to topography, it cannot be viewed from the Low Weald to the South. The site can be viewed from Heath Road but it does not possess any of the key characteristics of the Greensand Ridge as described in the Landscape Character Assessment 2012 so does not cause loss of them.
- 5.16 The proposed development will be sited between 2 established sections of residential ribbon development along Heath Road but will not totally infill and will be set back from the Road to reduce the visual impression of it being ribbon development.

5.17 In conclusion, whilst the application site is within an area of Local Landscape Value based upon local topography, the set back, vernacular materials and articulated form of the building, in spite of the size desired by the applicant, it has overall a relatively limited impact in visual terms in my opinion. The section drawings submitted indicate that the building will not be visible from public footpaths in the Linton area itself due to local topography meaning it is hidden by the crest of a hill and thus has no impact on the overall landscape value of the Greensand Ridge.

5.18 There is scope for the scheme to be landscaped in accordance with the 2012 Maidstone Landscape Character Assessment (and its Supplement) appropriate to its location.

Visual impact

5.19 Policy DM1 requires high quality design and layout that are accessible to all, and maintain and maximise opportunities for permeability and linkages to the surrounding area and local services and that respond positively to the local, natural character of the area. In this case I am satisfied that based on the proposed floor area of the scheme to achieve the objectives of the applicant in terms of primary care for a growing catchment and the pharmacy co-location etc, it has been designed such that the scale, height, materials, articulation and site coverage presents a sensitive modern design approach whilst making use of vernacular materials. Specifically, the roof form and colour of materials are sensitive to minimising visual impact viewed from distances.

5.20 Policy DM30 is specific for development in the countryside and requires development such as is proposed outside of the settlement to create high quality design, the type, siting, materials and design, mass and scale of development and the level of activity would maintain, or where possible, enhance local distinctiveness including landscape features. Planning policy therefore requires particular attention to be paid in rural areas where the retention and addition of native vegetation appropriate to local landscape character around the site boundaries should be used as positive tool to help assimilate development. I am of the view that the scheme respects the topography and responds appropriately to the location of the site. The indicative landscaping sensitively incorporates natural features such as trees and enhanced native hedgerows within the site although it is the case that a significant proportion of the hedgerow to the frontage will need to be lost and/or replanted to accommodate the access and the required visibility splays required by KCC for highway safety. Overall the landscape strategy should achieve a degree of screening and assimilation of the built form and related infrastructure into the locality in an appropriately sensitive manner.

Environmental/Social sustainability

5.21 Paragraph 34 of the NPPF promotes sustainable transport for new development and aims to ensure that developments that generate significant movement are located where the need to travel will be minimised, particularly in rural areas. Paragraph 187 states that LPAs should approve applications for sustainable development where possible and that they should work proactively to secure developments that improve the economic, social and environmental conditions of the area.

5.22 Policy SP13 of the Local Plan states that the loss of local shops and community facilities will be resisted, and new retail and community services will be supported

to meet local needs in accordance with policy SP11(2) which has those same objectives. Policy DM17 of the Local Plan requires maintenance and enhancement of the district centre of Coxheath. Section 4 of that policy protects the centre specifically from the loss of its pharmacy unless there is availability of comparable alternative facilities in the village or the local area with consideration of the distance to such facilities, the availability of alternative routes being used and the availability of travel modes other than by private motor vehicle.

- 5.23 In terms of most patients from Coxheath, the location of the proposed surgery and pharmacy is generally less accessible than the two existing premises and pharmacy and indeed the Clock House Farm site. It is therefore potentially less environmentally sustainable although it is still walkable and cycle-able and is served by public transport. However, the CCG confirms that the 2 GP practices in Coxheath have a wide catchment that extends from the Langley Park area of south Maidstone taking in villages such as Coxheath, Marden and Yalding, Boughton Monchelsea and Chart Sutton, Loose and Maidstone South. It can be accepted that the new location is no less accessible for non-Coxheath patients within that very large catchment.
- 5.24 The application is accompanied by a draft Travel Plan which has (inter alia) the following initiatives:
- Promote the existing pedestrian infrastructure, showing patients and staff local walking routes;
 - review potential improvements to the pedestrian network in the immediate vicinity of the site;
 - encourage cycling and promotion of bus routes and timetables to both staff and patients;
 - Staff and patients should be made aware of public transport journey planners, which provide information relating to specific journeys eg Kent Connected and Traveline;
 - Ensure patients and staff are aware of any concessionary bus fares available.
 - promote staff lift sharing;
 - The promotion of Liftshare to link two or more people travelling from the same place
 - practical advice on lift sharing including publicising the benefits of halving fuel costs;
 - Possible introduction of an emergency ride home facility to guarantee that sharers can get home if for example their child is ill. This could be negotiated with a local taxi firm.
- 5.25 The agents have clarified 'affordable options' for residents who do not own or have access to use a car. They state that Boughton Monchelsea Parish Council is seeking a new bus provision to be made through S106 contributions, and they would be happy to work with other Parish Councils to deliver such a provision.
- 5.26 The pharmacy is likely to be lost from Coxheath centre as there is inadequate distance between them for 2 licences to be issued. The new pharmacy would still be relatively accessible and it is the case that modern technology such as e-prescriptions and delivery of prescriptions would mitigate any significant disadvantage resulting from the less than central location in the proposed development.

- 5.27 On the basis of the above, I am of the opinion that the scheme does not significantly breach policies SP11, SP13 or DM17 of the Local plan and accords with the relevant sections of the NPPF.

Highway Impact

- 5.28 Policy DM1 requires development to safely accommodate the vehicular and pedestrian movement generated by the proposal on the local highway network and through the site access and to provide adequate vehicular and cycle parking to meet adopted council standards. Policy DM30 requires proposals to not result in unacceptable traffic levels on nearby roads. Policy DM 21 states that proposals must demonstrate that the impacts of trips generated to and from the development are accommodated, remedied or mitigated to prevent severe residual impacts, including where necessary an exploration of delivering mitigation measures ahead of the development being occupied, they also need to provide a satisfactory Transport Assessment and a satisfactory Travel Plan.
- 5.29 KCC as Local Highway Authority have no objections to the application. Facilities for improved public transport secured through legal agreements will be pursued in this case if Members are minded to permit the application.

Parking

- 5.30 Policy DM23 states that vehicle parking for non-residential uses will take into account: the accessibility of the development and availability of public transport; the type, mix and use of the development proposed and whether development proposals exacerbate on street car parking to an unacceptable degree.
- 5.31 Whilst the parking provision is less than the maximum standards, in the light of the proposed location of the Surgery, I do not consider that there is a risk of overflow parking that would create a severe highway safety impact which is the test in the NPPF. No objections are raised by KCC to the level of parking provision. Cycle parking facilities will be of an appropriate design and sited in a convenient, safe, secure and sheltered location. Policy DM23 is thus complied with.

Residential Amenity

- 5.32 Paragraph 17 of the NPPF outlines core principles of the planning system, including securing high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- 5.33 The siting and nature of the scheme with a typical daytime weekday usage means that it accords with Policy DM1 in respect of the neighbouring residential amenities by not resulting in excessive noise, activity or vehicular movements. Conditions can be imposed on hours of opening. The distance to neighbouring property prevents unacceptable overlooking or visual intrusion subject to control over the glazing. The built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties in my opinion.

Other Matters

- 5.34 Paragraph 118 of the NPPF states that Local Planning Authorities should aim to conserve and enhance biodiversity and Policies DM1 and DM3 of the Local Plan require protection and enhancement any on-site biodiversity and geodiversity features where appropriate or provision of sufficient mitigation measures. The site is agricultural cropland and there is overall unlikely to be any significant impact on

biodiversity. The landscaping include scope for numerous trees and enhancement of hedgerows appropriate to the Greensand Ridge despite the loss of a section at Heath Road for the new access. A number of objectors refer to the Hedgerow Regulations 1997 but permitted work under the Regulations includes the implementation of a planning permission.

- 5.35 Policy DM3 also aims to control pollution to protect ground and surface waters and conditions can be imposed to deal with any issues in this regard.
- 5.36 The development complies with the requirements of policy DM6 for air quality as it is not within an exceedance location.
- 5.37 A planning condition is suggested to ensure that the proposal creates a safe and secure environment and incorporates adequate security measures and features to deter crime, fear of crime, disorder and anti-social behaviour.

6. CONCLUSION

- 6.1 This is a scheme that has resulted in concerns from 3 local Parish Councils and some local residents and some consultees. For most issues I am satisfied that they can be overcome by obligations in a legal agreement or by the imposition of conditions.
- 6.2 The key issue which remains is the location. It is in an area that is normally one of planning restraint in terms of being in a countryside location and being in an area of Local Landscape Value. Its location outside of the village centre and the co-location of a pharmacy that is also currently in the centre of Coxheath also results in some loss of sustainability and accessibility for those without access to a private transport and could marginally affect the vitality and viability of the centre of Coxheath.
- 6.3 Mitigation of the above can be sought by conditions on landscaping and materials. Modern practices in terms of prescriptions (such as e-prescriptions and delivery of medicines etc) would also reduce the environmental and social disadvantages of the pharmacy moving to this new site. It is accepted that some of the bus services mentioned by the agent in the TA are not convenient in their timetables to allow easy access to the surgery. Therefore measures to improve the sustainability of the site by a Travel Plan and new modes of bus/taxi transport will be secured by legal agreement. Overall, the health and pharmacy services leaving the boundaries of village is unlikely to harm the centre of Coxheath as a retail area.
- 6.4 However, balanced against those concerns are advantages to the development in that it will vastly improve the quality of the experience for staff and patients by providing a modern high specification facility delivering the required primary care capacity and service transformation to meet the future needs of the growing population within the catchment using resilient general practice services. It facilitates a multi-disciplinary way of working; delivers efficiencies; manages care reducing demand on secondary care services; expansion and training of the General Practice workforce. The new building on the site of 0.4ha will give capacity for a wider range of services to be delivered from the practice, enabling access to cluster based services for a wider population.
- 6.5 I accept that these advantages would have arisen if the Clock House Farm scheme were taken forward. However, this proposal has to be considered on its individual merits and does give a greater level of benefits due to its larger site. An important advantage of the current application site is its size which is better future

proofed. The Clock House Farm scheme would be restricted by its location in being able to expand in the longer term.

6.6 Contrary to some of the fears raised by the objectors, I do not consider that permitting this scheme would in itself lead to other forms of development in the same part of Heath Road as the specific advantages of this community facility are unique in their merits.

6.7 On balance, I am of the view that the overall benefits of the scheme are significant and outweigh any concerns with the principle of the location outside the defined village boundaries in the Local Plan. This judgment takes into account the need to assess any harm on the landscape in terms of a specific impact on the defining qualities of the Landscape Character which I consider is not significant. I recommend approval of the scheme.

7. RECOMMENDATION

The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the prior completion of a legal agreement to provide the following (including the Head of Planning and Development being able to settle or amend any necessary terms of the legal agreement in line with the matters set out in the recommendation resolved by Planning Committee):

- a Travel Plan
- Provision of bus/taxi transportation from local villages to serve the surgery

and the imposition of the conditions as set out below:

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

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

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

DHA/12371/01; DHA/12371/02; DHA/12371/11 (rec'd 12.06.18); DHA/12371/12 (rec'd 01.06.18); DHA/12371/13; DHA/12371/14; DHA/12371/15

Reason: To clarify which plans have been approved.

- 3) The building or land shall be used for medical services and a maximum of 138sq of pharmacy retail only and for no other purpose (including any other purpose in Classes D1 or A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or permitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any statutory instrument revoking and re-enacting those Orders with or without modification);

Reason: Unrestricted use of the building or land would cause demonstrable harm to the character, appearance and functioning of the surrounding area and/or the enjoyment of their properties by adjoining residential occupiers.

- 4) The building hereby permitted shall not be occupied until sustainable surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.

No dwelling shall be occupied until all the works necessary have been implemented in accordance with the approved details. The submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) include a timetable for its implementation in relation to the development; and,
- iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker, or any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: In the interests of preventing pollution and flood.

- 5) No activity in connection with the use hereby permitted, other than the cleaning of the premises, shall be carried out outside of the hours of 0700 and 1900 and not at any time on Sundays, Bank or Public Holidays.

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

- 6) The development hereby approved shall not proceed above slab level until written details and samples of the external facing materials to be used on in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

- 7) The development hereby approved shall not commence above slab level until, details of satisfactory facilities for the storage of refuse on the site have been submitted to and approved in writing by the local planning authority and the approved facilities shall be provided before the first occupation of the building(s) or land and maintained thereafter.

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

- 8) The development hereby approved 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

- 9) No external lighting shall be installed until a detailed scheme of lighting has been submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development. This scheme shall take note of and refer to the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005 (and any subsequent revisions) and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The scheme of lighting shall be installed, maintained and operated in accordance with the approved scheme unless the

Local Planning Authority gives its written consent to any variation.

Reason: In the interests of visual amenity and ecology.

- 10) If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed. Upon completion of the building works, this condition shall not be discharged until a verification report has been submitted to the Local Planning Authority. The verification report shall include details of;
- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
 - b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.
 - c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: : In the interests of protecting the health of future occupants

- 11) No additional windows, doors, voids or other openings shall be inserted, placed or formed at any time in the west facing wall or roof of the building hereby permitted.

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

- 12) Before the development hereby permitted is first occupied, the proposed window(s) to the upper floor west elevation shall be obscure glazed and shall subsequently be maintained as such to the satisfaction of the local planning authority.

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

- 13) No structure, plant, equipment or machinery shall be placed, erected, or installed on or above the roof or on external walls without the prior approval in writing of the local planning authority.

Reason: To safeguard the external appearance and character of the building.

- 14) The Surgery hereby approved shall not be occupied until completion of the hereby approved pedestrian footpath from site and tactile paving and a crossing point to Heath Road have been completed in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: To ensure highway and pedestrian safety

- 15) The development hereby permitted shall incorporate measures to minimise the risk of crime. No development above slab level shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention Through Environmental Design (CPTED) have been submitted to

and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained

Reason: To secure crime prevention.

- 16)The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them.

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

- 17)The approved details of the access shall be completed before the commencement of the use of the building hereby permitted and the visibility splays shall be retained free of all obstruction to visibility above 1m high thereafter.

Reason: In the interests of highway safety

- 18)Any gates at the vehicular access to Heath Road must be set back a minimum of 6m from the adopted highway boundary.

Reason: In the interests of highway safety.

- 19)All existing trees and hedges on, and immediately adjoining, the site, shall be retained, unless identified on the approved site plan (or block plan in the absence of a site plan) as being removed, except if the Local Planning Authority gives prior written consent to any variation. All trees and hedges shall be protected from damage in accordance with the current edition of BS5837. Any trees or hedges removed, damaged or pruned such that their long term amenity value has been adversely affected shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions to mitigate the loss as agreed in writing with the Local Planning Authority.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

- 20)The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's Landscape Character Guidance has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed, provide details of on site replacement planting to mitigate any loss of amenity and biodiversity value and include a planting specification, a programme of implementation and a 5 year management plan. The landscape scheme shall specifically address the need to provide tree and hedgerow planting to screen the all the boundaries with species that comply with the Landscape Character of the Linton Greensand Ridge.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

21)The use or occupation of each phase of the development hereby permitted shall not commence until all planting, seeding and turfing specified in the approved landscape details has been completed. All such landscaping shall be carried out during the planting season (October to February). 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: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

22)The development hereby approved shall not commence above slab level until details for 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 scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the extension by means such as swift bricks, bat tube or bricks. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

Reason: To protect and enhance the ecology and biodiversity on the site in the future

23)Any plant (including ventilation, refrigeration and air conditioning) or ducting system installed in connection with the approved development shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The use of the premises shall not commence until details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of this permission have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The scheme shall include an acoustic assessment which demonstrates that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 as defined by BS8233: 2014 Guidance on sound insulation and noise reduction for buildings and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it's operating. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority

Reason: In the interests of visual and aural amenity.

24) Details of provision of electrical car charging point shall be submitted for the approval of the Local Planning Authority before first occupation of the building hereby permitted.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles.

25)No part of the development hereby approved shall be used or occupied until a Post-Construction Review Certificate issued by the Building Research Establishment or other equivalent assessors confirming that the non-residential development has achieved a BREEAM rating of not less than the standards

equivalent to 'Very Good' has been submitted to and acknowledged in writing by the Local Planning Authority.

Reason: To promote the conservation of energy and water.

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. Southern Water is currently consulting on the New connections charging process as directed by Ofwat. Please refer to Southern Water's website <https://www.southernwater.co.uk/new-connections-charging-consultation> for further details.
- 2) Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should: Specify the responsibilities of each party for the implementation of the SUDS scheme Specify a timetable for implementation Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".
- 3) The applicant is advised that broad compliance is expected with the Mid Kent Environmental Code of Development Practice.
- 4) You are advised to liaise with KCC (Highways & Transportation) before the commencement of any development on site to include the following: (a) Routing of construction and delivery vehicles to / from site (b) Parking and turning areas for construction and delivery vehicles and site personnel (c) Timing of deliveries (d) Provision of wheel washing facilities (e) Temporary traffic management/signage,
- 5) It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the

road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

- 6) At a minimum, a drainage strategy submission must comprise: a location plan; a site layout; a drainage proposal schematic or sketch: a clear description of key drainage features within the drainage scheme (e.g. attenuation volumes, flow control devices etc); Information to support any key assumptions (e.g. impermeable areas, infiltration rates etc); Supporting calculations to demonstrate the drainage system's operation and drainage model network schematic; Drainage strategy summary form (from our Drainage and Planning Policy Statement); Consideration of key questions and/or local authority planning policy requirements.

Agenda Item 17



18/500160/FULL 3 Tonbridge Road, Maidstone, Kent, ME16 8RL

Scale: 1:1250

Printed on: 27/6/2018 at 9:38 AM by JoannaW

REPORT SUMMARY

5 July 2018

REFERENCE NO - 18/500160/FULL		
APPLICATION PROPOSAL Demolition of Existing Office Building and Erection of 43 No. apartments and associated vehicular and pedestrian access		
ADDRESS 3 Tonbridge Road Maidstone Kent ME16 8RL		
RECOMMENDATION Approve subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The application shows a 7m set back from Tonbridge Road and an articulated front elevation. The scheme therefore meets all relevant policies in terms of visual impact, design, highway impact and residential amenity. It has demonstrated that a contribution to affordable housing would make the scheme unviable.		
REASON FOR REFERRAL TO COMMITTEE Called into Committee by Cllr Boughton		
WARD Fant	PARISH/TOWN COUNCIL	APPLICANT Tonbridge Road Development Ltd AGENT Go Planning Ltd
DECISION DUE DATE 12.07.2018	PUBLICITY EXPIRY DATE 18.05.2018	OFFICER SITE VISIT DATE 23.01.2018
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):

3 Tonbridge Road

16/501674/FULL

Proposed external changes consisting of, additional dormer to rear elevation, additional dormer to side elevation, removal of front door at ground and basement level to front elevation

Approved Decision date: 09.05.2016

16/501842/PNOCLA

Prior notification for the change of use of a building from office use to a 9 No. apartments.

For its prior approval to.

Transport and Highways impacts of the development.

Contamination risks on the site.

Flooding risks on the site.

Prior Approval Not Required

Decision date: 23.06.2016

16/507491/FULL

Demolition of existing buildings and erection of 20 No. Apartments

Approved

Decision date: 16.06.2017

16/508704/PNOCLA

Prior notification for the change of use of an office to 7 no. residential units. For its prior approval to Transport and Highways impacts of the development.

Contamination risks on the site. Flooding risks on the site. Impacts of noise from commercial premises on the intended occupiers of the development.

Prior Approval Granted

Decision date: 10.02.2017

MA/PN/14/0001

Prior Notification application for the change of use office building to up to 9 self contained flats as shown on details received 07/01/14 & 23/01/14.

Prior Approval Not Required

Decision date: 18.02.2014

09/1827

Planning permission for demolition of existing office block and erection of part five storey part six storey building comprising 14no. two-bedroom apartments with associated parking. Plans submitted are as follows: 0916/D/101; 0916D/400; 0916/D/401; 0916/D/200; 0916/D/102 received on 8 October 2009.

Refused

Decision date: 28.01.2011

5 Tonbridge Road

15/510179/OUT Outline application (All matters reserved) for redevelopment with up to 65 dwellings and associated vehicular and pedestrian access, car and cycle parking, street and external lighting, main services, bin stores and other ancillary development.

PER - Application Permitted 22.12.2016

17/504144/OUT Removal of condition 14 (scheme of mitigation to address poor air quality shall be provided) of planning permission 15/510179 (All matters reserved) for redevelopment with up to 65 dwellings and associated vehicular and pedestrian access, car and cycle parking, street and external lighting, main services, bin stores and other ancillary development.

PER - Application Permitted 18.12.2017

18/500229/REM

Reserved matters of scale, appearance and layout to application 17/504144/OUT for erection of 51 dwellings and associated vehicular and pedestrian access, car and cycle parking, street and external lighting, main services, bin stores and other ancillary development.

Approved

Decision date: 27.04.2018

18/500718/REM

Reserved matters application for access (conditions 1, 2 and 4) and phase 1 landscaping (conditions 1 and 3) of 17/504144/OUT (Removal of condition 14 (scheme of mitigation to address poor air quality shall be provided) of planning permission 15/510179 (All matters reserved) for redevelopment with up to 65 dwellings and associated vehicular and pedestrian access, car and cycle parking, street and external lighting, main services, bin stores and other ancillary development.)

Approved

Decision date: 27.04.2018

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.1 The site is located on the gyratory section of Tonbridge Road with two lanes of one way traffic travelling past the site frontage (east to west). This section of road forms part of the A20 with the A26 (Tonbridge Road) starting further to the west. A signalised pedestrian crossing is located 20m to the east of the site.
- 1.2 The site is approx. 0.12 ha with dimensions of 13-17m wide and a depth of 76m. It lies to the west of Maidstone West Railway Station. The front part of the site is separated from the railway station by a pair of semi-detached Victorian properties which have been converted to residential use. The rear part of the application site directly adjoins the railway station. The ground level on the application site is significantly higher than the railway station, with this rise in ground level continuing to the west of the application site along Tonbridge Road.
- 1.3 The area surrounding the application site is mixed in terms of the character and scale of existing buildings and the range of land uses. Beyond the entrance to the railway station is a 6-storey building providing retail use at ground floor with residential on the upper floors (Broadway Heights - 58 flats 05/1719). To west of the site, 5-9 Tonbridge Road has an existing vehicular access adjoining the boundary with the application site. That site is occupied by a mixture of retail and other commercial uses but with a recent planning permission for residential redevelopment of a 4-storey block of flats and terraced houses. Further to the east is the Vines Medical Practice (3-storey) with residential properties to the rear. On the opposite side of Tonbridge Road is an office building with a substantial mansard roof (Vaughan Chambers) providing four floors (including roof space) with an adjoining single storey building on the corner providing a cycle shop.
- 1.4 The application site is currently occupied by a 3-storey red brick building with a part flat, part sloping tiled roof last in office use (planning use class B1/A2). At ground floor level the building has an undercroft vehicular access from Tonbridge Road to a rear parking area. The site is not located in a Conservation Area and the nearest listed buildings are approximately

100m away. There are no protected trees or landscape designations either on or adjacent to the application site.

2. PROPOSAL

- 2.1 At the Planning Committee meeting of 15 June 2017 under application reference 16/507491/FULL, it was resolved to grant full planning permission for Demolition of the existing building and erection of 20 no. apartments in a 4 storey block and permission was granted on the 16 June 2017. The application had been deferred from the meeting of 16 March 2017 for air quality concerns to be landscape-led with trees and planting on the Tonbridge Road frontage and the treatment of the elevations to be reconsidered to improve amenity for future occupants.
- 2.2 The current revised proposal is for the demolition of the existing office building and the construction of a mainly 5 storey residential building with a part recessed 6th floor. The proposed building has a linear footprint with a block fronting Tonbridge Road and then extending towards the rear of the site. It has a width of approx. 10m and a depth of approx. 57m. A number of PV panels are intended to be sited on the roof.
- 2.3 The ground floor of the building provides 1 x 1st floor flat and 1 duplex flat each accessed from the front of the site set behind areas of amenity space. This is intended to give an active frontage. The ground floor provides integral refuse storage that is within 10m of Tonbridge Road to accord with guideline for efficient refuse collection. It includes an integral cycle store (43 racks) and 2 undercroft visitor car parking spaces with an indication of electric car charging points. The building retains and reuses the existing vehicular access on to Tonbridge Road located next to the eastern boundary for a distance of approx. 30m.
- 2.4 The building is arranged around 4 staircase cores providing access to the accommodation on the upper floors of the building. There is only a lift in the front part of the building accessing 12 units. There are 5 ground floor flats. Hence there are 26 upper floor flats accessed by stairs only. All of the proposed flats (40 x 1-bed and 2 x 2-bed and 1 x 3 bed duplex) are dual aspect as a minimum, with all upper floor flats provided with balconies.
- 2.5 A financial viability assessment has been prepared provided to the Council. Having reviewed the consultations for financial contributions, the applicant would be willing to contribute the Library Contributions as evidenced by KCC and confirms that the development would be provided with Superfast broadband. It is stated that these would not undermine the deliverability of the scheme and are offered on a without prejudice basis.
- 2.6 The fire strategy for the site includes for a BS 8458:2015 mist type sprinkler system to be installed to the apartments. The applicant submits that this would ensure the buildings would meet part B of the building regulations, being an acceptable solution to the access constraints for fire tenders. As to whether a sub station is required for the development, the

applicant states that presently UK Power Networks has not provided a design for the site and as such this cannot be confirmed. Should a sub-station be ultimately needed, then the applicant submits that it could be accommodated within the ground floor undercroft zones.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Local Plan 2017:
SP1 Maidstone urban area
SP19 Housing mix
H1(16), Slencrest House, 3 Tonbridge Road, Maidstone
DM1 Principles of good design
DM2 Sustainable design
DM5 Development on brownfield land
DM6 Air quality
DM12 Density of housing development
DM19 Open space and recreation
DM20 Community facilities
DM21 Assessing the transport impacts of development
DM23 Parking standards
DM24 Renewable and low carbon energy schemes
ID1 Infrastructure Delivery

4. LOCAL REPRESENTATIONS

4.1 Local Residents: Adjoining neighbours were notified of the application as originally submitted. A site notice was also put up at the site. One objection has been received from the neighbouring landowner in response:

- Support the height of six storeys.
- Low level of parking provision so pressure on-street parking in nearby residential streets.
- 5- 9 Tonbridge Road site will need to be gated - a significant additional development cost
- Insufficient justification for no parking for residents or visitors.
- No provision for delivery vehicle parking and turning space
- Delivery vans and Refuse collection vehicles on Tonbridge Road reducing the flow of traffic and impacting the visibility of the highway
- A long narrow building that occupies the majority of a long, narrow site which is too close to boundary: inadequate for construction and maintenance of a tall apartment block.

- Construction activities very constrained because of the narrowness of the site. Tower cranes would be severely constrained because Network Rail do not allow such cranes to oversail their operational land.
- Cranes impose a risk to other adjoining landowners and occupants.
- No fire engine access to the back of the site.
- electricity sub-station needed
- No affordable housing and no s106 contributions proposed by the applicant on grounds of viability.
- The redevelopment proposals are not viable or deliverable in the market. The ground works will be very expensive and high costs of construction and risk
- Likely the site will be undeveloped or subject to a further application at a later date to reduce the density of development to a viable level.
- Appreciate the maximisation of density at edge of town centre location but the scheme that is not deliverable in the market.

5. CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

- 5.1 Southern Water: No development or new tree planting should be located within 3 metres either side of the external edge of the public sewer and all existing infrastructure should be protected during the course of construction works. No new soakaways should be located within 5 metres of a public sewer
- 5.2 Kent Police: The applicant/agent has not demonstrated that they have considered crime prevention nor have attempted to apply the seven attributes of CPTED in their submitted on-line plans or in a DAS. To date we have had no communication from the applicant/agent and there are other issues that may need to be discussed and addressed including a formal application for BREEAM and SBD if appropriate. These include: 1. Boundary treatments 2. Access control 3. Lighting 4. Mail delivery 5. Cycle and bin storage
- 5.3 UK Power Networks No objections
- 5.4 Kent County Council Local Highway Authority no objections: the levels of adjacent on road car parking restraint, the nearby opportunities for alternative forms of transport and the level of services available within reasonable walking and cycling distances, two car parking spaces is not an unreasonable approach. No objection subject to conditions on Construction Management; prevent the discharge of surface water onto the highway;

Provision and permanent retention of the vehicle parking spaces and/or garages; cycle

- 5.5 Maidstone Borough Council Client Services: Freighters would not be able to reverse off Tonbridge Road into the site so the bin store needs to be within 10m of Tonbridge Road. They should allow for 6 x 1100 litre refuse bins and 10-15 recycling bins or 5 x 1100 litre for recycling
- 5.6 Maidstone Borough Council Environmental Protection: The railway line and the road as the most significant noise sources. The levels are such that an uprated specification for acoustic glazing is provided. The scheme would only be successful for windows closed and so will need to be combined with alternative means of ventilation. This should be capable of purge ventilation to enable cooling should it be required without needing to open windows.
- 5.7 Land contamination: The former commercial/industrial area has potential to have been affected by land contamination.
- 5.8 Air Quality: The site is within the Council's air quality management area and the application includes an air quality assessment. The assessment is acceptable and concludes that the no further mitigation measures are required to protect future residents from poor air quality.
- 5.9 Kent County Council Community Services : contributions required for libraries of £2064.68 and installation of Superfast Fibre Optic Broadband .Although there is a Primary and Secondary need, due to 5 obligation restriction KCC are unable to pursue against this scheme.
- 5.10 NHS (West Kent Commissioning Group): no contributions sought
- 5.11 Kent County Council (Archaeology) – no response
- 5.12 Network Rail- no response
- 5.13 Kent County Council (drainage)- awaiting response.
- 5.14 Environment Agency- awaiting response.

6. APPRAISAL

- 6.1 The principle of the loss of the existing building and commercial uses accords with the Local Plan designation and has been established by the 20-unit residential redevelopment planning permission from last year.
- 6.2 Policy H1 (16) was an allocation for 10 units. The policy requires consideration of the exposed location of the site on the slopes of the Medway Valley in a prominent position overlooking the town centre with visual impact assessment of the potential impact from College Road and the All Saints area including the Lockmeadow footbridge; the eastern/south eastern elevation shall be well articulated given the exposed location of the site; assess archaeological implications arising from the development and in particular the adjacent Roman cemetery site; include appropriate air quality

mitigation measures; ideally a joint development with the immediately adjacent American Golf site allocated under policy H1(14) to ensure a comprehensive and inclusive design approach.

6.3 The remaining main planning considerations include:

- Air quality
- Design, layout, appearance and density
- Standard of accommodation
- Highways
- Trees, landscaping, and ecology
- Planning Obligations/Viability.

Air quality

6.4 Paragraph 124 of the NPPF states 'Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.'

6.5 Policy DM5 of the local plan sets out that 'Proposals located close to identified air quality exceedance areas as defined through the Local Air Quality management process will require a full Air Quality Impact Assessment in line with national and local guidance' The housing site allocation H 1 (16) in the local plan states that the council will seek to approve air quality mitigation measures to be implemented as part of the development.

6.6 The application site is within an Air Quality Management Area (AQMA) that covers the whole of Maidstone town centre. This area that has been identified as having poor air quality due to the nature of road networks and traffic movements. The environmental protection team has not raised any objection to the submitted AQ report in the light of the Maidstone Borough Council Air Quality Planning Guidance.

6.7 Reflecting the adjacent site at 5 Tonbridge Road, the main front elevation of the revised proposal has been set back by 7m from Tonbridge Road boundary with the area to be landscaped in order to provide a better environment for an area where residential occupation levels are increasing.

6.8 This landscaping is expected to include landscaping to improve air quality eg small leafed Lime trees and a hedge to the front of the building, ornamental Crab Apple and Hornbeam Hedging in the area next to the boundary with 5 Tonbridge Road, cherry trees along the rear boundary and trellis and ivy on the retaining wall adjacent to Maidstone West Railway Station. A recommended condition requires details and the replacement of planting should it fail within a period of 5 years.

6.9 Electric charging points are indicated to be included and can be conditioned.

Design, layout, appearance and density

6.10 Policy DM 1 of the local plan states that proposals which would create high quality design will be permitted. Proposals should respond positively to and where possible enhance the character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage.

6.11 It is considered that the development is in accordance with those policy requirements of the housing site allocation H1 (16) in the local plan which seeks the following: design to reflect the exposed location of the site on the slopes of the Medway Valley in a prominent position overlooking the town centre and visible from College Road and the All Saints area including the Lockmeadow footbridge; the eastern/south eastern elevation need to be well articulated given the exposed location of the site. Development proposals will be of a high standard of design and sustainability incorporating the use of vernacular materials that will weather well and complement the area; a high density scheme will be developed reflecting that the site is in a town centre location.

6.12 Land owners of the application site and of 5-9 Tonbridge Road have been encouraged by officers to collaborate with ideally one development proposal coming forward for both sites. Unfortunately an agreement for collaboration has not been secured and the Council remains obliged to consider the current application on its individual merits as a standalone redevelopment.

6.13 The character and appearance of Tonbridge Road varies significantly as travelling away from the town centre. Recent development such as the Vine Medical Centre has changed the character of the area and planned development and the housing allocations are likely to change this character further. Development in the immediate vicinity of the site is between 2-4 storeys on the frontage, with higher 6 storey development further eastwards towards the town centre at Broadway Heights.

6.14 The design and appearance of the proposed building has been guided by advice provided as part of the planning history, including consideration by the Council's design surgery. At the front of the site the proposed building will have a significantly greater bulk and scale than the existing building on the site. The front block of the proposal includes references to the adjacent Victorian property; including the two bays to the front elevation and the proposed fenestration design and proportions. In relation to building scale, this reflects taller buildings in the locality or other multi-storey buildings at higher ground levels.

6.15 There are a variety of different building facing materials in the local area including red brick (Vaughan Chambers) stone cladding (6 Tonbridge Road), red brick and render (8 Tonbridge Road) and buff brick (1 Tonbridge

Road). The new building will be constructed with a buff facing brick, with green/blue cladding at 5th storey level and grey cladding at 6th storey level. The green/blue cladding will continue to recessed elements to both flanks and the colour will be matched to the balcony railings. This choice of facing materials is considered appropriate in this location, reflecting the modern design approach in accordance with the housing allocation.

- 6.16 The design of the proposed development has considered the exposed location of the application site on the slopes of the Medway Valley in this prominent position overlooking the town centre. In support of the planning application context photographs have been provided from these locations the proposed building will be seen in the context of tall buildings on higher land to the north. The design, scale and appearance of the building is considered acceptable in these views.
- 6.17 The footprint and extent of the proposed building reflects the linear shape of the application site. The proposed design has provided interest and rhythm to the side and rear elevations of the building (east, west and south) through fenestration, the balconies, different facing materials and the staircase cores. It is considered that the building meets the aspirations set out in the housing allocation.
- 6.18 Policy DM12 of the local plan advises that all new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area. Subject to this overriding consideration, within and close to the town centre new residential development will be expected to achieve net densities of between 45 and 170 dwellings per hectare. The application site covers an area of 0.12 hectares with the proposal providing 43 residential dwellings which amounts to a residential density of 358 dwellings per hectare (the 20 unit approved scheme is 167 dph).
- 6.19 It is accepted that the proposed residential density is very significantly higher than the precise density figure specified in the housing allocation. However it is in line with the aspiration for a high density development to make the best use of urban land. Maidstone West Railway Station entrance is close to the application site as are bus stops and with the other facilities available in this town centre location, the site is in a highly sustainable location and the proposed density is considered acceptable in this context.

Standard of accommodation

- 6.20 The core principles set out in the NPPF state that planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM1 advises that development should respect the amenities of occupiers of neighbouring properties and uses by ensuring that development does not result in excessive noise, activity or vehicular movements, overlooking or visual intrusion. The policy states that the built form would not result in an

unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.

- 6.21 With the south facing orientation of the rear elevation and the separation distance of 4m increasing to 5m to the building, it is considered that the new building is of a form and siting that is acceptable in relation to the impact on sunlight and daylight provision to the new residential conversion to the east.
- 6.22 At the rear of this neighbouring property is a small external area at ground level which is 2 metres below ground level on the application site. The immediately adjacent windows on the proposed building serve a staircase core and with the retaining wall and the separation from the boundary the proposed building is considered acceptable in relation to privacy and overlooking.
- 6.23 The land to the west of the application site at 5-9 Tonbridge Road is currently occupied by a mixture of commercial uses, including a fireplace shop, a golf shop and offices on the Tonbridge Road frontage with general industrial and storage types uses behind. A rear vehicular access to the rear currently runs along the boundary with the application site. This neighbouring site is on higher ground reflecting the general change in ground level when travelling west away from the town centre. This site has a recent planning permission for redevelopment with 51 dwellings with an apartment block of 4 storeys at the front and terraced houses to the rear. A distance of between approx. 10m will separate the two proposed new buildings due in part to a 2 lane, vehicular access road. As part of the current application, the design of the building provides dual aspect residential units. This layout has allowed the majority of main habitable room windows to be located on the east and south building elevations, ie facing away from 5 Tonbridge Road. The western flank of the proposal has been consciously designed with fenestration to minimise any mutual overlooking with that neighbouring apartment block if erected eg with oriel style windows giving angled restricted views out plus windows to non-habitable rooms or secondary windows which can be conditioned to be obscure glazed.
- 6.24 The proposed layout of the development provides a good standard of residential accommodation overall with adequate daylight, sunlight and privacy provision to all of the proposed flats. The balconies provide amenity space for most of the flats and there is also an open amenity area proposed at the rear of the block. Similarly, it has been demonstrated that there will be acceptable relationships to neighbouring property with regard to daylight and sunlight matters. Overall it is considered that the relationship between the buildings is acceptable and there would be acceptable amenity for occupants of all the relevant developments in this part of Tonbridge Road

Impact On The Local Highway Network Including Traffic And Parking

- 6.25 The application site is in a sustainable location. The site is in close proximity to Maidstone West Train station. The town centre is within walking distance and other everyday services (including a doctors, schools and parks) are all within a short distance of the site. Bus stops are located along Tonbridge Road and these provide access to the town centre, local hospital, and other nearby towns where residents may commute to.
- 6.26 The existing vehicular access to Tonbridge Road and the proposed access within the site has been considered by the Local Highway Authority and no objection has been raised.
- 6.27 A Transport Assessment has been submitted in support of the planning application. As a virtually car free development, there will be still be delivery and other service vehicles attracted to the site, arguably more with the car- free nature of the development. There is no specific on site parking/turning for delivery for service vehicles although there is scope for a small parking bay in the frontage at the expense of some of the frontage landscaping. However, KCC as Local Highway Authority has concluded that the proposal that includes service vehicles parking on the highway would not result in a severe impact on highway safety which is the key test of the NPPF.
- 6.28 The proposal includes 2 visitor car parking spaces which KCC say is acceptable for this central location where other forms of transport are readily available. The proposal also includes 43 cycle parking spaces in an appropriate location on the site. The low car parking provision and the proposed servicing arrangements for the development including the size and location of the refuse storage area have been considered by the Local Highway Authority and no objection has been raised when considering the scheme against policies DM21 and DM23 of the local plan.
- 6.29 With the nature of this location, the applicant needs to give careful thought to construction phase arrangements including vehicle unloading/loading, operative parking. A planning condition is recommended requesting the submission and approval of these details prior to work commencing.
- 6.30 The existing vehicular access to Tonbridge Road and the proposed access within the site has been considered by the Local Highway Authority and no objection has been raised.

Trees, Landscaping And Ecology

- 6.31 The housing site allocation H1 (16) states that development proposals should be designed to take into account the results of a detailed arboricultural survey, tree constraints plan and tree retention/protection plans.
- 6.32 The existing site has limited existing tree planting, landscaping or ecology capability with the site predominantly occupied by buildings or hard

surfacing with some overgrown planting along the southwest boundary with other trees on the boundary to the west of site with 5-9 Tonbridge Road.

- 6.33 The proposed development allows for the appearance of the site to be enhanced with improvements in relation to tree planting, landscaping and ecology. The submitted proposal has been considered by the council's landscape officer who has no objection in principle. It is recommended that planning conditions secure swift bricks and bat boxes, tubes or tiles within the new building.

Affordable housing and development viability

- 6.34 Policy ID1 of the local Plan relates to infrastructure delivery. In the event of competing demands for developer contributions towards infrastructure the Council's hierarchy of prioritisation set out in policy ID1 is: affordable housing, transport, open space, public realm, health, education, social services, utilities, libraries and emergency services.
- 6.35 The KCC request for a Libraries contribution of ££2064.68 has been accepted by the developer.
- 6.36 The NPPF (Chapter 6) supports the delivery of a wide choice of high quality homes, this includes at paragraphs 47 and 50 the provision of affordable housing. The Council's adopted Affordable Housing policy sets out at policy AH1 the requirement for affordable housing..
- 6.37 The developer has demonstrated that the site cannot economically sustain the provision of 40% affordable housing in its submission of both a market sale and a private rented model. Independent advice on the viability figures has concurred with that. In order to allow the site to come forward as part of a financially viable development it is not recommended that there be any requirement for affordable housing. Having said this, it is understood that the developer is intending to privately rent out the units which are nonetheless likely to give an important contribution to meeting the local demand for flats of this tenure and size close to public transport and local services.

Other Matters

- 6.38 Paragraph 123 of the NPPF sets out 'Planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through conditions; recognise that development will often create some noise...' The location of the development on a busy road and the proximity of the railway line both have the potential to cause nuisance to future occupiers. A noise exposure assessment by Clement Acoustics ref 11182-NEA-02 (dated May 2016) for the 20 unit scheme was re-submitted in support of the planning application and its overall conclusions are considered by Environmental Protection to

be equally valid. A planning condition is recommended to secure all of the mitigation that is outlined in this report.

- 6.39 The site is not in a location at risk of fluvial flooding. In relation to surface water, pre-commencement conditions are recommended seeking the submission of details of a sustainable drainage scheme and implementation of the approved details.
- 6.40 Southern Water raises no objection in principle.
- 6.41 The housing site allocation H1(16) states that development will be subject to the results and recommendations of a land contamination survey. There may be contamination present due to the previous commercial land use and ground works could disturb any contamination that is present warrants a requirement for a watching brief condition.
- 6.42 The extant planning permission considered the proximity of a Roman cemetery and so there is potential for Roman remains. There were some targeted archaeological investigations and some specialist assessment of the archaeological potential and the extent of previous works on site but it seems that details of existing ground disturbance was not clear. A planning condition is suggested requiring archaeological field evaluation works in accordance with a specification and written timetable.

7. CONCLUSION

- 7.1 The existing vacant building makes little positive contribution to the character of the area and the removal of this building is supported. The current application provides an opportunity to bring this site back into beneficial use and to make more efficient use of the land that is available in this highly sustainable location.
- 7.2 Collaboration to form a single access road to access both developments has not been possible to secure and the Borough Council is required to consider the current application on its own individual merits.
- 7.3 The design, appearance, scale and proportions of the proposed building satisfactorily address the Tonbridge Road streetscene and both existing and proposed adjacent development. The proposed building is acceptable in terms of impact on the amenities of existing and future neighbouring occupiers including daylight, sunlight, outlook and privacy. The proposal will provide a acceptable standard of the residential accommodation in relation to noise and air quality. The access, car parking and servicing arrangements are acceptable to the Local Highway Authority.
- 7.4 It is accepted that the proposed residential density is considerably higher than the precise density figure specified in the housing allocation; however it is in line with the aspiration for a high density development and the site is in a highly sustainable location and so the proposed density is considered acceptable in this context.

- 7.5 In terms of design and appearance, the scale and building proportions in this prominent location are acceptable from all potential viewpoints including the low land to the south and south east as required in policy H1(16).
- 7.6 The site plan shows areas of landscaping in the open areas of the site. This landscaping includes a wall/fence boundary. The expectation as to how the frontage is to be treated is to be the same as for the 20 unit planning permission- for small leafed Lime trees and a hedge to the front of the building, ornamental Crab Apple and Hornbeam Hedging, cherry trees along the rear boundary and trellis and ivy on the retaining wall adjacent to Maidstone West Railway Station. These can be subject of a landscaping condition so that the objective is met of gradually softening and greening Tonbridge Road to suit an increasingly residential neighbourhood.
- 7.7 The financial viability of the development has been reconsidered in relation to the provision of affordable housing and other planning obligations and only the requested library contributions can be sustained based upon the submitted appraisals.

8. RECOMMENDATION

The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the prior completion of a legal agreement to provide the following (including the Head of Planning and Development being able to settle or amend any necessary terms of the legal agreement in line with the matters set out in the recommendation resolved by Planning Committee)requiring a libraries contribution of £2064.68

- The following conditions

CONDITIONS

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

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

- 2) Development hereby permitted shall be carried out in accordance with the following drawing numbers: 17-932-001 Rev P.1 Location Plan; 17-932-002 Rev P.7 Site Plan; 17-932-010 Rev P.4 Ground & 1st Floor Plans; 17-932-011 Rev P.4 2nd, 3rd & 4th Floor Plans; 17-932-012 Rev P.3 5th & Roof Plans; 17-932-013 Rev P.6 North & East Elevations; 17-932-014 Rev P.4 South & West Elevations; 17-932-015 Rev P.5 Street Scene; 17-932-018 Rev P.3 Sections 1; 17-932-019 Rev P.2 Sections 2; 15-671-E01.

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

- 3) Prior to the commencement of development, details of the proposed slab levels of the buildings and the existing site levels shall 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. These details shall include any proposed re-grading, cross-sections and retaining walls.

Reason: In order to secure a satisfactory form of development having regard to the topography of the site. Details are required prior to commencement of development to ensure that no unnecessary altering of levels takes place to accommodate the scheme.

- 4) The low-carbon sources of energy in Photo Voltaic panels as hereby approved shall be implemented as approved and shall be retained thereafter.

Reason: To ensure an energy efficient form of development.

- 5) Prior to the commencement of development, the following shall have been submitted to and approved in writing by the Local Planning Authority
- a. details of archaeological field evaluation works in accordance with a specification and written timetable
 - b. following from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable.

Reason: To ensure that features of archaeological interest are properly examined and recorded. Details are required prior to commencement of development to ensure that works do not damage items of archaeological value that may be present.

- 6) Prior to the commencement of development, details (including a specification for acoustic glazing and alternative means of purge ventilation to enable cooling should it be required without needing to open windows) shall be submitted to and approved by the Local Planning Authority to demonstrate how the development will fully meet the recommendations of the submitted acoustic report (carried out by Clement Acoustics, ref 11182-NEA-02- May 2016) with approved measures in place prior to first occupation of the relevant residential unit and retained as such thereafter.

Reason: To protect residential amenity. Details are required prior to commencement as the measures necessary may need to be integral to the design of the development.

Prior to the commencement of development, a construction management plan shall be submitted to approved in writing by the Local Planning Authority. The approved facilities and arrangements shall be provided

prior to construction work commencing and maintained for the duration of the construction works. The plan shall include:

- details of arrangements for loading/unloading and turning
- details of parking facilities for site personnel and site visitors
- A dust management plan
- Measures to minimise noise generation (including vibration)
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water and prevent surface water discharge on to the public highway

Reason: To maintain highway safety and to protect the amenities of local residents. Details are required prior to commencement as potential impact will arise from the point of commencement.

- 7) Prior to the commencement of development, details of a sustainable surface water drainage scheme shall have been submitted to and approved in writing by the Local Planning Authority. The surface water scheme should be compliant with the Non-Statutory Technical Standards for Sustainable Drainage (March 2015) and shall include measures to prevent discharge of surface water onto the highway. The scheme should specify responsibilities for the implementation of the SUDS scheme; specify a timetable for implementation; provide a management and maintenance plan for the lifetime of the development; including arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. There shall be no provision for infiltration of surface water into the ground unless it has been demonstrated that there will be no risk to controlled waters. The scheme shall be implemented in accordance with the approved details prior to first occupation of any dwelling and maintained as such thereafter.

Reason: To prevent flooding by the ensuring the satisfactory storage and disposal of surface water from the site. Details are required prior to commencement to maximise the options that are available to achieve a sustainable drainage system. Infiltration of surface water into contaminated ground has the potential to impact on surface water quality and pose unacceptable risks to controlled waters.

- 8) Prior to the commencement of development, details of the proposed means of foul water disposal shall have been submitted to and approved in writing by the Local Planning Authority with the approved measures in place prior to occupation and retained permanently thereafter.

Reason: To avoid pollution of the surrounding area. Details are required prior to commencement as groundworks will reduce the options available.

- 9) Prior to the commencement of development, a scheme for the enhancement of biodiversity shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include the location and design of swift bricks and bat boxes, tubes or tiles and take account of any protected species that have been identified on the site, shall include the enhancement of biodiversity through integrated methods into the design and appearance of the dwellings and in addition shall have regard to the enhancement of biodiversity generally. It shall be implemented in accordance with the approved proposals prior to first occupation of dwellings in any phase or sub-phase and shall be maintained in perpetuity.

Reason: To protect and enhance biodiversity. This information is required prior to commencement of development as works have the potential to harm any protected species present.

- 10) Prior to the development reaching damp proof course level, written details (and where appropriate, samples) of all facing materials and external surfacing materials of the development hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed using the approved materials.

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

- 11) Prior to first occupation of any residential unit, fencing, walling, railings and other boundary treatments (including provision of gaps under boundary fencing to facilitate ecological networks) shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority and the approved boundary treatments shall be retained as such thereafter.

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

- 12) Prior to first occupation of any residential unit, facilities for the storage of domestic refuse shall be in place in accordance with details hereby approved

Reason: To ensure a satisfactory arrangement for refuse collection.

- 13) If during construction/demolition works evidence of potential contamination is encountered, all works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning

Authority and the remediation has been completed in accordance with the agreed plan.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 14) Prior to first occupation of any residential unit, a verification report shall be submitted to the Local Planning Authority. The report shall include a) details of any post remediation sampling and analysis, b) 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. c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development in any phase or sub-phase can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 15) Prior to first occupation of any residential unit, the proposed bathroom, toilet, and staircase windows and the secondary bedroom windows located on the west (side) building elevation shall be fitted with obscured glass and retained thereafter.

Reason: In order to preserve amenity and prevent overlooking and loss of privacy.

- 16) Prior to first occupation of any residential dwellings hereby approved, a detailed Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority with the agreed measures implemented within three months of first occupation and retained. Thereafter the Travel Plan should include the following: a) objectives and targets, b) Measures to promote and facilitate public transport use, walking and cycling, c) Promotion of practises/facilities that reduce the need for travel, d) Monitoring and review mechanisms, e) Travel Plan co-ordinators and associated support, f) Details of a welcome pack for all new residents including local travel information, g) Marketing, h) Timetable for the implementation of each element.

Reason: In order to promote sustainable travel choices and to help reduce air pollution.

- 17) Prior to first occupation of any residential dwellings hereby approved, management arrangements for the communal areas of the site and access roads shall be in place that are in accordance with a plan that has previously been submitted to and approved in writing by the Local

Planning Authority and shall be retained thereafter. The plan should include a) The areas within the scope of the management plan and the maintenance requirements of these; b) Method and works schedule for maintaining communal areas and estate roads; c) Details of the parking control measures to be implemented within the site; d) Details on the enforcement of parking control measures; e) The setting up of an appropriate management body; f) The legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery; g) Ongoing monitoring of implementation of the plan.

Reason: To protect the amenity of future residents and the character and appearance of the development.

- 18) Prior to first occupation of any residential dwellings hereby approved, the cycle parking, car parking and internal access/turning arrangements shown on the approved plans shall be provided, surfaced and drained in accordance with the approved details and shall be retained permanently for the use. The car parking spaces shall be retained for visitor use only. Thereafter, no permanent development, whether or not permitted by Town and Country Planning (General Permitted Development) Order 2015 (or subsequent revision) shall be carried out on the land so shown or in such a position as to preclude vehicular access to parking areas.

Reason: Development without provision of adequate access and parking is likely to lead to inconvenience to other road users and be detrimental to amenity.

- 19) Prior to first occupation of any of the residential dwellings hereby approved, the vehicle access from Tonbridge Road shall be laid out in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The details shall include details of suitable visibility splays and measures to ensure their retention, and confirmation of the position of any gates (require a minimum set back of 7 metres from back edge of the pavement) with the approved measures retained thereafter.

Reason: In the interests of highway safety including in relation to the high pedestrian footfall in Tonbridge Road.

- 20) Prior to first occupation of any of the residential dwellings hereby approved, landscaping shall be in place that is in accordance with a landscaping scheme that has previously been submitted to and approved in writing by the Local Planning Authority. The scheme shall include on a plan, full details of the size, species, spacing, quantities and location of proposed plants, together with any hard surfacing, means of enclosure, and indications of all existing trees, hedges and any other features to be retained, and measures for their protection during the course of development. Any part of the approved landscaping scheme that is dead,

dying or diseased within 5 years of planting shall be replaced with similar species of a size to be agreed in writing beforehand with the Local Planning Authority.

Reason: In the interests of visual amenity and an appropriate standard of accommodation.

- 21) Prior to first occupation of any of the residential dwellings hereby approved, details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used shall be submitted to and approved in writing by the Local Planning Authority. The details shall show that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 (in areas of low background sound levels a target of NR30 shall be achieved) as defined by BS8233: 2014 Guidance on sound insulation and noise reduction for buildings and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it's operating. After installation of the approved plant, it shall be retained in accordance with the approved details and no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority.

Reason: In order to protect the amenities of neighbouring occupiers and future residents of this development.

- 22) Prior to first occupation of any of the residential dwellings hereby approved, details of any external lighting to be placed or erected within the site shall have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include details of measures to shield and direct light from the light sources so as to prevent light pollution and in order to minimise any impact upon ecology. The development shall be carried out in accordance with the approved details and maintained as such permanently thereafter.

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

- 23) The development hereby permitted shall incorporate measures to minimise the risk of crime. No development above slab level shall take place until details of such measures, According to the principles and physical security requirements of Crime Prevention Through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained

Reason: To secure crime prevention and safety of the area

- 24) Details of provision of electrical car charging point shall be submitted for the approval of the Local Planning Authority before first occupation of the building hereby permitted.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles.

INFORMATIVES

- 1) The applicant is reminded of the requirements of approved document E of the Building Regulations 2010 in terms of protecting future residents of the apartment blocks from internally generated noise.
- 2) The applicant is advised that detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding. The applicant is reminded of the requirement for a formal application to connect to the public sewerage system. The applicant is advised to contact Southern Water for further advice including in relation to protecting infrastructure during construction works , Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk
- 3) The applicant is advised that due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to contact Southern Water for further advice including in relation to protecting infrastructure during construction works , Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".
- 4) The applicant is advised of their responsibility to ensure, that before the development hereby approved is commenced, that all necessary highway approvals and consents are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action by the Highway Authority.
- 5) The applicant is advised of the Mid Kent Environmental Code of Development Practice and it is recommended that no demolition/construction activities take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.
- 6) The applicant is advised that any facilities used for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume of the tanks.
- 7) The applicant is advised that adequate and suitable measures should be in place to minimise release of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and

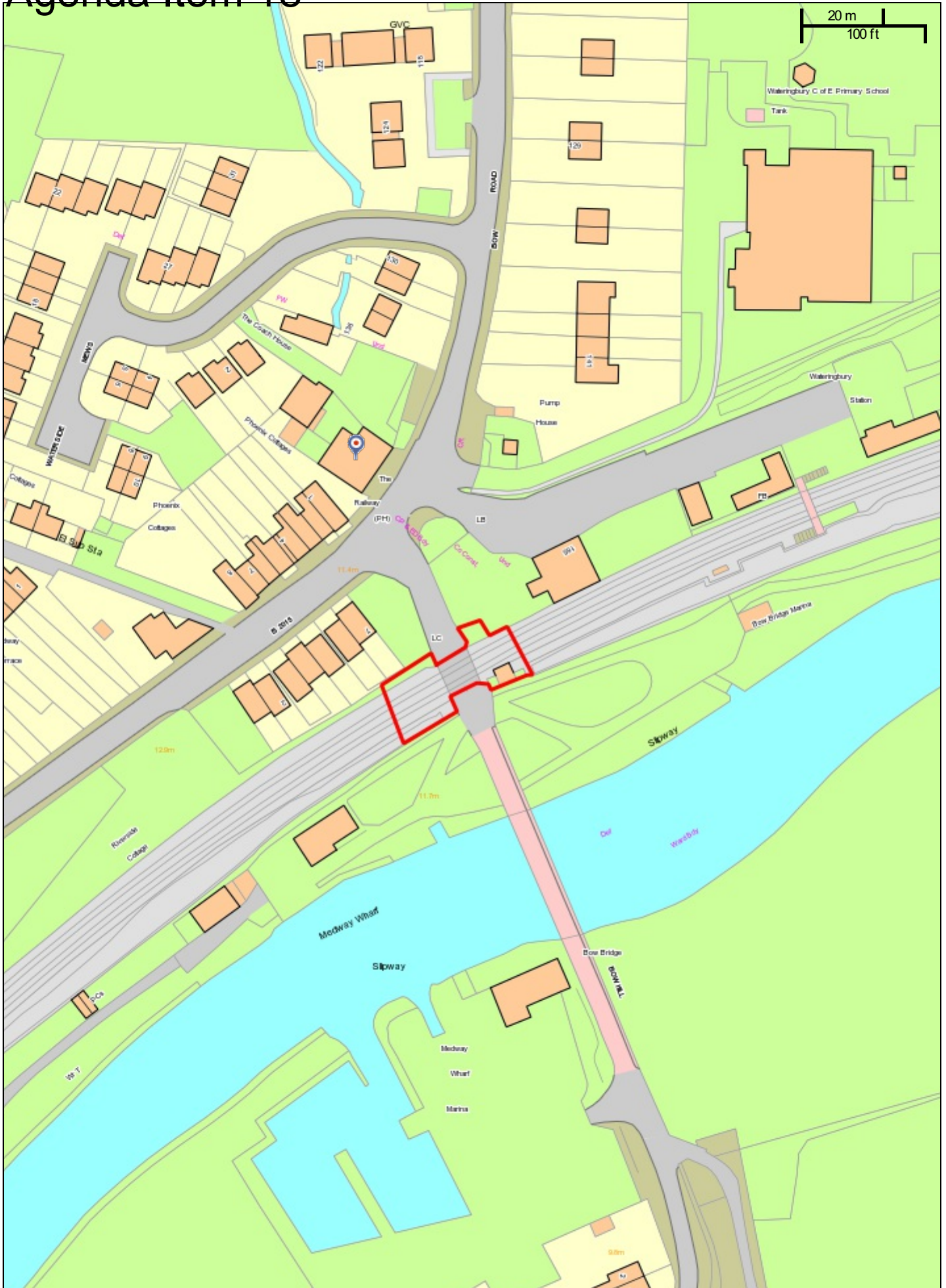
nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

- 8) The applicant is advised that any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.
- 9) The applicant is advised that the lighting scheme provided in accordance with the planning condition should adhere to advice from the Bat Conservation Trust and Institution of Lighting Engineers

Case Officer Marion Geary

Case Officer Sign	Date
Marion Geary	

Agenda Item 18



18/502380/FULL Wateringbury Level Crossing, Bow Road, Wateringbury, Kent

Scale: 1:1250

Printed on: 27/6/2018 at 8:56 AM by JoannaW

REPORT SUMMARY

REFERENCE NO - 18/502380/FULL			
APPLICATION PROPOSAL Relevant Demolition in a Conservation Area for the proposed upgrade of Network Rail's Watringbury Level Crossing from a Manned Gated Hand Worked (MGHW) Level Crossing to a Manually Controlled Barrier(s) (MCB) type.			
ADDRESS Watringbury Level Crossing Bow Road Watringbury Kent			
RECOMMENDATION – Grant Listed Building Consent			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL			
<ul style="list-style-type: none"> • The removal of the level crossing gates will result in less than substantial harm to the Conservation Area, which would be outweighed the public safety benefit; • The erection of the new level crossing gates are permitted development and do not require planning permission; 			
REASON FOR REFERRAL TO COMMITTEE			
<p>Councillor Blackmore called the application to committee so that it can be discussed in public due to the significance of the application. Teston Parish Council wishes to see the application refused and request that the application be reported to Planning Committee for the reasons set out in consultation response. <i>(Note – The site lies with Nettlestead Parish, not Teston Parish)</i></p>			
WARD Marden And Yalding	PARISH/TOWN COUNCIL Nettlestead	APPLICANT Network Rail Infrastructure Limited AGENT Network Rail Infrastructure Limited	
DECISION DUE DATE 27/06/18	PUBLICITY EXPIRY DATE 22/06/18	OFFICER SITE VISIT DATE 01/06/18	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
17/506556/FULL	Upgrade of the level crossing	Withdrawn	26/2/2018

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The level crossing in Watringbury lies on Bow Hill, just to the south of its junction with Bow Road. The site lies to the west of Watringbury railway station and within the Watringbury Conservation Area. The nearby buildings of the signal box, goods shed and station buildings are all Grade II Listed Buildings.

1.02 The cross bar stile level crossing gates are constructed from timber and feature obligatory warning signage. The style of these gates date from 1952, when new level crossing gates were installed as part of the introduction of automated level crossings. The timber gates themselves have also been replaced in the past 13 years, but have kept to the same design and style from the 1950s.

1.03 The site also lies within the Metropolitan Green Belt and a Landscape of Local Value, but not within an Area of Outstanding Natural Beauty.

2.0 PROPOSAL

2.01 This application is solely for the demolition and removal of the existing level crossing gates within the Wateringbury Conservation Area.

2.02 The new replacement level crossing gates do not require planning permission, as the works are being carried out as permitted development by a statutory undertaker by Network Rail and do not require the consent of the Local Planning Authority, ie, this Council.

2.03 As such this application can only consider the impacts upon the Conservation Area through the removal of the existing level crossing.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: DM4 of the Maidstone Borough Local Plan

4.0 LOCAL REPRESENTATIONS

4.01 Site notice, Press Notice & 23 local residents consulted – 12 letters received, objecting on the following grounds:

- Hazardous highway conditions;
- New crossing will spoil the Conservation Area;
- The wooden gates are of heritage value;
- The level crossing gates are curtilage listed structures;
- The safety improvements would detrimentally affect the appearance of the local area;
- Lies within an Area of Outstanding Natural Beauty;
- Last few manual gates left on the rail network and their removal would take away significant history from the listed station building;
- No fatalities at this crossing, so no safety justification to replace gates
- Barriers will increase noise from use of sirens and light pollution;
- New light column will increase light pollution;
- New gates not in keeping with the village;
- New gates would be no safer than the existing gates;
- Road markings are visually intrusive;
- Harm to residential amenity;
- No significant improvement in traffic congestion with the new crossing gates;
- Works will harm the setting of the nearby listed buildings.

5.0 CONSULTATIONS

5.01 **Nettlestead Parish Council:** The Parish Council would like to object to this planning application for the following reasons:

- Safety This is paramount , there is a school right next to the Railway crossing, the crossing is used a lot by families and also by walkers especially over a weekend when there can be as many as 100+ walkers crossing the Railway Line.
- Highways The crossing is located right on top of a very busy road and at the moment traffic queues onto this road the concern is the gates would be held down longer therefore allowing a much bigger build-up of traffic queuing onto the main road.
- Light There is a concern around the lighting and what pollution this will cause to the neighbours especially as they wish to install a 30metre high flood light. What effect will this have on the surrounding area.
- Noise: What will the noise level be for the new crossing (how many decibels day and night) this again will have an impact on the neighbours.
- Signal Box: This is a listed building if this is to be demolished there will need to be a separate planning application. Additionally, are the gates part of the curtilage of the Signal Box, and if so, listed building consent should be applied for.
- In the event that the application is approved, the continued manning of the signal box (as promised in the submissions from Network Rail) should be a condition of any consent granted.

5.02 **Yalding PC:** No comment.

5.03 **Teston PC:** Objects to the application on the following grounds:

- we note the proposal to install a Manually Controlled Barrier (MCB). It appears that the intention is that this is controlled, initially, by a person located at the site. However, there is concern that the technology could be augmented to enable cost-saving by remote monitoring and operation of the gate (perhaps termed MCB CCTV). That raises concern that the dead-time for road traffic flow would be increased considerably, because greater safety margins would be required before and after the train movement. That would have an adverse effect on road traffic.
- Network Rail's submission dated 2 May on the MBC Web Site states: "The provision of road traffic lights and warning alarms is a statutory requirement to alert crossing users (both pedestrians & road vehicles) that the barrier sequence is about to commence. The road traffic lights and associated noise is required to sound for approximately 20-25 seconds during lowering of the proposed barriers. The proposed new arrangement comes with the ability to adjust the volume of the audible warning generated at the time of barrier lowering and this will be given due consideration during the installation of the new equipment along with the flexibility of adjusting the intensity of flashing lights". Those sirens and lights would therefore be operative for all scheduled train movements during the day, including early morning and late night - with perhaps freight trains on occasion during the night. There would be adverse impact on local residents.
- The Office of Rail Regulation's guidance states in its December 2011 "Level Crossings: A guide for managers, designers and operators - Railway Safety Publication 7", paragraph 1.10, that "Finally, there is a requirement in planning legislation for planning authorities to consult the Secretary of State and the operator of the network where a

proposed development materially affects traffic over a level crossing. For example, a new housing development near a crossing may cause traffic levels over the crossing to increase greatly and mean that existing protection arrangements at the crossing are no longer adequate". That may be an issue, given the implications of MBC's Local Plan for the area. In summary, our objection remains, not so much to the technology per se, but to the associated use of, particularly, sirens and the possible subsequent remote operation that it might lead to and to the lack of analysis of possible mitigations for adverse impact on road traffic flows.

- We support, of course, the need to ensure that Wateringbury level crossing meets reasonable safety standards and that its workings are maintainable, but we object to the application as submitted.
- We are not against automation per se, but the ramifications require to be assessed and addressed.
- As it is included in some of the diagrams and literature, it appears to be clear that, in addition to Wateringbury, it is also intended to replace the current East Farleigh manual level crossing with automatic barriers.
- This application should therefore not be considered other than within the wider context along this railway line between Paddock Wood and Maidstone West.
- Network Rail contends that the proposed work is "refurbishment", but demolition of the current gates and installation of automatic barriers would appear to go way beyond "refurbishment" and, as such, is not permitted under Part 8 of the Town & Country Planning (General Permitted Development) (England) Order 2015, which reads (our highlighting IN CAPITALS): Development is NOT PERMITTED by Class A if it consists of or includes- (a) the construction of a railway; (b) the construction or erection of a hotel, railway station or bridge; or (c) the CONSTRUCTION OR ERECTION OTHERWISE THAN WHOLLY WITHIN THE RAILWAY STATION OF- (i) an office, residential or educational building, or a building used for an industrial process, or (ii) a car park, shop, restaurant, garage, petrol filling station or other building or STRUCTURE provided under transport legislation. Interpretation of Class A A.2 For the purposes of Class A, REFERENCES TO THE CONSTRUCTION OF OR ERECTION OF ANY building or STRUCTURE INCLUDE REFERENCE TO THE RECONSTRUCTION OR ALTERATION OF A building or STRUCTURE WHERE ITS DESIGN OR EXTERNAL APPEARANCE WOULD BE MATERIALLY AFFECTED.
- Design and external appearance of the gates are most certainly being materially affected.
- The proposal would therefore appear to require planning permission, as well as Conservation Area consent.
- Sight-lines to the level crossing are good, from either direction.
- While 169 safety incidents at this crossing are listed for the period 1993 - 2017, or 7 p.a., major emphasis is in fact placed on a single serious incident at East Farleigh level crossing, 3 miles away.
- Wateringbury and East Farleigh are very different in terms of: a. their traffic flows; b. the visibility afforded to drivers approaching the barriers; and c. for East Farleigh, the incentive for a driver coming from the north to ensure that s/he keeps up with the traffic ahead that has, presumably, achieved priority over the single-track bridge, rather than being heavily delayed after the gates subsequently open while backed-up traffic heading north commands priority over that bridge. No before-and-after safety statistics are given for the replacement of

manual with automatic barriers in similar contexts elsewhere, although newspapers occasionally report incidents, occasionally fatal, at automatic barriers.

- As "safety" is a major strand of the argument for replacement, it would be reasonable to see some evidence from experience elsewhere.
- The applicant's Planning and Heritage Statement, at paragraph 4.3 (and elsewhere), states that " ... (the proposal would have the effect of) reducing road closure/vehicle waiting time".
- This would be very welcome at any level crossing site, but, again, no before-and-after waiting time statistics are given for the installation of automatic barriers in similar contexts elsewhere.
- As this application would not appear to be sufficient for the proposal to be permitted, it is recommended that the opportunity is taken to review and address level crossing-related issues at East Farleigh and Teston, as well as Wateringbury.
- That review should include: a. the two sets of before-and-after statistics referred to above, to give confidence that the grounds for the proposal are well-founded; b. a statement of the barrier opening and closing arrangements, including the degree of automation and, for human intervention within the automated scenario, the location, staffing arrangements, live video monitoring facilities for the level crossing etc to give assurance of an alert and responsive future operation throughout all hours of rail traffic; c. as it is clearly envisaged to replace the current manual gates at East Farleigh, a statement of how the operation of all automatic gates along the line from Paddock Wood to Maidstone West would, while enabling safe train operation, be optimised for road traffic flows, with collateral benefits for road safety; d. for East Farleigh, consideration of, possibly part-time, traffic control coupled to automatic gates to enhance traffic flow and mitigate tension for vehicles using the nearby road bridge; e. for Teston, an analysis of the impact on traffic backing-up onto the nearby Tonbridge Road (A26); and f. a consideration of the safety of all parties affected by the proposed automatic gates; that is, train travellers, railway staff, pedestrians and vehicles affected by the operation of the automatic gates, taking into account any demonstrable probable change to waiting times while the barriers are closed.
- The application quotes paragraphs 131, 132 and 133 of NPPF, which relate to the historic environment.
- Maidstone's Local Plan envisages circa 30% increase in housing over the period 2011-31, with, presumably, a similar increase in population and traffic flows - despite the quest for modal shift.
- That makes it even more important to grasp all opportunities to review and enhance road traffic flows through major bottle-necks; Teston and East Farleigh level crossings are two, given that they lie on major cross-country road commuter routes.
- The application is inadequate to achieve permission within planning regulations and, more importantly, does not consider the wider implications for safety elsewhere.
- We therefore object to the application as submitted, but would wish to support a re-submitted application that is put forward within the context of the above wider opportunity.

5.04 **Wateringbury Parish Council:** My Council appreciates it is not consultee to planning application 18/502380 for alterations to Wateringbury

Level Crossing, but would like to voice their support of all the comments made by adjoining Parish Councils and neighbouring properties that would be affected by the changes. My Council also has some concerns about children being able to access the railway line.

- 5.05 **Conservation Officer:** I have no objection to the replacement of the timber level crossing barriers at Watlingbury and East Farleigh. Although both projects will have a harmful impact upon the setting of the adjacent listed railway buildings at these locations, and will diminish their significance to a degree, it could be argued that the public benefits of an automated crossing outweigh the harm caused to the setting of the listed structures. I understand that the previous conservation officer took the view that the present timber barriers did not form part of the curtilage of the listed railway buildings, although that is perhaps not something that is simple or straightforward to form a judgement on. If the present barriers are not original, some of the timber constructions are likely to date to the middle of the C20, or earlier.

Whilst the design of the new metal barriers is fairly stark and utilitarian, it would not be reasonable to require heavy section chamfered timber in a mechanism of this sort. I also understand from the applicant that railway personnel have been injured by traffic on the line where they have become trapped between vehicles and the barriers themselves – traffic nowadays in Kent is a lot more than they were when the barriers were initially constructed. We would not wish for any more unfortunate accidents to occur, and under the circumstances I would argue that it is unreasonable to require the retention of manually –operated crossings within the county, however quaint and historically authentic they may be.

The network operators to consider to offering the gates at zero cost either to a national railway museum, or to one of the many volunteer-staffed historic and community railways that operate within Kent and across the UK.

- 5.06 **Kent Highways:** Having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority. The applicant should be aware that they will be required to enter into a section 278 agreement with this authority, prior to undertaking the proposed works.

6.0 APPRAISAL

- 6.01 The only issue that can be considered under this application is the demolition and removal for the existing level crossing gates, which requires Conservation Area consent as it lies within a Conservation Area. The majority of the objections received relate to the new design, the new associated structures and the operation level crossing gates that are not subject to this application or indeed need our approval. As the works are being carried out by Network Rail under their permitted development rights. I have provided some more detailed comments on these points later in the report for clarification.

Conservation Area assessment

- 6.02 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that special regard to the desirability of preserving or enhancing the character or appearance of that area.
- 6.03 This stance is supported within the National Planning Policy Framework (NPPF). Paragraph 134 deals with development that will have an impact on a heritage asset and states *"where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use"*.
- 6.04 Policy DM4 of the Maidstone Borough Local Plan requires development affecting a heritage asset incorporates measures to conserve, and where possible enhance, the significance of the heritage asset and where appropriate its setting. The policy expands to set out that the NPPF assessment should be used where the development will affect the heritage asset.
- 6.05 The application is accompanied by a detailed and comprehensive Heritage Impact Assessment, which provides details of the history of the level crossing and fully assesses the significance of the level crossing gates.
- 6.06 The designated heritage asset for the purposes of the Act, NPPF and Local Plan policies is the Watringbury Conservation Area. The proposed demolition and removal of a level crossing gates will not result in substantial harm to or total loss of significance of the Watringbury Conservation Area. As such the proposal would only result in a less than substantial harm under the terms of the NPPF.
- 6.07 The level crossing gates are historically not the original crossing gates. The cross bar stile design of the gates was introduced in the early 1950s. Since then the gates have been further replaced in the last 15 years, due to general maintenance and upgrading of the gates. The level crossing gates are seen in the context of the wider grouping of the Watringbury railway station, which includes a number of listed structures. As such the significance of the gates and their importance within the Conservation Area is of some significance, but not considered to be of the high significance or significant to the Conservation Area. As such there will be some limited harm to the Conservation Area through the gates removal. This view is shared by our Conservation Officer.
- 6.08 As highlighted above in paragraph 134 of the NPPF, this scheme will lead to less than substantial harm to the Watringbury Conservation Area. The proposal has been submitted on the basis of the need to improve operational safety of the level crossing as a public benefit. The applicant's supporting statement states:

"The renewal of the level crossing at Watringbury is in line with Network Rail's Safety Policy Statement (2011). This policy statement notes that NR will seek to rationalise the types of level crossings across the network. Where closure is not possible NR will seek 'to reduce risk and enhance safety.' NR will also seek to modernise existing types of level crossing by 'designing out risk and introducing new technologies' and will 'implement lessons learned from accidents and incidents' and to 'present a consistent

approach to the crossing user.' Life expired level crossings will be renewed 'incorporating the latest design and technology to reduce risk.'" and:

"the overriding benefits are improvements in safety for the users of the crossing, the duty signallers and to the railway. The hand worked level crossing dates to a technology in operation in the mid-nineteenth century and the risks associated with its operation were shown by a series of incidents in 2009. The NR Safety Policy Statement further notes that NR will implement lessons learned from accidents. The risks that such accidents pose are not only to the duty signallers but also to other level crossing users and to the safe operation of the railway. The new barriers will also bring public benefit in reducing the time of the level crossing (down) operation".

- 6.09 Whilst a number of objections have been received objecting to the safety benefits of the new crossing and disputing some of the Network Rail's claims, most the objections relate to the operation of the new system, rather than the principle of the replacement system on safety grounds. The operation of the level crossing and wider railway is not a matter that this Committee can consider. The introduction of a safer level crossing for the railway personnel in operating the level crossing is of public benefit and is supported by our Conservation Officer. It should also be noted that Kent Highways raise no concerns over the highway safety of the proposed works.
- 6.10 Therefore the proposal will improve both public safety and the safety of the duty signallers on operating the new crossing weighs in favour or any harm identified to the Conservation Area, ie, limited harm to the low heritage significance of the crossing gates. As such the proposal is complies within paragraph 134 of the NPPF and policy DM4 of the MBLP.

Need for Listed Building Consent?

- 6.11 It has been raised by local residents, as to whether Listed Building Consent should also be required for these works. However as indicated in the Conservation Officer's comments above, it has been previously stated level crossing works are not considered to fall within the curtilage of the Wateringbury station building, which is Grade II listed. I would also add, that the level crossing gates are not original and the current style of gates dates from 1952 and the gates themselves were replaced in the 2000s in a similar style. As such crossbar stile level crossing gates were erected after 1948 (this is a cut date for curtilage listed structures) and therefore would not afford any protection as a curtilage listed structure, even if a differing view was taken as to the extent of the station building curtilage.

Permitted development works

- 6.12 Under Part 8, Class A of the Town & Country (General Permitted Development) Order 2015 as amended, Network Rail as a Statutory Undertaker are permitted to carry out development on their operational land, required in connection with the movement of traffic by rail. The extent of these scale of these works, is set out in the section A2, interpretation of Class A and relates to *"to the construction or erection of any building or structure includes references to the reconstruction or*

alteration of a building or structure where its design or external appearance would be materially affected."

- 6.13 Some new works to a railway are not permitted development, such as a new railway line, a new bridge or offices/industrial buildings outside of the railway station and do require the benefit of planning permission. However the proposed replacement of the new level crossing gates would fall within the scope of permitted development works of Part 8 Class A of the GPDO 2015 (as amended).

Other matters

- 6.14 I appreciate concerns have been raised by the parish councils and local residents as to the new crossing arrangements, such its proposed and possible future operations, lighting, use of sirens and noise disturbance, road markings however, these are not matters that we can control as the Local Planning Authority for the reasons set out above. This does not prevent them contacting Network Rail directly with their concerns.

7.0 CONCLUSION

- 7.01 In light of the above considerations, I consider that the proposed works to remove the crossing gates are acceptable within the Conservation Area.

8.0 RECOMMENDATION – GRANT Planning Permission subject to the following condition:

- (1)The works to which this consent relates must be begun before the expiration of three years from the date of this consent;

Reason: In accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

INFORMATIVES

- (1)Network Rail should consider offering the level crossing gates to either a national railway museum, or to one of the many volunteer-staffed historic and community railways that operate within Kent and across the UK.
- (2)It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Case Officer: Aaron Hill

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.

Case Officer Aaron Hill

Case Officer Sign	Date
Aaron Hill	



18/502213/FULL The Firs, Boxley Road, Walderslade, ME5 9JE

Scale: 1:1250

Printed on: 27/6/2018 at 9:41 AM by JoannaW

Planning Committee Report

REPORT SUMMARY

REFERENCE NO - 18/502213/FULL			
APPLICATION PROPOSAL – Retrospective construction of a detached garage to the front of the property.			
ADDRESS – The Firs, Boxley Road, Walderslade, ME5 9JE			
RECOMMENDATION - Approval			
SUMMARY OF REASONS FOR RECOMMENDATION –			
<ul style="list-style-type: none"> • The design, scale, location and visual appearance of the garage do not detract from the general character of this part of Boxley Road; • There are no identifiable impacts upon the amenities of neighbouring householders; • A sufficient level of off-street parking remains available for the property. 			
REASON FOR REFERRAL TO COMMITTEE – Boxley Parish Council object to the proposal and request that the application is reported to the Planning Committee in the event that a recommendation of approval is made.			
WARD Boxley	PARISH/TOWN COUNCIL Boxley Parish Council	APPLICANT Mr & Mrs Byhurst AGENT Cre8room Limited	
DECISION DUE DATE 11/07/2018	PUBLICITY EXPIRY DATE 19/06/2018	OFFICER SITE VISIT DATE 29/05/2018	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
18/501708/FULL	Erection of a rear conservatory	Approved	22.05.2018
16/501752/FULL	Two storey side and rear extension	Approved	26.04.2016

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The application site is located within the settlement of Walderslade and comprises a semi-detached bungalow style property that has rooms within the roof space. The dwelling is located to the western side of Boxley Road and is set back from the highway by 12.5m. The boundary with the highway is defined by a timber picket fence of approximately 1m in height. The land levels along this part of Boxley Road fall from east to west and accordingly, The Firs occupies a position that is lower than the highway.

1.02 The area surrounding the application site is comprised of residential dwellings of varying styles and designs and there is a varied building line. Due to the topography of this part of Boxley Road, the properties on the opposite side of the street occupy a higher ground level than those on the western side of the road. These dwellings are also set back from the highway and a number of the properties have a garage to the front.

1.03 This part of Boxley Road is not subject to any specific designations within the Local Plan.

2.0 PROPOSAL

2.01 This is a retrospective application that seeks planning permission to retain a detached, flat roof garage at the front of The Firs. At the time of my site visit, it appeared that the building works were fully complete. The garage is located 0.1m from the front boundary fence and 0.1m from the adjoining property (Tralee). There is a distance of 8m between the front elevation of the garage and the front elevation of the dwelling and this has been retained as

parking provision. The vehicular access to the property is located adjacent to the southern boundary of the site.

- 2.02 The garage has been designed with a flat roof and measures 5.1m in width and 3.8m in depth. The main elevation features 2 garage doors that face towards the front elevation of the dwelling. Due to the changes in land levels, the height of the garage on its principal elevation is 2.3m but its rear elevation (adjacent to the highway) is 1.4m.
- 2.03 The exterior walls of the garage are finished in timber cladding; the doors are black metal roller doors and the roof is fibreglass in a dark grey colour.

3.0 POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Supplementary Planning Documents: Residential Extensions (2009)
Maidstone Local Plan (2011-2031): DM1; DM9; DM23

4.0 LOCAL REPRESENTATIONS

- 4.01 **Local Residents:** One representation has been received raising the following (summarised) issues:

The building is not in keeping with other detached garages built recently in the road;
The flat roof looks hideous as we look over an expanse of 12 sq.m of grey waterproof surface;
The roof is not in keeping with the area, a pitched roof with tiles would be more appealing;
It is disappointing that the freeholder did not consult with neighbours or lodge a formal application with MBC in 2017;
The retrospective application for start of works in November 2017 is incorrect as photographic evidence shows the garage already built on 1st October 2017.

5.0 CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

- 5.01 **Boxley Parish Council:** The Parish Council wish to see this refused for the following planning reasons:

- The structure has an adverse and unacceptable impact on the streetscene.
- The structure brings forward the build line on Boxley Road. There is concern that if is allowed this will set an unacceptable precedent in the area.

The Parish Council considers that the right of the Borough Council to object or manage a planning application is seriously eroded by the legislation allowing retrospective planning applications. If the Planning Officer is minded to grant permission then the Parish Council asks that the application is reported to the Planning Committee.

6.0 APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:

The retrospective nature of the application;
Design and visual impact including the building line;
Impact on neighbouring amenities.

Retrospective Application

- 6.02 Boxley Parish Council have expressed the view that the right of the Borough Council to object or manage a planning application is seriously eroded by the legislation that allows the submission of retrospective planning applications. Paragraph 207 of the NPPF advises that effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Further guidance on approaching breaches of planning control is set out within the NPPG wherein it is noted that a local planning authority can invite a retrospective planning application. Most importantly, it is noted that although a local planning authority may invite an application, it cannot be assumed that permission will be granted, and the local planning authority should take care not to fetter its discretion prior to the determination of any application for planning permission – such an application must be considered in the normal way.
- 6.03 Accordingly, a retrospective planning application is treated in the same manner as a proposed application, there are no exceptions. Whilst it is regrettable that planning permission was not sought prior to this garage being erected, the submitted application has not been assessed any differently by virtue of this.

Design and Visual Impact

- 6.04 The design of the proposal is quite simple and typical of other garages on the opposite side of Boxley Road. The SPD Residential Extensions (2009) advises that garages should not impact detrimentally on the space surrounding buildings, they must be smaller scale and clearly ancillary to the property. The form (including roof pitches) and materials of garages and outbuildings should be in keeping with the existing and surrounding properties. Garages or outbuildings set in front of the building line will not normally be allowed. Policy DM9 of the adopted Maidstone Borough Local Plan (2017) is supportive of extensions to dwellings within the defined settlements provided that the scale, height and form would fit unobtrusively with the existing building as well as with the character of the street scene; the traditional boundary treatment of an area would be retained; the privacy, daylight, sunlight and maintenance of a pleasant outlook would be safeguarded; and sufficient parking can be provided within the curtilage of the dwelling without diminishing the character.
- 6.05 In terms of this proposal, whilst I acknowledge that in respect of the guidance contained within the SPD, buildings that are forward of the building line will not normally be allowed, I consider that there are exceptions in this instance. Primarily, the fact that the land levels drop within the site mean that the garage does not feature prominently in the views along this part of Boxley Road. The rear elevation that aligns with the highway is not much greater in height than the front boundary fence for the property. Furthermore, there is not a particularly definitive building line along this side of the road. There are also garages located to the front of dwellings on the opposite side of the street.
- 6.06 It is therefore my view that the garage is appropriately designed in that it does not appear overly bulky and its scale and appearance also ensures that it appears ancillary to the main dwelling. The materials used in the external finish compliment the main dwelling and in my opinion, the contrast in finishes assists in defining the fact that this is an outbuilding that is incidental to the dwelling. I have considered the comments submitted by the neighbour in respect of a pitched and tiled roof being a more suitable design, however this would serve to

make the building much greater in size and more prominent within the street scene. The objection also questions the suitability of the fibreglass roofing material as in their opinion, it is hideous. In conducting my site visit, I observed that part of the character of Boxley Road is the variety of housing designs and range of materials used in the external finishes of the dwellings. The materials used in this instance do not, in my view, appear incongruous given this setting.

- 6.07 The Parish Council have also expressed concerns that if this proposal were to be allowed, then it will set an unacceptable precedent for the rest of the street. I do not believe that this would be a reason to refuse this application given that there are already garages to the front of a number of the dwellings on the opposite side of the road. Furthermore, there is not a stringent building line along this part of Boxley Road and as noted above, the drop in land levels also assists with assimilating the building in its surroundings. Should any further applications for outbuildings be received, these will be assessed on their individual merits.

Neighbouring Amenities

- 6.08 The location of the garage is such that it would not appear overbearing on the outlook from the properties that are adjacent and the orientation of the dwellings is such that there would not appear to be any loss of daylight/sunlight. The neighbouring objection is from a resident on the opposite side of the road and given the separation distance together with the difference in land levels, I do not believe that there are any directly discernible impacts upon amenities. Given the discussion on the acceptable design and finish above, I do not believe that the views towards the garage from across the road would be a reason for refusal.

Other Matters

- 6.09 The neighbouring objection expresses the view that discussions should have been held with neighbours prior to the garage being erected. Whilst this is good practice, it is not a formal requirement. The planning process ensures that neighbours are made aware of proposed development. As noted previously, it is regrettable that planning permission was not sought prior to the garage being erected however this has not prevented the neighbour notification process now that the application has been received.
- 6.10 The objection also queries the start date of the development as quoted on the application form. As noted above, the building is now complete and given that this is an application for planning permission and not a certificate of lawful development, I do not believe it is necessary to query if an error has occurred in this respect.
- 6.11 In the context of the requirements of Policy DM9, it is also necessary to ensure that an appropriate level of parking provision remains within the curtilage of this site. This is a 4-bedroom dwelling and there are at least 3 parking spaces on the driveway which is sufficient for a property of this size. I therefore have no concerns regarding off street parking.

7.0 CONCLUSION

- 7.01 In conclusion, it would have been advisable for the applicant's to have sought planning advice prior to constructing this detached garage. In order to regularise the unauthorised nature of the development, a planning application was invited so that the proper planning process could be followed. Ultimately, in assessing the development against the policies and guidelines of the Local Plan and SPD, it is my opinion that this development complies with the relevant criteria. In reaching this conclusion, I have given consideration to the comments of Boxley Parish Council and the neighbour objection however I do not believe that there are any material planning reasons to consider a refusal in this instance. I therefore recommend

approval, subject to a condition which requires that the garage is only used for purposes incidental to the dwellinghouse.

8.0 RECOMMENDATION

8.01 Approval

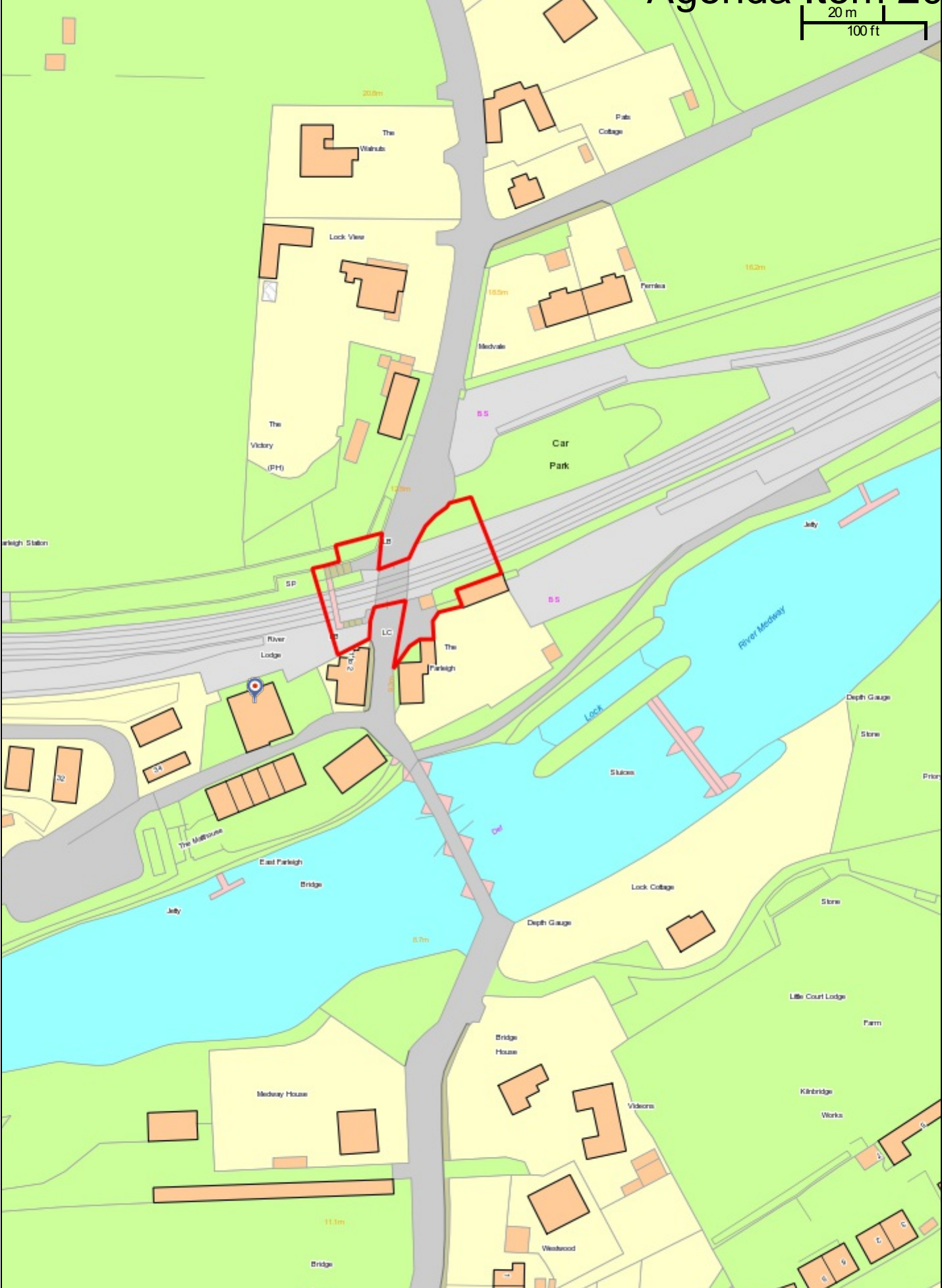
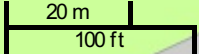
GRANT planning permission subject to the following conditions:

- 01 The garage hereby permitted shall only be used for purposes incidental to the domestic use of the related dwelling house and/or the parking of private motor vehicles and for no other purposes or use;

Reason: To prevent the introduction of uses which would cause demonstrable harm to the enjoyment of their properties by adjoining residential occupiers.

Case Officer Georgina Quinn

Case Officer Sign	Date
Georgina Quinn	



18/502379/LBC East Farleigh Mghw Level Crossing, Farleigh Lane, Farleigh Bridge, East Farleigh, Maidstone, Kent

Scale: 1:1250

Printed on: 27/6/2018 at 9:03 AM by JoannaW

REPORT SUMMARY

REFERENCE NO - 18/502379/LBC			
APPLICATION PROPOSAL Listed Building application for proposed upgrade of Network Rail's East Farleigh Level Crossing from a Manned Gated Hand Worked (MGHW) Level Crossing to a Manually Controlled Barrier(s) (MCB) type (Resubmission).			
ADDRESS East Farleigh Mghw Level Crossing Farleigh Lane Farleigh Bridge East Farleigh Maidstone Kent ME16 9NB			
RECOMMENDATION – Grant Listed Building Consent			
SUMMARY OF REASONS FOR RECOMMENDATION for approval			
<input type="checkbox"/> The level crossing gates do not form part of the main listing for the East Farleigh railway station; <input type="checkbox"/> The level crossing gates do not appear to be curtilage listed structures, as they constructed after the 1948; <input type="checkbox"/> Any harm to the character, integrity and setting of the Listed Building, would be outweighed the public safety benefit; <input type="checkbox"/> The erection of the new level crossing gates does not require Listed Building Consent.			
REASON FOR REFERRAL TO COMMITTEE			
<p>Teston Parish Council wishes to see the application refused and request that the application be reported to Planning Committee for the reasons set out in their consultation response.</p> <p><i>(Note – The site lies with Barming Parish, not Teston Parish)</i></p>			
WARD Barming And Teston	PARISH/TOWN COUNCIL Barming	APPLICANT Network Rail Infrastructure Limited AGENT Network Rail Infrastructure Limited	
DECISION DUE DATE 27/06/18	PUBLICITY EXPIRY DATE 22/06/18	OFFICER SITE VISIT DATE 01/06/18	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
17/506600/LBC	Listed Building Consent for the upgrade of the level crossing	Withdrawn	26/2/2018
15/504142/LBC	Listed Building Consent - Replacement of station roof covering	Approved	14/7/2015

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 East Farleigh station lies along Farleigh Lane and just to the north of the River Medway. The level crossing splits the railway station and platforms into two parts, with the signal box on the western side and the station building on the eastern side of the level crossing. The station building is a Grade II Listed Building.

1.02 The list description states: *“East Farleigh was opened in 1844, on the same date as the opening of the branch line which it serves, the Maidstone Road (Paddock Wood) to Maidstone line. Clad in ‘Kentish*

clapboard', it is characteristic of stations of the South Eastern Railway, of which it is a particularly good example. This was the company style, but few of these stations now survive. Although it has lost its chimneys and original slate roof, the rest of the building is intact both internally and externally and it survives as a characterful and early station building, for which it has special architectural interest in a national context."

- 1.03 The eastern (up platform) set of level crossing gates are steel gates painted white and designed to match the timber level crossing gates on the western (down platform) side of the crossing. The eastern gate was previously a timber gate up until 2005, when it was replaced. The cross bar stile gates also features obligatory warning signage.
- 1.04 The site does not lie within a Conservation Area.

2.0 PROPOSAL

- 2.01 This proposal is for Listed Building Consent to remove the existing level crossing gates. This is only element of the application that requires Listed Building Consent and this is only on the basis that the level crossing gates are being considered as a curtilage listed structures (*full assessment below*).
- 2.02 The new replacement level crossing gates do not require Listed Building Consent, as the works are being carried as permitted development by a statutory undertaker by Network Rail and do not require the consent of the Local Planning Authority, i.e., this Council.
- 2.03 As such this application can only consider the impacts on the historic fabric.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: DM4 of the Maidstone Borough Local Plan

4.0 LOCAL REPRESENTATIONS

- 4.01 Site notice, Press Notice & 15 local residents consulted – No representations received.

5.0 CONSULTATIONS

- 5.01 **Barming PC:** No response. (*No objection raised on previously withdrawn application 17/506600/LBC*)
- 5.02 **Teston PC:** We object to this application for Listed Building consent for the reasons given in our objection to 18/502380 - Watringbury Level Crossing. If Officers disagree, we request that this application be referred to Planning Committee.

- We note the proposal to install a Manually Controlled Barrier (MCB). It appears that the intention is that this is controlled, initially, by a person located at the site. However, there is concern that the

technology could be augmented to enable cost-saving by remote monitoring and operation of the gate (perhaps termed MCB CCTV). That raises concern that the dead-time for road traffic flow would be increased considerably, because greater safety margins would be required before and after the train movement. That would have an adverse effect on road traffic.

- Network Rail's submission dated 2 May on the MBC Web Site states: "The provision of road traffic lights and warning alarms is a statutory requirement to alert crossing users (both pedestrians & road vehicles) that the barrier sequence is about to commence. The road traffic lights and associated noise is required to sound for approximately 20-25 seconds during lowering of the proposed barriers. The proposed new arrangement comes with the ability to adjust the volume of the audible warning generated at the time of barrier lowering and this will be given due consideration during the installation of the new equipment along with the flexibility of adjusting the intensity of flashing lights". Those sirens and lights would therefore be operative for all scheduled train movements during the day, including early morning and late night - with perhaps freight trains on occasion during the night. There would be adverse impact on local residents.
- The Office of Rail Regulation's guidance states in its December 2011 "Level Crossings: A guide for managers, designers and operators - Railway Safety Publication 7", paragraph 1.10, that "Finally, there is a requirement in planning legislation for planning authorities to consult the Secretary of State and the operator of the network where a proposed development materially affects traffic over a level crossing. For example, a new housing development near a crossing may cause traffic levels over the crossing to increase greatly and mean that existing protection arrangements at the crossing are no longer adequate". That may be an issue, given the implications of MBC's Local Plan for the area. In summary, our objection remains, not so much to the technology per se, but to the associated use of, particularly, sirens and the possible subsequent remote operation that it might lead to and to the lack of analysis of possible mitigations for adverse impact on road traffic flows.
- We support, of course, the need to ensure that East Farleigh level crossing meets reasonable safety standards and that its workings are maintainable, but we object to the application as submitted.
- We are not against automation per se, but the ramifications require to be assessed and addressed.
- As it is included in some of the diagrams and literature, it appears to be clear that, in addition to Watlington, it is also intended to replace the current East Farleigh manual level crossing with automatic barriers.
- This application should therefore not be considered other than within the wider context along this railway line between Paddock Wood and Maidstone West.
- Network Rail contends that the proposed work is "refurbishment", but demolition of the current gates and installation of automatic barriers would appear to go way beyond "refurbishment" and, as such, is not permitted under Part 8 of the Town & Country Planning (General Permitted Development) (England) Order 2015, which reads (our highlighting IN CAPITALS): Development is NOT PERMITTED by Class A if it consists of or includes- (a) the construction of a railway; (b) the construction or erection of a hotel, railway station or bridge; or (c) the CONSTRUCTION OR ERECTION OTHERWISE THAN WHOLLY WITHIN

THE RAILWAY STATION OF- (i) an office, residential or educational building, or a building used for an industrial process, or (ii) a car park, shop, restaurant, garage, petrol filling station or other building or STRUCTURE provided under transport legislation. Interpretation of Class A A.2 For the purposes of Class A, REFERENCES TO THE CONSTRUCTION OF OR ERECTION OF ANY building or STRUCTURE INCLUDE REFERENCE TO THE RECONSTRUCTION OR ALTERATION OF A building or STRUCTURE WHERE ITS DESIGN OR EXTERNAL APPEARANCE WOULD BE MATERIALLY AFFECTED.

- Design and external appearance of the gates are most certainly being materially affected.
- The proposal would therefore appear to require planning permission.
- Our Parish has an automatic level crossing, about 1.25 miles to the east of Wateringbury.
- Frequently the barriers are shut for what appears to be an excessive time. The subsequent back-up of traffic can be very substantial, particularly during rush-hour.
- On the northern, Teston, side that frequently leads to traffic backing-up on Teston Lane (B2163) and then along significant east and west lengths of the A26 (Tonbridge Road).
- Traffic traveling east-west, or vice versa, along Tonbridge Road (in a 40mph zone) then travel through that B2163/A26 T-junction, having to negotiate the backed-up vehicles and being forced to zig-zag off the main line of the carriageway. It is a hazardous situation. East Farleigh Level Crossing.
- East Farleigh's level crossing is about 65 yards from the entrance to the single-lane East Farleigh bridge.
- That bridge has very problematic sight-lines for vehicles approaching from either direction.
- Particularly during rush-hours, there is considerable tension between the opposing streams of traffic on this very well used road commuter run and that frequently boils over into verbal, if not physical, confrontation.
- To-date, Network Rail has refused to countenance traffic lights to address this tension, even if restricted only to rush-hour operation, pleading proximity of the level crossing.
- No before-and-after safety statistics are given for the replacement of manual with automatic barriers in similar contexts elsewhere, although newspapers occasionally report incidents, occasionally fatal, at automatic barriers.
- As "safety" is a major strand of the argument for replacement, it would be reasonable to see some evidence from experience elsewhere.
- Waiting Time: The applicant's Planning and Heritage Statement, at paragraph 4.3 (and elsewhere), states that " ... (the proposal would have the effect of) reducing road closure/vehicle waiting time".
- This would be very welcome at any level crossing site, but, again, no before-and-after waiting time statistics are given for the installation of automatic barriers in similar contexts elsewhere.
- Wider Opportunity: As this application would not appear to be sufficient for the proposal to be permitted, it is recommended that the opportunity is taken to review and address level crossing-related issues at East Farleigh and Teston, as well as Wateringbury.
- That review should include: the two sets of before-and-after statistics referred to above, to give confidence that the grounds for the proposal are well-founded;b. a statement of the barrier opening and closing

arrangements, including the degree of automation and, for human intervention within the automated scenario, the location, staffing arrangements, live video monitoring facilities for the level crossing etc to give assurance of an alert and responsive future operation throughout all hours of rail traffic; c. as it is clearly envisaged to replace the current manual gates at East Farleigh, a statement of how the operation of all automatic gates along the line from Paddock Wood to Maidstone West would, while enabling safe train operation, be optimised for road traffic flows, with collateral benefits for road safety; d. for East Farleigh, consideration of, possibly part-time, traffic control coupled to automatic gates to enhance traffic flow and mitigate tension for vehicles using the nearby road bridge; e. for Teston, an analysis of the impact on traffic backing-up onto the nearby Tonbridge Road (A26); and f. a consideration of the safety of all parties affected by the proposed automatic gates; that is, train travellers, railway staff, pedestrians and vehicles affected by the operation of the automatic gates, taking into account any demonstrable probable change to waiting times while the barriers are closed.

NPPF & Maidstone Local Plan

- The application quotes paragraphs 131, 132 and 133 of NPPF, which relate to the historic environment. 26. Maidstone's Local Plan envisages circa 30% increase in housing over the period 2011-31, with, presumably, a similar increase in population and traffic flows - despite the quest for modal shift.
- That makes it even more important to grasp all opportunities to review and enhance road traffic flows through major bottle-necks; Teston and East Farleigh level crossings are two, given that they lie on major cross-country road commuter routes.
- Conclusion: The application is inadequate to achieve permission within planning regulations and, more importantly, does not consider the wider implications for safety elsewhere.
- We therefore object to the application as submitted, but would wish to support a re-submitted application that is put forward within the context of the above wider opportunity. We may not have made the express request in our response that the matter be referred to the Planning Committee in the event that your view differs from ours. I confirm therefore that if you are intending to approve the application we would wish the matter to be referred to the Planning Committee for determination and a representative from the Parish Council will attend.

5.03 **Historic England:** We do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser.

5.04 **Conservation Officer:** I have no objection to the replacement of the timber level crossing barriers at Wateringbury and East Farleigh. Although both projects will have a harmful impact upon the setting of the adjacent listed railway buildings at these locations, and will diminish their significance to a degree, it could be argued that the public benefits of an automated crossing outweigh the harm caused to the setting of the listed structures. I understand that the previous conservation officer took the view that the present timber barriers did not form part of the curtilage of the listed railway buildings, although that is perhaps not something that is simple or straightforward to form a judgement on. If the present barriers

are not original, some of the timber constructions are likely to date to the middle of the C20, or earlier.

Whilst the design of the new metal barriers is fairly stark and utilitarian, it would not be reasonable to require heavy section chamfered timber in a mechanism of this sort. I also understand from the applicant that railway personnel have been injured by traffic on the line where they have become trapped between vehicles and the barriers themselves – traffic nowadays in Kent is a lot more than they were when the barriers were initially constructed. We would not wish for any more unfortunate accidents to occur, and under the circumstances I would argue that it is unreasonable to require the retention of manually –operated crossings within the county, however quaint and historically authentic they may be.

The network operators to consider to offering the gates at zero cost either to a national railway museum, or to one of the many volunteer-staffed historic and community railways that operate within Kent and across the UK.

6.0 APPRAISAL

- 6.01 The only issue that can be considered under a Listed Building Consent is the proposed works to the Listed Building and any curtilage listed structures. The majority of the objections received by Teston Parish Council relate to the new design and operation of the new level crossing gates that are not subject to this application or indeed need our approval. I have provided some more detailed comments on these points later in the report for clarification.

Listed Building Assessment

- 6.02 Sections 16 & 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest that the listed building possesses.
- 6.03 This stance is supported within the National Planning Policy Framework (NPPF). Paragraph 134 deals with development that will have an impact upon a heritage asset and states *“where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”*.
- 6.04 Policy DM4 of the Maidstone Borough Local Plan requires development affecting a heritage asset incorporates measures to conserve, and where possible enhance, the significance of the heritage asset and where appropriate its setting. The policy expands to set out that the NPPF assessment should be used where the development will affect the heritage asset.
- 6.05 The application is accompanied by a detailed and comprehensive Heritage Impact Assessment, which provides details of the history of the level crossing and fully assesses the significance of the level crossing gates.

- 6.06 The level crossing gates are not listed in their own right, as only the main Station building is statutorily listed. However as the level crossing in this instance falls within the middle of the railway station and forms part of a number of buildings and structures historically associated with the railway station, which would be classed as a curtilage listed structures. However, for the structure to be curtilage listed, the historic part of the structure has to have been in-situ since 1948.
- 6.07 The removal and replacement of the level crossing gates will see the loss of a curtilage listed structure, to the grade II listed railway station. However, the effect on the significance of the station and the other railway structures around it will be neutral.
- 6.08 The level crossing gates have altered on a number of occasions, due to previous renewal of the fabric of the level crossing gates, which means that there would be no loss of historic fabric through the gates removal.
- 6.09 I would also add that the current design of cross bar stile gates were erected in 1952, as part of modernisation works to the level crossings in the early 1950s. This style of gates was different from previous stile gates pre 1948. One set of the gates is also metal, installed around 2005, which replaced a timber crossing gate. Therefore the level crossing gates themselves have been clearly erected after 1948 and therefore no longer fall to be classed as a curtilage listed structures. As such technically no Listed Building Consent is actually needed to remove the gates, as the gates were erected after 1948 and therefore are not curtilage listed structures.
- 6.10 Notwithstanding this, the proposed works will not have any physical impact on the listed Station Building or any of the other curtilage listed structures. The removal of the 1952 styled gates would have an impact on the setting of the listed Station Building, however its significance is low, given that the level crossing gates are not original, nor pre 1948.
- 6.11 The applicant has also made the case the public benefit of renewing the level crossing at East Farleigh will improve both public safety and the safety of the duty signallers on operating the new crossing weighs in favour or any harm identified to the Listed Building. The Conservation Officer in their assessment above raises no objection to this proposal and considers where some limited harm is identified, albeit prior to confirmation of the age of the gates. In addition he considers that the public benefits of the scheme outweigh any harm, in accordance with paragraph 134 of the NPPF.
- 6.12 Therefore the proposal works will not affect the historic fabric of the listed Station Building, that the level crossing gates are not original and post date 1948, meaning that they are not curtilage listed structures and not historically important structures. Therefore their removal will not harm the setting of the listed Station Building nor the remaining curtilage listed structures.

Permitted development works

- 6.13 Under Part 8, Class A of the Town & Country (General Permitted Development) Order 2015 as amended, Network Rail as a Statutory

Undertaker are permitted to carry out development on their operational land, required in connection with the movement of traffic by rail. The extent of these scale of these works, is set out in the section A2, interpretation of Class A and relates to *"to the construction or erection of any building or structure includes references to the reconstruction or alteration of a building or structure where its design or external appearance would be materially affected."*

6.14 Some new works to a railway are not permitted development, such as a new railway line, a new bridge or offices/industrial buildings outside of the railway station and do require the benefit of planning permission. However the proposed replacement of the new level crossing gates would fall the scope of permitted development works of Part 8 Class A of the GPDO 2015 (as amended).

6.15 I appreciate concerns have been raised by Teston Parish Council as to the new crossing arrangements; however, these are not matters that we can control for the reasons set out above. This does not prevent Teston Parish Council contacting Network Rail directly with their concerns.

7.0 CONCLUSION

7.01 In light of the above considerations, I consider that the proposed works to remove the level crossing gates are acceptable.

8.0 RECOMMENDATION – GRANT Listed Building Consent subject to the following condition:

- (1) The works to which this consent relates must be begun before the expiration of three years from the date of this consent;

Reason: In accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

INFORMATIVES

- (1) Network Rail should consider offering the level crossing gates to either a national railway museum, or to one of the many volunteer-staffed historic and community railways that operate within Kent and across the UK.

Case Officer: Aaron Hill

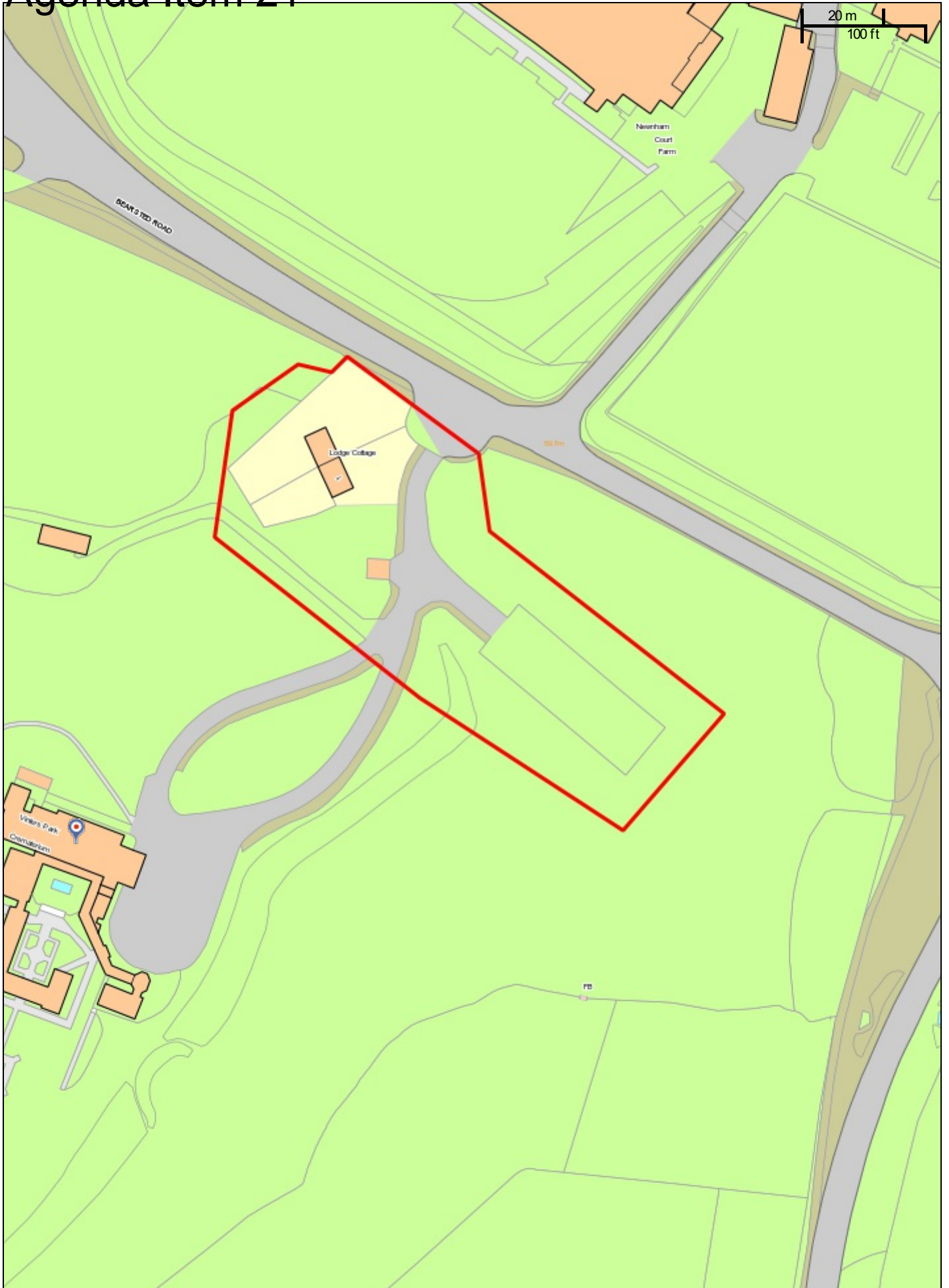
NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

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

Case Officer Aaron Hill

Case Officer Sign	Date
Aaron Hill	

Agenda Item 21



18/502385/FULL Vinter Park Crematorium, Bearsted Road, Weaving, ME14 5LG

Scale: 1:1250

Printed on: 27/6/2018 at 9:08 AM by JoannaW

REPORT SUMMARY

REFERENCE NO - 18/502385/FULL			
APPLICATION PROPOSAL Extension to office to house fire proof cabinets			
ADDRESS Vinters Park Crematorium Bearsted Road Weaving ME14 5LG			
RECOMMENDATION – Grant planning permission subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The application is considered to preserve the character of the surrounding area and would not result in any amenity or highways safety concerns. The proposal would comply with the Development Plan and there are no overriding material considerations to indicate a refusal.			
REASON FOR REFERRAL TO COMMITTEE Maidstone Borough Council Application			
WARD Boxley	PARISH/TOWN COUNCIL Boxley	APPLICANT Maidstone Borough Council AGENT Maidstone Borough Council	
DECISION DUE DATE 13/07/18	PUBLICITY EXPIRY DATE 13/06/18	OFFICER SITE VISIT DATE 23/05/18	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
16/506782/FULL	Extension of existing car parking facility including additional disabled parking. Creating of new parking area adjacent to existing offices and creation of new wheel chair access. Creation of a single storey building housing a pet cremation facility. Removal of existing wheelchair access ramp.	Approved	16/01/2018
14/506527/ADV	Advertisement consent for the installation of 2 brushed stainless signs mounted on the existing ragstone walls (non-illuminated) as shown on site location plan received 23/12/14 and drawing no.P1 received 26/01/15.	Approved	09/02/2015
14/0337	Advertisement consent for the erection of 300mm high built up stainless steel letters with up lighting illumination	Refused	08/07/2014
13/1223	An application to alter main entrance to mitigate use as a turning circle, unauthorised parking and additional parking for staff and users as shown on drawing nos: 39.00/1 and 2, coloured plan showing the access details received on the 12th August 2013 and site location plan received in the 16th August 2013.	Approved	10/10/2013
11/0076	Covered wheelchair access extension to Book	Approved	03/03/2011

	of Remembrance Hall as shown on drawing nos. PP1, EP1 and EE1 received 19/01/11, site location plan received 21/01/11, Design and Access statement received 24/01/11 and drawing no. PLP received 08/02/11		
09/0375	Erection of covered walkway extension to cloisters and alterations to crematorium building including installation of air blast cooler, condenser unit and alterations to fenestration including insertion of access door to roof void as shown on 08/095/20, 08/095/34, 08/095/24, 08/095/33, 08/095/23 and design statement received on 04/03/2009.	Approved	30/04/2009
98/0728	A full planning application for new building works consisting of an extension to the existing overflow car park, alterations to the front gates and the construction of new footpaths as shown on dwg. nos. 97192/01, 02 and 03 received on 20.05.98.	Approved	24/07/1998
94/1718	Provision of a disabled ramp and access door on the west side of the building	Approved	03/02/1995

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site relates to Vinters Park Crematorium located on the south side of Bearsted Road. The site is located within the defined urban area of Maidstone. A number of trees on the site are covered by group TPOs, an area of ancient woodland is located to the west of the site and Vinters Park nature reserve is located to the south. The site is also located within a minerals safeguarding area as defined by the Minerals and Waste Local Plan.
- 1.02 Vehicle access is afforded from Bearsted Road. The main crematorium building is located on the southern part of the site with a parking area to the east of the building. Further parking is provided in the northeast part of the site. The office building, which is subject to this application, is located in the northwest corner adjacent to Bearsted Road.

2.0 PROPOSAL

- 2.01 The proposal is for the erection of a single storey extension to the main office building to house fire proof cabinets for the storage of the cemetery archive. The extension would be located on the western side elevation of the existing office building and would be brick built to match the existing building with a flat fibre glass roof. The extension would measure some 3.1m from ground level to the top of the flat roof and would have a floor area of approximately 11.4m².

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
 National Planning Practice Guidance (NPPG)
 Development Plan: SP1, DM1, DM3, DM20

Minerals and Waste Local Plan – 2013-30

4.0 LOCAL REPRESENTATIONS

4.01 No representations received

5.0 CONSULTATIONS

5.01 MBC Landscape: *'The site is covered by an area Tree Preservation Order, TPO No. 1 of 1954 and lies immediately to the east of Lower Fullingpits Wood which is designated ancient semi natural woodland. The proposed development appears to be located within the 15m buffer zone for the ancient woodland. However, the area in question consists of an existing hard standing and a recently regraded bank. The extension is small scale and the majority of it falls within the area of hardstanding with only a minor encroachment into the area of embankment. Due to the use of the building there will be no future pressure for removal of trees and, as a result, the proposal is very unlikely to have a detrimental impact.'*

Therefore, if you are minded to approve the application, I would ask that a condition is attached requiring an Arboricultural Method Statement (AMS) detailing that there shall be no excavation or construction activity to the north of the building footprint. The AMS should also include a schedule of facilitation pruning and a tree protection plan in accordance with BS5837:2012.

Forestry Commission: Recommends following Natural England standing advice.

6.0 APPRAISAL

6.01 The key issues are:

- Principle of development
- Visual Impact
- Trees and Ecology

Principle of Development

6.02 The National Planning Policy Framework supports sustainable economic growth and the expansion of existing businesses. Key aims and objectives of the Local Plan 2017 include the delivery of sustainable growth and regeneration whilst protecting the boroughs natural and built assets. Best use will be made of available sites in the urban area. Policy DM20 of the Local Plan seeks to resist the loss of viable community facilities and this proposal would provide a small office extension to the crematorium. Therefore, there is no objection in principle to the expansion of the crematorium office building.

Visual Impact

6.03 The proposed office extension would be a low level single storey structure and would be located to the western elevation of the existing office building. It is felt that the amended roof covering of fibreglass GRP instead of the originally proposed felt, as confirmed by the agent (email dated: 26/06/2018), would improve the visual appearance of the proposed extension to this public building. Given the appropriate location, overall height and design of the proposal it is not considered to have a harmful impact on the character of the surrounding area and in terms of visual impact, the proposal is considered to be acceptable.

Arboriculture and ecology

- 6.04 The application is located within the 15m buffer zone for the ancient woodland, however, the area in question consists of an existing hard standing and a recently regraded bank. The majority of the application falls within the area of hardstanding with only a minor encroachment into the area of the embankment.
- 6.05 The Council's Landscape Officer has reviewed the application and has commented that due to the nature of the building there will be no future pressure for the removal of trees and, as a result, the proposal is very unlikely to have a detrimental impact on the ancient woodland or any TPO's. A condition is requested for the submission of an Arboricultural Method Statement (AMS) detailing that there shall be no excavation or construction activity to the north of the building footprint as well as details of facilitation pruning and a tree protection plan.
- 6.06 In regards to ecology, as outlined above, the majority of the proposal is to be built on an area of existing hardstanding with only a minor encroachment into the embankment. The proposal is therefore unlikely to cause harm to any protected species.

Other Matters

- 6.07 In terms of highways and amenity, the proposal is for a relatively modest extension to the office building and it is not considered that the proposal would impact on the local highway network or cause harm to the amenity of any neighbour.
- 6.08 This site falls within the Minerals Safeguarding Areas as shown on the policies map. Policy DM7, Criterion 6 of the Minerals and Waste Local Plan outlines that planning permission will be granted for non-mineral development where it is a minor extension. The proposal therefore complies with this policy and is acceptable with regard to minerals safeguarding.

7 CONCLUSION

- 7.01 The proposal is considered to preserve the character of the surrounding area and the ancient woodland and would not result in any amenity or highways safety harm. The proposal would comply with the Development Plan and there are no overriding material considerations to indicate a refusal.

- 8.0 RECOMMENDATION** – GRANT Planning Permission subject to the following conditions:

CONDITIONS

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

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

2. The development hereby permitted shall be carried out in strict accordance with the following approved plans/drawings received on 16 November 2017.

Drawing Number: 3522/P01 – Location Plan
Drawing Number: 3694/P02 Rev. A – Existing Block Plan
Drawing Number: 3694/P02 Rev. A – Proposed Block Plan
Drawing Number: 1 – Existing Plans
Drawing Number: 1b – Existing Elevations
Drawing Number: 2a – Proposed Plans
Drawing Number: 2b – Proposed Elevations
Email from agent dated 26/06/2018

Reason: To ensure the quality of the development is maintained.

3. The development hereby approved shall not commence above slab level until, until written details and samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials. The roof materials to be submitted shall be fibreglass GRP.

Reason: To ensure a satisfactory appearance to the development.

4. No development including site clearance and demolition shall take place to the north of the application building until an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority. The AMS should detail implementation of any aspect of the development that has the potential to result in the loss of, or damage to trees, including their roots and, for example, take account of site access, demolition and construction activities, foundations, service runs and level changes. The submitted AMS should also include a schedule of facilitation pruning and a tree protection plan in accordance with BS 5837:2012.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

Case Officer: Adam Reynolds

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

Agenda Item 22

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 5/7/18**

APPEAL DECISIONS:

1. **16/505632/FULL** Removal of condition 7 (operating hours) of previously approved 14/504694/FULL to allow 24hr operation.

APPEAL: Dismissed

1 - 17 The Broadway
Maidstone
Kent
ME16 8QX

(DELEGATED)

2. **17/504947/FULL** Minor Material Amendment to condition 2 of 15/503845/FULL (Amendments to planning permission 14/504888/FULL (Change of use of store to 2 x dwellings, 2-storey rear extension to provide 1 x dwelling (3 dwellings total); Provision of external stair cases to 3 x dwellings, new door way to lower ground floor (front elevation) and raising roof height of store) to increase the floor area of the dwellings.)

APPEAL: Allowed

The Pump House
Forstal Road
Aylesford
Kent
ME20 7AH

(DELEGATED)

3. **18/500458/FULL** Erection of detached double garage.

APPEAL: Allowed

77 Poplar Grove
Maidstone
Kent
ME16 0AN

(DELEGATED)

4. **17/502813/FULL** Erection of 2no. semi detached dwellings with 2no. parking spaces and alterations to landscaping.

APPEAL: Dismissed

1 Shingle Barn Cottages
Shingle Barn Lane
West Farleigh
Maidstone
Kent
ME15 0PJ

(DELEGATED)

5. **17/505518/ADV** Advertisement consent for 1no. internally illuminated 48 sheet wall mounted Digital advertising display unit

APPEAL: Dismissed

Gala Club
Lower Stone Street
Maidstone
Kent
ME15 6JX

(DELEGATED)

6. **Appeal A**
Appeal B
Appeal C
Appeal D
Appeal E

Appeal against enforcement notice for siting of mobile homes, caravans, areas of hardstanding and access gates

APPEAL A: Dismissed

APPEAL B: Dismissed

APPEAL C: Allowed

APPEAL D: Dismissed

APPEAL E: Allowed

Land East Of Maplehurst Lane
Frittenden Road
Staplehurst
Tonbridge
Kent
TN12 0DL

(DELEGATED)
