

PLANNING COMMITTEE MEETING

Date: Thursday 21 May 2020

Time: 6.00 p.m.

Venue: Remote Meeting - The public proceedings of the meeting will be broadcast live and recorded for playback on the Maidstone Borough Council website

Membership:

Councillors Adkinson, Brindle, Chappell-Tay, English (Chairman), Eves, Harwood, Kimmance, Munford, Parfitt-Reid, Perry, Spooner (Vice-Chairman), 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 Items withdrawn from the Agenda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 - To be arranged if required
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 27 February 2020 adjourned to 5 March 2020 1 - 17
11. Presentation of Petitions (if any)
12. Deferred Items 18 - 19

Issued on Wednesday 13 May 2020

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

13.	19/505179/FULL - Forstal House, Maidstone Road, Paddock Wood, Kent	20 - 33
14.	19/505523/FULL - 55 Douglas Road, Maidstone, Kent	34 - 43
15.	19/506137/FULL - 130 Ashford Road, Bearsted, Maidstone, Kent	44 - 50
16.	19/506312/FULL - 55 Northumberland Road, Maidstone, Kent	51 - 57
17.	19/504596/SUB & 19/505163/SUB - Land South Of Forstal Lane, Coxheath, Kent	58 - 62
18.	Appeals List	63 - 65

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 reports on the agenda, please refer to the public access pages on the Maidstone Borough Council website. Background documents are available for inspection; please follow this link: <https://pa.midkent.gov.uk/online-applications/>

PUBLIC REPRESENTATIONS AND ALTERNATIVE FORMATS

In order to submit written comments to be read out on your behalf at the remote meeting by an Officer or a Ward Member, please call 01622 602899 or email committee@maidstone.gov.uk by 4 p.m. on the working day before the meeting. You will need to tell us which agenda item you wish to make representations on. Please note that slots will be allocated for each application on a first come, first served basis.

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

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MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 27 FEBRUARY 2020 **ADJOURNED TO 5 MARCH 2020**

Present: Councillor English (Chairman) and
27 Councillors Adkinson, Brindle, Chappell-Tay, Eves,
February Harwood, Kimmance, Munford, Parfitt-Reid, Perry,
2020 Vizzard, Wilby and Young

Also Councillors Garten, J Sams, T Sams, Springett and
Present: Webb

203. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillor Spooner.

204. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Young was substituting for Councillor Spooner.

205. NOTIFICATION OF VISITING MEMBERS

Councillor Garten indicated his wish to speak on the report of the Head of Planning and Development relating to application 19/505680/FULL (Eastfield Barn, Broad Street Hill, Hucking, Kent).

Councillors J and T Sams indicated their wish to speak on the report of the Development Manager relating to Pilgrims Retreat, Hogbarn Lane, Harrietsham, Kent.

Councillor Springett indicated her wish to speak on the report of the Head of Planning and Development relating to application 19/506376/FULL (29 The Landway, Bearsted, Maidstone, Kent).

Councillor Webb indicated his wish to speak on the report of the Head of Planning and Development relating to application 19/500200/FULL (Little Paddocks, Stilebridge Lane, Linton, Kent).

206. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

207. URGENT ITEMS

The Chairman said that, in his opinion, the update reports of the Head of Planning and Development and any updates to be included in the Officer presentations should be taken as urgent items as they contained further information relating to the matters to be considered at the meeting.

208. DISCLOSURES BY MEMBERS AND OFFICERS

With regard to the report of the Head of Planning and Development relating to application 19/505949/FULL (Land to the Back of Cherry Orchard, Court Lodge Farm, The Street, Boxley, Kent), Councillor Brindle stated that she was a Member of Boxley Parish Council which had requested that the application be reported to the Committee. She had pre-determined the application and would not participate in the discussion and voting when it was considered.

With regard to the report of the Head of Planning and Development relating to application 19/505949/FULL (Land to the Back of Cherry Orchard, Court Lodge Farm, The Street, Boxley, Kent), Councillor Harwood stated that he was a Member of Boxley Parish Council. However, he had not participated in the Parish Council's discussions on the application, and intended to speak and vote when it was considered.

With regard to the report of the Head of Planning and Development relating to application 19/505435/FULL (Buttercups Sanctuary for Goats, Wierton Road, Boughton Monchelsea, Maidstone, Kent), Councillor Munford said that he was the Chairman of Boughton Monchelsea Parish Council. However, he had not participated in the Parish Council's discussions on the application and intended to speak and vote when it was considered.

209. EXEMPT ITEMS

RESOLVED: That the public be excluded from the meeting in the event of Members wishing to discuss the information contained in the exempt Appendix to the report of the Development Manager relating to Pilgrims Retreat because of the likely disclosure of exempt information pursuant to paragraphs 5 and 6 (a) and (b) of Part I of Schedule 12A to the Local Government Act 1972, having applied the public interest test.

210. MINUTES OF THE MEETING HELD ON 23 JANUARY 2020

RESOLVED: That the Minutes of the meeting held on 23 January 2020 be approved as a correct record and signed.

211. PRESENTATION OF PETITIONS

There were no petitions.

212. DEFERRED ITEMS

19/501600/OUT - OUTLINE APPLICATION FOR UP TO 440 RESIDENTIAL DWELLINGS, WITH ASSOCIATED ACCESS, INFRASTRUCTURE, DRAINAGE, LANDSCAPING AND OPEN SPACE (ACCESS BEING SOUGHT WITH ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION) – LAND WEST OF CHURCH ROAD, OTHAM, KENT

19/503584/FULL - CREATION OF ALTERNATIVE ACCESS ACROSS EXISTING DRAINAGE DITCH WITH IMPROVED DRAINAGE - KINGSBROOKE, CRANBROOK ROAD, STAPLEHURST, TONBRIDGE, KENT

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

213. AUTHORITY TO SERVE ENFORCEMENT NOTICES AT PILGRIMS RETREAT, HOGBARN LANE, HARRIETSHAM, KENT

All Members stated that they had been lobbied.

The Development Manager presented his report outlining the enforcement options available to the Council following the refusal of retrospective (in part) application 19/502469/FULL for a material change of use of land at Pilgrims Retreat, Highbarn Lane, Harrietsham from a mixed use of holiday units (180 static caravans) and residential (18 static caravans) to a residential park home site (for full time residential occupation) comprising the stationing of 248 static caravans, including engineering works to create terracing, hardstanding, retaining walls, and the extension of the site along the south-eastern boundary.

It was noted that the current unlawful use of the land was contrary to National and Local Plan policies and the recommended enforcement action sought to restore the site and its landscape back to the lawful use. It was considered that the action recommended was proportionate taking into account the residents' Human and Equality Rights and would maintain the integrity of the decision making process. The residents' welfare, health and personal circumstances would be considered if the notices were served and took effect before any decisions were taken for further action for non-compliance with the notice.

Before presenting his report, the Development Manager drew the Committee's attention to a letter which had been received from an elderly resident at the site who wished to express concerns about the situation which had arisen.

Mr Rudd, for the site owners, Mr Green, for the site residents, and Councillors T and J Sams (Visiting Members) addressed the meeting.

Before making their representations, Councillors T and J Sams said that they lived next to the site. They did not believe that they had Other Significant Interests, but, for transparency, they would speak and then leave the meeting.

In response to questions by Members, the Development Manager confirmed that a hybrid approach combining more than one option could be adopted.

The Committee agreed to proceed with a hybrid approach combining more than one option in order to seek to regularise use of the site and mitigate the impact on the Area of Outstanding Natural Beauty in a pragmatic way, but within a specific timeframe having regard to the continuing uncertainties for the residents.

RESOLVED:

1. That delegated authority be given to the Head of Planning and Development in consultation with a Steering Group comprising the Chairman, Vice-Chairman and Political Group Spokespersons of the Planning Committee (to include Councillor Chappell-Tay as the Spokesperson for the Conservative Group) and the two Ward Members to establish terms of reference and a negotiating position and to engage with the applicant regarding the submission of an alternative planning application within the terms set out in consultation with the Steering Group within a maximum timeframe of nine months.
2. That if the application is not submitted within the terms set out in consultation with the Steering Group and within this timeframe, or if negotiations fail, then the Head of Planning and Development be given delegated authority to proceed with Option 1 as set out in the report which is to serve two Enforcement Notices (with separate red line boundaries) at Pilgrims Retreat, Hogbarn Lane, Harrietsham, Kent with the aim of achieving the following:
 - Reduction in the number of caravans on site to 198 - Compliance time 24 months.
 - Removal of all caravans, materials, rubbish etc. from the site as a result of the above – Compliance time 30 months.
 - Cease the permanent residential use of 180 of the 198 caravans that remain on site - Compliance time 48 months.
 - Restore the southern part of the site to accord with the layout plan as approved under 13/1435 (attached at Appendix B to the report) and remove all walls, domestic paraphernalia, retaining walls, hard surfacing and internal roadways etc. outside the developed areas defined on the plan - Compliance time 48 months.
 - Restore the site in accordance with a specified landscape strategy – 48 months.

Voting: 13 – For 0 – Against 0 – Abstentions

214. 19/505435/FULL - RETROSPECTIVE APPLICATION FOR THE CONTINUED USE OF LAND AS A GOAT SANCTUARY AND ASSOCIATED OPERATIONAL DEVELOPMENT, INCLUDING STABLE BUILDINGS, TEA ROOM, SHEDS AND

CAR PARK - BUTTERCUPS SANCTUARY FOR GOATS, WIERTON ROAD,
BOUGHTON MONCHELSEA, MAIDSTONE, KENT

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

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

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

Voting: 13 – For 0 – Against 0 – Abstentions

215. 19/505680/FULL - CHANGE OF USE OF LAND AND CONVERSION OF
EXISTING BARN TO EQUINE CLINIC AND ASSOCIATED DEVELOPMENT
INCLUDING ERECTION OF STABLE BLOCK, TROT-UP, MANEGE, PADDOCK
AREAS AND ASSOCIATED PARKING AREAS, HARDSTANDING AND
FENCING - EASTFIELD BARN, BROAD STREET HILL, HUCKING, KENT

All Members except Councillors Harwood and Vizzard stated that they had been lobbied.

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

Ms Howells, an objector, Ms Snalune, the applicant, and Councillor Garten (Visiting Member) addressed the meeting.

RESOLVED:

1. That permission be granted subject to the conditions and informatives set out in the report and the additional condition set out in the urgent update report with:
 - (a) The amendment of condition 4 (Landscaping) to require the submission of a revised landscaping scheme to provide a contiguous mitigation area for wildlife and achieve a net gain in biodiversity;
 - (b) An additional condition requiring the main building to meet BREEAM standards; and
 - (c) An additional condition requiring the submission of details of a decentralised renewable energy scheme.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the amended and additional conditions and to amend any other conditions as a consequence.

Voting: 10 – For 0 – Against 3 – Abstentions

216. 19/503532/OUT - OUTLINE APPLICATION WITH ACCESS MATTERS SOUGHT FOR DEMOLITION OF TWO EXISTING BUILDINGS AND ERECTION OF FOUR RESIDENTIAL DWELLINGS (MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE ARE RESERVED FOR FUTURE CONSIDERATIONS) - 3-5 KINGS ROAD, HEADCORN, ASHFORD, KENT

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

In presenting the application, the Principal Planning Officer drew the Committee's attention to proposed condition 7 which required that prior to the development commencing a scheme for the provision and management of an 8 metre wide buffer zone alongside the watercourse shall be submitted to and approved in writing by the Local Planning Authority. The Principal Planning Officer advised the Committee that he wished to remove the 8 metre specification to allow discussion with the Environment Agency as to whether the full 8 metres was actually necessary or not.

Mr Garvey addressed the meeting on behalf of the applicant.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission. In making this decision, Members considered that the proposed development by reason of its cramped form of development poorly related to the site constitutes over development of the site contrary to Policy DM1 of the Maidstone Borough Local Plan 2017.

RESOLVED: That permission be refused for the following reason:

The proposed development by reason of its cramped form of development poorly related to the site constitutes over development of the site contrary to Policy DM1 of the Maidstone Borough Local Plan 2017.

Voting: 7 – For 4 – Against 2 – Abstentions

217. 19/500200/FULL - RETROSPECTIVE APPLICATION FOR A CHANGE OF USE OF LAND TO BE USED AS A GYPSY/TRAVELLER CARAVAN SITE CONSISTING OF ONE PITCH - LITTLE PADDOCKS, STILEBRIDGE LANE, LINTON, KENT

The Chairman and Councillors Adkinson, Chappell-Tay, Harwood, Kimmance, Munford, Vizzard and Wilby stated that they had been lobbied.

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

Councillor Webb (Visiting Member) addressed the meeting.

RESOLVED:

1. That permission be granted subject to the conditions set out in the report with:
 - (a) The strengthening of condition 2 to specify that only touring caravans (not static caravans) are being permitted due to the size of the site and limited space available for landscaping etc.; and
 - (b) The strengthening of condition 5 (Landscaping) to make clear that if the landscaping and planting proposals are not implemented in accordance with the approved details within the specified time period, the permission will fall away.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the amended conditions and to amend any other conditions as a consequence.

Voting: 10 – For 0 – Against 3 – Abstentions

218. 19/506376/FULL - RETROSPECTIVE APPLICATION FOR ADDITIONAL OBSCURE GLAZING TO PREVIOUSLY APPROVED APPLICATION
19/504830/FULL - 29 THE LANDWAY, BEARSTED, MAIDSTONE, KENT

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

Councillor Hannington of Bearsted Parish Council and Councillor Springett (Visiting Member) addressed the meeting.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission. In making this decision, Members considered that the proposed window enlargements and design amendments to the south-west and north-west elevations had resulted in poor design by failing to reflect the hierarchy of windows creating a cluttered elevation overly dominated by glazing, and the louvred designs put forward would not overcome this contrary to the National Planning Policy Framework 2019, Policies DM1 and DM9 of the Maidstone Borough Local Plan 2017 and the guidance contained within the Council's Residential Extensions Supplementary Planning Document.

RESOLVED: That permission be refused for the following reason:

The proposed window enlargements and design amendments to the south-west and north-west elevations have resulted in poor design by failing to reflect the hierarchy of windows creating a cluttered elevation overly dominated by glazing, and the louvred designs put forward would not overcome this contrary to the National Planning Policy Framework 2019, Policies DM1 and DM9 of the Maidstone Borough Local Plan 2017 and the guidance contained within the Council's Residential Extensions Supplementary Planning Document.

Voting: 12 – For 0 – Against 1 – Abstention

219. APPEAL DECISIONS

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

RESOLVED: That the report be noted.

Note: Councillor Wilby left the room during consideration of this report but returned shortly afterwards (9.45 p.m.).

220. 19/504348/FULL - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 12 DETACHED, TWO STOREY DWELLINGS TO BE DEVELOPED AS SELF-BUILD OR CUSTOM-BUILT HOMES BY INDIVIDUAL OWNERS. CREATION OF ACCESS ROADS, ASSOCIATED PARKING AND TURNING AREAS AND THE CREATION OF A FOOTPATH LINK TO MAIDSTONE ROAD; ALONG WITH LANDSCAPING AND ECOLOGICAL ENHANCEMENT WORKS - LAND AT ROSEMEAD NURSERY, MAIDSTONE ROAD, HEADCORN, KENT

All Members except Councillors Brindle, Eves, Parfitt-Reid, Perry and Young stated that they had been lobbied.

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

RESOLVED: That subject to:

(a) The prior completion of a legal agreement in such terms as the Head of Legal Partnership may advise to secure the Heads of Terms set out in the report; AND

(b) The conditions and informatives set out in the report,

the Head of Planning and Development be given delegated powers to grant permission and to be able to settle or amend any necessary Heads of Terms in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 12 – For 0 – Against 1 – Abstention

221. ADJOURNMENT OF MEETING

Following consideration of the report of the Head of Planning and Development relating to application 19/504348/FULL (Land at Rosemead Nursery, Maidstone Road, Headcorn, Kent), the Committee:

RESOLVED: That the meeting be adjourned until 6.00 p.m. on Thursday 5 March 2020 when the remaining items on the agenda will be discussed.

222. DURATION OF MEETING

6.00 p.m. to 9.50 p.m.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 27 FEBRUARY 2020 **ADJOURNED TO 5 MARCH 2020**

Present: **Councillor English (Chairman) and**
5 March **Councillors Adkinson, Brindle, Chappell-Tay, Clark,**
2020 **Eves, Kimmance, Munford, Perry, Spooner and**
 Vizzard

Also **Councillor Webb**
Present:

223. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Harwood, Parfitt-Reid, Wilby and Young (who had agreed to substitute for Councillor Parfitt-Reid, but, in the event, was unable to attend). It was also noted that Councillor Eves would be late in arriving at the meeting.

224. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Clark was substituting for Councillor Wilby.

225. NOTIFICATION OF VISITING MEMBERS

Councillor Webb indicated his wish to speak on the report of the Head of Planning and Development relating to application 19/505352/FULL (Land at Rankins Farm, Linton Hill, Linton, Kent).

226. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

227. URGENT ITEMS

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

228. DISCLOSURES BY MEMBERS AND OFFICERS

There were no further disclosures by Members or Officers.

229. EXEMPT ITEMS

RESOLVED: That the public be excluded from the meeting in the event of Members wishing to discuss the information contained in the exempt Appendix to the report of the Head of Planning and Development relating to application 11/1948/FULL (Monk Lakes, Staplehurst Road, Marden, Maidstone, Kent) because of the likely disclosure of exempt information pursuant to paragraph 5 of Part I of Schedule 12A to the Local Government Act 1972, having applied the public interest test.

230. 11/1948/FULL - PART RETROSPECTIVE PLANNING APPLICATION FOR THE RETENTION OF TWO LAKES KNOWN AS BRIDGES AND PUMA AND WORKS TO CREATE 3 ADDITIONAL LAKES ALL FOR RECREATIONAL FISHING, ERECTION OF CLUBHOUSE BUILDING AND ASSOCIATED WORKS AND LANDSCAPING - MONK LAKES, STAPLEHURST ROAD, MARDEN, MAIDSTONE, KENT

All Members stated that they had been lobbied.

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

Ms Lord, a Planning Agent, addressed the Committee on behalf of an objector.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission on heritage and privacy grounds.

In making this decision, and in relation to the heritage grounds, Members gave enhanced attention to the duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the need to have special regard to the desirability of preserving listed buildings or their settings as set out in *East Northamptonshire DC v Secretary of State for Communities and Local Government (Barnwell Manor)* [2014] EWCA Civ 137; Members took into account that the previous Committee report in 2012 referred to the heights of lakes as 4m and 5m and those now proposed are higher notably near to the listed barn; Members took into account that the proposed banks would rise closer to the western boundary near the listed building than the proposals in 2012; and Members took into account the general changes of the proposals from 2012.

In relation to the privacy grounds, Members took into account that the previous Committee report in 2012 referred to the heights of lakes as 4m and 5m and those now proposed are higher notably near to some of the properties to the west; Members took into account that the proposed banks would rise closer to the western boundary than the proposals in 2012; and Members took into account the general changes of the proposals from 2012.

Taking into account all considerations including the material consideration of the previous consent and changes outlined above, Members considered that:

1. The size, height and proximity of the raised lakes particularly the western bunding would cause less than substantial harm to the setting and significance of the Grade II listed Hertsfield Barn through loss of the open and level historic setting of the Barn which forms an important part of its significance and setting. This would be contrary to policies SP18 and DM4 of the Maidstone Local Plan and the NPPF and the less than substantial harm would not be outweighed by any public benefits from the development.
2. Due to the height and proximity of the raised lakes along the western boundary of the site, their use for fishing would result in an unacceptable loss of privacy and perceived overlooking from anglers at an elevated position to the houses and gardens of Hertsfield Barn, and numbers 3, 4, 5, and 6 Hertsfield Farm Cottages, resulting in harm to their amenity contrary to policy DM1 of the Local Plan.

RESOLVED: That permission be refused for the following reasons:

1. The size, height and proximity of the raised lakes particularly the western bunding would cause less than substantial harm to the setting and significance of the Grade II listed Hertsfield Barn through loss of the open and level historic setting of the Barn which forms an important part of its significance and setting. This would be contrary to policies SP18 and DM4 of the Maidstone Local Plan and the NPPF and the less than substantial harm would not be outweighed by any public benefits from the development.
2. Due to the height and proximity of the raised lakes along the western boundary of the site, their use for fishing would result in an unacceptable loss of privacy and perceived overlooking from anglers at an elevated position to the houses and gardens of Hertsfield Barn, and numbers 3, 4, 5, and 6 Hertsfield Farm Cottages, resulting in harm to their amenity contrary to policy DM1 of the Local Plan.

Voting: 10 – For 0 – Against 0 – Abstentions

231. 19/505518/FULL - DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT OF THE SITE FOR A 132-ROOM HOTEL (USE CLASS C1) INCLUDING ROOFTOP RESTAURANT AND BAR (USE CLASS A3/A4) AND ANCILLARY REFUSE AND RECYCLING STORAGE, CYCLE PARKING, SERVICING ARRANGEMENTS AND HARD AND SOFT LANDSCAPING - 12-14 WEEK STREET, MAIDSTONE, KENT

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

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

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

Voting: 10 – For 0 – Against 0 – Abstentions

232. 20/500163/FULL - ERECTION OF A DECK ABOVE (PART OF) THE EXISTING CAR PARK TO PROVIDE 211 ADDITIONAL PARKING SPACES, WITH ASSOCIATED LIGHTING AND OTHER ANCILLARY WORKS - MAIDSTONE AND TUNBRIDGE WELLS NHS TRUST, MAIDSTONE HOSPITAL, HERMITAGE LANE, MAIDSTONE, KENT

The Chairman and Councillors Chappell-Tay, Clark, Kimmance and Vizzard stated that they had been lobbied.

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

During his presentation on the application, the Major Projects Manager drew the Committee's attention to the holding objection which had been raised by KCC Highways on the basis that the submitted transport assessment had not satisfactorily demonstrated that there would not be an adverse impact on the junctions connecting the Hospital site with Hermitage Lane. The Major Projects Manager explained that it was not anticipated that there would be an adverse impact as the Hospital already had a permission for 150 spaces which this application replaced so it was the Officers' recommendation that if the Committee was content with the principle of the scheme, then delegated powers be given to the Head of Planning and Development to grant permission subject to the applicant providing the information necessary for the Highway Authority to confirm either that there is no unacceptable impact on the junctions or there is a scheme of mitigation. If the information demonstrated that there would be harm which cannot be mitigated then the application would be reported back to the Committee for determination.

Ms Burman, an objector, addressed the meeting.

During the discussion on the application, the Major Projects Manager advised the Committee that he wished to amend proposed condition 3 so as not to require the submission of a construction site management plan prior to commencement but to require adherence to an approved construction site management plan. He also wished to amend drawing numbers referred to in proposed condition 9 (Plans) to reflect amendments to the scheme secured by the Ward Members.

During the debate, it was also suggested that the Ward Members and the Chairman and Vice-Chairman of the Planning Committee and Councillor Harwood should be involved in the evolution of the landscaping scheme and the development and monitoring of a new Travel Plan for the site.

RESOLVED:

1. That subject to:

- (a) The applicant providing the information necessary for the Highway Authority to confirm either that there is no unacceptable impact on the junctions connecting the Hospital site with Hermitage Lane or there is a scheme of mitigation;
AND
- (b) The conditions and informatives set out in the report with the amendment of condition 3 to require adherence to an approved construction site management plan and condition 9 (Plans) to reflect amendments to the scheme secured by the Ward Members,

the Head of Planning and Development be given delegated powers to grant permission and to be able to add or amend any necessary conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee to include the addition of any conditions required as a result of further highway mitigation measures being identified.

- 2. That the Ward Members and the Chairman and Vice-Chairman of the Planning Committee and Councillor Harwood should be involved in the evolution of the landscaping scheme and the development and monitoring of a new Travel Plan for the site.

Voting: 10 – For 0 – Against 0 – Abstentions

- 233. 19/504300/FULL - VARIATION OF CONDITION 6 OF 19/501536/FULL (ERECTION OF A SINGLE STOREY BUILDING TO PROVIDE STAFF ACCOMMODATION/HOLIDAY LET AND STAFF TRAINING ROOM) TO ALLOW NO TIME RESTRICTION ON STAFF ACCOMMODATION - WIERTON HALL FARM, EAST HALL HILL, BOUGHTON MONCHELSEA, MAIDSTONE, KENT

The Chairman and Councillors Adkinson, Chappell-Tay, Clark, Kimmance, Munford and Vizzard stated that they had been lobbied.

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

RESOLVED:

- 1. That permission be granted subject to the conditions and informatives set out in the report with the further amendment of condition 6 to restrict single occupation of the building as tourist accommodation to no more than 28 days at any one time and for staff accommodation purposes wholly ancillary to the business for a period of up to 6 months with sufficient break provision between tenancies to prevent the establishment of a permanent residential presence in an area where it would not normally be permitted.
- 2. That the Head of Planning and Development be given delegated powers in consultation with the Head of Legal Partnership to finalise

the wording of the amended condition and to amend any other conditions as a consequence.

Voting: 10 – For 0 – Against 0 – Abstentions

Note: Councillor Eves joined the meeting after consideration of this application (7.20 p.m.).

234. 19/505949/FULL - AMENDMENTS TO PLANNING APPLICATION 17/504038 (CHANGE OF USE OF LAND FOR KEEPING OF HORSES AND STABLE BLOCK) TO INCLUDE REPOSITIONING OF STABLE BUILDING AND WASTE PILE; LAYING OF TYPE 1 hardcore; AND SAND SCHOOL (SECTION 73A APPLICATION) - LAND TO BACK OF CHERRY ORCHARD, COURT LODGE FARM, THE STREET, BOXLEY, KENT

Having stated that she had pre-determined this application, Councillor Brindle left the meeting when it was considered.

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

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

Mr Took, an objector, and Councillor Clarke of Boxley Parish Council addressed the meeting.

RESOLVED:

1. That permission be granted subject to the conditions and informatives set out in the report with the strengthening of the enforcement provision conditions acknowledging that the application is a retrospective one and also to secure:
 - (a) The amendment of condition 2 (Landscaping) in order to strengthen the landscaping to the eastern boundary of the site around the area of the sand school; and
 - (b) An additional requirement to be possibly combined with condition 3 (Disposal of Run-off) specifying that within a period of two months of the decision notice being issued, details of an alternative surface treatment for the sand school shall be submitted to the Local Planning Authority for approval and the approved surfacing shall be used on site with the removal of the existing surface treatment.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the amended and combined conditions and to amend any other conditions as a consequence.

Voting: 10 – For 0 – Against 0 – Abstentions

235. 19/505352/FULL - ERECTION OF POLYTUNNELS WITH ASSOCIATED SOFT LANDSCAPING AND DRAINAGE WORKS, INCLUDING THE PROVISION OF SWALES - LAND AT RANKINS FARM, LINTON HILL, LINTON, KENT

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

Mr Ogden, for the applicant, and Councillor Webb (Visiting Member) addressed the meeting.

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

Voting: 10 – For 1 – Against 0 – Abstentions

236. 19/506070/REM - APPROVAL OF RESERVED MATTERS FOR THE ERECTION OF 9 NO. DETACHED RESIDENTIAL DWELLINGS (LAYOUT, SCALE, LANDSCAPING AND APPEARANCE BEING SOUGHT, WITH ACCESS ALREADY APPROVED AS PART OF THE EARLIER OUTLINE APPROVAL) FOLLOWING 15/507493/OUT (ALLOWED ON APPEAL APP/U2235/W/16/3145575). (RE-SUBMISSION OF 19/504293/REM) - WIND CHIMES, CHARTWAY STREET, SUTTON VALENCE, MAIDSTONE, KENT

It was noted that all Members had been lobbied, but some Members may not have had an opportunity to read the email.

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

Councillor Poulter of Sutton Valence Parish Council and Mr Court, for the applicant, addressed the meeting.

RESOLVED:

1. That permission be granted subject to the conditions and informatives set out in the report with:
 - (a) An additional condition requiring the provision of electric vehicle charging points for each dwelling;
 - (b) The addition of the words “at all times” at the end of conditions 5 and 6; and
 - (c) The inclusion of bee bricks within the development with revisions to condition 3 (Materials) to accommodate this.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the amended and additional conditions and to amend any other conditions as a consequence.

Voting: 11 – For 0 – Against 0 – Abstentions

237. 19/504613/NMAMD - NON-MATERIAL AMENDMENT: THE NECESSARY INCLUSION OF EXTERNAL STEPS TO PROVIDE AN EMERGENCY EXIT POINT FROM THE SEMI- BASEMENT CAR PARK OF BLOCK 1 (ORIGINAL APPLICATION REFERENCE: 17/504632/FULL) - LAND AT BRUNSWICK STREET, MAIDSTONE, KENT

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

RESOLVED: That the application be approved with the informatives set out in the report.

Voting: 11 – For 0 – Against 0 – Abstentions

238. DURATION OF MEETING

6.00 p.m. to 8.50 p.m.

Agenda Item 12

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

21 MAY 2020

REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

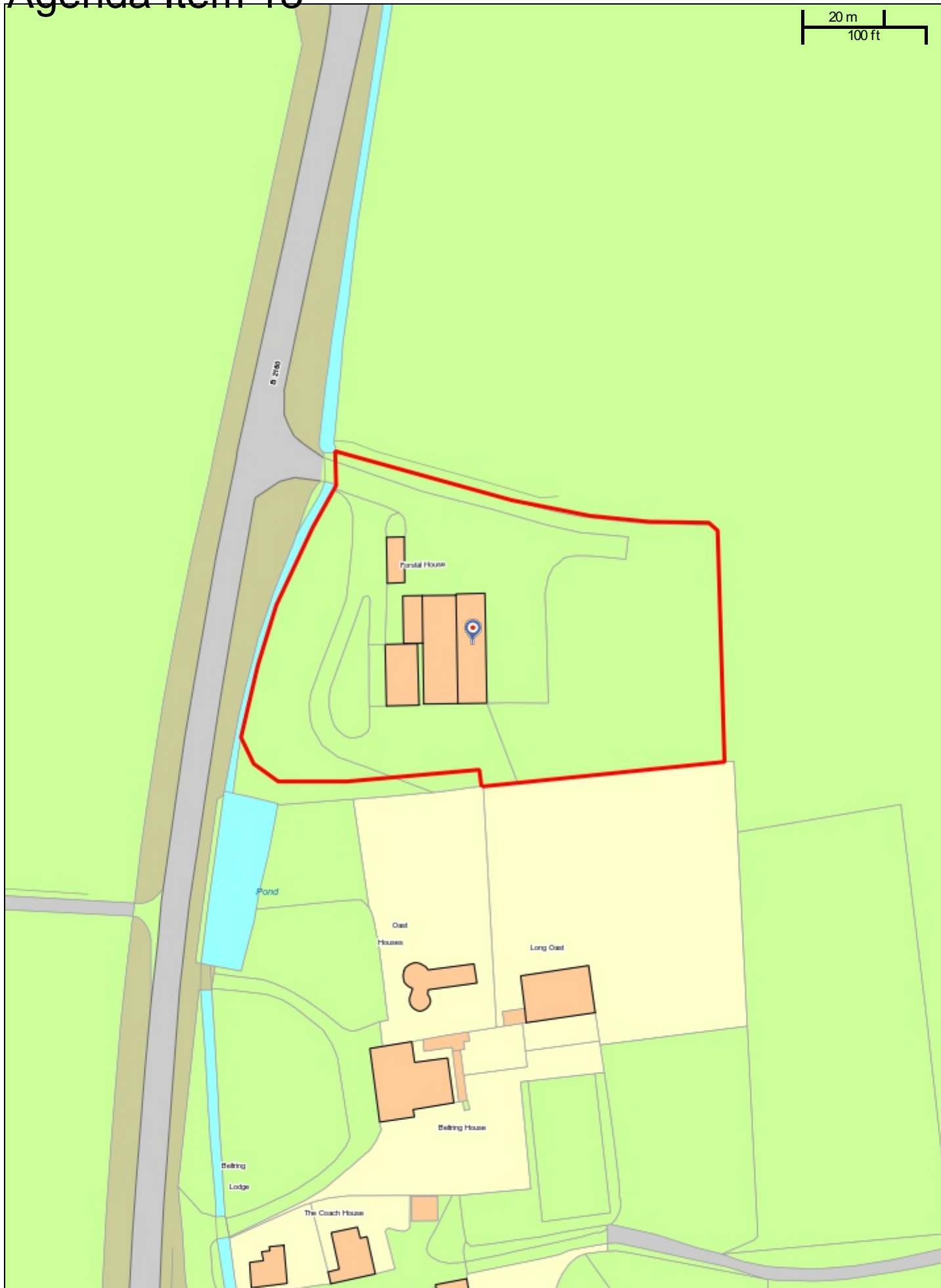
DEFERRED ITEMS

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>19/501600/OUT - OUTLINE APPLICATION FOR UP TO 440 RESIDENTIAL DWELLINGS, WITH ASSOCIATED ACCESS, INFRASTRUCTURE, DRAINAGE, LANDSCAPING AND OPEN SPACE (ACCESS BEING SOUGHT WITH ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION) - LAND WEST OF CHURCH ROAD, OTHAM, KENT</u></p> <p>Deferred for further discussions to:</p> <ul style="list-style-type: none">• Seek to remove the proposed car park for the Church from the scheme;• Seek to (a) amend the Parameter Plan to provide a greater amount of wooded open space at the southern end of the site to protect the Ancient Woodland and create a sustainable open space and (b) to amend conditions 4 and 7 to require woodland planting to restore and protect the Ancient Woodland and enhance the landscaping around the Church;• Seek to resolve the outstanding issues relating to improvements to the Willington Street/Deringwood Drive junction;• Give further consideration to the impact of the development on the Spot Lane junction and possible mitigation;• Investigate the potential widening of Church Road to the south of the site where this would not involve the loss of Ancient Woodland;	<p>24 October 2019</p>

<ul style="list-style-type: none"> • Seek to optimise the amount of renewable energy generated on site (to avoid use of fossil fuel heating); and • Seek further clarification of the surface water drainage scheme and how it can be satisfactorily accommodated within the development layout. 	
<p><u>19/503584/FULL - CREATION OF ALTERNATIVE ACCESS ACROSS EXISTING DRAINAGE DITCH WITH IMPROVED DRAINAGE - KINGSBROOKE, CRANBROOK ROAD, STAPLEHURST, TONBRIDGE, KENT</u></p> <p>Deferred for a report, including a plan, from the applicant to be assessed by the Landscape/Arboriculture Officers detailing the tree works required in connection with the proposed development, the number and species involved (both to be lost and replaced) and the timing of the works.</p>	<p>23 January 2020</p>

Agenda Item 13



19/505179/FULL - Forstal House, Maidstone Road, Paddock Wood, Kent

Scale: 1:1250

Printed on: 24/4/2020 at 8:56 AM by JoannaW

REFERENCE NO - 19/505179/FULL		
APPLICATION PROPOSAL Variation of Condition 4 of 17/505280/FULL (Erection of 2 No steel frame buildings for B1/B8 use; Extension of existing hardstanding and creation of one-way HGV route within site. Additional car parking and installation of 2 No Klargestert treatment plants; Associated hard and soft landscaping scheme.) to allow the commercial use of the site to operate 24 hours a day Monday - Saturday, with vehicle movements between 0500 and 1800 hours, and no working on Sundays and Bank Holidays.		
ADDRESS Forstal House Maidstone Road, Paddock Wood, TN12 6PY		
RECOMMENDATION GRANT PERMISSION with amended planning condition		
SUMMARY OF REASONS FOR RECOMMENDATION The submitted information demonstrates that the proposed change will be acceptable in including in relation to neighbour amenity, highway safety and wildlife. Environmental Health has confirmed that they have no objection to the proposed change.		
REASON FOR REFERRAL TO COMMITTEE Councillors of Yalding Parish Council are unaware of any change in circumstance from the original application and therefore insist that aural amenity should continue to be protected and therefore this application should be refused.		
WARD Marden And Yalding	PARISH/TOWN COUNCIL Yalding	APPLICANT RKC Roofing Ltd AGENT SJM Planning Limited
TARGET DECISION DATE 04/05/20 (EOT)		PUBLICITY EXPIRY DATE 31/01/20

Relevant Planning History

- 96/1648 Change of use of redundant agricultural buildings to use for the storage, alteration, finishing and distribution of stone tiles stone blocks and other similar masonry products. Ancillary offices to be provided as part of the scheme. The application includes alterations to the external appearance of the building; the demolition of structures; the widening of the vehicular access; and the provision of an open storage compound. Approved 20.03.1997.
- Condition 9 attached to 96/1648 states that with the exception of the stone library area and the office area the hours of use (including deliveries and despatches) shall be restricted 7.30am to 6pm Mondays to Fridays and 8am to 1pm on Saturdays. The hours of use of the stone library and office area shall be restricted to 7.30am to 6pm Mondays to Fridays and 8am to 4pm on Saturdays. No work (including deliveries and despatches) shall take place on Sundays or Bank Holidays Reason In the interests of residential amenity.
- 15/508249/FULL Erection of Industrial building with demolition of existing Approved 23.12.2015 (conditions included 'With the exception of the office area, the hours of use (including deliveries and despatches) shall be restricted to 7:30am to 6pm Monday to Friday and 8am to 1pm on Saturdays')
- 17/505280/FULL Erection of 2 No steel frame buildings for B1/B8 use; Extension of existing hardstanding and creation of one-way HGV route within site. Additional car parking and installation of 2 No Klargestert treatment plants; Associated hard and soft landscaping scheme. Approved: 22.12.2017 (NB: 3 representations received following consultation concerning noise, hours and days of use and loss of privacy, no comments received from the Parish Council).

- 18/500017/FULL Demolition of existing Banksman's Office and erection of two extensions to existing B1/B8 storage warehousing on North and East elevations. Approved: 09.03.2018 (Condition 4 All activity in connection with the commercial use of the site (including deliveries and despatches) shall only take place between 0730-1800hrs Mon-Fri and 0800-1300 hrs on Saturdays).
- 18/503816/SUB Submission of Details to Discharge Condition 5 (Acoustic Fence) Condition 9 (Construction Management Plan) Condition 13 (Energy Efficiency) and Condition 14 (Drainage) Subject to 17/505280/FULL Part Permitted Part Refused Decision Date: 01.10.2018
- 18/503828/SUB Submission of details pursuant to Conditions 8: Construction Management Plan, 10: Surface Water Drainage Scheme & 11: Renewable energy details (original application ref: 18/500017/FULL). Approved 14.12.2018
- 18/505778/SUB Submission of Details to Discharge Condition 5 (Acoustic Fence) and Condition 9 (Construction Management Plan) Subject to 17/505280/FULL Approved 23.11.2018
- 19/501044/SUB Details of renewable energy provision submitted pursuant to Condition 13 appended to planning permission ref: 17/505280/FULL (Erection of 2 No steel frame buildings for B1/B8 use) Approved 12.03.2019
- 19/502738/FULL Retrospective application for a change of use of part of an existing warehouse to D2 dance studio. Approved 02.08.2019 (Condition restricting operation to between 0700 and 2200hrs Mon-Fri, 0800-2200hrs Sat and 1000-1800 hrs Sunday and Bank Holidays)

MAIN REPORT

1. DESCRIPTION OF SITE

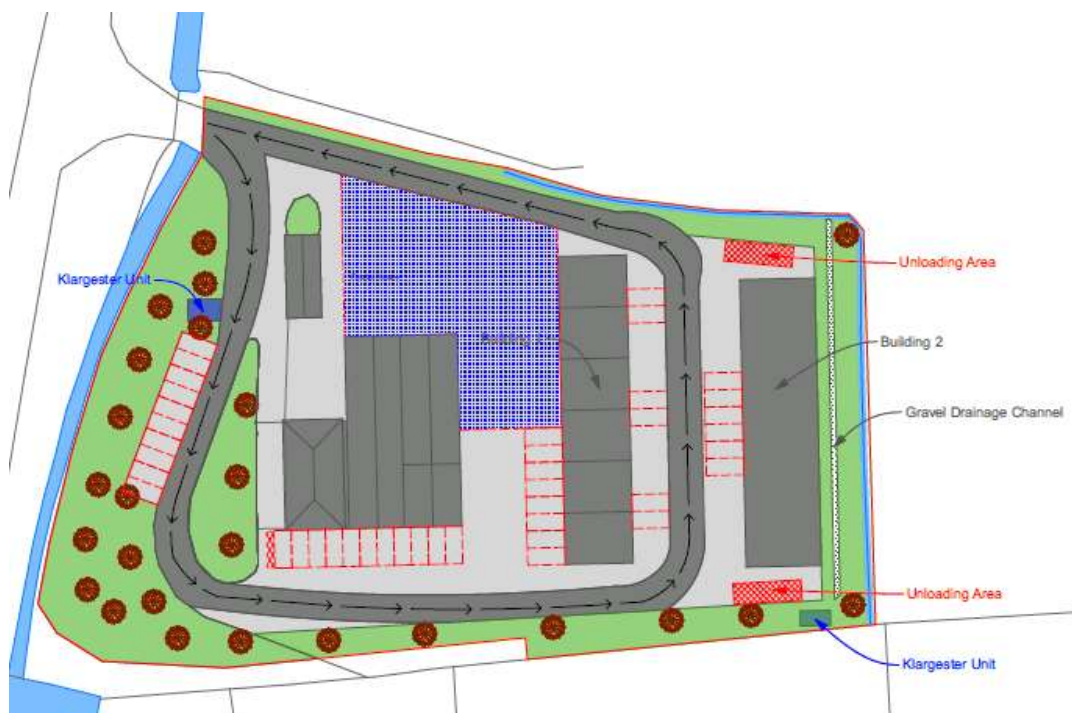
- 1.01 The site comprises a commercial complex with offices fronting production/storage buildings that are set back from Maidstone Road behind a landscaped buffer that also contains a water course. The site has large areas of hardstanding for vehicle parking/turning and external storage. The office use (use class B1) has a floor area of 222 square metres and the storage and distribution use (use class B8) 474 square metres.
- 1.02 The eastern third of the site itself is the location of the recently constructed subject buildings approved under reference 17/505280/FULL. This land was previously undeveloped scrubland.
- 1.03 In a wider context the site lies in open countryside in an area falling within flood zone 3. The urban boundary wraps around the site to the north (260 metres), west (750 metres), and to the south (300 metres). Agricultural land borders the site to the north and east.
- 1.04 The nearest residential dwellings are two listed buildings that are converted agricultural buildings located to the south, 'The Oast House' (44 metres from the application site) and Beltring House (66 metres) with further residential properties beyond.

2. PROPOSAL

- 2.01 Conditional planning permission was granted (17/505280/FULL) in December 2017 for 2, steel frame buildings for B1/B8 use on the rear (eastern) part of the site.
- 2.02 The application also included the extension of existing hardstanding and creation of one-way HGV route within site. The proposal included additional car parking, the

installation of 2 Klargestar treatment plants, and an associated hard and soft landscaping scheme.

Extract from proposed block plan (2016-046v4-PropBlock) approved as part of application 17/505280/FULL



- 2.03 Condition 4 attached to the planning permission under reference 17/505280/FULL (matching the hours of operation restriction attached to the earlier permission for the site under 15/508249/FULL) reads as follows:

"All activity in connection with the commercial use of the site (including deliveries and despatches) shall only take place between be 0730-1800hrs Mon-Fri and 0800-1300 hrs on Saturdays. Reason In the interests of aural amenity".

- 2.04 The current application, made under S73 of the Town and Country Planning Act 1990, seeks to vary condition 4 to allow a commercial use to operate 24 hours a day Monday to Saturday.
- 2.05 Outside of the current operating hours, the 24hr use will take place within the two commercial buildings approved under 17/505280/FULL.
- 2.06 The current restriction on HGV movements on the site (0730-1800hrs Mon-Fri and 0800-1300 hrs on Saturdays with no working on Sundays and Bank Holidays) will remain but the use of vans (LGV maximum gross weight of 3.5 tonnes including passengers, cargo and fuel) will be able to operate from 5am Monday to Fridays excluding bank holidays.
- 2.07 The previously approved industrial buildings have been constructed and the current amendment to the operating hours is submitted to meet the requirements of a prospective new building tenant called PVC Building Supplies.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017, SP21, DM1
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 Five representations received from local residents raising the following (summarised) issues:
- Current impact on amenity from security lights, noise (including reversing bleeps), vibration, traffic fumes and the proposed treatment plants and traffic will worsen with 24 hour operation.
 - The necessary external lighting will impact upon wildlife.
 - The proposal will adversely impact the health of a neighbour.
 - The development will have a harmful impact on the character of the area with listed buildings located nearby.
 - Although dismissed by KCC Highways, there are current highway safety issues including the absence of a footpath and a crossing for children walking to school and these will be worsened.
 - Flooding issues will be worsened by the proposal
 - Why were these hours not in the original application?
 - Nearby uses such as the dance studio do not comply with time restrictions
 - My understanding of the original planning application was that an acoustic fence was to be built all along the southern boundary of the site. Please note that this has not happened.
 - The existing use adversely impacts upon neighbour amenity in terms of privacy.
 - There are security issues for neighbouring occupiers.
 - Under Human Rights law I have a right to peace and quiet in my own home. If planning permission is granted I will not be able to enjoy the quiet of my own home and garden, and will certainly not be able to keep my windows open at night in summer due to potential noise pollution.
 - Under the terms of the original planning application, there is/was an obligation for the owner of Forstal House to implement a landscaping plan. This appears to have been ignored to date.
 - Flood risk. While I understand that Upper Medway Drainage Board have given permission, one of the two drainage pipes under the entrance to Forstal House has been blocked off. In the recent rain there has been a noticeable backlog of water south of the bridge, increasing the potential of flooding to the properties to the south of Forstal House.
- 4.02 A meeting took place in January 2020 between the applicant and objectors where a number of measures were discussed that would address the concerns of neighbours. Following this meeting and further public consultation by the council (letters dated 15.01.2020) on a submitted amended Sound Assessment and additional Noise Management Plan (appended to this report), three further representations have been received.
- 4.03 The first representation restates objections made in an earlier response. The second representation expresses doubt on the feasibility of the outlined measures and the third representation states that on the basis of these measures their objection is withdrawn.
- 4.04 These measures were as follows (followed by officer comment in brackets):
- a) Other than the prospective tenant PVC Building Supplies, no other businesses either on the site at present or in the future will be permitted to operate 24 hours a day, now or at any time in the future (*Officer comment: The 24hr operation is for a prospective tenant and restricted to the two buildings identified, there is no justification for making the permission personal*).

- b) Initially there will be approximately 6 Sprinter type vans to be loaded each night. All loading of vans between 1800 and 0700 is to happen within the unit, with roller shutter doors shut. It is anticipated that there could be 10 Sprinter vans loading each night within 3-5 years. *(Officer comment: A planning condition can be used to restrict access to vans outside the current permitted hours of operation).*
- c) There will be no such activities other than picking and loading. With no manufacturing or building/construction of any items at all. *(Officer comment: A planning condition can be used to ensure that activity outside the current permitted hours of operation takes place within the buildings).*
- d) There will be no HGV or forklift movement between 1800 and 07.00 hours. Where possible the northern loading bay will be used to unload HGV's etc during the daytime operating hours. *(Officer comment: A planning condition can be used to ensure that activity outside the current permitted hours of operation takes place within the buildings).*
- e) No vehicles can be parked overnight or used for sleeping in. Engines cannot be left running outside the units. (Mr Coomber's (the applicant) planning consultants, SJM Planning (agent) have stated in writing 'Trailer units may need to be parked on site but there would be no sleeping on site whatsoever. Planning controls can't usually prevent vehicle parking out of hours, but there would be no activity. For example, shift workers arriving on site. But fundamentally the plan is that there would be no external activity relating to the picking and packing outside the core hours') *(Officer comment: It is correct that planning conditions cannot be used to restrict travel on the public highway).*
- f) There will be no unnecessary noise from the night workers, and there will not be any additional lighting from that currently installed, from security lights, or any other source. *(Officer comment: A planning condition is recommended in relation to external lighting and asking for the use of movement sensors (PIR) to be used in connection with the use outside existing permitted hours)*
- g) Vehicle reversing beepers will be disconnected out of standard hours. *(Officer comment: With no HGV use outside currently permitted hours, the applicant has said that reversing alarms would not be required outside these times)*
- h) There will not be vehicle movement on site between 1800 and 05.00 hours. *(Officer comment: A planning condition is recommended stating that activity within these times will take place within the buildings)*
- i) Night workers will be cognisant of their surroundings, and make an effort to be quiet so as not to disturb neighbours. No slamming doors, shouting, loud radios etc. *(Officer comment: A planning condition is recommended in relation to adherence to the submitted noise management plan that covers staff behaviour)*
- j) Noise is a major concern for me. Mr Coomber has agreed to revisit the acoustic fence, as this is not covering the whole southern boundary, as stipulated in the planning approval. *(Officer comment: A planning condition is recommended in relation to the completion of the acoustic fence prior to occupation)*
- k) Mr Coomber has agreed that all landscaping will be completed this spring, Mr Coomber has also agreed that where possible evergreen will be planted along the southern boundary to help with noise and view. *(Officer comment: A planning condition is recommended in relation to the completion of the landscaping prior to occupation)*

4.05 A letter from the applicant's agent (SJM Planning) dated 15 January 2020 gives the following response to submitted comments from neighbours:

- "1. *There appears to be concern that this application has been made for the entire site; This is incorrect. The application specifically affect the rearmost two buildings to the Eastern end of the site. The remainder of the buildings on the site would not be affected by this proposal. Hours of use for those buildings would remain as permitted.*

2. *The 24 hour operation of the site is to remain within the buildings. The only additional external operations are to be from 0500hrs when pre-loaded vans (Which will have been loaded within the buildings during the night-time hours) would leave the site.*
3. *HGV movements would not increase. They would remain to enter and exit the site during the already-permitted hours. There are to be NO night-time deliveries from vehicles outside the already permitted hours.*
4. *Klargester treatment plants are a very common drainage solution, and if installed properly (And certified) there are no known issues with odours.*
5. *Residents should read the recent-submitted noise report. It states clearly how the operation would be run, the noise protection measures that would be put into place, and importantly, that any consent could be applied to this tenant only. What this would mean is that should the tenant leave, the hours of use condition would revert back to that which is currently permitted. A personal permission should help allay neighbour concerns.*
6. *Resident objections make note of concern with beepers and reversing sensors. Again, the noise management report makes clear these will not be in operation during evening hours.*
7. *We are unsure how the proposal represents a greater highway risk. We are not looking to increase the amount of traffic to and from the site, but it should be borne in mind that the site occupies a highly sustainable location, close to Paddock Wood, the A21, M20 and M25. It is ideally located for such development, whose character would not be altered should the hours of use be approved.*
8. *We note the comment regarding external lighting and bats. Works outside the currently-permitted hours of use would remain wholly within the building and thus we do not consider there to be significant increase in night-time lighting on the site.*
9. *We object to the comment regarding 'planning by stealth'. This application has been submitted specifically to accommodate a willing tenant. The buildings have sat empty for several months now, costing the client a considerable sum of money. This is exactly the reason why our client has agreed to accept a personal permission to the specific company who wishes to take the tenancy. There is no long-term game to be played here.*
10. *...objections comment initially on the concern that HGV's are to use the site from 0500 to 1800hrs. This is incorrect. HGV's will continue to use the site within the existing hours of use. Between 0500 and 0730 the only vehicle movements connected to the business will be the vans leaving the site.*
11. *Again, there will be no reversing beepers from HGV's during early hours as they will not be permitted to enter the site until 0730hours as they are currently entitled to.*
12. *Whilst it is important to consider the noise impacts of the proposal (And my client has spent a considerable sum of money having the appropriate assessments and reports compiled as part of this application), it should not be forgotten that the site lies adjacent to the B2160 and within 150m of the A228. As our report shows, there is already a degree of ambient traffic noise and the appended report to this application makes clear that such noise increases are not as significant as parties may fear. We consider the proposal to wholly accord with Local Planning Policy and Environmental Health guidance in this regard.*
13. *Whilst there are Listed Buildings in proximity to the site, the proposal now bears no impact on the setting of the Listed Buildings; these impacts were considered under the previously-approved application in 2017.*
14. *Again, ...(an objector) erroneously believes HGV's are intended to be used throughout the night. HGV access times will not be changed as part of this proposal.*
15. *Security has been cited as an issue but we do not see how this would be unduly affected. If anything, having a presence on site would surely deter would-be persons from entering adjoining properties".*

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)

Environmental Health

- 5.01 No objection following the submission of the additional information in January 2020.

KCC Highways

- 5.02 No objection. Having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority.

Yalding Parish Council

- 5.03 Councillors of Yalding Parish Council are unaware of any change in circumstance and therefore insist that aural amenity should continue to be protected and therefore this application should be refused. If officers are minded to approve the application committee determination is required.

6. APPRAISAL

Main Issues

- 6.01 The current application relates to an established commercial employment site. The principle of the two new commercial buildings and the associated impact has previously been considered acceptable. Based on information available at that time, this conclusion was subject to a condition restricting operating hours
- 6.02 Issues relating to, the potential impact on amenity (including neighbour privacy), general activity and associated vehicle movements, the character of the locality, flooding, and wildlife were also considered acceptable (17/505280/FULL).
- 6.03 The main consideration with the current application is to assess whether 24 hour working would have a detrimental impact on neighbour amenity, wildlife, highways and the character of the area generally.

Background

- 6.04 In addition to the two proposed new buildings, the application site boundary (red line boundary) for 17/505280/FULL included the other buildings already on the site, the internal circulation roads and parking areas.
- 6.05 The condition restricting operating hours was all embracing relating to "*...the commercial use of the site (including deliveries and despatches) ...*". This condition replaced the time restriction attached to permission under 96/1648 which was for the conversion of the original agricultural buildings.
- 6.06 Following the approval of 17/505280/FULL there have been two subsequent full planning permissions granted for the application site. Firstly, the permission under reference 18/500017/FULL related to extensions to the original buildings (for B1/B8 use) a condition on this permission restricting operating times reflected the condition on 17/505280/FULL. (All activity in connection with the commercial use of the site (including deliveries and despatches) shall only take place between 0730-1800hrs Monday to Friday, and 0800-1300 hrs on Saturdays).
- 6.07 The second permission under reference 19/502738/FULL related to the retrospective application for a change of use of part of the previously approved warehouse extension (18/500017/FULL) as a dance studio (use class D2). A condition restricted operation to between 0700 and 2200hrs Monday to Friday, 0800-2200hrs Saturdays and 1000-1800 hrs Sunday and Bank Holidays).
- 6.08 Local Plan policy SP21 states that the council is committed to supporting and improving the economy of the borough and providing for the needs of businesses

through supporting proposals for the expansion of existing economic development premises in the countryside, provided the scale and impact of the development is appropriate for its countryside location. Local Plan policy DM1 promotes good design that respects the amenities of occupiers of neighbouring properties and uses. The policy seeks to ensure that development does not result in excessive noise, activity or vehicular movements.

- 6.09 The current restrictions allow activity on the application site for the dance studio between the hours of 0700 and 2200hrs Monday to Friday, 0800 to 2200hrs on Saturdays and 1000 to 1800hrs on a Sunday or Bank Holidays.
- 6.10 Apart from the dance studio, the other uses on the site are currently restricted, and would remain restricted if this permission were approved to operate between 0730-1800hrs Monday to Friday, and 0800-1300hrs on Saturdays.
- 6.11 The applicant has confirmed (agent letter 15.01.2020 see point 1, para 4.25 above) that the proposed revision to operating hours currently proposed would only apply to the two buildings approved under application 17/505280/FULL (marked as buildings 1 and 2 on the submitted plan).
- 6.12 The proposed change would allow 24 hour working internally within buildings 1 and 2, between midnight Sunday night to midnight Saturday night with associated vehicle movements by van taking place between 5am and 6pm. The restriction on HGV movements would remain as existing.
- 6.13 The applicant has confirmed that outside the existing permitted hours (between 6pm and 7.30am) the activities taking place on the site would remain wholly within the existing buildings including the loading of vans. The vans would then be permitted to leave the site after 5am.
- 6.14 The application is supported by a noise assessment. A sound survey was conducted at the site between Thursday 7th and Monday 25th November 2019. The survey comprised of unattended continuous sound monitoring over a 19 day period and attended sound monitoring during a weekday night-time period. Additional source-term sound measurements were also undertaken to obtain noise data representative of internal and external sound sources associated with the proposed tenant's commercial activities.
- 6.15 The survey found the main source of noise was the road traffic on the B2106 (Maidstone Road) and A228 (Whetsted Road) including cars and HGVs. The main source of sound associated with the prospective PVC Pipework & Plumbing Supplies distributor is expected to be the movement of vans around the site. Other sound will include the loading of goods onto the vans using electric forklift trucks inside the industrial buildings.
- 6.16 The survey found that the sound from the commercial activity of the prospective tenant within the extended operating hours is expected to have a low noise impact upon residential noise-sensitive receptors provided that the noise management plan is followed. A planning condition is recommended in relation to the submitted noise management plan.
- 6.17 It is considered that given the existing commercial nature of the site, the activities taking place purely within the building and the acoustic fence, the proposed change in the operating hours is acceptable in relation to the impact on neighbour amenity. Planning conditions are recommended to ensure that activities outside the current permitted hours only take place within the existing buildings and that HGV's only access the site within the current permitted hours.

- 6.18 In terms of light pollution, activity on the site between 1800hrs and 0500hrs will be within the existing buildings. A planning condition was attached to the original permission requiring details of any additional external lighting to be submitted for approval before installation. It is recommended that this condition is attached to any subsequent approval with a stipulation that any lights used after 6pm are PIR movement activated.
- 6.19 Following discussions between the applicant and the Environmental Health Officer a management plan has been submitted (appendix A). On the basis that the management plan is followed the Environmental Health officer has no objection to the variation of the condition to allow the extended operating hours.
- 6.20 The use of a personal planning permission has been considered in this case. National Planning Policy Guidance advice is that *"Planning permission usually runs with the land and it is rarely appropriate to provide otherwise. There may be exceptional occasions where development that would not normally be permitted may be justified on planning grounds because of who would benefit from the permission"* (Paragraph: 015 Reference ID: 21a-015-20140306). It is considered that there is no justification of using a personal permission in this instance. Other restrictive planning conditions are recommended in order to protect amenity that would apply to whatever tenant occupies the building.

Impact on wildlife, highways and the character of the area generally.

- 6.21 The application site is an existing commercial estate. The activities on the site that take place during the extended operating hours will take place within the previously approved buildings.
- 6.22 HGV movements will remain as previously permitted and the extended operating hours and the vans leaving the site will not impact on the use of the existing access or on the local highway network. The applicant has highlighted the accessibility of the location to the road network, with Paddock Wood, the A21, M20 and M25 nearby.
- 6.23 A planning condition is recommended to seek details of lighting and measures to ensure that lighting is not left on all through the night when it is not needed. In these circumstances it is considered that the current proposal will have little impact on local character and wildlife.

Other Matters

- 6.24 The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. However CIL Regulations provide for a Section 73 consent to only trigger levy liability for any additional liability it introduces, which in this case as the is zero (original permission approved 22.12.2017). This application will therefore have a zero CIL liability.
- 6.25 Whilst not part of the current application, there is no evidence of any nuisance caused by the previously approved Klargester treatment plant. Matters relating to flooding are also not relevant to the current planning application which is considering the impact of an extension to the operating hours. The applicant previously submitted details of drainage which was considered acceptable. Whilst there no restrictions on the level of traffic movements, the applicant is not looking to increase the amount of traffic to and from the site,
- 6.26 A public consultation response has raised site security as an issue. It is considered that whilst work would take place inside the buildings, an actual 24 hour presence on the site is likely to have a positive effect on security.

PUBLIC SECTOR EQUALITY DUTY

- 6.27 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

7. CONCLUSION

- 7.01 The proposal will make provision for increased economic activity.
- 7.02 The planning application is supported by technical evidence (including a 19 day noise survey) that has been assessed by the council's environmental health officer. With adherence to the submitted noise management plan (appendix to this report) the environmental health officer considers that the proposal is acceptable in relation to neighbour amenity.
- 7.03 The proposal will not materially harm the rural character of the locality and is acceptable in relation highways and wildlife.

8. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following planning conditions

- 1) The development hereby permitted shall be begun before the 21 December 2020. Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) All activities associated with buildings 1 and 2 (approved under application 17/505280/FULL drawing 2016-046v4-PropBlock) taking place between 1800hrs and 0500hrs shall take place within the existing buildings with all building apertures (including personnel doors -apart from access and egress, loading bay/roller shutter doors and windows) remaining shut during this period. No external activity associated with buildings 1 and 2 shall take place between the hours of 1800-0500hrs. Reason: in the interests of amenity.
- 3) HGV access or egress from the site shall only take place between the hours of 0730-1800hrs Monday to Friday, and 0800-1300hrs on Saturdays and not at any other time. Reason: in the interests of amenity.
- 4) The acoustic fence approved as part of the application with reference 18/505778/SUB shall be in place prior to first occupation of buildings 1 and 2 (approved under application 17/505280/FULL drawing 2016-046v4-PropBlock) with the acoustic fence retained in accordance with the approved details for the lifetime of the development Reason: in the interests of amenity.
- 5) Buildings 1 and 2 (approved under application 17/505280/FULL drawing 2016-046v4-PropBlock) shall only be used for purposes falling within Classes B1 and B8 of the Town and Country Planning (Use Classes Order) 1987 (as amended). Reason: In the interests of amenity.
- 6) The landscaping approved as part of the application with reference 18/503828/SUB shall be in place prior to first occupation of buildings 1 and 2 (approved under application 17/505280/FULL drawing 2016-046v4-PropBlock) with the landscaping retained in accordance with the approved details for the lifetime of the development Reason: in the interests of amenity.
- 7) Prior to first occupation of buildings 1 and 2 (approved under application 17/505280/FULL drawing 2016-046v4-PropBlock) the landscaping approved as part of the application with reference 18/503828/SUB shall be planted. Any part

- becoming dead, dying or diseased with 5 years of planting shall be replaced with species of the same size and siting. Reason: In the interests of visual amenity
- 8) No surface water shall discharge onto the public highway. Reason: In the interests of highway safety and the free flow of traffic.
- 9) Any external lighting installed on the site shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, the details shall include the size, design and siting of any lighting fittings, or columns, output and type of any luminaires along with the direction and screening measures for any luminaires. Any external lighting associated with the extended operating hours shall be fitted with a working PIR movement sensor to avoid the lights being permanently illuminated and demonstrate how the lighting meets Bat Conservation Trust guidelines. Lighting shall only be installed in accordance with the approved details and retained as such at all time thereafter. Reason: To safeguard the night time rural environment in the interests of visual amenity and wildlife.
- 10) Upon completion of the works, a closure report shall be submitted to and approved by the local planning authority. The closure report shall include full details of the works and certification that the works have been carried out in accordance with the approved methodology. The closure report shall include details of any post remediation sampling and analysis together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean. Reason: To prevent harm to human health and pollution of the environment.
- 11) Prior to first occupation of buildings 1 and 2 (approved under application 17/505280/FULL drawing 2016-046v4-PropBlock), the site access, one way circulation system, parking and turning areas shown on drawing no:2016-046v4-PropBlock shall be provided together with signage to indicate that vehicles leaving the overflow car park during the extended operation hours can travel north to the site exit. The approved details shall be retained as such at all times thereafter with no impediment to their intended use. Reason: In the interests of highway safety and the free flow of traffic.
- 12) The decentralised and renewable or low-carbon sources of energy approved under 19/501044/SUB shall be in place before first occupation of buildings 1 and 2 (approved under application 17/505280/FULL drawing 2016-046v4-PropBlock), 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.
- 13) There shall be no outside storage of materials or plant. Reason: In the interests of visual amenity.
- 14) The extended operating hours and the general use of buildings 1 and 2 (approved under application 17/505280/FULL drawing 2016-046v4-PropBlock) shall operate in strict adherence to the submitted Noise Management Plan and all employees will be made aware of the noise management plan requirements Reason: To safeguard the night time rural environment and in the interests of amenity.
- 15) The development shall operate in accordance with the surface water disposal details approved under application 18/503816/SUB. Reason: To ensure satisfactory drainage in the interests of flood prevention.

- 16) The development hereby approved shall be carried out in accordance with the following plans nos: no:WM/501/02, 2016-046v4-Location, PropEWElevSite, PropGround, PropElevB1, PropElevB2, ExistBlock, PropBlock and PropNSElevSite. Reason: In the interests of amenity.

Case Officer: Tony Ryan

Appendix 1: Noise Management Plan submitted by the applicant

1.1 Noise Management Plan

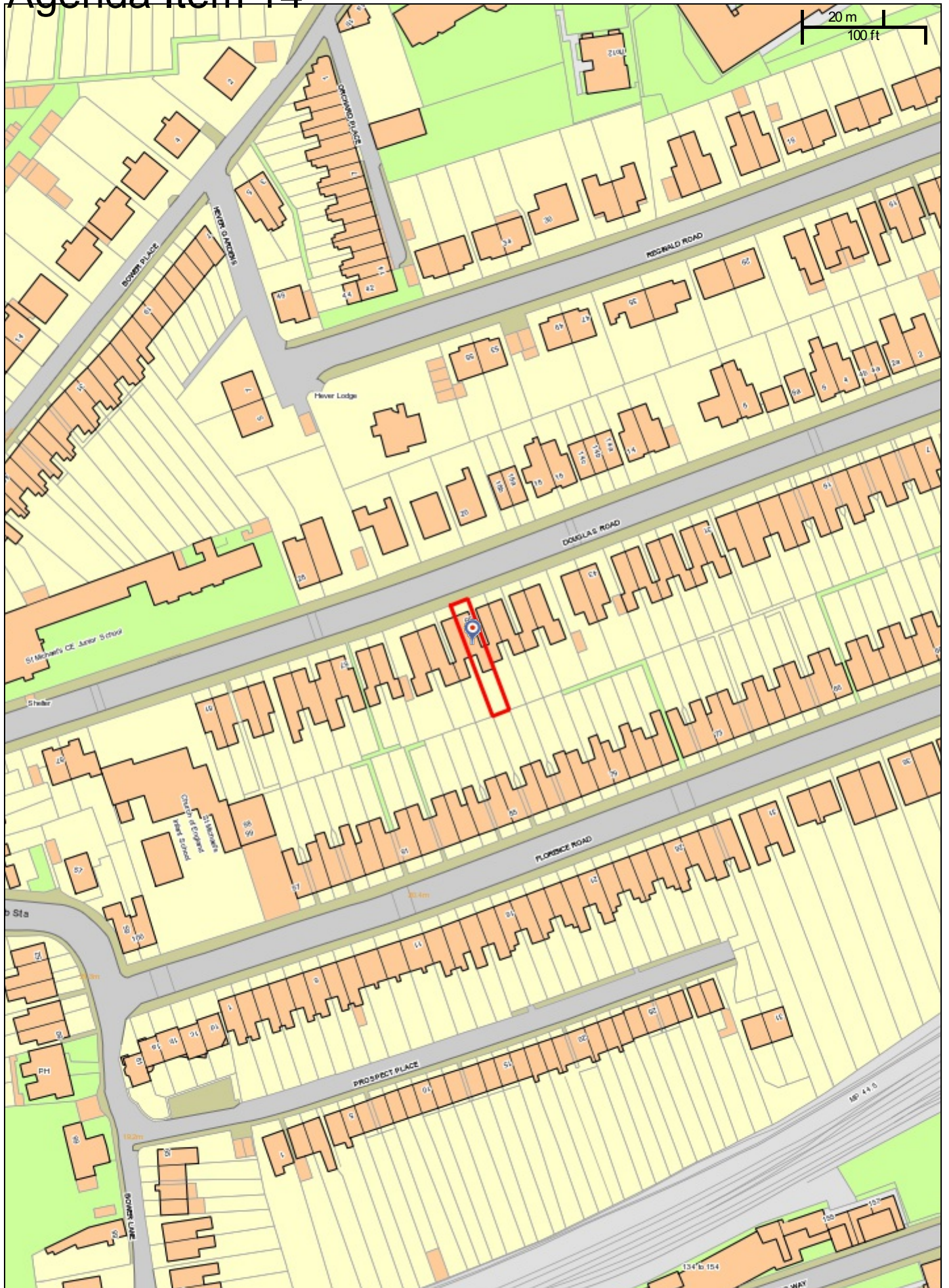
- 1.1.1 All loading and unloading of goods to and from vehicles should take place inside the industrial buildings with the roller shutter doors closed.
- 1.1.2 Night-time vehicle changeovers should take place using only the three northern-most access doors (Doors A, B and C) as indicated by the submitted Night-time Parking Plan.
- 1.1.3 The roller shutter doors to the industrial buildings shall only be opened to allow the access and egress of vehicles.
- 1.1.4 Loading of goods onto vehicles shall be undertaken by hand or using electrically powered forklift trucks.
- 1.1.5 Goods will be despatched using preloaded vans and not Heavy Goods Vehicles (HGVs). Where HGVs are required to access the site, this will occur during the daytime operating hours previously permitted and not during the extended operating hours.
- 1.1.6 Van movements are to be limited to between 05:00 and 18:00 hrs Monday to Saturday. Night-time van movements will be limited to no more than 10 vans leaving the site between 05:00 and 07:00 hrs.
- 1.1.7 All vans operated by the tenant are to be fitted with broadband, as opposed to tonal, reversing alarms.
- 1.1.8 Van engines shall not be left on idle for any longer than necessary.
- 1.1.9 Night-time noise including during vehicle changeovers should be kept to a minimum. This will include no unnecessary shouting, banging (e.g. slamming of doors), no operation of unnecessary plant or equipment, no radios or car stereos and ensuring doors remain closed when they are not required to be open.
- 1.1.10 The manager or supervisor on-shift shall be responsible for monitoring and enforcing conformance with the Noise Management Plan.
- 1.1.11 Training should be provided by the tenant to their staff on the need to minimise noise and the implementation of the noise management plan.
- 1.1.12 Signs should be placed around the night-time operational areas encouraging staff to minimise noise.
- 1.1.13 Tenant's shall treat any failure by their staff to comply with the Noise Management Plan as a non-conformance and take appropriate disciplinary action in accordance with their normal disciplinary procedures.
- 1.1.14 Tenant's themselves should be made aware at the beginning of their tenancy that failure to adhere to the noise management plan could result in the termination of their tenancy.

- 1.1.15 The external building fabric of the industrial buildings will be kept in a good state of repair with good seals maintained around the roller shutter doors to minimise noise breakout.
- 1.1.16 All noise complaints will be logged to include the date and time of the activity, the name of the complainant (if provided) and the nature of the complaint. A copy of the complaints log will be provided to Officers of the Local Council upon request.
- 1.1.17 Wherever possible, noise complaints will be dealt with at the time of occurrence. The following contact details shall be made available to the immediate neighbours:

Contact Name	Ricky Coomber
Telephone Number	07774133466
E-Mail	ricky@rkc.co.uk

- 1.1.18 As far as reasonably practical, written or e-mailed complaints will be responded to within 5 working days, to include the tenant's account of events, any exceptional circumstances that may have led to the noise being generated and what remedial action is to be taken, where possible, to minimise the noise in future.
- 1.1.19 The noise management plan should be reviewed and updated on an annual basis or in response to complaints (whichever occurs sooner).
- 1.1.20 Residential neighbours should be provided with a copy of the Noise Management Plan including any subsequent updates.

Agenda Item 14



19/505523/FULL 55 Douglas Road, Maidstone, Kent, ME16 8ER

Scale: 1:1250

Printed on: 16/3/2020 at 12:16 PM by JoannaW

REFERENCE NO - 19/505523/FULL		
APPLICATION PROPOSAL Conversion of existing dwelling house to a 7 bedroom House of Multiple Occupation (HMO) including erection of a rear conservatory, cycle storage and bin store		
ADDRESS 55 Douglas Road Maidstone Kent ME16 8ER		
RECOMMENDATION GRANT planning permission subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION Subject to appropriate conditions, the proposed development is acceptable – it makes efficient use of an existing building and there are no sustainable in principle, highway, amenity or visual objections. The development accords with the Development Plan and NPPF, and there are no overriding material considerations that prevent permission being granted.		
REASON FOR REFERRAL TO COMMITTEE Called in by Councillor Paul Harper on the following grounds: “The house is inappropriate to be turned into a HMO. It’s in a congested area with no parking and a lack of amenity space”.		
WARD Fant	PARISH/TOWN COUNCIL	APPLICANT Acumen Properties AGENT Mr Ray Ross
TARGET DECISION DATE 03/07/2020 (EOT)		PUBLICITY EXPIRY DATE 17/02/2020

Relevant Planning History

There is no relevant planning history for the site.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 Douglas Road is a residential street comprised mainly of two-storey, semi-detached and terraced properties dating from the late 19th/early 20th centuries, interspersed with some three-storey properties as well as some of more modern design. St Michael’s Church of England Junior School is located at its western end.
- 1.02 The application site comprises the left-hand one of a three-storey pair of properties known collectively as Highfield Villas, together with its curtilage. It is positioned roughly half-way along the road. The current lawful use of the site is as a dwellinghouse (Use Class C3).
- 1.03 Douglas Road is within walking distance of Maidstone West Railway Station and the town centre, plus there are bus stops at both ends of the road. There is on-street parking at various points along its length, within designated bays restricted to permit holders only or a 2 hour waiting limit.

2. PROPOSAL

- 2.01 Planning permission is sought for the change of use and conversion of the property to form a 7 bedroom House of Multiple Occupation (HMO). In line with the Use Classes Order, this would be classed as a *sui generis* use. It is highlighted that a 6 person HMO falls within Use Class C4 and a change of use from the current use to a 6 person HMO would not require planning permission.
- 2.02 The majority of the works involved in the conversion are internal, however the application does include the erection of a rear conservatory to form a communal lounge area, as well as the erection of a cycle store in the rear garden and a bin store on the frontage.
- 2.03 The internal layout comprises one bedroom with en-suite in the basement; two bedrooms, one with en-suite on the ground floor, together with a communal kitchen/dining area and a communal lounge area; two bedrooms with en-suites on the first floor, together with two additional shower-rooms for those bedrooms which do not have them en-suite (Bedroom 2 on the ground floor and Bedroom 7 on the second); and two bedrooms on the second floor, one with an en-suite.
- 2.04 The drawings show that the conservatory is 2.5m wide, projects 3.5m from the rear of the existing back projection to the building, and stands 2.6m high to the top of its flat roof.
- 2.05 The cycle store has a footprint of 2.1m x 1.8m and stands 2m high, is constructed from timber and contains racking for seven bicycles.
- 2.06 The bin store is constructed from dark-stained timber and houses three bins. I was advised during the site visit that the fourth would stand against the property wall and so be screened by the bin store, which would be between it and the road.
- 2.07 The application was submitted on 4th November 2019 and made valid on 22nd, and at the time of my first site visit, also in November 2019, the internal conversion works were underway, but the externals were not and the use as a HMO had not commenced.
- 2.08 The Council's Housing Officer has confirmed that a licence was issued on 6th February 2020, licencing the property as a HMO for six people, and has further advised that if planning permission is granted, the licence can be varied to increase that number to seven. By the time of my second site visit, on 12th February, the conservatory, cycle store and bin store were in place and the applicant's agent advised me that the internal works were almost completed and that one of the rooms was then occupied.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017: SS1, SP1, SP19, DM1, DM9, DM12, DM23.
Supplementary Planning Documents: Residential Extensions Supplementary Planning Document (adopted May 2009)
Maidstone Local Development Framework,
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 9 representations were received from local residents in response to the initial consultation, raising the following (summarised) issues:
- lack of parking in an area where it is already at a premium;
 - traffic generation/highway safety;

- harm to character of area from cumulative impact with existing HMOs in Douglas Road (3 are mentioned);
 - work commenced without permission;
 - errors/omissions on the application form; *
 - conservatory is not existing – under construction start of December 2019; *
 - inadequacy of/no fire escapes;
 - no scale bar on site location plan;
 - contrary to Policy H22 of the Maidstone Borough Wide Local Plan 2000;
 - loss of a single family home;
 - noise and disturbance to neighbours (2 people could occupy each room);
 - impact on wildlife;
 - refuse/recycling provision is inadequate; *
 - no cycle provision is indicated; *
 - precedent;
 - anti-social behaviour;
 - flooding from conservatory/paving.
- 4.02 A further 4 representations were received following re-consultation on amended/additional details relating to the issues above marked with an asterix, reiterating many of the above issues and raising the following (summarised) new issues:
- occupants will not use bicycles;
 - quality of the work carried out;
 - Article 4 Direction should be served to stop permitted development HMOs;
 - density is contrary to Policy DM12.
- 4.03 The quality of workmanship and means of fire escape (covered by other legislation) are not material planning considerations and therefore cannot be taken into account in the determination of this application.
- 4.04 The question of whether the serving an Article 4 Direction is justified does not fall within the scope of this application and would need to be pursued via the correct legislative procedure. The other matters raised in representations and by the Ward Member are discussed in the detailed assessment below.

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)

KCC Highways and Transportation

- 5.01 No objection. Commented that the proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

Environmental Health

- 5.02 No objections.

6. APPRAISAL Main issues

- 6.01 The key issues for consideration relate to:
- the principle of the development;
 - the impact on the character and appearance of the host property and the local area;
 - the impact on the living conditions of adjacent residents and future occupiers;
 - the impact on parking conditions in the locality and highway safety.

Principle of the development

- 6.02 Policy SS1 sets out the settlement hierarchy within the Borough and emphasises that the urban area of Maidstone is the principle focus for new development, whilst Policy SP1 states that within the Maidstone urban area, appropriate urban sites should be redeveloped and infilled in a manner that contributes positively to the locality's distinctive character.
- 6.03 Given the sustainable location of the application site, within the urban area, and the fact that the surrounding uses are almost all residential, it is considered that the principle of a) development occurring here, and b) that being residential development, is considered entirely acceptable.
- 6.04 In terms of the type of housing proposed in the current application, the NPPF seeks to boost the supply of housing and is clear that, *inter alia*, it is important that a sufficient amount and variety of land can come forward where it is needed, and that the needs of groups with specific housing requirements are addressed (paragraph 56).
- 6.05 In line with this, Local Plan Policy SP19 seeks to ensure the delivery of sustainable mixed communities across new housing developments and within existing housing areas throughout the Borough, stating that "*in considering proposals for new housing development, the Council will seek a sustainable range of house sizes, types and tenures... that reflect the needs of those living in Maidstone Borough now and in years to come*", whilst the preamble to Policy DM9 is clear that the conversion of larger residential properties to self-contained flats and HMOs aids the provision of accommodation for smaller households and contributes towards a mix and choice of homes, as advocated by the NPPF.
- 6.06 The most recent figures pertaining to the Council's Housing Register (2nd March 2020) show that, of the 852 entries currently on the register, 320 (38%) require one-bedroom accommodation, by far the highest need for any type of accommodation and more than double that of the next highest. Whilst these figures are of most relevance to applications involving the provision of affordable housing, they nevertheless do clearly demonstrate a demand within the Borough for the smaller units of accommodation at the lower end of the housing bracket. The proposal currently before Members, whilst not providing one-bedroom flats, would nevertheless provide one-bedroom accommodation that would be cost-friendly to those on a lower income and would thus be entirely consistent with the aims of Policies SP19 and DM9.
- 6.07 It is also pertinent to note that a change of use from a single dwellinghouse (Use Class C3) to a six person HMO (Use Class C4) can be carried out as permitted development without any need for planning permission. The use only requires planning permission in this instance because it is proposed that seven people occupy the property. The premises are currently licensed to operate as a six person HMO and that would be the applicant's fall-back position if planning permission were to be refused. In essence, therefore, in terms of the use Members are only assessing the impact of one additional bedroom within the HMO.
- 6.08 To summarise with reference to the first main issue, it has been shown above that the principle of the proposed development is in accordance with both national and local planning policy and thus I do not consider that any objection could reasonably be sustained.
- Impact on the host property and the local area**
- 6.09 The NPPF places emphasis upon the quality of new residential development and this requirement is reflected in Local Plan Policy DM1, which sets out general design principles, and Policy DM9, which requires any proposed physical

additions/alterations to fit unobtrusively with the host building and street-scene, and that proposals involving intensification of use of a building and its curtilage do not significantly harm the appearance of the building or the character or amenity of the surrounding area.

- 6.10 The proposed conservatory has already been erected and is positioned at the rear of the existing two-storey rear projection (which itself appears to be part of the original dwellinghouse). It is a modest-sized addition of low height which is subordinate to the host building and is not visible from Douglas Road, so makes no impact on the street-scene.
- 6.11 The cycle store is also a modest-sized, subordinate structure located in the rear garden which likewise makes no impact on the character of the street-scene.
- 6.12 The bin store stands on the property frontage, adjacent to the path leading to the door. It is a dark-stained timber structure, enclosing three of the bins on three sides (the fourth bin stands behind it, so is similarly screened). In my view, this is an enhancement to the street-scene since the majority of other properties right along the length of the road have bins standing in clear public view within their front gardens without any form of screening, and that is visually harmful.
- 6.13 Objection has been raised to the proposal on the grounds that it would result in the loss of a single-family home and have an adverse impact on the character of the local area which remains predominantly residential with a high proportion of family-occupied dwellings. Whilst the nature of the proposed use would not necessarily replicate the nature of the use of the majority of other houses on the street and would not necessarily reflect their levels and types of activity, the difference would not be so substantial as to significantly affect the character of the street or the local area as a whole. I do not agree that the proposal is likely to result in anti-social behaviour.
- 6.14 It must also be remembered that the creation of a six person HMO (the applicant's fall-back position and for which the premises are currently licensed) constitutes permitted development and in my view the additional impact of one more person would not make a significant difference in this regard. In fact, the proposal would contribute towards creation of a strong, vibrant and mixed community through the provision of accommodation for smaller households, as advocated by the NPPF.
- 6.15 Concern has also been raised regarding the cumulative impact of the proposal – reference is made in representations to both 47 and 53 Douglas Road being HMOs (understood to have 6 and 4 bedrooms respectively) and to 57 Douglas Road being operated as a "supported living property" (4 bedrooms with on-site care/support provided, which actually falls under Class C3b: not more than 6 residents living together as a single household where care is provided for residents).
- 6.16 Again, however, I would draw Members' attention to the fall-back position, which is a strong material consideration here. A six person HMO can be created without any need for planning permission (as appears to have occurred in the case of 47 and 53 Douglas Road); my advice to Members is that the one additional bedroom which triggers the need for planning permission would not result in so significantly different an impact in terms of cumulative effect as to justify a refusal of planning permission that could be sustained at appeal.

Impact on living conditions of neighbouring and future occupiers

- 6.17 The NPPF requires a good standard of amenity to be provided for all existing and future occupants of land and buildings and this is reflected in the requirements of Local Plan Policies DM1 and DM9.
- 6.18 In terms of the impact on the living conditions of neighbours, the only property in a position to potentially be affected by the construction of the conservatory is 53 Douglas Road since all others are set a sufficient distance away.
- 6.19 Although that property is not attached to the application building, the rear projections of both properties directly abut one another and the conservatory protrudes a further 3.5m (as stated on the submitted drawings) which exceeds the 3m recommended in the Council's adopted residential extensions SPD. Nevertheless, the ground floor of the rear projection at 53 Douglas Road did already protrude slightly further than the rear projection at the application site (by an estimated 0.5m) and in view of that, together with the low height and flat-roofed design of the conservatory and the fact that the ground floor window at the rear of No 53 is obscure-glazed and appears to serve a bathroom or possibly a kitchen, I do not consider that the development has had a significantly detrimental impact on the levels of light or outlook enjoyed by this neighbouring property.
- 6.20 The conservatory does not create any new views over neighbouring properties, so has not resulted in a loss of privacy.
- 6.21 Neither the cycle store nor the bin store is of a scale or in a position to result in a harmful loss of light or outlook to any neighbouring property. Neither of these elements affect privacy.
- 6.22 Concern has been raised regarding noise and disturbance from the proposed use as a seven bedroom HMO. Again, however, the fall-back position is of significant weight here and I do not consider it reasonable to assume that one extra person would result in sufficient noise and disturbance to justify a refusal of planning permission that could be sustained at appeal.
- 6.23 It has been pointed out that if all bedrooms were to be occupied by two people, then the total number of occupants would be 14. In my view, some of the rooms are too small to provide double occupancy, although I do acknowledge that some could. The HMO licence limits the number of people permitted to occupy the property, not the number of bedrooms, and I have been advised that this is currently restricted to six and is likely to be increased to seven if planning permission is granted. Nevertheless, I consider that it would be prudent to attach a condition restricting the number of people permitted to reside at the premises at any one time to a maximum of seven to prevent an over-intensive use of the property.
- 6.24 In some respects it could be argued that occupants of an HMO could be likely to generate less noise and disturbance than occupants of a single-family home since they would be individuals who would be unlikely to know each other particularly well and would not necessarily have high levels of mutual interaction, although on the other hand they could generate a greater number of comings and goings. However, separate environmental protection legislation exists and any noise or disturbance that exceeds what might reasonably be expected should be pursued via that.
- 6.25 Turning to the living conditions of future occupiers of the property, all bedrooms are of a reasonable size and benefit from natural light, plus each has a shower room (whether en-suite or detached). The rear amenity area is very small, but given the nature of the proposed use, on balance that is considered acceptable.

- 6.26 There are not actually any specific standards within the Development Plan relating to HMOs. Government guidance is clear that planning should not replicate the provisions of alternative legislation and regulation. Therefore, the planning merits of the proposal do not relate to the detailed internal standards as these are managed through the licensing regime under the Housing Act.
- 6.27 I note that an HMO licence has been issued on 6th February 2020 and infer from that that the existing standard of accommodation provided for up to six occupiers is deemed acceptable. I also understand from the Housing Officer that there is not likely to be any reason to object to the variation of the licence to allow seven occupants, which leads me to the further conclusion that the standard of accommodation is acceptable for that number of occupiers also. In my view, subject to the aforementioned condition limiting the number of residents to seven, the proposal does not represent a development of too great a density or an over-intensive use of the site.

Impact on parking and highway safety

- 6.28 There is on-street parking at various points along the length of Douglas Road, within designated bays restricted to permit holders only or a 2 hour waiting limit. The application does not include any off-street parking provision and concern has been raised in representations that the proposal would be likely to exacerbate existing parking problems since parking here is stated to be in high demand.
- 6.29 The applicant's agent has advised that no resident's permits are available to this property. Moreover, whilst the development could possibly generate a greater demand for parking, in my view this would seem unlikely. It seems reasonable to assume that occupiers would have relatively low incomes and would thus be more likely to rely on other means of transport, such as public transport (Douglas Road is within walking distance of Maidstone West Station and there are bus stops at both ends), walking or bicycle. Indeed, the application does include enough secure cycle storage for all seven occupants, and the retention of this can be ensured by condition.
- 6.30 Furthermore, the site is in a sustainable location, within walking distance of Maidstone West Station and with bus stops at both ends, plus it is also within reasonable walking distance of a range of local facilities, including a doctors' surgery/pharmacy, dental practice and convenience stores as well as the wide range of facilities in Maidstone town centre.
- 6.31 One of the core aims of the NPPF and Development Plan Policy is to reduce reliance on the private motorcar and encourage use of sustainable transport options and this proposal certainly does not conflict with Local Plan Policy DM23 which encourages nil provision for one and two bedroom units in edge of centre locations.
- 6.32 I therefore conclude that the proposal is unlikely to give rise to an unacceptable risk of serious inconvenience or danger from increased parking/traffic generation around the local area and I do not consider that this constitutes a sustainable ground of refusal, especially bearing in mind the applicant's fall-back position of a permitted development six-person HMO.

Other matters (incl. those raised in representations not discussed above)
Biodiversity:

- 6.33 Policy DM1 of the Local Plan sets out, at point viii, that proposals should 'protect and enhance any on-site biodiversity and geodiversity features where appropriate, or provide mitigation.' However, in this instance, due to the nature of the proposal, the very small scale of the operational development element

(conservatory) and its location on a hard-surfaced area immediately adjoining the dwelling, plus the existing and continuing residential use of the site, it is not considered appropriate/necessary to require any ecological surveys or mitigation measures. Also in view of the foregoing points, I do not consider that there is scope, in this particular instance, for any viable ecological enhancements.

Refuse/recycling storage:

- 6.34 I understand that two rubbish and two recycling bins are required to serve the proposed HMO and the applicant's agent has confirmed that these will be provided. A bin store has also been provided and is considered acceptable, see paragraph 6.11 above.

Erroneous/missing information:

- 6.35 Sufficient accurate information has been submitted with the application to make an informed and reasoned assessment of the proposal and determination of the application.

Commencement of development

- 6.36 The change of use of part of the proposed development has not yet commenced. The HMO licence is for six occupants and the applicant's agent has confirmed that at present (10th March) there are only two. This does not amount to a material change of use requiring planning permission; it can be carried out as permitted development (up to six occupants).
- 6.37 The conservatory does require planning permission and has been constructed before any such permission has been granted. Whilst this is regrettable (the builder was under the impression that it constituted permitted development if constructed whilst the lawful use of the property was still as a single dwellinghouse. This is not the case as the conservatory exceeds 3m in depth).
- 6.38 Ultimately, commencement before planning permission is granted is at the applicant's own risk and in the worst case could result in enforcement action' In this instance the development is considered acceptable, as set out above, and thus planning permission should be granted.

Precedent:

- 6.39 It is an accepted planning principle that each planning application must be decided on its own merits. In this context I do not consider that a grant of planning permission in this instance would set a precedent.

Flooding:

- 6.40 It is not considered that the development would have a significant impact in terms of surface-water run-off given the small scale of the conservatory. Hard-surfacing in rear gardens of dwellings is permitted development in any case, so could not have been controlled.

Policy H22 of the former development plan

- 6.41 Although it is asserted in one representation that the development would be contrary to this policy, this is no longer an adopted planning policy or material consideration. The 2000 Local Plan fell away when the Maidstone Borough Local Plan 2017 was adopted in October 2017.

PUBLIC SECTOR EQUALITY DUTY

- 6.42 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

7. CONCLUSION

- 7.01 In summary, subject to appropriate conditions, the proposed development is acceptable – it makes efficient use of an existing building, there are no sustainable in principle, highway, amenity or visual objections to it, it accords with the Development Plan and NPPF, and there are no overriding material considerations that prevent permission being granted. I therefore recommend that Members grant planning permission subject to the conditions set out below.

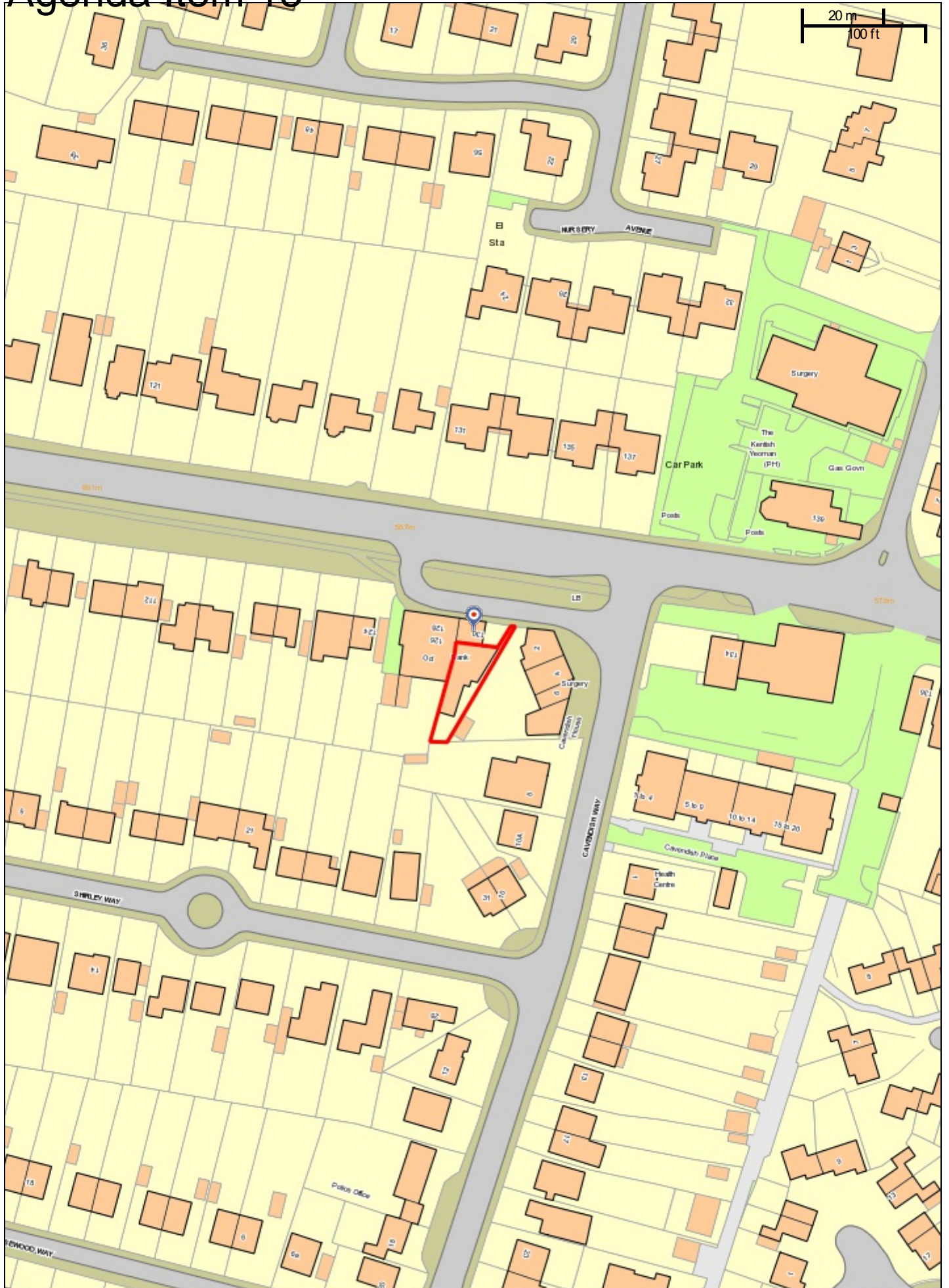
8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

- 1) The use as a seven bedroomed House of Multiple Occupation hereby permitted shall be begun before the expiration of three years from the date of this permission;
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) No more than 7 persons at any one time shall be permitted to reside in the House in Multiple Occupation hereby permitted. A written record of all persons who, from the date of this permission, reside in or have resided in the House of Multiple Occupation hereby permitted shall be kept and maintained, and that register shall be made available for inspection by the Local Planning Authority at any time upon request;
Reason: To prevent an over-intensive use of the site, which would be harmful to both the living conditions of the occupants of the House of Multiple Occupation itself and to the amenities of neighbouring occupiers.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
Site location plan and drawing numbers 003, 004, 005 and 006 received on 04/11/2019, the email from Ray Ross dated 25/01/2020 05:02, the email from Ray Ross dated 29/01/2020 18:48 and drawing number 007 received on 29/01/2020, the cycle rack storage details received on 30/01/2020, and the block plan received on 31/01/2020;
Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.
- 4) The bicycle storage hereby permitted shall be permanently kept available for use by occupiers of the House of Multiple Occupation hereby permitted;
Reason: In the interests of encouraging sustainable transport options.

Case Officer: Ms Angela Welsford

Agenda Item 15



19/506137/FULL 130 Ashford Road, Bearsted, Maidstone, Kent

Scale: 1:1250

Printed on: 16/3/2020 at 12:13 PM by JoannaW

REFERENCE NO: 19/506137/FULL		
APPLICATION PROPOSAL: Addition of first floor with accommodation in roof space		
ADDRESS: 130 Ashford Road Bearsted Maidstone Kent ME14 4AF		
RECOMMENDATION: GRANT planning permission subject to conditions		
<p>SUMMARY OF REASONS FOR RECOMMENDATION: Proposal would not result in unacceptable harm to character and appearance of area; and no objection is raised in terms of parking provision and all other material planning matters, including highway safety and residential amenity.</p> <p>Proposal is in sustainable location where Local Plan policy seeks to support and improve needs of existing businesses, and with all planning matters considered against current policy/guidance, a recommendation of approval is made on this basis</p>		
REASON FOR REFERRAL TO COMMITTEE: Councillor Springett wishes to see application refused and reported to Planning Committee		
WARD: Bearsted	PARISH COUNCIL: Bearsted	APPLICANT: Adkins Consultants AGENT Richard Elliott Architects
TARGET DECISION DATE: 01/06/2020 EOT		PUBLICITY EXPIRY DATE: 28/01/2020

Relevant planning history

- 19/505779 – Pre-app: Rear extension – General officer support for development
- 19/504179 - Erection of first and second floor rear extension – Refused
 - *Appears excessive in context and would fail to relate to surrounding built form*
 - *Inadequate parking provision for building users to detriment of retail function of locality*
- 19/502249 - NMA to change dormer to Juliette balcony (18/502290) - Approved
- 18/502290 - 2-storey extension: shop (at ground) & office (2nd floor) - Approved
- 17/504173 - Shopfront & change of use from A2 u to A1, A2, and B1 - Approved
- MA/08/1722 - Replacement windows to front elevation with glazed tiles - Approved
- MA/04/0765 - Alterations to entrance access for disabled customers - Approved

MAIN REPORT

1.0 Site description

- 1.01 The proposal site is located on the southern side of Ashford Road, just before the junction with Cavendish Way that is to the east of the site. The main 2-storey element of the site is currently occupied by a separate hairdresser's business and

offices (Applied Broadcast Systems Ltd). To the rear, the ground floor extension is currently occupied by Adkins Consultants who are the applicants for this application. For the purposes of the Local Plan the proposal site falls within the defined urban area and within a defined Local Centre; and the site also falls within a KCC Minerals Safeguarding Area.

2.0 Proposal

- 2.01 This proposal is for the addition of a first floor extension, over part of the existing single storey rear extension to 130 Ashford Road. The proposal would provide a meeting room (at first floor level) and a Directors office (in the roof space) for an existing local consultancy.
- 2.02 The application is clear that the proposal is for increased ancillary accommodation to an existing business, and it would not result in an increase to existing staff numbers. The proposal would have the same height as the existing building to the front of the site; and in terms of external materials, it would be built of bronze Kalzip cladding (or equivalent).
- 2.03 The previous development refused under 19/504179 was for a much larger 3-storey extension to the rear of the site that would have created approximately an additional 200m² of floor space. This proposal would create an additional 55m², a reduction of some 145m² of floor space.

3.0 Policy and other considerations

Maidstone Local Plan (2017): SS1, SP1, SP21, DM1, DM5, DM17
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Kent Vehicle Parking Standards – SPG4

4.0 Local representations

- 4.01 6 representations received raising the following (summarised) issues:
- *Impact upon character and appearance of area*
 - *Residential amenity, including loss of privacy/overlooking*
 - *Overlooking business premises*
 - *Parking provision/traffic generation*
 - *Impact of development at construction phase (including access/parking for construction)*
- 4.02 1 representation received commenting traffic has reduced and parking in area has improved since bank became offices; and there is adequate parking options in area.

5.0 Consultation responses

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

- 5.01 **Councillor Springett:** Wishes to see application refused and reported to Planning Committee for the following (summarised) reasons: *Proposal represents unacceptable overdevelopment of site*
- *Is out of character with existing parade of shops*
 - *Lack of parking provision and development will put additional pressure on situation*
 - *Impact of development at construction phase (including access/parking for construction)*
 - *Development is poor design*

- *Impacts upon residential amenity (loss of privacy/overbearing)*

Recommended conditions if minded to approve application:

- *No builder vehicles to park at anytime in time limited bays, unless unloading*
- *Footpath must be kept clear of obstruction at all times*

- 5.02 **Bearsted Parish Council:** Object to proposal because of its visual impact and lack of parking provision but has not requested for application to be reported to Planning Committee.
- 5.03 Under the previous planning application (19/504179), KCC Highways confirmed that the proposal did not meet the criteria to warrant their involvement, and this current application is for a smaller development.

6.0 APPRAISAL

Main issues

- 6.01 Local Plan policy seeks to support and improve the economy of the borough and provide for the needs of existing businesses. It seeks to achieve this through the retention, intensification, regeneration and expansion of the existing economic development premises in the Maidstone urban area. This is provided the site is in an appropriate location and suited to the economic development use in terms of its scale, impacts and economic viability. Local Plan policy also seeks to ensure that new development will not result in harm to the character and appearance of the area; that it will respect the amenities of occupiers of neighbouring properties; and that it provides sufficient parking provision. Furthermore, and in accordance with Local Plan policy DM17, the proposal would not result in the loss of any existing retail uses within the designated Local Centre.
- 6.02 Given the planning history, the principle to expand an existing business use in this location is acceptable in principle; and the site is clearly in a sustainable location, close to bus stops serving frequent bus services in and out of Maidstone. The previous reason for refusal is a material consideration in the determination of this application, and the details of the proposal will now be assessed.

Visual impact

- 6.03 The proposal has been substantially reduced in terms of its scale, when compared to the previous refusal, and it is considered that this modest first floor extension (that only goes over part of the existing single storey extension), would no longer represent overdevelopment of the site. Indeed, the proposal would respect the height of the main building; its separation from the main building provides a sense of relief; its pitched roof compliments the surrounding character of buildings in the area; and it would remain set back some 15m from the site's southern boundary, retaining a sense of openness within the site.
- 6.04 The modern approach to the choice of materials is also not objectionable in terms of its impact upon the character and appearance of the area, where there are a variety of property styles; and the shown finish is considered to be of high quality. Furthermore, there would only be a limited view of the proposal from Ashford Road, via the small gap between 130 Ashford Road and the terrace to the east of the site; and again given existing development in the area, there may be only a glimpse of the proposal from Cavendish Way and Shirley Way.
- 6.05 With the above taken into account, the proposal's scale, height and mass is considered to be modest and would not overwhelm the form of the existing property; its modern design is appropriate to its context; and it would not appear

dominant, incongruous or visually harmful from any public vantage point. It is therefore considered that the proposal would not have an unacceptable impact upon the character and appearance of the surrounding area.

Highway safety implications

- 6.06 The proposal is for an additional 55m² of office floorspace. The Kent Vehicle Parking Standards – SPG4 states that offices up to 500m² should provide 1 space per 20m², and this would total 2.8 parking spaces for this application. It should be noted that these are maximum standards; and the SPG also states:

Some B1 office uses will be located in town and district centres. Local authorities will use their discretion in the application of standards in town and district centres, having regard to availability of public off street parking, and need to encourage vitality of centres and investment in them. Less on-site parking provision may be justified for offices located in town centres than those in out of town centre locations.

- 6.07 The site is within the defined urban area (and Local Centre), close to bus stops serving frequent services in and out of Maidstone, and it is less than 1.3km from Bearsted train station. It is accepted that the site is in a sustainable location. It should also be noted that the proposal has noticeably reduced the level of additional office space, when compared to the previously refused planning application; and the applicant has confirmed that the existing level of staff (12 persons) is not set to increase as a result of this proposal. The proposal is to provide more space (including breakout and meeting areas) for the same number of staff. Furthermore, there is unrestricted on-street parking in the wider area, outside the Local Centre.
- 6.08 As such, whilst the proposal site will continue to provide no off-street parking provision, the recommended parking standards are not minimum standards; the existing staff levels are not changing; the existing B1 use here has already been accepted without parking; and the floor space to be created has been significantly reduced from the previous refusal. With this considered, it is difficult to argue that the modest addition of 55m² would be to the detriment of the retail function of the locality in terms of parking provision, and no highway safety objection is raised. The previous refusal was a balanced response to the parking provision issue, and given the significant amendments to this current application, no objection is now raised.

Residential amenity

- 6.09 The proposal is considered to be a modest first floor extension that would be separated from 130 Ashford Road and the terrace in which it sits, and there are no residential (habitable) rooms to the rear of this terrace. The proposal would be sufficiently separated from the properties to the immediate east, to not result in a harmful loss of light and outlook; and a condition will be imposed to ensure the openings in the eastern elevation will be obscure glazed and fixed shut, in the interests of privacy. Furthermore, the proposal would be more than 15m away from any residential property to the west of the site and no openings are proposed to be inserted into the western elevation of the extension; and any residential property (and their immediate garden space) in Cavendish Way and Shirley Way is a significant distance from the proposal (more than 25m away).

- 6.10 It is therefore considered that the proposal would not have an unacceptable impact upon the residential amenity of any local resident when enjoying their property, in terms of loss of privacy/outlook, loss of light, and in appearing overbearing.

Other matters

- 6.11 Whilst the site falls within a KCC Minerals Safeguarding Area, given the nature of the proposal (first floor extension), no further details are required on this issue.
- 6.12 The representations made by Councillor Springett, Bearsted Parish Council and local residents have been considered in the assessment of this application. It should be noted at this point that any potential impact upon local residents and businesses during the construction phase of the development is not a material planning consideration in the determination of this application; and suggested conditions relating to the construction phase of the development are not considered to pass the planning tests of when conditions are reasonable and necessary.
- 6.13 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

Conclusion

- 6.14 The proposal has overcome the previous reasons for refusal, in that it would not result in unacceptable harm to the character and appearance of the surrounding area, and no objection is now raised in terms of parking provision. Furthermore, no objection continues to be raised in terms of all other material planning matters, including highway safety and residential amenity. The proposal is in a sustainable location where Local Plan policy seeks to support and improve the needs of existing businesses, and with all planning matters considered against current policy/guidance, a recommendation of approval is made on this basis.

7.0 RECOMMENDATION: GRANT planning permission subject to following conditions:

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

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

2. The materials to be used in the external surfaces of the extension hereby approved shall be as stated in the submitted application form and Design and Access Statement. The development shall be constructed using these materials and maintained as such thereafter.

Reason: In the interests of visual amenity.

3. Before the development hereby permitted is first occupied, the proposed windows in the eastern elevation of the extension shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such;

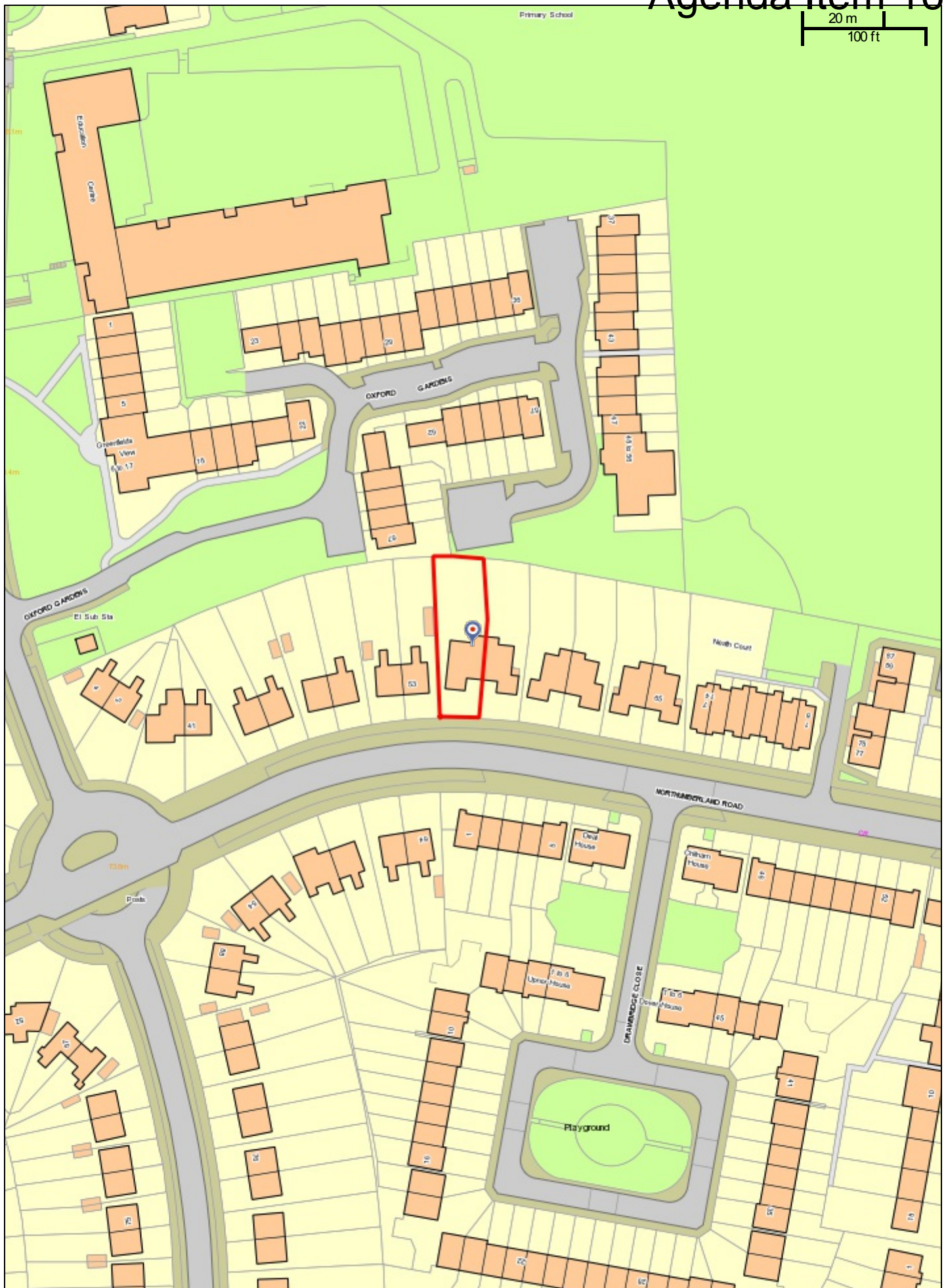
Reason: In the interests of amenity.

4. The development hereby permitted shall be carried out in accordance with the

following approved plans: 19035 001 P1; 003 P1; 004 P1; and 005 P1

Reason: In the interests of clarification.

Case Officer: Kathryn Altieri



19/506312/FULL 55 Northumberland Road, Maidstone, Kent, ME15 7LG

Scale: 1:1250

Printed on: 16/3/2020 at 13:13 PM by JoannaW

REFERENCE NO - 19/506312/FULL		
APPLICATION PROPOSAL Change of use from residential dwelling (Class C3) to a residential care home for 4 no. children aged 8 - 18 years (Class C2).		
ADDRESS 55 Northumberland Road, Maidstone, Kent, ME15 7LG		
RECOMMENDATION Grant planning permission subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal would continue the residential use of the property in a similar fashion to surrounding dwellings. The proposed use would be in keeping with the residential area and would be acceptable in relation to amenity and the highway network.		
REASON FOR REFERRAL TO COMMITTEE Call in from Cllr Marion Ring who has expressed the following concerns: <ul style="list-style-type: none"> • A care facility would be an inappropriate use in this area. • Strong worries about the area due to terrible anti-social behaviour we suffer nightly with gangs of children running the streets. • A house so close to other property, on a very busy main road this is trouble in the making waiting to happen. 		
WARD Shepway North	PARISH/TOWN COUNCIL N/A	APPLICANT Ms. Hannah Smith AGENT N/A
TARGET DECISION DATE 29/05/2020 (EOT)		PUBLICITY EXPIRY DATE 21/02/2019

Relevant Planning History

No relevant planning history

MAIN REPORT

1 DESCRIPTION OF SITE

- 1.01 55 Northumberland Road is located on the northern side of the road and is a two storey semi-detached property with an attached garage. Neighbouring properties are

primarily semi-detached but there is a row of terrace dwellings opposite the site on the southern side of the road.

- 1.02 Northumberland Road is primarily residential in nature, suburban in appearance with trees lining the road side.

- 1.03 For the purposes of the Maidstone Local Plan, the proposal site is within the Maidstone urban area.

2. PROPOSAL

- 2.01 The application seeks to change the use of the residential dwelling which is a Class C3 use (dwellinghouse) to that of a residential care home for 4 children aged between 8 and 18 which would be a Class C2 use (residential institution).

- 2.02 No external or internal works are proposed. The applicant has provided the following description for the application: *"This application relates to the change of use of use from the traditional family setting to that of a family home for 4 children aged 8-18 who require 24 hour care and support in a residential care setting. The application does not propose any changes to the internal or external structure of the home. The day to day activities and use of the property would be similar to that of a dwellinghouse use and will mirror the traditional family home environment in order to ensure that children cared for have the same opportunities and are not significantly disadvantaged to that of their peers."*

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017:

DM1 – Principles of good design

DM9 – Residential extensions, conversions and redevelopment within the built up area

The National Planning Policy Framework (NPPF):

Section 12 – Achieving well-designed places

4. LOCAL REPRESENTATIONS

Local Residents

- 4.01 Four representations have been received as a result of the initial neighbour consultation objecting to the development on the following grounds.

- Loss of parking in the area
- Noise disturbances
- Inappropriate use
- Highways safety
- Inappropriate use in the area/existing anti-social behaviour issues in the area.
- Legal covenants and legislative issues

- 4.02 Legal covenants and legislative issues of using the dwelling as a care facility have also been raised. Legal covenants and matters covered under separate legislation are considered outside of the planning system and as such they are not material to the determination of this planning application.

Cllr Marion Ring

- 4.03 I wish to take this planning application 19/506312/ full to full planning committee, I have very strong worries about the area due to terrible anti-social behaviour we suffer

nightly with gangs of children running the streets. A house so close to other property, on a very busy main road this is trouble in the making waiting to happen.

5. CONSULTATIONS

KCC Highways

- 5.01 No objection. Recommend standard informative on seeking all necessary highway approvals;

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- Design / impact on character of the area
 - Residential amenity
 - Highways issues
- 6.02 The Town and Country Planning (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories known as 'Use Classes'. 'Change of use' can occur within the same use class without planning permission, change of use from one use class to another class does generally requires planning permission.
- 6.03 Part C of the Order deals with a number of different residential uses, these include Class C3 (dwellinghouses). Class C3 is formed of three parts including C3(b) that allows up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems.
- 6.04 It is highlighted that the application property could be used as a supported housing scheme (for example for people with learning disabilities or mental health problems) six people living together as a single household under Class C3(b) without the need for any planning permission.
- 6.05 The current planning application is for the change of use of the building from a residential dwelling (Class C3a) to a residential care home for 4 children aged 8 - 18 years (Class C2). The Class C2 category includes residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres.
- 6.06 Planning case law has clarified that the distinction between Class C3b and C2 and the need for permission from Class C3b to C2, is dependent on whether the proposed use operates as a single household. The nature of a children's care home use, where there is no parent and care is provided on a rota basis, would mean that a children's care home use is a C2 use.
- ### **Design / impact on character of the area**
- 6.07 Local plan policy DM9 states that the intensified use of a building and its curtilage must not significantly harm the appearance of the building or the character of the area.
- 6.08 The current application does not involve any external or internal building alterations and as such there are no visual impact issues with the development. The use of the building will remain as residential, which is in keeping with the existing residential character of the area.

Neighbour amenity.

- 6.09 Local plan policy DM9 states that the intensified use of a building and its curtilage must not significantly harm the amenity of the surrounding area. Policy DM1 states that development must respect the amenities of occupiers of neighbouring properties. This should be achieved by ensuring that development does not result in excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the proposal is acceptable in terms of loss of privacy or light enjoyed by the occupiers of nearby properties.
- 6.10 The current planning application involves a change between two different residential uses, a single family dwellinghouse (Class C3a) to a residential care home for 4 children aged 8 - 18 years. Planning permission is required as the care that is provided means that the intended use would not operate as a single household.
- 6.11 When considering the suburban, residential nature of the local area and the use of the dwelling as a care facility for 4 children (plus adults) it is not considered this would be out of keeping with the use of dwelling as it exists now or the area it is situated in. It is a residential use occurring within a residential area.
- 6.12 The proposed use is small scale and it would not be uncommon, and there would be no barrier, for the same number of children to live together as a family with two adults. In this context the general activity, noise levels etc. associated with the proposed use would be comparable to use by a family.
- 6.13 Consultation responses have questioned whether the use is appropriate in this area that has existing local anti-social behaviour issues with local teenagers and the concern that the proposed use will increase this behaviour.
- 6.14 The applicant has stated *"This application relates to the change of use of use from the traditional family setting to that of a family home for 4 children aged 8-18 who require 24 hour care and support in a residential care setting....use of the property... will mirror the traditional family home environment in order to ensure that children cared for have the same opportunities and are not significantly disadvantaged to that of their peers"*.
- 6.15 The proposed use will provide a high level of support and supervision with 24 hour care provided to future residents by trained staff. Offering a further level of protection, outside of the planning system, the home would be subject to inspection and regulation by Ofsted. Ofsted also stipulate the level of training that future staff will be required to have. The applicant has provided a management plan that includes engagement with neighbours in the form of a contact email address and a monthly meeting in a neutral space.
- 6.16 In terms of the choice of location the applicant states *"Email received from the Practice Development Team in Kent County Council who were able to provide a location assessment for the property. Advice was also provided in terms of provisions available around the area and potential risks for children and young people. There were no particular areas for concern identified and no objections to young people residing in the area"*.
- 6.17 Whilst the concerns expressed through the consultation process are understood, there is no evidence to suggest that the proposed use would lead to an increase in anti social behaviour locally. With the small number of children accommodated, the care and support that is provided as part of the use, and the independent inspection under separate legislation, the proposed use is considered acceptable in relation to neighbour amenity.

Standard of the proposed accommodation

- 6.18 Local Plan policy SP19 states that the Council will seek to ensure the delivery of sustainable mixed communities across new housing developments and within existing housing areas throughout the borough. The council will work with partners to support the provision of specialist and supported housing.
- 6.19 Local plan policy DM1 states that development must provide adequate residential amenities for future occupiers by ensuring that development is exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion.
- 6.20 The current proposal does not include any internal or external building alterations and it is considered that the current building can provide a good standard of accommodation. As noted above the building would also be subject to separate inspection under separate legislation.

Highways and parking

- 6.21 The application property has a large garage, with a small parking area to the front. The use will accommodate 4 children (aged between 8-18 years old) with 2 full time staff.
- 6.22 The proposal does not include any alteration or extension to the building with the same number of bedrooms. With their age and available resources, it is unlikely that future residents will own a car.
- 6.23 It is considered that vehicle movements associated with the use and parking demand would be comparable to the existing use as a family dwelling and these can be safely accommodated on the local road network.

Conclusion

- 6.24 The proposal is acceptable in relation to the potential impact on Northumberland Road, the development would have no impact visually, or cause any loss of amenity to neighbouring properties nor would any detrimental highways impact occur.
- 6.25 The proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations. A recommendation of approval of the application is therefore made on this basis.

PUBLIC SECTOR EQUALITY DUTY

- 6.26 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine the objectives of the Duty.

7. RECOMMENDATION

Grant Planning Permission subject to the following conditions

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

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

Planning Committee

21 May 2020

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

Application for planning permission
Supplementary Information
Existing Floor Plans
Proposed Floor Plans
Location Plan

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

Informative

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: William Fletcher

This map shows a residential area with a large green field outlined in red. The field is situated between Fox Stall Lane to the north and Aspen Way to the south. To the west of the field is a residential area with streets like Aspen Way and Little Orchard. A scale bar in the top right corner indicates 50m and 100ft. A red pin marks a location on the right side of the map, near the intersection of Fox Stall Lane and a road labeled 'CD & 13th St'. The map also shows various landmarks such as 'Orchard View', 'Tanglewood', and 'Ppg Sta'.

Printed on: 16/3/2020 at 13:44 PM by JoannaW



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REFERENCE NO -		
(A) 19/504596/SUB		
(B) 19/505163/SUB		
APPLICATION PROPOSAL		
(A) Submission of Details to Discharge Condition 8 (Details and Timetables of Proposed Planting) Subject to 18/505417/REM (210 dwellings together with access off Forstal Lane, 1.85 hectares of open space and associated infrastructure)		
(B) Submission of Details to Discharge Condition 5 (Children's Play Space) Subject to 18/505417/REM (210 dwellings together with access off Forstal Lane, 1.85 hectares of open space and associated infrastructure)		
ADDRESS Land South Of Forstal Lane Coxheath Kent		
RECOMMENDATION Applications Permitted		
SUMMARY OF REASONS FOR RECOMMENDATION		
The proposed details are all acceptable and accord with the reasons for imposing the conditions and relevant policies DM1, DM3 and DM19 of the Maidstone Borough Local Plan.		
REASON FOR REFERRAL TO COMMITTEE		
The Planning Committee of 31 January 2019 resolved that all details pursuant to the planning permission on this site must be reported to Planning Committee.		
WARD Coxheath And Hunton	PARISH/TOWN COUNCIL Coxheath	APPLICANT Chartway Group Ltd
TARGET DECISION DATE 11/10/19		PUBLICITY EXPIRY DATE 11/09/19

Relevant Planning History

17/502072/OUT - Outline Application for residential development for up to 210 dwellings together with access off Forstal Lane, 1.85 hectares of open space and associated infrastructure (Access being sought). Approved 27.02.2018.

Pursuant to the outline permission a number of details have already been approved, principally:

Condition 4(i): Archaeological field evaluation works. Approved 25.07.2018
Variation to Condition 5: All Existing Hedgerow To Be Retained to allow a temporary construction access. Approved 09.10.2018

Variation to Condition 18: Badger Mitigation Strategy. Approved 08.11.2018

Condition 13 - Ecological Design Strategy. Approved 24.10.2018

Condition 4(ii) - Further archaeological investigation to amend the Badger Mitigation Approach. Approved 12.11.2018

Condition 3 (Construction Method Statement) Condition 16 (Contamination) and Condition 23 (Foul Water and Surface Water Drainage Strategy) Approved 20.03.2019

Condition 17 (Energy) Subject to 17/502072/OUT (210 dwellings) Approved 23.08.2019

Condition 8 (Surface Water Drainage details), Condition 9 (Implementation of Sustainable Drainage), Condition 12 (Lighting scheme) and Condition 22 (Footpath and PROW) Approved 02.10.2019

Regularisation of site access arrangements at Forstal Lane to accord with S278 approved highway design Approved 20.12.2019

Pursuant to the Reserved Matters consent, details have already been approved as follows:
Condition 2 (materials), condition 4 (ragstone) Approved 23.08.2019
Condition 3: Joinery details Condition 6 (Lighting) Approved 02.10.2019

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site is now under construction. It has an area of 7.79ha and lies to the south of Forstal Lane, adjoining the existing estate of Park Way and Mill Road to the west and north of the recently constructed housing development of Willow Grange.
- 1.02 The site is generally enclosed by hedgerows to its boundaries. The site has an access onto Forstal Lane to the northern boundary and a public footpath, KM67 runs north to south along the eastern boundary, into the Willow Grange development and then to Heath Road. To the North East of the site, Forstal Lane becomes Well Street, a narrow lane which leads to the village of Loose.

2. PROPOSAL

- 2.01 The Reserved Matters application was approved at the Planning Committee of 31 January 2019 with a condition imposed requiring details and timetable of proposed planting (including detail of tree pits) to accord with the landscape strategy and masterplan and another requiring details and an implementation timetable in respect of play equipment installation and landscaping of the Children's Play Space. The reasons for imposing the conditions were respectively, to ensure a satisfactory appearance of development and to ensure a satisfactory Public Open Space.
- 2.02 The submitted details for the landscaping details include key features as follows: street tree pit details set over free draining subsoil; Acer Campestre 'Streetwise' trees alternate with the Amelanchier along the key entrance route; central open space has a single species of Prunus accolade and beech hedge to define the edge of this key open space with a larger stature tree (Beech) at the focal point. The applicants have added a 450mm high knee-rail along the edge of the Public Open Space to prevent car over-run/parking and bin storage areas are shown to be screened by Carpinus betulus hedge planting. The planting of the POS includes wildflower and grass seed mixes; Ecological Scrub Mix to the boundary with Forstal Lane (screening the pumping station) and Native Woodland Planting Mix in the southern part of the area beyond the play area ; individual trees such as Acer campestre; Carpinus betulus; Crataegus monogyna; Malus sylvestris; Prunus avium; Sorbus aria; Tilia cordata; Alnus glutinosa; Betula pendula; Betula pubescens; Quercus robur.
- 2.03 The submitted details for the landscaping timetabling of the proposed planting and equipping of the play area are by October/November 2022.
- 2.04 The submitted details for the play area are Mini-Forest Copse structure – natural timber frame with a dark green capping; Swirl Roundabout – Base to be brown/dark green with light green handrails; Double Zig-Zag twister – light green; Glow worm see-saw – Dark green metal frame with light green seats; and Forest – Epping Multipay structure – Natural timber frame with dark green capping; Log Swing with cradle seats; birds nest swing; See-saw. Stepping and Balancing logs.
- 2.05 The play area is to be fenced with black bow top fencing and will include timber faced litter bins and timber picnic benches/seating.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017 H1 (58); DM1; DM3; DM19;
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

4. APPRAISAL

- 4.01 The design of the play area includes a well provided LEAP provision for toddlers through to juniors and also includes benches, picnic tables and litter bins. It is enclosed by railings with three entrances secured by self-closing gates. All equipment and furniture is on rubber mulch impact absorbing surfacing and there are informal timber play items on a grass area. The play area offers inclusive play facilities and is linked to the local area by a comprehensive footpath network.
- 4.02 The landscaping of the Public Open Space in particular is naturalistic and the types and colour/materials of the play area reflect the character of the edge of the settlement of Coxheath.
- 4.03 The details submitted are considered acceptable in that they accord with the general principles and strategy for landscaping and the children's play area that was endorsed when the Reserved Matters were approved.

5. CONCLUSION

- 5.01 The proposed details are all acceptable and accord with the reasons for imposing the conditions and relevant policies DM1. DM3 and DM19 of the MBLP.

6. PUBLIC SECTOR EQUALITY DUTY

- 6.01 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

7. RECOMMENDATION

(A) 19/504596/SUB

Approve the submitted details.

Informative

- 1) This decision is based on the following documents/drawings:
- 4755-LLB-EA-E1-DR-L-0001 P03; 4755-LLB-EA-E2-DR-L-0001 P04;
4755-LLB-EA-E3-DR-L-0001 P03; 4755-LLB-EB-E1-DR-L-0001 P03;
4755-LLB-EB-E2-DR-L-0001 P03; 4755-LLB-EB-E3-DR-L-0001 P03;
4755-LLB-EC-E1-DR-L-0001 P03; 4755-LLB-EC-E2-DR-L-0001 P03;
4755-LLB-EC-E3-DR-L-0001 P03; 4755-LLB-ED-E2-DR-L-0001 P03;
4755-LLB-ED-E3-DR-L-0001 P03; 4755-LLB-EE-E2-DR-L-0001 P03;
4755-LLB-EE-E3-DR-L-0001 P03; 4755-LLB-EF-E2-DR-L-0001 P03;
4755-LLB-EF-E3-DR-L-0001 P03; 4755-LLB-EG-E2-DR-L-0001 P03;
4755-LLB-EH-E2-DR-L-0001 P03; 4755-LLB-E1-E2-DR-L-0001 P03;
4755-LLB-XX-XX-DR-L-0005 P01; 4755-LLB-XX-XX-DR-L-0006 P01

(B) 19/505163/SUB

Approve the submitted details.

Informative

- 1) This decision is based on the following documents/drawings:
4755-LLB-EB-E1-DR-L-0002 rev P03 Play Area Plan; Email from Agent 20 Jan 2020.

Case Officer: Marion Geary

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 21.05.20**

APPEAL DECISIONS:

1. 19/504684/FULL

Retention of 2no. mobile homes, one to be used as a holiday let and one for incidental use to the keeping of horses.

APPEAL: DISMISSED

Little Willows
Eastwood Road
Ulcombe
Maidstone
Kent
ME17 1ET

(Delegated)

2. 19/503430/FULL

Variation of condition 1 to application 16/506241/FULL for 1 no. timber framed amenity block, 2 no. mobile homes, 2 no. touring caravans with associated parking and 2 no. timber stables - with the addition of 2 No further mobile homes with associated parking.

APPEAL: ALLOWED

Romany Stables
Stilebridge Lane
Linton
Maidstone
Kent
ME17 4DE

(Delegated)

3. 19/502492/FULL

Erection of an oak framed barn extension with glazed link.

APPEAL: DISMISSED

The Vines
Forsham Lane
Chart Sutton
Maidstone
Kent
ME17 3EP

(Delegated)

4. 19/502389/FULL

Demolition of existing outbuilding and erection of a two storey annexe ancillary to main dwelling, together with garage and gym.

APPEAL: DISMISSED

The Monards
Avery Lane
Otham
Maidstone
Kent
ME15 8RZ

(Delegated)

5. 18/502618/FULL

Demolition of existing utility block and erection of a replacement new detached self-contained residential dwelling unit including retention of existing licensed mobile dwelling units.

APPEAL: ALLOWED

The Glen
Pitt Road
Kingswood
Maidstone
Kent
ME17 3NR

(Committee)

6. 18/504395/FULL

Retrospective application for a temporary change of use of land to residential use for one Gypsy & Traveller family. To include the stationing of one static mobile unit and one dayroom.

APPEAL: DISMISSED

The Three Sons
Hampstead Lane
Nettlestead
Maidstone
Kent
ME18 5HN

(Delegated)

7. 18/503492/OUT

Outline application for erection of a care home (Use Class C2) with access to Bearsted Road including landscaping, parking and associated works. Matters of appearance, landscaping, layout and scale are reserved for future consideration.

APPEAL: DISMISSED

Land At Junction Of New Cut Road And
Bearsted Road
Weaving
Kent

(Delegated)
