

## REPORT SUMMARY

<b>REFERENCE NO - 15/504345/FULL</b>		
<b>APPLICATION PROPOSAL</b> Change of use of building from live/work use (sui generis) to a mixed business (Use Class B1a, b or c) and residential use (Use Class C3) (retrospective)		
<b>ADDRESS</b> American Oast Tutsham Farm West Farleigh Kent ME15 0NE		
<b>RECOMMENDATION</b> GRANT PLANNING PERMISSION subject to planning conditions.		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The business element of the development complies with the provisions of policy ENV44 of the adopted local plan and reflects Government Guidance set out in the NPPF.  Independent residential use is considered acceptable in this instance after taking into account the following: (a) the guidance on rural development set out in the NPPF (b) the fact that there is greater flexibility in the use of agricultural buildings with the introduction of the prior approval system (c) the fact that the exterior of the building has not changed and (d) it was not possible to implement the approved live/work use.  There are no highway or parking objections.  There are no objections on residential amenity grounds.		
<b>REASON FOR REFERRAL TO COMMITTEE</b>  Contrary to the views of West Farleigh and Teston Parish Councils		
<b>WARD</b> Coxheath And Hunton Ward	<b>PARISH/TOWN COUNCIL</b> West Farleigh	<b>APPLICANT</b> Ferns Property Development Limited <b>AGENT</b> DHA Planning
<b>DECISION DUE DATE</b> 17/07/15	<b>PUBLICITY EXPIRY DATE</b> 17/07/15	<b>OFFICER SITE VISIT DATE</b> 18 <sup>th</sup> June 2016

## MAIN REPORT

### 1.0

- 1.01 This application was considered by the Planning Committee at its meeting on the 4<sup>th</sup> February 2016 (report attached as **Appendix 1**) where it was resolved that consideration of the application be deferred to enable Officers to hold discussions with the applicant to establish any traffic management measures that could be introduced to prevent commercial traffic using Mill Lane.

1.02 These discussions having taken place the applicant advises he will provide a sign on the existing pole on highways land to Kent Highways specification (the indicative proposed sign is attached to this report as **Appendix 2**) at the junction of Mill Lane and Teston Road seeking to deter commercial traffic from using Mill Lane. The applicant also intends to provide information to visitors to the site to the effect that access will be from Hunt Street only.

## **2.0 APPRAISAL**

2.01 Members are reminded at the outset that it is not considered commercial traffic generated by the use of the American Oast, (which has become the key consideration in determining the highway impacts of this application) causes demonstrable harm on highway safety or amenity grounds justifying further traffic management measures in addition to the signage already being displayed as part of the previous S106 Legal Agreement.

2.02 It is reiterated that commercial traffic in connection with the ground floor business use of the building will not materially increase as no floorspace increase has taken place. The key change arises from employees who would have lived on site as part of the live/work use now being replaced by those now having to travel to the site. The principal additional impact is therefore the additional car traffic generated by employees coming to the site, as currently operating, compared to the committed use of the site as a live/work use.

2.02 Notwithstanding the above, the applicant has nevertheless offered up the additional traffic management measures set out, including an additional sign to be displayed at the junction of Mill Lane and Teston Road to discourage commercial traffic using Mill Lane. Should Members consider this sign to be justified, it must be stressed that its restrictions will not be capable of enforcement by the Council under its planning powers for the reasons set out above.

**9.0 RECOMMENDATION – GRANT PLANNING PERMISSION** subject to the conditions appended to the report attached as **Appendix 1**.

### **Note to Applicant**

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

In this instance following the receipt of further information the application was considered acceptable.

Case Officer: Graham Parkinson

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