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DIP. Pdsd.

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P.R.	Correspondence?	
REF:		
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Our Ref: KL/7347

31 August 2010

Dear Mr Timms

**PROPOSED CONVERSION OF OAST BUILDING TO FIVE LIVE/WORK UNITS, EXTERNAL ALTERATIONS AND ASSOCIATED GARAGING, PARKING AND LANDSCAPING AT AMERICAN OAST, TUTSHAM HALL ESTATE, WEST FARLEIGH**

**MA/10/0839**

This letter responds to various matters raised in our recent meeting in relation to the above planning application and also to your letter of 30 June.

**Updated Bat Report**

Enclosed are four copies of the updated Bat Report by KB Ecology. I trust that you will now be able to revalidate the planning application.

**Amended Plans**

Also enclosed are amended plans, which as discussed at our meeting show the following amendments:

1. Minor elevational changes.
2. Provision of bat habitation within the ridge vent, as recommended within the Bat report.
3. Provision of a decked area to the east of the building to provide private amenity space.
4. The louvered screen to the north has been removed as this is considered unnecessary, as set out within the Planning Statement.
5. The internal layout has been amended such that all of the work space is at ground floor level adjacent to the communal atrium. This has the effect of doubling the overall amount of work space from 130.93m<sup>2</sup> or 16.33% to 254.87m<sup>2</sup> (32%). The proportion of work to live space is shown on the table overleaf. This amendment also results in the work space being more accessible to visitors, being at ground floor level. It also allows easy access to the communal atrium, which is likely to provide shared meeting space, photocopiers and printers for example.

7347 KL 280710 Mr R Timms

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Proportion of live and work space – Units 1 to 5

UNIT	Total floor area (m <sup>2</sup> )	Work floor area (m <sup>2</sup> )	% work space
1	172.28	47.20	27.4%
2	163.85	45.20	27.6%
3	156.98	60.42	38.5%
4	141.23	49.65	35%
5	134.8	43.4	32.2%

Overall floor area	Overall work area	Overall % work area
769.14m <sup>2</sup>	245.87m <sup>2</sup>	<b>32%</b>

In addition to the overall work floorspace provided within each unit (245.87m<sup>2</sup>), the communal work area amounts to **86m<sup>2</sup>**, which increases the total amount of work floorspace to **332m<sup>2</sup>** (an overall total percentage of work space of **39%**). This space should be considered in addition to the space provided within each unit, since this will offer public space for meetings and a work zone which will be able to be used by the occupiers of the units.

**Live/Work Documents**

Enclosed for your consideration are some extracts from the document 'Work hubs, Smart Workspace for the low carbon economy' (June 2010) by Tim Dwelly, Andy Lake and Lisa Thompson (June 2010) which is considered helpful in the consideration of the application. Tim Dwelly is the director of the 'Live Work Network' and Andy Lake and Lisa Thomson are an Associate and Briefings Editor, respectively for the 'Live Work Network'. The Live Work Network is a membership organisation for those with an interest in providing high quality dual use live/work property (also see: [www.liveworknetwork.com](http://www.liveworknetwork.com)).

Also enclosed are extracts from a document entitled 'Planning for Change in the Countryside' by the Country Land and Business Association (May 2010). This sets out the following:

- It is widely understood that economic success, the health of communities and environmental stewardship are interdependent.
- Some rural communities have become unsustainable because of the negative approach towards development in the countryside.
- New businesses must be encouraged to come into the countryside to provide new sources of income and employment.

In addition, some articles from the Live Work homes website are included which set out some key points relevant to the application:

- The long-held view that business and residential uses should operate in disparate zones is outmoded.
- Mortgage lenders are reluctant to offer residential mortgages on properties where the work element exceeds 40% of total floor space.





- Shared business facilities will help neighbours to network, perhaps finding new clients or a service that will boost their own enterprise. An absence of opportunities for human interaction is arguably live/work's weakest point, so engineering social contact between live/workers is very important.

### **Live/Work Units**

You should be aware that there are no stipulations of the amount of floorspace that should be provided as 'work' space as a proportion of the overall unit. Indeed, many information technology and other small businesses do not require a large amount of work space from which to operate. As can be seen from the extracts from the live/work homes website, mortgage lenders are reluctant to lend where the work element of a unit exceeds 40%. As a result, the practicalities of seeking over 40% work floorspace have to be considered.

There is also no need for the work space element to be located within a separate unit, independent from the live space. The interconnectivity of the live and work space ensures that a dwelling cannot be sold off independently to the work space. Indeed, it is commonplace for work space to be provided alongside the live space.

A condition could be imposed on any planning permission to require the work space to be kept available for this purpose and that the unit should not be occupied for purely residential purposes. A Section 106 Agreement or Unilateral Undertaking is also suggested which would provide a legally binding requirement for the work space to be retained and tied to the residential floorspace associated with it for example.

I enclose for your information some further examples of live/work schemes that have been approved by Councils or allowed on appeal by the Planning Inspectorate.

### **Live/Work Policy**

I take this opportunity to repeat that Government guidance as set out within PPS4 states that LPA's should encourage new uses for vacant or derelict buildings (policy EC2.1 i)) and also facilitate new working practices such as live/work (policy EC2). PPS4 post-dates the Maidstone Borough Local Plan and significant weight should be given to the Government's support for such schemes. Where the Council does not have a policy on live/work units specifically within its Local Plan (as Maidstone do not), it should refer to the Government policy, which is not only overriding, but is also much more recent than the Local Plan (PPS4 - December 2009, in comparison with the Local Plan - 2000).

I also refer you to Maidstone Borough Council's Core Strategy policy CS4 which sets out support for proposals which increase the level of flexible working and home based business. I enclose the relevant extracts for your reference. Weight should be given to this document in the consideration of the application.

I also refer to the Council's committee report in respect of 'The Beast House, West Street, Hunton' which sets out that the Council accept that a live/work use is sui generis, but because there is no Local Plan policy specific to live/work units, policies ENV44 and ENV45 are considered, relating to the change of use to residential (ENV45) and commercial (ENV44) purposes. It is considered however that whilst policy ENV44 is



assessed in the Planning Statement, neither policy ENV44 or ENV45 are specifically relevant to the proposal since it is neither a purely residential or commercial scheme, but for a very specific use class of its own.

#### **Traffic Movements/Sustainability**

In terms of the traffic movements from the site, the Transport Statement is founded on a robust evidence base, with a combined approach of TRICS and first principles. The results of this analysis conclude that the proposal for 5 live/work units is likely to result in fewer vehicle trips than the previous use. A reduction in large goods vehicles is also envisaged, therefore bringing about an improvement to the local traffic and environment situation.

It is also set out that in terms of the sustainability of the site, it is 600 metres walk from bus stops on Smith's Hill giving access to frequent buses between Maidstone, Yalding and Laddingford. The walk distance of 600 metres is acknowledged as acceptable in the IHT Guidelines on Providing for Journeys on Foot (2000) and will therefore provide future residents with options other than the private car for undertaking journeys to employment, retail, amenities and for education. The Transport Statement concludes that the site therefore complies with policy on transport and accessibility.

#### **Traffic Management Agreement**

In an effort to address local's concerns in relation to the scheme, we have held discussions with a local ward Member. In response to the comments received, the applicant is offering a Section 106 Planning Agreement, or Unilateral Undertaking and/or conditions to control the following:

- i) Traffic Management Agreement to control routes of access to and from Tutsham;
- ii) Electric gates adjoining Mill Cottages entrance with limited users;
- iii) Vehicular access to and from the live/work units shall only be via Hunt Street;
- iv) The construction of a vehicular turning area, details to be agreed, at the entrance adjoining Mill Cottages;
- v) The provision of rubber matting over the grid at that entrance, when there are no animals in the adjoining field;
- vi) Restrict the use of the units to live/work units only;
- vii) Additional landscaping around the site of the American Oast;
- viii) Whilst the applicant is content for refuse vehicles to access his site from Hunt Street, he is not in a position to control the refuse collection vehicles, but would be content to accept a condition that required those vehicles to service the American Oast from Hunt Street only. This, and the electric gates referred to in ii) above, would then almost certainly have





the effect of persuading the operators to serve all the Tutsham estate properties from Hunt Street.

It is hoped that the above will appease local residents' concerns regarding traffic from the site using the access to the north.

In respect of a Section 106 Agreement or a Unilateral Undertaking, I would be grateful if you could advise me of the Council's preference.

I look forward to discussing the scheme with you again once you have had the opportunity to consider the amended plans and the information submitted within and enclosed with this letter.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Klaire', with a stylized flourish at the end.

Klaire Lander

[klaire.lander@dhaplanning.co.uk](mailto:klaire.lander@dhaplanning.co.uk)

Encs:

Bat survey by KB Ecology;  
Amended plans;  
information on live/work units;  
decision notice Oakwood Poultry Farm; appeal decision Petleys Farm; decision notice Gills Green Farm;  
articles from live work homes website.

## Appendix 2 – Informative

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 in accordance with PPS23.

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

Drawing nos. 2000/P/103, 2000/P/104, 2000/P/105, 2000/P/106, 2000/P/107A, 2000/P/108A, 2000/P/109B, \*2000/P/110B, 2000/P/111B, 2000/P/112B, DHA/7347/01 Rev A and Bat Survey received on 3<sup>rd</sup> September 2010 and 2000/P/101B received on 3<sup>rd</sup> March 2011.

Reason: To ensure the appearance and the character of the buildings, the setting of the listed buildings and Conservation Area is maintained in accordance with policies ENV28, ENV33, ENV34 and ENV45 of the Maidstone Borough-Wide Local Plan 2000 and PPS5.

#### **INFORMATIVES**

Vehicular access to the site for construction traffic should only be taken via Hunt Street.

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and