

REPORT SUMMARY

REFERENCE NO: 15/509813/FULL			
APPLICATION PROPOSAL: Retrospective application for new office unit (considering external alterations to previously approved office building).			
ADDRESS: Mid Kent Roofing Yard, Forstal Lane, Harrietsham, Kent, ME17 1LB			
RECOMMENDATION: GRANT PLANNING PERMISSION subject to the conditions and informatives set out at the end of this report.			
SUMMARY OF REASONS FOR RECOMMENDATION:			
<ul style="list-style-type: none"> • The design and appearance of the development is in keeping with the character of the surrounding area. • The development is acceptable in relation to the impact on residential amenity including in terms of outlook, privacy and noise. 			
REASON FOR REFERRAL TO COMMITTEE:			
Harrietsham Parish Council has requested that the application be determined by the Planning Committee.			
WARD: Harrietsham And Lenham	PARISH COUNCIL: Harrietsham	APPLICANT: Mr R Smith AGENT: Martin Potts Associates	
DECISION DUE DATE: 14/01/16	PUBLICITY EXPIRY DATE: 07/06/16	OFFICER SITE VISIT DATE: 25/04/2017	
RELEVANT PLANNING HISTORY (inc. appeals and relevant history on adjoining sites):			
Current application site			
App No:	Proposal:	Decision:	Date:
15/507388/NMAMD	Amendment for 6 skylights to west elevation; relocate front door; glaze 1st floor north gable with stairs and access door; patio door to south elevation of planning application 15/502517/FULL.	Refused	28/09/2015
15/502517/FULL	Proposed new office unit	Approved	29/06/2015
15/501861/SUB	Submission of details pursuant to Condition 5 - Hard and Soft Landscaping of 14/500358	Approved	22/05/2015
14/500358/FULL	Continued use of Area B as storage for building materials, with car parking.	Approved	24/11/2014
97/0613	Certificate of Lawful Development for the use of the site for the storage and distribution of building materials, wholesale and retail sale of building materials, and ancillary office and toilet block.	Approved	31/10/1997

Land at Avonbank, Holm Mill Lane, Harrietsham, Maidstone, Kent, ME17 1LA

App No:	Proposal:	Decision:	Date:
10/1080	Change of use of redundant buildings to holiday lets	Approved	31/08/2010

Millfield, Holm Mill Lane, Harrietsham, Maidstone, Kent, ME17 1LA

App No:	Proposal:	Decision:	Date:
16/506875/FULL	Demolition of existing outbuilding and erection of a 3 bed chalet style single storey holiday let with a private access route and designated parking	Approved	21/11/2016

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The application site covers an area of 1680 square metres located to the east side of and accessed by a track from Forstal Lane (Greenway Lane). The site is 460 metres to the north west of the Harrietsham settlement boundary (junction of Ashford Road and West Street). The site is within the North Down's Special Landscape Area (SLA) of the adopted plan but outside the emerging Landscape of Local Value designation that is to the south of the Channel Tunnel Rail Link.

1.02 The application site is to the north and to the rear of two residential properties fronting Holm Mill Lane (Hollowdene, Millfield). To the east of the site is a row of single storey former office buildings; planning permission was granted in 2010 (10/1080) for conversion of these buildings to holiday lets (stable oak cottages) with a rise in roof ridge heights to between 3.8 to 4.7 metres. It appears that the site contains a mixture of holiday lets and stabling for horses. The property called Avonbank is adjacent to Millfield to the east on Holm Mill Lane, the occupier of Avonbank owns the holiday lets and open land to the north of the application site.

2.0 PROPOSAL

2.01 A certificate of lawful development was issued in 1997 (MA/97/0613), for the storage and distribution of building materials, wholesale and retail sale of building materials, and an ancillary office and toilet block for part of the current application site. Planning permission was subsequently granted in 2014 for the use of adjacent additional land to be used in connection with the business. This additional land is to the north and west of the land that was subject to the certificate of lawful development.

2.02 Planning permission was approved in 2015 for a new office building on the application site in connection with the existing roofing business. The building has been constructed and is in use and the current application seeks the retention of changes that were made to the previously approved plans.

2.03 Whilst there has been no changes to the overall height of the building, the applicant has set out the following changes to fenestration and appearance from the building that was previously approved:

- The two ground floor windows to the south elevation (facing Holm Mill Lane) have been replaced with a single set of patio doors;

- The main building entrance has been moved from the west to the south elevation of the previously approved porch;
- The cill height of the windows to the west elevation (facing the yard) have been lowered with the windows spread more evenly across the elevation;
- In the west elevation six roof windows (velux) have been added to the roof slope;
- An access door has been added to the north building elevation in the gable end of the roof.
- The black stained timber cladding has been replaced with a red brick wall below window cills.

2.04 Whilst the height of the building has not changed when compared to the earlier approved planning application, the applicant now uses the loft space of the building for storage purposes. The loft space does not have an internal access staircase and as a result materials to be stored within the loft are either lifted externally to the external door in the roof eaves by a boom lift (cherry picker) or through an internal loft hatch.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV34, ENV49
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Maidstone Borough Council Local Plan Publication (submission version) February 2016; SP5, SP6, SP17, DM1, DM2, DM3, DM7, DM24, DM27, and DM34

3.01 Paragraph 216 of the NPPF sets out the factors which influence the weight to be given to emerging LP policies – preparation stage, extent of unresolved objections and consistency with the NPPF.

3.02 Maidstone Borough Local Plan (2016) was submitted to the Secretary of State for examination on 20 May 2016. The Local Plan Inspector issued his Report on the Examination of the Maidstone Borough Local Plan on 27 July 2017. The Report is accompanied by an appendix containing the Main Modifications. The Inspector concludes that, with the incorporation of the Main Modifications, the submission Maidstone Borough Local Plan is sound. The adoption of the Local Plan will be considered at the next meeting of the Council on 27 September 2017.

3.03 In these circumstances, it is considered that approaching full weight should be afforded to the Maidstone Borough Local Plan incorporating the Main Modifications in the determination of planning applications.

4.0 LOCAL REPRESENTATIONS

4.01 The planning application has been advertised with individual letters sent to adjoining properties, a site notice and a press notice.

4.02 **Local residents:** Five representations received from local residents objecting to the proposal on the following grounds (summarised):

- The office building is a great source of noise disturbance to adjoining occupiers;
- The site does not include the buffer zone that was required as part of the change of use application;
- The building adversely impacts on the adjacent holiday let accommodation;
- The originally approved building was too high;
- The velux windows have a negative impact on the Kent Downs AONB and rural character in terms of the 'reflective glare' during hours of daylight and electric lighting during the hours of darkness;

- The velux windows and the relocated door harm the privacy of adjacent residential occupiers;
- The site is unsuited for the current use for various reasons including traffic and noise;
- Further screening should be provided as part of the current application with 3 months for implementation.

5.0 CONSULTATIONS

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

5.01 **KCC Highways:** No objection.

5.02 **Harrietsham Parish Council:** Objection; wish to see the above planning application refused as there are concerns with the retrospective nature of the application. It is also noted that there are drainage and environmental issues which are still unresolved. If the Planning Officer is of the view to approve the application, the Parish Council would ask that it be reported to the Planning Committee.

6.0 APPRAISAL

Main Issues

6.01 The key issues to consider are design and appearance and the potential impact on amenity in terms of noise, privacy and disturbance and the general character of the area.

Design and appearance

6.02 Proposals should have high quality design and respond positively to, and enhance the character of the area. (emerging policy DM 1). The new window and door openings are in keeping with the design and appearance of the building and they do not harm the character of the area.

Potential impact on amenity

6.03 Paragraph 17 of the NPPF states that planning should seek a good standard of amenity for all existing and future occupants of buildings.

6.04 The office building was assessed as part of the earlier planning application and it was concluded that the bulk and scale of building were acceptable. In these circumstances the current application is purely assessing what additional impact may arise from the changes to the approved plans and whether any additional impact that may arise is in itself or cumulatively grounds to refuse planning permission.

6.05 A distance of 45 metres separates the office building from the residential property to the south called Millfield and within this distance the office building is set 15 metres away from the boundary. The works involved replacing the ground floor windows to the south elevation with patio doors. The proposal includes a porch in the centre of the west elevation and the works included relocating the entrance door from the front (west) elevation of the porch to the side (south) of the porch. The relocated entrance door is 50 metres from the property called Millfield and 20 metres from the site boundary. The works that have taken place at ground floor level in the office building are acceptable in relation to overlooking, privacy and noise due to these separation distances, and the boundary treatments and there are no grounds that would justify refusal of permission in relation to the impact on amenity.

- 6.06 The new roof windows in the west elevation face towards Forstal Lane. As a result of this orientation these windows do not have any harmful impact on amenity in relation to overlooking and loss of privacy. The changes to the cill heights are at ground floor level so a combination of screening provided by boundary treatments and the separation distances ensure that these changes do not harm amenity.
- 6.07 A solid timber access door has been added to the north building elevation in the gable end of the roof. The north elevation of the building is over 20 metres from the northern site boundary with a paddock and open fields beyond. The door is at a right angle to the eastern site boundary and set back by over 3 metres. The door designed for emergency use and access to a storage area is used infrequently. When it is used only oblique views are possible towards the adjacent holiday lets. With the infrequent use of the door, the oblique views when it is used and the nature of the holiday let accommodation next door the door is acceptable in relation to amenity.

Potential impact on character of the area

- 6.08 The site is within the North Down's Special Landscape Area (SLA) of the adopted plan but outside the emerging Landscape of Local Value designation. The purpose of the Special Landscape Area is to protect and conserve scenic quality and distinctive character.
- 6.09 Planning permission has previously been approved for the construction of the office building on the application site and the changes from that permission include new and relocated window and door openings. With their small scale, the insertion of roof lights and the new and relocated doorways would maintain local character. In terms of the scale of works, it is highlighted that the insertion of roof lights or the changes to fenestration would not require planning permission if carried out to a single family residential dwelling.
- 6.10 It has been set out in consultation responses that the alterations result in light pollution that harms the character of the area. It is also stated that there this light pollution harms the Kent Downs AONB (located 300 metres to the north). In the context of light from adjacent properties and street lights it is considered that the level of light resulting from the alterations including the roof windows would not be sufficient to refuse planning permission. It is considered that the alterations respect the character of the area.

Other matters

- 6.11 It is highlighted that the purpose of this current application is to regularise the post decision changes that were made to the previously approved office building. There is no justification for the provision of extra screening due to the nature (including the infrequent use of the loft access door) and location of the changes on elevations facing away from neighbours or at ground floor level.
- 6.12 Whilst the comments on the operation of the use are acknowledged, this application does not provide any opportunity to revisit the principle of this use in this location or the earlier permission for the office building. The council's planning enforcement team have visited the site several times to investigate previous queries and can investigate any further queries separately in relation to compliance with planning conditions on the earlier approvals. The applicant has stated that a further planning application is likely to be submitted in the future for a storage building on the site and this would provide an opportunity to reduce potential issues associated with the level of existing open storage.

7.0 CONCLUSION

- 7.01 The design and appearance of the development is in keeping with the character of the surrounding area. The development is acceptable in relation to the impact on residential amenity including in terms of outlook privacy and noise.

8.0 RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

- (1) The development hereby permitted shall be carried out in accordance with the following approved plan: 749200B. Reason: For clarity and to ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.
- (1) The door to the north elevation hereby permitted shall be for emergency purposes only, and the door shall be kept shut at all other times Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties.

Case Officer: Graeme Moore

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