

APPLICATION: MA/11/1351 Date: 9 August 2011 Received: 11 August 2011

APPLICANT: Mr N York, Weldrite UK Ltd

LOCATION: PURPLEHILL WORKS, WHITE HILL ROAD, DETLING, BREDHURST, KENT, ME14 3HH

PARISHES: Bredhurst and Detling

PROPOSAL: Redevelopment of existing commercial site to provide 4 dwellings as shown on drawing nos. Site location plan, Existing site layout, Volume of existing building 'A', Volume of existing building 'B', Volume of existing building 'C', Volume of existing building 'D', WG-BFH/SPL.01 (site layout), WG-BFH/P1-2.01 (Ground floor plots 1 & 2), WG-BFH/P1-2.02 (First floor plans plots 1 & 2), WG-BFH/P1-2.03 (Elevations plots 1 & 2), WG-BFH/P1-2.04 (Elevations plots 1 & 2), WG-BFH/Ga.01 (Garages plots 1 & 2), WG-BFH/P1-2.04 (Perspective illustration plots 1 & 2), WG-BFH/P1-2.01 (Plans and elevations plots 1& 2), WG-BFH/P3-4.01 (Ground floor plans plots 3 & 4), WG-BFH/P3-4.02 (First floor plans plots 3 & 4), WG-BFH/P3-4.03 (Second floor plans plots 3 & 4), WG-BFH/P3-4.01 (Floor plans plots 3&4) and unnumbered/unscaled perspective of house type on plots 3 & 4 received 09/08/2011 and unnumbered and unscaled perspectives of plots 3&4, floor plans and elevations of plots 3 & 4 received 11/08/2011 and Design and Access Statement, Arboricultural assessment and report, Planning Statement and Phase 2 Site Investigation Report received 09/08/2011.

AGENDA DATE: 22nd September 2011

CASE OFFICER: Steve Clarke

The recommendation for this application is being reported to Committee for decision because:

- Councillor de Wiggondene has requested it be reported for the reason set out in the report

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV31, ENV33, ENV34, T13, CF1
- South East Plan 2009: SP2, SP3, CC1, CC4, CC6, H4, H5, T4, NRM1, NRM4, NRM5, NRM7, C3, S6, AOSR6, AOSR7
- Government Policy: PPS1 PPS3 PPS7 PPS9 PPG13

2. HISTORY

- MA/11/1002: Redevelopment of existing commercial site to provide 9 units for B1 light industrial use: UNDETERMINED
- MA/11/1001: Redevelopment of existing commercial site to provide 4 dwellings: WITHDRAWN 03/08/2011
- MA/10/0559: Redevelopment of the site to provide 12 (no) light industrial units: REFUSED 09/08/2010
- MA/99/1149: Certificate of Lawful Development under s191 for 'Use as a fencing manufacturer within Class B2 with ancillary wholesale and retail sales of fencing and storage of fencing and timber': CERTIFICATE ISSUED 11/10/1999
- MK2/56/0095: An addition of fence assembly shop and office: APPROVED 14/05/1956
- MK2/53/0002: Provision for additional covered space for fence making: APPROVED 29/01/1953

3. CONSULTATIONS

- 3.1 **Detling Parish Council (received 13/11/2011):** 'The above planning application was considered by the Parish Council at its recent meeting, and members do not wish to raise any objections as we would favour a residential development over a commercial development. I trust this clarifies the views of the Parish Council.'
- 3.2 **Bredhurst Parish Council (consulted as an adjoining Parish Council on 17/08/2011):** Views awaited; any received will be reported to Members at the meeting.
- 3.3 **Environment Agency (received 26/08/2011):**
- 3.3.1 The Agency have considered the application and have stated that the development would only be acceptable if five conditions are imposed on any permission.
- 3.3.2 These conditions require:
- A regime of site investigation and contaminated land remediation to be submitted, approved and undertaken,
 - A verification report to confirm that any recommendations in a remediation strategy have been followed and the site certified clean
 - Works to cease if previously unidentified contamination is found, until such time

- as a revised remediation strategy is devised and agreed.
- No infiltration of surface water drainage into the ground unless it has been demonstrated that there is no unacceptable risk to groundwater.
- No piling on the site unless it has been demonstrated that there will be no risk to groundwater.

3.3.3 Specific comments are made on these areas as follows:

'Land Contamination

The submitted Phase 2 Site Investigation Report, dated April 2010, makes reference to a number of potentially contaminative uses at this site, both current and historic. The intrusive investigation detailed within the report is extremely limited, for example it makes reference to the fact that areas such as the vehicle maintenance workshop, metal workshop, timber dipping tanks etc were not investigated due to access restrictions.

Considering such areas of the site were not investigated, it is not possible for us to agree with the conclusions that the risks to controlled waters is low to very low. We will therefore expect these areas to be fully investigated as part of any planning development at this location. We will also expect these further investigations to include the site's drainage system. Soil samples will need to be taken for all contaminants potentially associated with the site's previous uses, including creosote and other timber treatment chemicals.'

3.3.4 'Piling

The Phase 2 Site Investigation Report makes reference to the possible use of piling. Due to the vulnerability of the groundwater at this location (because the site is underlain by the chalk principal aquifer and located within Source Protection Zone II/III), we will expect an environmental piling/foundation risk assessment to be undertaken in support of any proposal to pile at this location. The risk assessment should be in accordance with Environment Agency guidance; Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention and Piling into Contaminated Sites. The guidance is available on our website, under publications.'

3.3.5 'Surface Water Drainage

We note the proposals to discharge surface water to ground via soakaways. Soakaways will only be permitted where it can be demonstrated that there will be no discharge into land impacted by contamination or land previously identified as being contaminated. There must also be no discharge to made ground. Providing these aspects can be achieved, then we will expect the soakaways to be as shallow as possible in order to maximise the distance between the base of the soakaways and the water table. If these aspects can not be adhered to, then we will object to the proposed use of soakaways at this location.

Considering the sites previous uses, the drainage strategy will need to be developed in close conjunction with the further intrusive investigation which is required.

Only clean uncontaminated water should drain to the surface water system. Roof water shall discharge direct to soakaway via a sealed down pipes (capable of preventing accidental/unauthorised discharge of contaminated liquid into the soakaway) without

passing through either trapped gullies or interceptors. Open gullies should not be used.'

3.3.6 'Foul Water Drainage

We note the proposals to discharge foul drainage to a Package Treatment Plant. It is considered probable that the applicant will wish for the outfall from the plant to discharge to ground. Under the Environmental Permitting (England and Wales) Regulations 2010, a person must not carry out a water discharge activity or groundwater activity unless it is- a. authorised by an environmental permit; or b. registered as an exempt facility

Therefore in accordance with these regulations, if you are going to make a discharge of sewage effluent to surface water (this includes rivers, streams, estuaries and the sea), or to groundwater (i.e. via an infiltration system), then you may need to apply for an environmental permit to make that discharge. Such approval may be withheld.

The comments made above relating to the surface water soakaways (i.e. no discharge into land impacted by contamination etc) will be applicable to any soakaway associated with the package treatment plant.'

3.4 **Kent Highway Services (12/09/2011):** No objections: Subject to conditions that ensure:

- Parking spaces are available prior to first occupation of the dwellings and subsequently maintained,
- An improved visibility splay to the south of the site access of 2m x 25m with no obstruction above 900m in height,
- Any gates to open away from the highway and sited a minimum of 5.5m from the edge of the carriageway,
- Measures to ensure parking and turning areas are properly drained
- A properly consolidated and surfaced access road to be constructed to each dwelling prior to first occupation.

An informative regarding the need to provide wheel washing facilities during the construction process to prevent deposition of mud on the highway.

3.5 **MBC Environmental Health (12/09/2011):**

'A phase 2 investigation of the site has been included with the paperwork. It is at first glimpse a comprehensive report, but on further examination it is confusing, as constant references to other sections are being made, this results in a lot of page turning before being made clear. Despite the title being a phase 2 assessment, the objectives section on page it is described as a combined phase 1 and 2 investigation. No clear conclusions are made without having to check other parts of the report, and it is evident that more work is needed to discharge a condition that would certainly be attached to this application. There are no results of samples taken on site in the report as no appendices have been included; for this reason I would therefore have to reject this report until it has been fully submitted and written in a more logical manner.

Recommendation: The application should be refused on land contamination grounds, for the reasons given above.'

4. REPRESENTATIONS

4.1 **Cllr. De Wiggondene** has requested that this application is reported to the Planning Committee for the following reasons:

'Whilst this proposal would not ordinarily meet planning requirements for development, here I believe for reasons of sustainability and highway access it is the most appropriate use of this site.'

4.2 **Two** representations from Local residents have been received to-date both refer to the area being designated as an area of outstanding beauty and lying near to the last ancient woodland in Kent to which deer are returning. They state that the Garden of England is fast becoming a concrete jungle.

4.3 **Protect Kent-CPRE Maidstone** have also made representations.

- They express concerns regarding the application and the fact that it is in an area of highly protected landscape where residential development (unless to improve the efficiency of a land-based enterprise) is not usually permitted.
- They recognise the site's previous history and presume that it now classified as previously developed land under PPS3 housing. On the basis of this presumption, a high quality residential development would seem the most attractive option for the redevelopment and future of this site and this concept is therefore supported.
- They stress that the current application is unacceptable in terms of its scale and type.
- A smaller scale development that has better sustainable credentials of a traditional rural design with renewable energy provision, very good insulation and rainwater collection should be considered.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 The application site is located on the north eastern side of White Hill Road within the parish of Detling. The site access is located some 82m south east of the junction of White Hill Road with Kemsley Street Road and some 1km north east of Bredhurst village 'as the crow flies' and 1.5km by road.

5.1.2 The site amounts to approximately 0.687ha in area. It is located in open countryside outside a defined settlement, in an area which forms part of the Maidstone - Medway Strategic Gap and which is designated as part of the Kent Downs Area of Outstanding Natural Beauty (AONB) and the North Downs Special Landscape Area (SLA).

5.1.3 The site is currently occupied by a number of former industrial buildings together with a number of steel containers and other portacabins/temporary buildings

that have been brought onto the site in the past. It is in an untidy state and is overgrown in places. The site is bounded on all sides by hedgerows and trees. The land within the site falls gently from north to south.

5.1.4 To the north of the site lies a stable building and grazing land, to the north east orchards/young woodland, to the south and south east by woodland and a former quarry and to the west (on the opposite side of White Hill Road) by open agricultural land.

5.2 Proposal

5.2.1 Full planning permission is sought to redevelop the site through the demolition and clearance of the existing buildings and the construction of 4 semi-detached and detached dwellings. The dwellings would be served by a newly constructed access road using the existing site access point off White Hill Road, the road would vary between 5.4m and 4.1m in width. There would be a turning head located outside the curtilage of plot 4 at the eastern end of the site. The development would be served by a new sewage treatment plant to be located within the site. The site layout plan indicates that a 6m wide woodland edge buffer zone to be planted with native species would be provided between the development and the existing woodland to the south and east.

5.2.2 On plots 1 & 2, the development comprises a pair of two-storey semi-detached 4-bedroom dwellings with detached double garages. They are located close to the site entrance off White Hill Road (approximately 28m). They are shown to be 10.25m in width (20.5m overall) and 10.1m in depth with an eaves height of 4.8m and a ridge height of 9m. They would have a brick plinth and be finished externally in weatherboarding under a slate roof.

5.2.3 This pair of dwellings has attempted, (according to the Design & Access Statement), to incorporate detailing and features redolent of a traditional Kentish barn. The front entrance on the west facing elevation serving the two dwellings is recessed and predominantly glazed with vertical timber panelling to the sides. Other fenestration on this elevation is limited in number and size, to one window serving a breakfast room in each dwelling, and a bathroom and bedroom at first floor level.

5.2.4 The main roof has a barn-hip to the northern end and a full-hip on its southern side, to the rear is a cat-slide roof dropping to an eaves height of 2.5m. This rear roof contains two full height glazed openings over ground and first floor levels with a mono-pitch roof feature over projecting from the cat-slide roof. The rear roof also incorporates 4 rooflights (serving bedroom two in each unit). A brick chimney has also been indicated projecting above the ridge and emerging through the rear roof.

- 5.2.5 The north and south elevations has opening for a doorway to the utility room and windows serving the dining room and kitchen on the ground floor together with windows at first floor level serving bedroom three and the en-suite to bedroom one.
- 5.2.6 The proposed detached garages are shown to be 6.5m deep and 6.4m wide and at 2.4m to eaves and 5.4m to ridge. Both incorporate a 1.2m wide by 3.3m long log-store incorporated into a cat-slide roof on the side elevation, with a lower eaves height of 1.5m. the same materials as the main dwellings are indicated. Two car parking spaces are shown located to the front of the garages resulting in a minimum of 4 spaces per unit, although there would be space to park further cars on the respective driveways.
- 5.2.7 Plots 3 and 4 are detached dwellings of the same proposed house type. These are located to the east of Plots 1 & 2 and accessed from a continuation of the internal site access road.
- 5.2.8 The dwellings are substantial 5-bedroom dwellings and comprise accommodation over three floors including the roof space. The dwellings are approximately 11.4m in height at their highest, with eaves height varying from approximately 2.8m to 5.7m. They are roughly 'L-shaped' in form, being approximately 24.8m in overall width and 25.8m overall in length. The roofs are a combination of an asymmetrical mono-pitch treatment to the glazed front elevation and more 'traditional' hipped and gabled pitched roofs to the remainder of the house.
- 5.2.9 The front elevations are entirely glazed to roof level. Elsewhere on other elevations, brickwork is proposed to the ground floor including a projecting plinth feature and boarding shown at first floor level with the exception of the rear elevation of the garage which is entirely brick. The roofs would be slate.
- 5.2.10 The dwellings have integral double garages with two car parking spaces shown to the front of the garages and two other indicated parking spaces within each curtilage. A total of 6 indicated parking spaces per plot are therefore shown, although the driveway arrangement would allow the parking of more cars than this.
- 5.2.11 The application was accompanied by a design and access statement, a planning statement, phase 2 site investigation report and an arboricultural assessment and report.

5.3 Principle of Development

- 5.3.1 The site lies in open countryside outside a defined settlement within a strategic gap that seeks to prevent coalescence between Maidstone and the Medway Towns. The site lies within countryside designated as part of the Kent Downs

Area of Outstanding Natural Beauty and the North Downs Special Landscape Area.

5.3.2 Development Plan and government policy place emphasis on the protection or enhancement of the countryside. Both also require a higher level of protection to be given to countryside that is subject to a national designation such as an Area of Outstanding Natural Beauty as applies in this case.

5.3.3 Policy ENV28 of the Borough-wide Local Plan 2000 sets out a number of criteria within which development in the countryside may be acceptable. Residential development that is unrelated to any essential need to provide accommodation for any agricultural or forestry worker is not one of these.

The scheme proposals do not have any agricultural or forestry justification.

5.3.4 Policy C3 of the South East Plan states that in considering proposals within the AONB emphasis should be on small-scale proposals that are sustainably located and designed. Proposals that support the economies and social well-being of the AONBs and their communities will be encouraged provided that they do not conflict with the aim of conserving and enhancing natural beauty.

The scheme proposals do not support the economy or well-being of the AONB or any community within it.

5.3.5 PPS4 which, inter-alia, encourages sustainable economic development in the countryside usually centered on existing rural service centre's, specifically excludes housing development from the definition of economic development.

5.3.6 PPS7 encourages local planning authorities to strictly control new house building in the countryside away from established settlements or from areas allocated for housing in development plans.

5.3.7 Whilst some have argued that the proposed scheme would remove the current business use on the site and ensure its appearance is tidied-up, I do not consider that residential development is acceptable in principle, given that the site is located in a highly protected landscape and in an isolated and unsustainable location. The development would also not constitute an acceptable form of economic development that would contribute to the economy of the area.

5.4 Visual impact and design

5.4.1 As stated earlier in the report, the applicants have sought to provide a design that reflects a converted traditional Kentish barn for the pair-of semi-detached units and to provide a design approach that combines contemporary and

traditional detailing for the detached units. To my mind, neither approach is successful in this case.

- 5.4.2 The units would be prominent from the highway and their setting and the layout of the site pays no respect to the more traditional form of farm layout. Converted buildings generally are grouped with other buildings on a holding. The proposed buildings are isolated and have no real context within which they are seen.
- 5.4.3 The detailing of the semi-detached units in terms of the glazing treatment to the front entrance, the prominent chimney feature and the treatment of the rear elevation also do not provide features that would be readily found on a barn that was considered worthy of conversion.
- 5.4.4 The detached units are of a significant scale and an awkward blend of the contemporary and traditional. Again, the design pays no respect to the context of the site and its location. The significant areas of hardstanding and parking for each unit add to the impression of the dwellings being 'over-scaled' for the site.
- 5.4.5 The length and form of the internal access road and the intervening boundary walls and walls with railings would result in my view in the site taking on a suburban/urban appearance, which does not reflect the constraints imposed by the sensitive and protected landscape into which the development would be inserted.

5.5 Residential Amenity

- 5.5.1 There are no nearby dwellings that would be affected by the development. The nearest residential properties are located approximately 125m to the north, approximately 200m to the west and over 300m to the south.
- 5.5.2 Internally within the site, there would be adequate separation between plots 1&2 and the dwelling on plot 3 to the east at approximately 23m so as to ensure no unacceptable loss of privacy or overlooking is likely to occur. The relationship between plots 3 and 4 is also considered acceptable.

5.6 Highways

- 5.6.1 The level of traffic generation from the site is likely to be less than that potentially generated by the lawful use of the site albeit that the site is currently derelict and underused. Members will have noted that Kent Highway Services have raised no objections to the proposals on highway grounds subject to a number of conditions and informatives including the requirement to improve visibility to the south side of the site access. If the proposals were considered

acceptable in principle, appropriate conditions could be imposed to secure the necessary requirements.

5.6.2 The site itself is in an unsustainable location that is not on or near any public transport route. The nearest public transport passes along The Street, Bredhurst some 1km to the west which is reached by a narrow, winding and unlit road that has no pavements. The occupiers of the dwellings will therefore be reliant on the use of the private car as the primary means of transport for day-to-day needs.

5.7 Landscaping

5.7.1 The arboricultural assessment and proposed site layout plan indicates that the development would not have an adverse impact on or result in the removal of the existing boundary planting around the edges of the site.

5.7.2 The submitted layout plan indicates that a 6m wide buffer zone along the southern and eastern boundaries of the site, within the site, would be provided and planted with native species. No details of the planting scheme have been submitted however. Should the development have been considered acceptable in principle, a landscaping scheme could be secured though an appropriate condition.

5.8 Contamination

5.8.1 Due to the site's previous and current uses and if it is to be redeveloped there will be a need to undertake a detailed and comprehensive contamination assessment to drive the preparation and implementation of a mitigation and remediation strategy. This is even more important to ensure that any drainage scheme and foundation design do not allow potential contaminants to pollute groundwater given the role of the underlying geology in the area as an aquifer.

5.8.2 If the principle of development was considered acceptable, these issues could be dealt with by means of appropriate conditions as recommended by the Environment Agency.

6. CONCLUSION

6.1 The site is located in the open countryside outside a defined settlement within the Kent Downs AONB and North Downs SLA within the Maidstone-Medway Strategic Gap.

6.2 It is in an unsustainable location and its occupiers will need to rely on the use of the private car in their day-to-day occupation of the site given that there is no public transport in the vicinity.

- 6.3 Whilst the site's appearance might be improved through the removal of the existing structures and equipment, the proposed development would result in four substantial dwellings that would have their own visual impact on the character and appearance of the area.
- 6.4 I consider the proposed design of the dwellings to be inappropriate. Despite the statement set out in the Design and Access statement, the proposals do not provide an acceptable interpretation of a 'traditional Kentish barn' in the case of the semi-detached pair and in the case of the detached units provides a confused fusing together of a contemporary and traditional approach on a substantial scale, that pays no heed to the context of the site and its surroundings.
- 6.5 The following recommendation is therefore appropriate.

7. RECOMMENDATION

REFUSE PLANNING PERMISSION for the following reasons:

1. The development would represent an unjustified and unsustainable form of residential development in open countryside outside of and unrelated to any settlement in an area that is additionally designated as part of the Kent Downs Area of Outstanding Natural Beauty and the North Downs Special Landscape Area, in an area that also forms part of the Maidstone-Medway Strategic Gap. The resulting unjustified development would cause harm to the character and appearance of the surrounding area and its occupants would need to predominantly rely on the use of the private car to meet their general day-to-day transport needs. To permit the development would therefore be contrary to policies ENV28, ENV31, ENV33 and ENV34 of the Maidstone Borough-wide Local Plan 2000, policies CC1, CC6, C3 and AOSR7 of the South East Plan 2009 and the advice in PPS3, PPS7 and PPG13.
2. The proposals by reason of the scale and un-cohesive and poorly detailed design of the dwellings together with the layout and likely form and appearance of the site, would result in an urbanising and visually intrusive form of development that has not appropriately taken into account the context of the site and area within which it is located resulting in harm to the character and appearance of the area. To permit the development would therefore be contrary to policies ENV33 and ENV34 of the Maidstone Borough-wide Local Plan 2000, policies CC1, CC6 and C3 of the South East Plan 2009 and the advice in PPS1, PPS3 and PPS7.