

APPLICATION: MA/11/1481 Date: 18 August 2011 Received: 22 December 2011

APPLICANT: Golding Homes

LOCATION: LAND SOUTH OF 1, BELL LANE, STAPLEHURST, KENT, TN12 0BA

PARISH: Staplehurst

PROPOSAL: Demolition of existing garage blocks and the erection of six two-bedroom elderly persons bungalows with associated parking and private amenity space, together with the alteration/improvement of the existing vehicular access from Bell Lane as shown on drawing nos. BL/01, K10/0176/001/B, K10/0176/014/A, K10/0176/015/A, design and access statement, extended phase 1 habitat survey and Great Crested Newt and Reptile Survey received 30/08/2011, drawing K10/0176/011/B and transport statement received 10/10/2011 and drawing nos. K10/0176/12revH, K10/0176/013revC, arboricultural implications assessment and method statement and Great crested newt mitigation strategy received 24/05/2012.

AGENDA DATE: 6th June 2013

CASE OFFICER: Steve Clarke

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

- it is contrary to views expressed by Staplehurst Parish Council
- it is a departure from the Development Plan and one new representation has been received as a result of the advertisement

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV25, T13, T23, CF1
- Government Policy: NPPF 2012

2. BACKGROUND

- 2.1 At the meeting of the Committee on 14 March 2013, Members resolved to grant the Head of Planning delegated powers to grant planning permission for the above application subject to the expiry of the Departure Advertisement and the receipt of no representations raising new issues. However, this has happened.

- 2.2 My previous reports are appended.
- 2.3 The Departure Advertisement expired on 31 March 2013 and one further letter of representation was received.

3. HISTORY

- 3.1 There is no previous relevant planning history on the site.

4. CONSULTATIONS

- 4.1 No additional responses from consultees have been received since those set out in the appended previous reports were published.

5. REPRESENTATIONS

- 5.1 The letter received during the departure advertisement period raises objections on two issues:
 - 1: The loss of allotments. (This issue has previously been addressed).
 - 2: The loss of the 28 garages and a potential resultant impact on parking in a village which has a parking problem and in a locality where a number of properties do not have off-street parking facilities and where on-street parking restrictions are in place. This has meant long-term parking in the Bell Lane Car Park thus reducing space for visitors. (This is an issue not previously raised and therefore needs to be considered by Members).
- 5.2 Previous representations are summarised in the appended reports.

6. CONSIDERATIONS

- 6.1 In the light of the previous resolution of the Committee on 14 March 2013 and the receipt of the additional representations that have been received, the only issue for consideration before Members is the new issue that was raised in those representations; the loss of the garaging.
- 6.2 In respect of the loss of the garages, at the time the application was submitted, only 7 of the 28 garages were being rented out by the applicants.
- 6.3 Of these 7; inspections revealed that 4 were not being used for the parking of vehicles but most probably for long-term storage, with the remaining 3 appearing to be in current use for their intended purpose.

- 6.4 The site access road also serves one further garage and two vehicular accesses relating to properties outside the application site.
- 6.5 The applicants also undertook a speed and classification survey along the access to the site at the time the application was submitted which included all vehicular movements relating to the 28 garages and the adjoining garage and two vehicular accesses. Over the survey period (7 days), there were a total of 45 car movements equating to just over 6 movements or 3 car journeys in and out of the site per day.
- 6.6 Since the application was submitted, I would inform Members that the applicants have advised the remaining tenants have now been given notice to quit.
- 6.7 Members will note from the previous reports that Kent Highway Services have not objected to the loss of the garages.
- 6.8 On the basis of the survey information and the situation as exists on the site, I do not consider that the loss of the garages would result in unacceptable increased demand for parking spaces elsewhere outside the site.

7. CONCLUSION

- 7.1 I consider that having assessed the impact of the loss of the garages, the scheme remains acceptable. I also remain of the view that the provision of elderly persons' affordable housing accommodation on this site is a balancing factor weighing in support of the proposals.
- 7.2 I would request Members to reaffirm their previous decision to grant planning permission subject to conditions having considered the additional representations as set out and analysed above.

8. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions and informatives:

- 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 development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved

materials;

The submitted details shall include the use of plain clay tiles rather than the interlocking tiles indicated on the submitted drawings.

Reason: To ensure a satisfactory appearance to the development pursuant to the advice in the NPPF 2012.

3. The development shall not commence until, details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site pursuant to the advice in the NPPF 2012.

4. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety pursuant to policy T13 of the Maidstone Borough-wide Local Plan 2000.

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines. The submitted details shall include:

i) the provision of additional hedgerow and tree planting on the site's western boundary to maintain a continuous hedgerow along that boundary.

Reason: No such details have been submitted and to ensure a satisfactory external appearance to the development pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000.

7. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) 'Trees in Relation to Design Demolition and Construction- Recommendations'. No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000.

8. The development shall not commence until details of the method of construction of the access road have been submitted and approved by the local planning authority. The submitted details shall include the use of a no-dig construction method in the vicinity of the retained Ash tree (Tree 3 of Duramen Consulting Report). The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To safeguard existing trees to be retained and to ensure a satisfactory

setting and external appearance to the development pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000.

9. The development hereby permitted shall not be occupied until the visibility splays shown on the submitted plan KH/10/0176/12revH have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

Reason: In the interests of highway safety pursuant to policy T23 of the Maidstone Borough-wide Local Plan 2000.

10. The development hereby permitted shall not be occupied until the section of footpath identified on drawing no. K10/0176/012/revH has been provided.

Reason: In the interests of highway and pedestrian safety pursuant to policy T23 of the Maidstone Borough-wide Local Plan 2000.

11. Prior to the commencement of any works which may affect reptiles or their habitat, and great crested newts and their habitat, the a detailed mitigation strategy shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy unless any amendments are agreed in writing by the local planning authority. The submitted details shall include the provision of two hibernacula located outside the plot boundary of Plot 6 within the site in the location shown on drawing K10/0176/012revH.

Reason: In the interests of ecology and biodiversity pursuant to the advice in the NPPF 2012.

12. The development shall not commence until details of enhancement measures within the site for birds and bats have been submitted to and approved by the local planning authority. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: In the interests of ecology and biodiversity pursuant to the advice in the NPPF 2012.

13. Before any of the dwellings hereby approved are first occupied, a properly consolidated and surfaced access (not loose stone or gravel) shall be constructed, details of which shall have been submitted to and approved by the Local Planning Authority.

Reason: In the interests of pedestrian and highway safety pursuant to policy T23 of the Maidstone Borough-wide Local Plan 2000.

14. The development hereby permitted shall be carried out in accordance with the following approved plans:
K10/0176/001/B, K10/0176/014/A, K10/0176/015/A received 30/08/2011,
K10/0176/011/B received 10/10/2011, K10/0176/12revH and
K10/0176/013revC received 24/05/2012.

Reason To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers in accordance with the advice in the NPPF 2012.

Informatives set out below

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 you are advised to contact the Environmental Health Manager regarding noise control requirements.

Clearance and subsequent burning of existing woodland or rubbish must be carried out without nuisance from smoke, etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the Environmental Health Manager.

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

No vehicles in connection with the construction of the development may arrive, depart, be loaded or unloaded within the general site except between the hours of 0800 and 1900 Mondays to Fridays and 0800 and 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.

Adequate and suitable provision in the form of water sprays should be used to reduce dust from demolition work.

Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

The developer may be required to produce a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54. This should be available for inspection by the Local Authority at any time prior to and during the development

As an initial operation on site, adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway in accordance with proposals to be submitted to, and agreed in writing by the Local Planning Authority. Such proposals shall include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances.

You are encouraged to include the provision of suitably located bat bricks within the development.

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:

The applicant/agent was advised of minor changes required to the application and these were agreed.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

The proposed development would be contrary to the provisions of policy ENV25 of the Maidstone Borough-wide Local Plan 2000, however, given the time period that the site

has not been in use as allotments and the history of the use of the land, it is not considered reasonable for alternative provision to be sought in this case. The development would also result in the provision of elderly persons' affordable housing accommodation a balancing factor weighing in support of the proposals. The development would, also not have an unacceptable impact on ecology or biodiversity or trees to be retained. Subject therefore to the imposition of suitable safeguarding conditions, the development is considered acceptable and there are no reasonable grounds to refuse planning permission.