

APPLICATION: MA/13/2063 Date: 29 November 2013 Received: 14 January 2014

APPLICANT: Mr Jason Taylor, Maidstone Borough Council

LOCATION: COBTREE CABIN, COBTREE PARK, FORSTAL ROAD, AYLESFORD, KENT, ME20 7AG

PARISH: Boxley

PROPOSAL: Proposed refurbishment and extension to existing Cabin Cafe as shown on Design & Access Statement and drawing nos. 12.106.02, 03, 04, 10-17 received 29/11/13, drawing no. 12.106.01 received 14/01/14 and drawing no. TP/14/01 received 02/04/14.

AGENDA DATE: 1st May 2014

CASE OFFICER: Kathryn Altieri

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

- Maidstone Borough Council is the applicant.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV31, ENV34, R17
- Government Policy: National Planning Policy Framework
- National Planning Practice Guidance
- Draft Local Plan: DM4, DM30, DM37

2. RELEVANT HISTORY

- MA/12/1644 - Installation of new play area – Approved with conditions
- MA/06/2266 - Formation of independent access to existing disabled toilet facility separating public toilet from food kiosk entrance lobby – Approved with conditions
- MA/02/0405 - Change of use of tourist office to A3 use – Approved with conditions

3. CONSULTATIONS

- 3.1 **Boxley Parish Council:** Wish to see the application approved.
- 3.2 **KCC Highways Officer:** Raises no objection;

3.2.1 *"Access and parking is to remain as existing and the car park has recently been extended and is of sufficient size to accommodate the visitors. Pedestrian access is adequate and bus stops are located locally."*

3.3 **Landscape Officer:** Raises no objection subject to a pre-commencement condition (including demolition and before any machinery is brought onto the site) requiring a fully detailed arboricultural method statement and tree protection plan.

3.4 **Environmental Health Officer:** Raise no objections;

3.4.1 *"There are no residential premises within the immediate vicinity but construction noise and dust could be detrimental to visitors to the park during works, so suitable precautions should be taken. Waste storage proposals are satisfactory."*

4. REPRESENTATIONS

4.1 No representations made.

5. CONSIDERATIONS

5.1 Site description

5.1.1 'Cobtree Manor Park' is a public recreation facility that is located on the northern side of Forstal Road, but to the east of the industrial estate. The site is located close to major roads through Maidstone with the M20 to the south and A229 to the east; and there is a public bus service that runs along Forstal Road in and out of Maidstone town centre.

5.1.2 The site is accessed from an existing vehicular access from Forstal Road that leads to a visitor car park area. The cafe that is the subject of this application is immediately to the west of this car park; and then in close proximity to this (to the north/north-east) there is a recently built play area. There is also a good provision of outdoor seating close to the cafe and play area.

5.1.3 The proposal site is located within the defined countryside that falls within the North Downs Special Landscape Area and the Strategic Gap as shown by the Maidstone Borough-Wide Local Plan 2000 (MBWLP).

5.2 Proposal

5.2.1 The proposal is for the upgrading of the existing cafe, and would provide an additional 156m² of footprint to the existing building giving an overall area 244m². Internally, the facilities will be refurbished, a Rangers office would be

included, and an internal and external (but covered) seating area would be created.

- 5.2.2 The works would include the retention of the cafe building and a single storey, flat roofed extension that would project out from the building's northern elevation. The existing roof of the building would become a dual pitched roof, and the existing vertical rooflight would be removed to reduce the overall height of this building. From its ridge to ground level, the building would stand some 4.9m in height, and its eaves height would measure some 2.5m.
- 5.2.3 The proposed extension would stand some 2.8m in height from ground level and would externally measure some 13m by 13m (not including the external deck that would be attached along the northern and eastern elevations of the extension).
- 5.2.4 In terms of materials, the building and extension would be largely clad in a natural timber finish (with a small element of facing brickwork retained); the pitched roof would be re-roofed with timber shingles; and the proposed extension would have a sedum roof, and two projecting rooflights with solar panels. When shut, external timber shutters would be put across the bi-folding doors and windows for security.

5.3 Principle of development

- 5.3.1 Policy R17 of the MBWLP states that that the Council will permit cafes outside the core shopping area provided that there is no adverse impact on the amenity of local residents, or that the effect of one use would be detrimental to the vitality and viability of the local area. I appreciate that the proposal is refurbishing an existing cafe facility, but its potential impact on the amenity of the surrounding area is still important to consider and this will be discussed in the main body of this report.
- 5.3.2 The proposal is also subject to the normal constraints of development in the countryside that falls within a Special Landscape Area (SLA) and Strategic Gap under policies ENV28, ENV31 and ENV34 of the MBWLP.
- 5.3.3 At the heart of the National Planning Policy Framework (NPPF) is a "*presumption in favour of sustainable development*", which should be seen as a golden thread running through both plan-making and decision-taking. Moreover, the NPPF also states that to promote a prosperous rural economy, the Local Planning Authority should "*...support the sustainable growth and expansion of all types of business and enterprise in rural areas.*"

- 5.3.4 The proposal seeks to improve an existing cafe facility which is already used by visitors to 'Cobtree Manor Park'; there is a regular public bus service that runs along Forstal Road; and there is visitor parking on site. The NPPF seeks to promote the general development and retention of sustainable businesses, and I am satisfied that in this instance the proposal is in accordance with this view.
- 5.3.5 I do accept the principle for this proposal. However, clearly this is subject to the detail of the proposed works and all other material planning considerations. I will now consider the proposal against this policy and guidance.

5.4 Design, siting and appearance

- 5.4.1 The key consideration here is whether the proposed development would result in any visual harm to the character or appearance of the countryside hereabouts.
- 5.4.2 The cafe's positioning in the south-western corner of the park close to the car park area and existing playground would retain the open parkland appearance of this landscape, avoiding unnecessary sporadic development within the park itself and in turn the surrounding countryside. Furthermore, the proposal would be set back some 45m from the southern boundary of the park which consists of well established trees/hedges that would be unaffected by this proposal. With this considered, I am satisfied that the proposed development would not affect the openness and setting of 'Cobtree Manor Park' or the countryside hereabouts, and from outside the park would not appear visually harmful or intrusive from Forstal Road or any other public vantage point.
- 5.4.3 The proposal is to update and enlarge the existing non-descript cafe building; and in my view, the approach taken is acceptable. Indeed, the use of timber cladding, and sedum/shingle roofs would be well suited to the natural parkland setting; and to ensure a satisfactory appearance of this development a pre-commencement condition will be imposed requesting details of the external materials to be used. In addition, the low level, simply designed extension would appear subservient to the existing building that is to be retained as part of this development, and I consider its proportions, fenestration detail, and siting to relate well with the context of the existing building and the surrounding area.
- 5.4.4 Fundamentally, this proposal is to refurbish and extend an existing cafe facility, and with a well visited park like this it is not unreasonable to expect a good sized cafe within. Moreover, I am satisfied that this well designed proposal would not represent a visually incongruous or over dominant feature within this landscape; and in my view would enhance the appearance and use of this park as a community facility and a recreational space. I am therefore of the view that the development would be in accordance with policy ENV28 of the MBWLP; and would not result in any detrimental visual harm to the character or appearance

of the surrounding countryside that falls within the North Downs Special Landscape Area.

5.5 Arboricultural implications

- 5.5.1 The proposal will directly result in the loss of two semi-mature Horse Chestnut trees of average to low quality, and the Landscape Officer does not consider their loss to be grounds for refusal. No other tree removals are proposed, but there are a number of trees in close proximity to be retained.
- 5.5.2 A semi-mature Horse Chestnut is to be retained to the northeast side of the proposed building. The roofline of the building itself will be just outside of the root protection area of the tree, but the decking area will fall within it. The Landscape Officer is satisfied that this tree would be successfully retained, subject to appropriate protection measures, decking design and construction methodology, to minimise root damage. The crown of the tree will overhang the deck and the roof of the proposed building, and this could lead to future pressure to prune or remove the tree due to shading (although this could be perceived as a benefit also), falling leaves, seeds/fruits the tree causing a slip hazard on the decking and blocking gutters, and nuisance from roosting birds. However, the tree is not of sufficient quality to merit a refusal on such grounds. Another Horse Chestnut is to be retained to the north-west corner of the proposed building, which is at a sufficient distance that there are no root protection area conflicts or anticipated future pressure issues.
- 5.5.3 Two Cherry trees are also present to the south-west side. These do not conflict directly with the proposed building, but some pruning will probably be required to avoid damage during construction and appropriate ground protection will be necessary during construction to prevent root death through soil compaction. Ground protection will also potentially be a consideration for other trees within the construction area, including where the contractors compound, machinery movements and materials storage will be located during construction. Some consideration should also be given to permanent ground protection in areas where regular usage is anticipated, particularly if grounds maintenance machinery is to be stored in the building.
- 5.5.4 After consultation with the Landscape Officer, I am satisfied that the proposed development is acceptable on arboricultural grounds and raise no objection, subject to a pre-commencement condition requiring a fully detailed arboricultural method statement and tree protection plan .
- 5.5.5 No additional landscaping has been proposed within this application. However, given the cafe's park setting and the fact that the surrounding grass areas and parkland would continue to meet the building, I do not consider it necessary in

this instance to request any further planting. I would however, consider it reasonable to request the planting mix/details of the sedum roof.

5.6 Highway safety implications

- 5.6.1 A cafe already exists on site, and this facility is used by visitors who are enjoying the park. I do not consider that this proposal would result in a significant increase in the number of car movements to and from the site; there is sufficient off-road parking in close proximity to the café (which has recently been extended); and the park is accessible by a local bus route that runs along Forstal Road. I am therefore of the view that this proposal would not result in any significant highway safety issues and therefore raise no objection in this respect. The KCC Highways Officer has also raised no objection.
- 5.6.2 The KCC Highways Officer has asked for the provision of a covered cycle parking facility. However, I do not consider this reasonable to request this as it is not directly related to this proposal; and its omission would not make the development unacceptable in planning terms.

5.7 Residential amenity

- 5.7.1 Given the nature and location of the proposal, I am satisfied that it would not have a detrimental impact on the amenity of any occupant of any residential property, in terms of general noise and disturbance, and any potential smells and fumes.

5.8 Biodiversity implications

- 5.8.1 The existing building is of sound construction with little ecological importance, and its immediate surrounding is of well maintained grass and hardstanding. I am therefore satisfied that this proposal is unlikely to have an adverse impact on any protected species and consider it unreasonable to request further information in this respect.
- 5.8.2 The low eaved building would be unsuitable for installing bat boxes and swift boxes (it is recommended that swift nesting should be at least 3m above the ground [Swift Conservation Group recommends 5m] without trees or shrubs in close proximity). This said, the applicant has agreed to install 10 bat/bird boxes within the wooded area of Cobtree Park (to the north of the café), and whilst I do not consider this necessary to make the proposal acceptable, it is a welcomed enhancement for the park. I will add an informative to this effect.

5.9 Other matters

- 5.9.1 Given that a café is already in place at 'Cobtree Manor Park'; and given the proposal's relatively modest scale, the business is unlikely to generate further significant activity that would have a direct and significant impact on the vitality and viability of Maidstone town centre.
- 5.9.2 Given the scale and nature of the proposal, I am satisfied that it would not significantly extend the built up area, and therefore cause no harm to the Strategic Gap designation.

6. CONCLUSION

- 6.1 I consider that this proposed development would not cause any demonstrable harm to the character and appearance of the countryside hereabouts that falls within a Special Landscape Area; and it would not significantly harm the residential amenity, landscape and ecology of the area. It is therefore considered that the proposal is acceptable with regard to the relevant provisions of the Development Plan, the National Planning Policy Framework, and all other material considerations such as are relevant; and so I recommend conditional approval of the application on this basis.

7. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

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 building 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;

Reason: To ensure a satisfactory appearance to the development.

3. No development (including demolition and before any machinery is brought onto the site) shall take place until an Arboricultural Method Statement and a Tree Protection Plan, prepared in accordance with the recommendations of BS:5837

(2012) 'Trees in relation to design, demolition and construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The statement shall detail implementation of any aspect of the development that has the potential to result in damage to trees, including their roots and rooting environment, and shall take account of site access, demolition and construction activities, foundations, service runs and level changes, and detail any tree works necessary to implement the approved scheme. The development shall be carried out strictly in accordance with the approved details;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and appearance to the development.

4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of the specification and species mix of the sedum roof, and all planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner;

Reason: To ensure a satisfactory appearance to the development.

5. The development hereby permitted shall be carried out in accordance with the following approved plans:
12.106.10-17 received 29/11/13;

Reason: To ensure the quality of the development is maintained.

Informatives set out below

The installation of a number of bird/bat boxes in the woodland of Cobtree Park to the north of the café area is a welcomed enhancement.

Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc to nearby properties. Advice on minimising any potential nuisance is available from the EHM.

Vehicles may only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

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

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.

Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

You are required to register your food business establishment with the Local Authority at least 28 days before food business operations commence, by virtue of Regulation (EC) 852/2004 on the hygiene of foodstuffs.

Prior to use, Environmental Health should be contacted to ensure compliance with the Health and Safety at Work etc. Act 1974 and all relevant statutes.

Prior to use, Environmental Health should be contacted to ensure compliance with the Food Safety Act 1990 and all relevant statutes.

Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:2009 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 EHM regarding noise control requirements.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and there are no overriding material considerations to indicate a refusal of planning consent.