

# AGENDA

## PLANNING COMMITTEE MEETING



Date: Thursday 8 December 2016

Time: 6.00 p.m.

Venue: Town Hall, High Street,  
Maidstone

Membership:

Councillors Boughton, Clark, Cox, English,  
Harwood, Hastie, Hemsley, Munford,  
Perry (Chairman), Powell,  
Prendergast, Round and Mrs Stockell

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Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 15 December 2016

**Continued Over/:**

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**Issued on 30 November 2016**

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*Alison Broom*

**Alison Broom, Chief Executive, Maidstone Borough Council,  
Maidstone House, King Street, Maidstone, Kent ME15 6JQ**

6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
7. Disclosures by Members and Officers
8. Disclosures of lobbying
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
10. Minutes of the meeting held on 17 November 2016 1 - 8
11. Presentation of Petitions (if any)
12. Reference from Strategic Planning, Sustainability and Transportation Committee - West Street, Harrietsham, Kent 9
13. Deferred Items 10
14. 16/500411 - 20-28 Mote Road, Maidstone, Kent 11 - 33
15. 16/503641 - Land To The East Of Hermitage Lane, Maidstone, Kent 34 - 63
16. 16/506630 - St Faiths Bungalow, St Faiths Lane, Bearsted, Kent 64 - 73
17. 16/506756 - Wilsons Yard, George Street, Hunton, Kent 74 - 91
18. 16/507158 - 7 Cavendish Way, Bearsted, Kent 92 - 98
19. 16/507358 - Former Royal Mail Depot, 98 Sandling Road, Maidstone, Kent 99 - 112
20. Appeal Decisions 113 - 114
21. Chairman's Announcements

**PLEASE NOTE**

**The order in which items are taken at the meeting may be subject to change.**

**The public proceedings of the meeting will be broadcast live and recorded for playback on the Maidstone Borough Council website.**

**For full details of all papers relevant to the applications on the agenda, please refer to the public access pages on the Maidstone Borough Council website. Background documents are available for inspection by appointment during normal office hours at the Maidstone Borough Council Reception, The Mall, Maidstone, Kent.**

## **MAIDSTONE BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON 17 NOVEMBER 2016**

**Present:** Councillor English (in the Chair) and Councillors Boughton, Clark, Cox, Mrs Gooch, Harwood, Hastie, Hemsley, Powell, Prendergast and Mrs Stockell

**Also Present:** Councillor Pickett

211. **CHAIRMAN FOR THE MEETING**

In the absence of the Chairman (Councillor Perry), the Vice-Chairman (Councillor English) took the Chair for the meeting.

212. **APOLOGIES FOR ABSENCE**

It was noted that apologies for absence had been received from the Chairman (Councillor Perry) and Councillors Munford and Round.

213. **NOTIFICATION OF SUBSTITUTE MEMBERS**

It was noted that Councillor Mrs Gooch was substituting for Councillor Munford.

214. **NOTIFICATION OF VISITING MEMBERS**

Councillor Pickett indicated his wish to speak on the report of the Head of Planning and Development relating to application 16/506224.

215. **ITEMS WITHDRAWN FROM THE AGENDA**

There were none.

216. **URGENT ITEMS**

The Chairman stated that, in his opinion, the update reports of the Head of Planning and Development and the letter dated 17 November 2016 from Gallagher Properties Ltd. regarding application 16/503863 and the content of the proposed S106 legal agreement relating to mitigation at the Mid-Kent Shopping Centre in Allington, should be taken as urgent items as they contained further information in respect of applications to be considered at the meeting.

217. **DISCLOSURES BY MEMBERS AND OFFICERS**

Councillor Harwood stated that he was a Member of Boxley Parish Council, but he had not participated in the Parish Council's discussions regarding

application 16/503863, and intended to speak and vote when it was considered.

218. EXEMPT ITEMS

**RESOLVED:** That the items on the agenda be taken in public as proposed.

219. MINUTES OF THE MEETING HELD ON 27 OCTOBER ADJOURNED TO 3 NOVEMBER 2016

**RESOLVED:** That the Minutes of the meeting held on 27 October adjourned to 3 November 2016 be approved as a correct record and signed.

220. MATTERS ARISING FROM THE MINUTES OF THE MEETING HELD ON 27 OCTOBER ADJOURNED TO 3 NOVEMBER 2016

14/504109 - ADVERTISEMENT CONSENT FOR THE INSTALLATION OF 2 NO. NON-ILLUMINATED METAL POLE MOUNTED SIGNS (RETROSPECTIVE APPLICATION) - HUNTON C OF E PRIMARY SCHOOL, BISHOPS LANE, HUNTON, KENT

The Major Developments Officer advised Members that this application involved two sign boards at the school site. It appeared from correspondence between the Case Officer and the interim Chairman of the School Governors that the more contentious of the two signs should now have been temporarily removed pending possible relocation to an alternative site. The Case Officer had not as yet been to the site to check whether the sign had been removed. It was anticipated that if an alternative location for the sign was found the deferred advertisement consent application would be amended as appropriate and then, after re-consultation with the Parish Council and local residents etc., the application would be reported back to the Committee.

**RESOLVED:** That the position be noted.

221. PRESENTATION OF PETITIONS

It was noted that a petition might be referred to by an objector in relation to application 16/505311.

222. 16/503863 - CONSTRUCTION OF A CLASS A1 RETAIL FOODSTORE AND ASSOCIATED SERVICING, PARKING, LANDSCAPING AND ACCESS ARRANGEMENTS - PLOT 9, ECLIPSE PARK, SITTINGBOURNE ROAD, MAIDSTONE, KENT

All Members stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Planning and Development together with the letter which had been received earlier during the day from Gallagher Properties Ltd.

regarding the content of the proposed S106 legal agreement relating to mitigation at the Mid-Kent Shopping Centre in Allington.

Mrs Davidson addressed the meeting on behalf of the applicant.

During the discussion on the application, it became apparent that the urgent update report circulated at the meeting was not the correct version which was published on-line and referred to by the Major Developments Officer in his presentation. However, as soon as the error came to light at the meeting, it was remedied by the Major Developments Officer.

**RESOLVED:**

1. That subject to the prior completion of a legal agreement in such terms as the Head of Legal Partnership may advise to secure the following:
  - A financial contribution of £60,000 to assess the opportunities for improving town centre public transport links to the site;
  - The provision of a Travel Plan, to include the costs associated with the monitoring thereof; and
  - The mitigation of any adverse impact that may occur on the Mid-Kent Shopping Centre in Allington should the existing Waitrose store at the Mid-Kent Shopping Centre close (the Head of Planning and Development be given delegated powers to finalise the details),

the Head of Planning and Development be given delegated powers to grant permission subject to (a) referral of the application to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2009 and (b) the conditions set out in the report with the amendment of conditions 5 (Landscaping) and 22 (Bus Stop Provision) and an additional condition 23 (Materials to be Used for the "Prow" Feature) as per the published urgent update as follows:

Condition 5 (amended)

The development shall not be constructed above damp proof course level until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using 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 long term management of the landscaping). The development shall be carried out in accordance with the approved landscaping scheme unless the Local Planning Authority gives its prior written consent to any proposed variation.

The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and provide for the following:

- a) High quality detailed and structural landscaping;
- b) Retention and enhancement of boundary vegetation unless otherwise specified (excluding the openings required for access points);
- c) Means of enclosure including the positions, design, materials and type of boundary treatment to be erected;
- d) Proposed finished levels and contours;
- e) Car parking layouts;
- f) Other vehicle and pedestrian access and circulation areas;
- g) Hard surfacing materials;
- h) Written planting specifications;
- i) Schedules of plants (noting species, plant sizes and proposed numbers/densities in all cases);
- j) Minor artefacts and structures - including street furniture, refuse or other storage units, signs, lighting etc. including their long term management and maintenance;
- k) Implementation programme setting out timing for completion of the various parts of the hard and soft landscaping works; and
- l) Tree trench detail.

The works shall be carried out strictly in accordance with the approved details prior to first occupation of the building.

Reason: To ensure a satisfactory external appearance and setting for the development.

#### Condition 22 (amended)

Details of bus stop provision and associated public transport improvements shall be submitted to and approved in writing by the Local Planning Authority and shall include westbound and eastbound bus stops, including passenger waiting areas and realtime information systems, on Bearsted Road, and provision for a bus stop within Eclipse Park. The resulting approved bus stop provision shall be implemented in accordance with those approved details prior to first occupation of the building.

Reason: In the interest of sustainable transport.

#### Additional Condition 23

Materials proposed to be used for the 'prow' feature shall be submitted to and approved in writing by the Local Planning Authority. The resulting development shall be implemented in accordance with those approved details prior to first occupation of the building.

Reason: To ensure a satisfactory external appearance.

2. That the Head of Planning and Development be given delegated powers to explore, as part of condition 5 (Landscaping), whether the TPO trees which are proposed to be removed can be transplanted.
3. That a "development monitoring committee" be established prior to the submission of the first application to discharge conditions pursuant to the decision notice to be responsible for the review of all aspects of the conditions associated with the development, with such members to include an Officer of the Borough Council, Councillors Greer, Cox, Harwood, Hemsley, and Hastie (representing Boxley, East and North Wards), a representative of Boxley Parish Council and a representative of the developers.

Voting:      10 – For      1 – Against      0 – Abstentions

223. 12/0768 - ERECTION OF A PLATFORM AND CHANGE OF USE OF LAND FOR THE SITING OF A RESIDENTIAL MOBILE HOME FOR BOAT YARD MANAGER'S ACCOMMODATION - TWYFORD BOAT YARD, HAMPSTEAD LANE, YALDING, MAIDSTONE, KENT

The Committee considered the report and the urgent update report of the Head of Planning and Development.

Councillor Brown of Yalding Parish Council (against) addressed the meeting.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission. In making this decision, Members felt that the proposed development, by virtue of its unsustainable location, its position within the functional flood plain and the inaccessible island nature of the site during a flood event, would result in harm to the countryside and unacceptable risk to life. The harm acknowledged was not outweighed by the health and safety benefits of the proposal or the needs of the manager to live on site. The proposal therefore failed to accord with Paragraphs 55, 100 and 103 of the National Planning Policy Framework 2012 and Paragraphs 039 and 040 of National Planning Policy Guidance: Flood Risk and Coastal Change.

**RESOLVED:** That permission be refused for the following reason:

The proposed development, by virtue of its unsustainable location, its position within the functional flood plain and the inaccessible island nature of the site during a flood event, would result in harm to the countryside and unacceptable risk to life. The harm acknowledged is not outweighed by the health and safety benefits of the proposal or the needs of the manager to live on site. The proposal therefore fails to accord with Paragraphs 55, 100 and 103 of the National Planning Policy Framework 2012 and Paragraphs 039 and 040 of National Planning Policy Guidance: Flood Risk and Coastal Change.

Voting:      10 – For      0 – Against      1 – Abstention

224. 16/505311 - CHANGE OF USE FROM A C3 (4 BEDROOM HOUSE) TO SUI GENERIS FOR MULTIPLE OCCUPANCY OF 8 BEDROOMS, CONVERSION OF LOFT WITH THE INSERTION OF ROOFLIGHTS AND SIDE DORMER WINDOW, CONVERSION OF GARAGE TO BEDROOM WITH ALTERATIONS AND PROVISION OF ADDITIONAL PARKING - 47 FREEMAN WAY, MAIDSTONE, KENT

Councillor Powell stated that he had been lobbied.

The Committee considered the report and the urgent update reports of the Head of Planning and Development.

Mr Duffy, for objectors, and Mr Ryan, the applicant, addressed the meeting.

**RESOLVED:** That consideration of this application be deferred for one cycle to enable the Officers to provide clarification on various concerns raised during the course of the discussion, including:

- Highways impact and usability of parking layout;
- Southern Water impact;
- Residential amenity of neighbours;
- Terms of the House in Multiple Occupation (HMO) licence and how the licence fits in with any planning permission;
- Site boundary;
- Disputed facts in reports in relation to Permitted Development position;
- Future residential amenity of occupiers of the HMO; and
- Status of Policy H22 of the adopted Local Plan 2000.

Voting:        11 – For        0 – Against        0 - Abstentions

225. 16/506224 - DEMOLITION OF EXISTING BUILDING WITH ERECTION OF A REPLACEMENT THREE STOREY APARTMENT BUILDING CONTAINING 8 SELF CONTAINED FLATS TOGETHER WITH ASSOCIATED LANDSCAPING AND ACCESS - 80A LONDON ROAD, MAIDSTONE, KENT

The Chairman stated that he had been lobbied.

The Committee considered the report of the Head of Planning and Development.

Mr Hawkins, for the applicant, and Councillor Pickett (Visiting Member) addressed the meeting.

**RESOLVED:** That permission be granted subject to the conditions and informatives set out in the report with the amendment of condition 12 (Landscaping) and additional informatives as follows:

Condition 12 (amended)

Prior to first occupation of any of the dwellings hereby approved details of landscaping (including long term management) shall be provided along the whole length of the north west site boundary and that with Sweet Briar Court, for the two landscaped areas abutting the access onto London Road and the areas of proposed ground cover planting. The details for the landscaped area abutting London Road shall include the provision of small leaf Lime trees. The approved landscaping scheme shall be carried out in the first available planting season following completion of the development. Any part of the approved landscaping scheme becoming dead, dying or diseased within 5 years of planting shall be replaced with a similar species of a size to be agreed in writing beforehand with the Local Planning Authority.

Reason: In the interests of visual amenity.

Additional Informatives

The applicant is advised to consider the re-use of traditional vernacular materials from the demolished house in the new development to assist in assimilating the development into the streetscape and in the interests of sustainable re-use of quality materials.

The applicant is requested to consider incorporating the name "Christmas Lodge" into the future name of the development in the interests of continuity.

Voting:        11 – For        0 – Against        0 – Abstentions

226. 16/503665 - TWO STOREY SIDE AND REAR EXTENSION - 85 MURRAIN DRIVE, DOWNSWOOD, KENT

The Committee considered the report of the Head of Planning and Development.

Councillor Greenhead of Downswood Parish Council (against) addressed the meeting.

**RESOLVED:** That permission be granted subject to the conditions set out in the report and the following additional condition:

Prior to the development reaching damp proof course, details of the type and location of swift bricks for incorporation into the external walls of the extension hereby permitted shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details and retained at all times thereafter.

Reason: In the interests of enhancing biodiversity within the site.

Voting:        11 – For        0 – Against        0 – Abstentions

227. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements on this occasion.

228. DURATION OF MEETING

6.30 p.m. to 9.15 p.m.

## **MAIDSTONE BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

**8 DECEMBER 2016**

#### **REFERENCE FROM STRATEGIC PLANNING, SUSTAINABILITY AND TRANSPORTATION COMMITTEE**

##### **WEST STREET, HARRIETSHAM, KENT**

The Strategic Planning, Sustainability and Transportation Committee considered the Reference from Planning Committee in which they were asked to look, in consultation with the appropriate County Council Member, at traffic and parking issues in West Street, Harrietsham and the surrounding area, and how they might be addressed by Traffic Regulation Orders.

Whilst the Committee acknowledged that their responsibilities included district highways and car parking functions, it would be content for such issues described above to be referred direct from the Planning Committee to the Maidstone Joint Transportation Board.

However, the Committee did request that should any issue involve a larger housing development then judgement should be used as to whether to refer the matter to the Strategic Planning, Sustainability and Transportation Committee first for comment before it is referred to the Maidstone Joint Transportation Board.

##### **RESOLVED:**

- (1) That the Planning Committee makes a specific, detailed request to the Maidstone Joint Transportation Board to consider the traffic and parking issues in West Street, Harrietsham; and
- (2) That the Planning Committee refer any similar issues direct to the Maidstone Joint Transportation Board in future unless they consider that the circumstances are significantly different and the Strategic Planning, Sustainability and Transportation Committee should deal with the issues direct.

# Agenda Item 13

**MAIDSTONE BOROUGH COUNCIL**  
**PLANNING COMMITTEE**  
**8 DECEMBER 2016**

**REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT**

**DEFERRED ITEMS**

The following applications stand deferred from previous meetings of the Planning Committee. The Head of Planning and Development will report orally at the meeting on the latest situation.

<b>APPLICATION</b>	<b>DATE DEFERRED</b>
<p><u>14/504109 - ADVERTISEMENT CONSENT FOR THE INSTALLATION OF 2 NO. NON-ILLUMINATED METAL POLE MOUNTED SIGNS (RETROSPECTIVE APPLICATION) - HUNTON C OF E PRIMARY SCHOOL, BISHOPS LANE, HUNTON, KENT</u></p> <p>Deferred to enable the Officers to negotiate movement of the signage to locations that are less visually intrusive.</p>	14 January 2016
<p><u>16/505311 - CHANGE OF USE FROM A C3 (4 BEDROOM HOUSE) TO SUI GENERIS FOR MULTIPLE OCCUPANCY OF 8 BEDROOMS, CONVERSION OF LOFT WITH THE INSERTION OF ROOFLIGHTS AND SIDE DORMER WINDOW, CONVERSION OF GARAGE TO BEDROOM WITH ALTERATIONS AND PROVISION OF ADDITIONAL PARKING - 47 FREEMAN WAY, MAIDSTONE, KENT</u></p> <p>Deferred for one cycle to enable the Officers to provide clarification on various concerns raised during the course of the discussion, including:</p> <ul style="list-style-type: none"><li>• Highways impact and usability of parking layout;</li><li>• Southern Water impact;</li><li>• Residential amenity of neighbours;</li><li>• Terms of the House in Multiple Occupation (HMO) licence and how the licence fits in with any planning permission;</li><li>• Site boundary;</li><li>• Disputed facts in reports in relation to Permitted Development position;</li><li>• Future residential amenity of occupiers of the HMO; and</li><li>• Status of Policy H22 of the adopted Local Plan 2000.</li></ul>	17 November 2016



16/500411 - 20-28 Mote Road

Scale: 1:1250

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**REPORT SUMMARY**

<b>REFERENCE NO - 16/500411/FULL</b>			
<b>APPLICATION PROPOSAL</b> Redevelopment of Maidstone Mosque with associated classrooms, library, offices, kitchen along with the addition of 3 shops and 1 residential flat.			
<b>ADDRESS</b> 20-28 Mote Road Maidstone Kent ME15 6ES			
<b>RECOMMENDATION</b> APPROVE SUBJECT TO CONDITIONS			
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b>			
<ul style="list-style-type: none"> <li>• The site has an existing D1 use as a Mosque.</li> <li>• Proposal relates to a redevelopment of the site to replace old and unsightly buildings and to enable a more efficient use of the town centre site.</li> <li>• Proposed site frontage will reflect the character and appearance of the adjacent terraced buildings.</li> <li>• Site is sustainably located on edge of town centre and also near to many public car parks and public transport routes.</li> <li>• Provision of a modern community facility that is encouraged by local, national and government policies and guidance.</li> <li>• The overall number of worshippers is not expected to increase and an overall occupancy limit is to be imposed.</li> </ul>			
<b>REASON FOR REFERRAL TO COMMITTEE</b>			
CALLED IN			
<b>WARD</b> High Street	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Maidstone Mosque <b>AGENT</b> Catalyst Regeneration Uk Ltd	
<b>DECISION DUE DATE</b> 16/05/16	<b>PUBLICITY EXPIRY DATE</b> 23/08/16	<b>OFFICER SITE VISIT DATE</b> VARIOUS	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
81/0809	Charity Shop.	Permitted.	13.07.81
86/1646	Change of use to light industrial.	Permitted.	24.03.87
89/1687	Temporary change of use to offices and temporary provision of car parking area.	Permitted.	05.12.89
89/1823	Erection of 5 storey office block with associated car parking.	Refused.	04.12.89
90/1648	Outline application for 11 flats and car parking.	Withdrawn.	30.12.91
ENF/12359	Erection of timber building.	Closed.	20.07.12

ENF/11257	Erection of Marquee. Case closed as not development, only erected on a temporary basis during summer months.	Closed.	19.07.10
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## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.1 The application site is located on the south side of Mote Road on the edge of the town centre, approximately 400m from the main shopping centre. Although in a predominantly residential area, Mote Road is an area of mixed character with the surrounding area containing a range of commercial, retail and office uses. Multi storey office buildings are located immediately opposite the site, with the multi-storey car park for the Chequers shopping centre and Sainsbury's Supermarket and its associated car park located beyond. There are a number of public car parks located in the vicinity of the site, including one in Mote Road itself.
- 1.2 The application site has been occupied by Maidstone Mosque for approximately 20 years and the premises were previously used by a local charity organisation. Planning permission was also granted in the 1980's for the use of the site for light industrial use and a temporary office use. The site was formally occupied by terraced housing, which suffered bomb damage during the war and was replaced by the present buildings. The present buildings are mostly single storey with a pre-fabricated appearance, which are mostly in poor condition due to both their age and poor quality construction. The single storey building has low pitched and tiled roof and also a stepped and ramped entrance on its front elevation. This is adjacent to a flat roofed single storey element that links to the two storey building on the far western end of the site, which comprises the residential accommodation for the head of the building. The remainder of the site comprises numerous timber and brick structures in varying states of repair, with the marquee located at the far southern end of the site.
- 1.3 All the existing buildings on the site are out of scale and character with the surrounding terraced housing to both the west and east. The majority of the adjacent terraced houses are three storey, brick built buildings. All the buildings in the surrounding residential roads are also a mix of two and three storey terraced and semi detached houses, interspersed with small shops and businesses.
- 1.4 The primary use of the Mosque is as a place of worship, but is also provides a range of community facilities, including Islamic education, advice centre, counselling and lectures. The current lawful use falls within Class D1 (non residential institutions) of the Town & Country Planning (Use Classes) Order, 1987, as amended. An inspection of the premises revealed the lack of space, inconvenient internal layout and generally poor state of repair of the buildings. It makes poor use of the space, with no logical flow that creates many problems for its users. A temporary marquee at the rear of the premises provides additional space for special events, but it is not practical for use throughout the year.
- 1.5 There is minimal landscaping on the site. The ground levels are much higher on the adjacent 18 Mote Road and on 3 Melville Road to the rear. The land levels increase on 18 Mote Road from the north upwards to the south.

## 2.0 PROPOSAL

2.01 The proposal relates to the redevelopment of Maidstone Mosque. It is proposed to demolish the existing buildings and erect a new purpose built mosque of 3 storeys on the frontage, reducing to single storey at the rear. It will provide the following accommodation:

- Basement: male and female toilet and washroom areas;
- Ground floor: entrance area, 3 retail shops, ladies room with small kitchen and baby change area, site office and main prayer hall;
- First floor: 3 classrooms, office, multi purpose hall and kitchen (planned to be the centre of more communal activities for educational activities, social activities, dining hall etc.)
- Second floor: Library and 2 bedroom flat for the head of the building;

2.02 The proposal does provide for an increase in floorspace on the site, but this is to provide improved layout and improved facilities. There is to be no increase in available prayer space, in fact a reduction in prayer space is proposed. There is to be no increase in worshippers/visitors to the site and an overall occupancy limit to that which currently takes place on the site is proposed. This would equate to an upper occupancy limit of 550 people, based on the floorspace provision of the existing site (see Highways Officer comments below).

2.03 The proposed three storey design on the site frontage closely reflects the scale, height and proportions of the adjoining properties in Mote Road, which is the main public view. This three storey element will extend to the same depth as 30 Mote Road. There will be a significant increase in height from the current single storey building from 5.7m to 10.7m for the proposed building. This will give the proposed building the exact same ridge height as the adjacent no.30 Mote Road. The top storey of the building follows the same profile as no. 30 with the use of rooflights rather than dormers. External materials reflect the surrounding area with yellow brickwork, red soldier courses, stone cills, white sash windows and slate roofs.

2.04 The current two storey building that is to be demolished currently adjoins no.18 Mote Road. A pedestrian accessway is to be provided along this boundary with gates on the frontage. This will also allow access to the bin storage area. It will also allow for secondary exit points from the prayer hall in case of emergencies and also on busy days in the muslim calendar when there are a greater number of visitors. The main entrances are on the site frontage through two sets of double doors on either end of the building, which will normally be used as it allows access to the lobby and then to the ablutions area that is visited before going into worship.

2.05 To the rear of the three storey building, it proposed to construct a two storey section, which contains the multi purpose hall. This will have a flat roof, which is proposed to be a green roof with flat glass roof lights. It will extend along the width of the rear of the three storey building, but as it extends out it narrows in depth. This allows the building to make the best use of the site and also for the prayer hall to face Qiblah. The angled side elevations also increases the distance of the two storey element from the site boundaries as it extends further to the rear (south) of the site. The higher land levels at 18 Mote Road, results in only the second storey of the rear extension being visible over the fence line. The windows angled towards the rear elevation of 18 Mote Road are to be obscure glazed. The building has been designed with a stepped elevation to ensure that many of the windows face away from the adjacent property to the west (no.18). The angled southeast elevation minimises

overlooking of no.30 Mote Road, but some views would still be possible. There is no window at second floor level on the rear (south) elevation of the building as this contains the stairwells and prevents any overlooking towards nos. 1a and 3 Melville Road. The following windows face towards No. 18 and also no.30 and will be obscure glazed to avoid overlooking:

- The proposed first floor 'kitchen' window that faces north west.
- The proposed first floor 'multi-purpose hall' window that faces north west.
- The proposed first floor 'stairwell' window that faces north west.
- The proposed four first floor 'multi-purpose hall' windows that face south east.

2.06 A single storey element of the proposal has a width of 7.4 metres with a maximum depth of 4 metres and contains the main prayer hall. It is again angled to both make to face southeast/east or Qiblah. This will also have a flat roof that is proposed to be a grass roof with flat glass roof lights. Due to the difference in levels between the application site and the adjacent properties, only the top of the green flat roof will be visible above the existing fence line from 3 Melville Road.

### 3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	0.06	0.06	0
Approximate Ridge Height (m)	5.7m & 9.3m	10.7m	+5m (max)
Approximate Eaves Height (m)	3.4m & 5.9m	7.7m	+4.3m (max)
Approximate Depth (m)	Varying depth	Varying depth	
Approximate Width (m)	21.2m	21.2m	0
No. of Storeys	1 & 2 storeys	3 storeys	+1
Gross Floor Area	509.6 sq.m	930 sq.m	+420.4 sq.m
Parking Spaces	0	0	0
Cycle Spaces	0	8	+8
No. of Residential Units	1	1	1

### 4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)  
 National Planning Practice Guidance (NPPG)  
 Development Plan: Maidstone Borough-Wide Local Plan 2000: T13, R1, ENV6, H21, CF3.  
 Draft Maidstone Borough Local Plan, Regulation 19, Feb 2016: SP1, SP4, EMP1(1), DM1, DM2, DM5, DM9, DM17, 24, DM27, DM33.  
 Supplementary Planning Documents:

### 5.0 LOCAL REPRESENTATIONS

5.01 A number of representations have been received both objecting to and in support of the application. Overall, 20 local residents have objected to the proposal. There were two letters of objection that have been removed from the system due to the inappropriate comments made and I have not included these letters in the total as they did not relate to planning matters. The objections raised have been set out below:

- Traffic and congestion from 200 worshippers.

- Parking problems – streets clogged, cars reversing from site frontage onto Main Road.
- Additional facilities would add to problem of parking and traffic throughout the week.
- Insufficient parking to cope with additional custom.
- Illegal parking on paths is a danger to pedestrians.
- It is dangerous for pedestrians crossing road to access site.
- Would more parking permits be issued to owners of shops – already an oversubscribed scheme?
- More shops not required, enough facilities in surrounding area.
- Already shops on Mote Rd, Post Office in Kingsley Rd and Sainsbury's off of Wat Tyler Way are only a minute walk away.
- Only 5 mins walk from town centre so don't need shops.
- Overlooking and loss of privacy to surrounding gardens, including Melville Rd.
- Properties in Mote Road, Melville Road and Kingsley Road will be overshadowed and sunlight blocked.
- Overdevelopment of site - takes up too much of site and back garden land.
- Side exit will increase noise and disturbance to 18 Mote Road.
- Removal of 2 storey house will expose side elevation of 18 Mote Road and a window.
- Excavation of basement could cause possible damage to footings of 18 Mote Rd.
- Consideration should be given to possible subsidence and settlement cracks to properties on both sides.
- Noise pollution at prayer time, will increase with larger building.
- Noise from classrooms and offices.
- Use not suited to a residential area.
- Users congregate/overspill onto pavement outside Mosque.
- Will result in more litter.
- Out of town venue would be better.

5.02 Approximately 150 letters of support have been received in relation to the proposal. These letters raised the following issues:

- Present premises do not provide good facilities and can no longer serve the needs of the modern muslim community.
- Wish is to properly accommodate those already attending worship.
- Will prevent overspill outside when larger numbers visiting.
- There are a number of worshippers and children who live locally that walk in.
- Public car park nearby for parking – ample parking in area.
- The redevelopment will provide a modern community facility, where people of all faiths will be welcome, and can promote better understanding and strengthen good community relations.
- Will add to urban regeneration of area.
- Will improve appearance – current buildings do not fit in with streetscape.

5.03 The comments raised have been dealt with in the main appraisal of the development.

## 6.0 CONSULTATIONS

**Environmental Health Officer**

6.01 A noise assessment was submitted as part of the application. The EHO commented that *“the site is an urban area, and traffic noise is a potential problem for this site, plus there is potential for noise generation from the proposed shops etc. so an acoustic assessment should be required as condition of any permission granted. It is recommended that the applicant adheres to the standards set out in Approved Document E Building Regulations 2010 “Resistance to the Passage of Sound” - as amended in 2004 and 2010, in order to reduce the transmission of airborne and impact noise between the separate units in this development and other dwellings. In order to preserve local residents’ amenity I also consider that there should be a condition restricting the hours of use of the proposed shops. Additionally, the site is within a known air quality hotspot in the Maidstone Town Air Quality Management Area, and I consider the site position warrants an air quality assessment condition applied to any permission granted. There is no indication of land contamination based on information from the contaminated land database and historic maps databases and there is no indication of any significant chance of high radon concentrations. The application form states that foul sewage will be dealt with via mains system; and there are no known Private Water Supplies in the vicinity. Any demolition or construction activities may have an impact on local residents and so the usual informatives should apply in this respect. The parts of the building being demolished should be checked for the presence of asbestos and any found should only be removed by a licensed contractor. RECOMMENDATIONS: No objection, subject to the comments above plus conditions and informatives below”.*

6.02 The EHO requested the following conditions, which have been set out in full in section 10, Recommendation:

- Restrictions on times of use of associated shops;
- Hours of working (demolition/construction);
- Internal/external sound levels – residential;
- Plant and ducting systems;
- Rating level – day (plant and equipment noise);
- Rating level – night (plant and equipment noise);
- Air quality assessment;
- External lighting;
- Code of construction practice (major sites).

6.03 The EHO also requested that the following informatives be imposed and they are also set out in full in the Recommendation, section 10 of the report:

- Construction;
- Noise and Vibration transmission between properties;
- Asbestos;
- Health and Safety.

#### **KCC Highways Officer**

6.04 The Highways Officer comments that *“I have read the Transport Statement submitted. Of particular note are paragraphs 4.13 and 4.14 on page 27 which indicate that the total number of people on site is not expected to change from the maximum of 550 people. This appears to be reflected in the drawings submitted which can be summarised as follows:*

*Existing site – Masjid – 316sq.m for 430 people and Marquee 88sq.m for 120 people  
overspill  
Total – 404 sq.m for 550 people. This all equates to a ratio of 1 person/0.73sq.m.*

*Proposed site comprises:*

*Main Prayer Hall – 91sq.m for 136 occupancy/prayer mats – 0.67sq.m/person  
Multipurpose Hall (level two) – 108sq.m for 140 prayer mats – 0.77sq.m/person  
Overspill Prayer Hall – 62sq.m. @ 0.73sq.m/person equates to 85 people  
Total – 261sq.m for 361 people – 0.72sq.m/person overall*

*Indeed in terms of prayer space available there appears to be a significant reduction.*

*On the basis of the information submitted, it is not considered that this authority would be able to sustainably object to this application when considering the context of the NPPF and the existing use currently in place. Should this application be approved this may be opportunity to set a maximum occupancy by condition that does not restrict that which currently takes place and this would also satisfy this application.*

*It is also considered that the following should apply by condition, should this application be approved:-*

- Due to the location of the site a construction management plan should be submitted prior to commencement for approval. It is recommended that this work is undertaken following appointment of a main contractor, designed to minimise disruption to neighbours and the adjacent strategic roads and footway.*
- Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.”*

- 6.05 The Highways Officer also recommends that informatives be imposed relating to obtaining all necessary highway approvals and consents, that the limits of highway boundaries are clearly established and to ensure the position of the highway boundary. These informatives are set out in the Recommendation, section 10 of the report.

### **Southern Water**

- 6.06 Southern Water recommended the imposition of a condition requiring the submission of foul and surface sewerage details prior to the commencement of the development. It was requested that several informatives be imposed in relation to providing the appropriate consents for connection to the public sewerage system and to provide grease traps on all kitchen drains. The requested conditions and informatives have been included in the officer recommendations.

### **Upper Medway Drainage Board**

- 6.07 Upper Medway Drainage Board raised no comment.

### **Landscape Officer**

- 6.08 The Landscape Officer commented that “whilst there are a couple of trees to the southwest of the site they would not fulfil the criteria for the making of Tree Preservation Order and, as such, would not be considered as a constraint to the development proposal. I therefore raise no objection on arboricultural grounds

subject to landscape conditions”. Landscaping conditions been imposed within the recommendations section, along with a condition relating to details for the planting specification on the proposed green roofs.

## **7.0 BACKGROUND PAPERS AND PLANS**

7.01 The application comprises the following documents:

- Drawing No. 1787-01: Location Plan - Existing;
- Drawing No. 1787-01 Rev.A: Site Plan/Location Plan (Proposed Site Plan Scale 1:200);
- Drawing No. 1787-02: Existing Elevation (front);
- Drawing No. 1783-03: Existing Site Plan;
- Drawing No. 1787-04: Existing Elevation (rear);
- Drawing No. 1787-05: Existing Elevation (facing 30 Mote Road);
- Drawing No. 1787-06: Existing Elevation (facing 16 Mote Road);
- Drawing No. 1787-02: Level Zero Plan (proposed floor plan);
- Drawing No. 1787-03: Level One (proposed floor plan);
- Drawing No. 1787-04 Rev.B: Level Two (proposed floor plan);
- Drawing No. 1787-05 Rev.A: Level Three (proposed floor plan);
- Drawing No. 1787-06: Key to Elevations;
- Drawing No. 1787-07 Rev.B: Elevation No.1 (proposed);
- Drawing No. 1787-08 Rev.A: Elevation No.2 (proposed);
- Drawing No. 1787-09 Rev.B: Elevation No.3 (proposed);
- Drawing No. 1787-10 Rev.A: Elevation No.4 (proposed);
- Drawing No. 1787-11: Elevation 6 and Section A-A (proposed);
- Package of 3D coloured plans;
- Design and Access Statement;
- Topographic Survey Plan – Existing Floorspace calculations;
- Planning Application Form
- Noise Assessment.
- Transportation Statement.

## **8.0 APPRAISAL**

### **Principle of Development**

8.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the Development Plan comprises the Maidstone Borough Wide Local Plan 2000. The emerging Local Plan, Maidstone Borough Local Plan Publication (Regulation 19) February 2016, is currently at examination stage and so its policies also now carry significant weight.

8.02 Policy CF3 seeks to prevent the loss of community facilities, unless an appropriate replacement facility is provided. Policy DM33 of the emerging Local Plan also allows for community (class D1) uses in the town centre, where there will be no significant impact on local amenity and where the proposal establishes or retains an ‘active frontage’ to the street. In this instance, the application site already has a lawful Class D1 community use and the proposal seeks to replace the outdated buildings with purpose built facilities that make more efficient use of the available space and that improve the character and appearance of the built environment. There will be no loss of the community facilities on this site, but an improvement to the existing

facilities and the creation of a much improved street frontage to match the adjacent buildings.

- 8.03 Overall, the proposal does provide for an increase in floorspace on the site, but this is to provide improved layout and improved facilities. There is to be no increase in available prayer space, in fact a reduction in prayer space is proposed. There is to be no increase in numbers of worshippers/visitors to the site and an overall occupancy limit to that which currently takes place on the site is proposed. This would equate to an upper occupancy limit of 550 people, based on the floorspace provision of the existing site. The additional lobbies, changing areas, classrooms etc. will provide additional space to prevent overspill from the building on important days of the Muslim calendar when visitor numbers are greater. Normally, there is approximately 200 visitors at the majority of prayer times, with Fridays being the busiest day. The provision of classrooms etc. will enable much greater use of this town centre community facility to be made during the week and outside of prayer times. This accords with the local, national and government policies and guidance, which encourages community facilities/uses in the town centre.
- 8.04 Policy R1 permits retail development in the urban area where it will not threaten the economic vitality and viability of established retail centres, where it will not raise any highway objections, where there is a choice of transport modes and where it will not adversely impact upon residential amenities. Policy DM17 of the emerging Local Plan seeks to provide town centre uses, such as retail, within existing centres or on the edge of existing centres. The proposal includes the creation of 3 small shop units on the ground floor frontage. These shops are ancillary to the Mosque use. They will be closely linked to the main use of the site by selling clothing, books and other items related to the Islam religion. As the site is on the edge of the town centre in a mixed use area, there are already numerous shops and businesses located nearby and this retail proposal would be acceptable. The site is sustainably located with a number of public car parks within easy walking distance and the provision of 3 small retail units is considered to accord with policy R1 and the emerging policy DM17.
- 8.05 Policy H21 of the Local Plan allows for the conversion or redevelopment of dwellings to self contained flats where the intensified use of the site would not harm the amenity, character or appearance of the surrounding area. Policy DM9 of the emerging Local Plan encourages the provision of residential premises above shops and businesses to provide a sense of place and vitality and mix of uses advocated by NPPF. It also provides security. The proposal includes the redevelopment of the existing two storey dwelling on the site to a two bedroom flat above the Mosque. As a result, it does not involve intensification of the residential use or a loss of housing. As existing, the dwelling will be occupied by the head of the building, with integral access to the rest of the building, significantly improving both security and the functioning of the building.
- 8.06 The principle of the demolition of the existing buildings and the redevelopment of the Mosque with a new building comprising the Mosque, classrooms, library, ancillary offices and 3 shops and 1 residential flat is considered to be acceptable in principle. The site is sustainably located on the edge of the town centre, has an existing D1 use and is supported by policies CF3, R1 and H21 of the adopted Local Plan and policies DM9, DM17 and DM33 of the emerging Local Plan.

## Visual Impact

- 8.07 The existing buildings on the site are considered to be out of scale and character with the surrounding buildings. They are poorly constructed, of an unattractive design and appearance and in a poor state of repair. The materials of the existing building and the ramped entrance are all out of keeping with the surrounding area. The proposal was the subject of pre-application discussions and the building was carefully designed to reflect the scale, height and proportions of the adjoining residential properties in Mote Road. Although the proposal involves an increase in height of approximately 5 metres above the existing building, this will ensure the building is comparable in height to the buildings on either side and this enhances the street scene. It also restores the site frontage to its pre-war appearance, prior to the loss of the original terraced buildings through bomb damage. The building will be made of more traditional materials found on many of the adjacent buildings, including brick and slate.
- 8.08 The proposed continuous built frontage introduces a cohesive element into a currently discordant streetscene. It provides a stronger sense of enclosure to the street and is an appropriate scale for its context and introduces a more active ground floor frontage at street level with prominent entrances and shopfronts providing natural surveillance. The current building has a poor relationship to the street, being more set back with hidden entrances with an inactive façade providing poor natural surveillance.
- 8.09 Mote Road has a number of mixed uses, including office sites on the opposite side of the road that include multi storey buildings. There is also a B1 office allocation under policy EMP1(1) of the emerging Local Plan, immediately opposite the Mosque, on the corner of Mote Road/Wat Tyler Way and Romney Place. This seeks to create frontage blocks on Mote Road in order to create active frontages and it will not be allowed to exceed 9 storeys in height. Development of sites to a greater height than currently exists on each side of Mote Road will assist in providing a sense of enclosure to the streetscene and also provide the much needed active frontages to this part of Mote Road.
- 8.10 The design of the proposed works is considered to work in conjunction with the surrounding land levels as the height of the buildings reduce as they project further into the site. The properties in Melville Road are at a higher level, and combined with the lowering height of the proposal as it projects to the rear (south) of the site, it will have a much reduced visual impact from the south than when viewed from the north on Mote Road. Indeed, from 3 Melville Road, only the top of the flat roof of the rear single storey building will be visible and this is to be a green roof. This assists greatly with the proposal blending in with the residential properties to the rear of the site, whilst not appearing out of place with the taller buildings on Mote Road.
- 8.11 The use of green roofs on the two storey and single storey rear projections will assist in reducing visual impact (especially compared to the exiting roofscape on the site) and increase the sustainability of the scheme by reducing water run-off from the roofs and enhancing biodiversity. The boundaries of the site will contain a mixture of hard and soft landscaping, that will provide a visual buffer to the adjacent gardens. These elements, combined with the raised land levels of the properties to the south, will ensure that the visual impact of the proposal is actually an improvement over the current appearance of the site.

### **Residential Amenity**

- 8.12 The impact of the use of the Mosque on the amenities of local residents in terms of level of activity, number of people, time of day, noise and general disturbance resulting from arrivals and departures will be an important determining factor in any planning application. It must be noted that there is an existing and lawful use as a mosque and so the existing level of activity must be compared to the proposed to assess whether there is likely to be an increase in noise and disturbance. Overall, no increase is proposed to the number of worshippers and so there should be no increase in noise and disturbance.
- 8.13 The existing pattern of use involves 5 prayer meetings per day at varying times dependent on sunrise and sunset. The first prayer meeting of the day at sunrise is likely to have the greatest potential for causing disturbance to local residents whereas meetings later in the day are less likely to be a problem. It is estimated that the midday prayer meeting on Fridays may normally attract up to 200 worshippers. It is understood that the level of activity at the new mosque is unlikely to be significantly higher as the number of worshippers will be about the same as at present. Overall, there is no increase in the amount of prayer space available, in fact, there is a slight decrease and, therefore, it is considered that the noise and disturbance from the use is unlikely to increase. The multi-purpose hall, classrooms, library and lobby areas will provide additional space to prevent worshippers overspilling outside the building on days where there is a larger number of visitors. Overspilling has previously been an issue on important days in the muslim calendar. The improved internal layout will also assist in prevent overspilling in the future as the building flows in a logical order and has emergency exit points.
- 8.14 Much of the improvements to the facilities are to the ancillary activities, including education classes, lectures and counselling. These activities will take place later in the day, outside of worship times and are less likely to have an impact on amenity. The EHO has suggested a noise condition to protect residential amenity. Again, it must be noted that the mosque is an existing use in an outdated building, which has no sound insulation. The proposal provides an opportunity to reduce the transmission of excessive airborne and impact noise between the separate units in this development and other dwellings. The EHO also requested a condition be imposed on the hours of use of the proposed shop to preserve residential amenity. These shops will be serving the specialised needs to the visitors to the mosque, so footfall will be much lower than normally expected for other A1 retail units.
- 8.15 In terms of privacy and overlooking, the windows on the rear of the three storey section are approximately 22 metres away from the rear of 1a Melville Road. At approximately 20 metres distance, the rear of 16 and 18 Mote Road are actually closer to 1a Melville Road than the new building. There are no windows at second floor level on the rear (south) elevation of the proposed two storey section as this contains the stairwells and prevents any overlooking towards nos. 1a and 3 Melville Road. The main windows in the two storey building are along its side elevations. The angled side elevations increases the distance of the two storey element from the site boundaries as it extends further to the rear (south) of the site. The higher land levels at 18 Mote Road, results in only the second storey of the rear extension being visible over the fence line. The windows angled towards the rear elevation of 18 Mote Road are to be obscure glazed and a condition has been imposed to ensure that this is undertaken and retained. The building has been designed with a stepped elevation to ensure that many of the windows face away from the adjacent property to the west (no.18). The following windows face towards No. 18 and will be requested to be obscured glazed by condition 19 to avoid overlooking:

- The proposed first floor 'kitchen' window that faces north west.
  - The proposed first floor 'multi-purpose hall' window that faces north west.
  - The proposed first floor 'stairwell' window that faces north west.
- 8.16 The southeast elevation has also been angled to ensure also ensures only oblique views would be visible of the adjacent properties. However, it is considered that some overlooking would still be caused to the adjacent properties, including 30 and 32 Mote Road. Those on Kingsley Road are a much greater distance away and are unlikely to suffer a loss of privacy. The provision of obscure glazing to all the first floor windows of the multi purpose hall will ensure no loss of privacy to any of the properties located to the east and southeast of the site. The use of the room as a hall only requires it to have natural daylight, no views out are required as would be the case for a dwelling. Therefore, 'the proposed four first floor 'multi purpose hall' windows that face south east' will also be requested to be obscured glazed by condition 19.
- 8.17 A single storey element of the proposal contains the main prayer hall and is angled to face southeast/east or towards Qiblah. This will also have a flat roof that is proposed to be a grass roof with flat glass roof lights. Due to the difference in levels between the application site and the adjacent properties, only the top of the green flat roof will be visible above the existing fence line from 3 Melville Road and there will be no loss of privacy as a result of this part of the scheme.
- 8.18 The orientation of the rear of the site to the south, combined with the angled design and reducing height of the buildings, will ensure a minimal loss of sunlight and daylight to the adjacent properties. The change in land levels will ensure that no.18 to the west will still receive morning sunlight into its rear garden with no impact during the rest of the day. The angled design of the two storey section of the proposal provides an increasing gap from the boundary with No.30 as it extends out from the main building ensuring that this property still benefits from sunlight in the late afternoon. It will be unaffected during the morning and early afternoon due to the orientation. The flat roof design also assists in this and improves the outlook from the rear windows of the surrounding dwellings. The nearest properties in Melville Road are located to the south/south west of the site and so will not suffer any loss of sunlight.
- 8.19 Policy DM9 of the emerging plan permits living above shops and businesses in all suitable premises in town centre as it provides a sense of life and occupation and creates a sense of place and *vitality and mix of uses advocated by NPPF and it also provides security*. The proposed residential flat for the head of the building is replacing the existing on-site accommodation that is currently contained in the two storey building on the western side of the site. It provides a two bedroom unit that will provide security for the building and also easy access for the head of the building to the on-site facilities, including the library for preparing lectures etc. The windows that serve the flat on the rear elevation of the building are 22 metres away from 1a Melville Road. No balcony is proposed for the windows serving the residential flat. Overall, it is considered that the windows in the rear elevation of building that serve the residential flat will not result in any unacceptable loss of privacy to adjacent properties. The windows in the rear elevations of nos. 16 & 18 Mote Road are actually closer to 1a Melville Road than those on the proposed flat. The proposal involves the replacement of just one 2-bedroom unit with another 2-bedroom unit and so residential activity on the site will not increase.

- 8.20 The proposal will involve the demolition of the existing two storey dwelling on the western side of the site. As this building is a more modern addition, built after the original construction of 18 Mote Road, the structure should be capable of being removed with no damage to no.18. The applicant will need to ensure that neither of the adjacent properties suffer any damage as a result of the proposed building works, which is the case for all construction activities. The Party Wall Act deals with these issues. The occupier of no.18 has stated that there is a window hidden behind the side wall of the existing dwelling. However, as this has been bricked up for over 50 years, it will have served a non-habitable room such as a stairwell. It is up to the owner of this property, whether it is re-instated as a window (obscure glazed or otherwise) or if it remains bricked up as it has been since the current two structure building on the application site was built after the war. It is not considered to raise a privacy issue for the proposed side windows in the three storey section of the mosque, especially as these windows serve one classroom and a stairwell at first floor and a kitchen on the second/top storey, which are clearly not habitable rooms.

### **Highways**

- 8.21 The context of the consideration of this application is the existing D1 use of the site as a Mosque. The Mosque currently has one informal parking space in front of the two storey building but it has no proper turning area. It is noted that a number of the residential properties along the Mote Road frontages park in front of the dwellings. The new proposal provides for no on site provision to improve safety and as its edge of town centre location ensures that it has easy access to a number of sustainable transport options and also to numerous public car parks. It does provide cycle parking. Local, national and government advice encourages minimal provision so as to encourage alternative means of transport. Policy T13 of the Local Plan seeks to ensure minimal provision, but this is relaxed in town centre sites. Paragraph 6.66 of the Local Plan states council will seek to adopted reduced parking for locations which have good access to means of travel other than the private car. Emerging policy DM27 on parking standards adopts an even more flexible approach to minimum and maximum parking standards to reflect local circumstances and the availability of alternative modes of transport to the private car, consistent with the NPPF. This development is very accessible, with excellent availability of public transport and public car parks and cycle parking on site.
- 8.22 As highlighted by the Highway Officers comments, the proposal will actually result in a reduction in the amount of prayer space available, whilst providing more space for essential/supporting facilities for visitors, including changing rooms and showers etc. The provision of classrooms and a library will enable the educational and counselling needs of the congregation to be more comfortably met, providing a more supportive and cohesive community facility, whilst not increasing overall capacity at prayer times. There is actually a reduction proposed in actual prayer space. It also provides disabled toilets and baby change facilities to enable the young, old and disabled to be properly catered for. The proposal seeks to improve its facilities to enable it to meet the wider need of its congregation rather than increase the overall capacity of the building at prayer times. As the total number of people on site is not expected to change from the maximum of 550 people, use has been made of this opportunity to impose a condition to permanently set this as the maximum occupancy of the building. Therefore, the number of visitors to the site is not expected to increase during prayer times nor is the traffic generated by the proposal.
- 8.23 Although the overall number of visitors at any one time may not increase, what is likely to increase is the utilisation of the building in the week for other community uses, such as education, counselling and visits to the library or the Islamic shops.

The planning policies of the adopted and emerging Local Plan (policy CF3 and DM33 respectively) encourage community uses, particularly where they provide a positive contribution to diversification, vibrancy, vitality and providing an active frontage. The proposal enables the building to be used at other times in the week as a community facility, making the best and most efficient use of a town centre site, rather than the building only being used during times of worship. All the proposed additional activities are ancillary to the main use.

- 8.24 The 3 shop units proposed are very small and will be low key retail units ancillary to the use of the Mosque. They will meet the needs of the existing visitors to the Mosque selling items such as Islamic clothing, books etc. The town centre location and easy access to car parks and alternative travel modes ensures that no parking provision is required for these units. The proposed units are not large enough to generate any large scale deliveries, but there is a loading bay immediately to the west of the site that would allow for the small scale deliveries associated with the use. There is a small supermarket a few doors along from the Mosque that similarly has no parking of its own, but relies either on people walking or using public car parks. Many worshippers live locally and so can walk to the community facility. Those that live outside the town centre can use the public car parks.
- 8.25 The Highways Officer concluded that *“on the basis of the information submitted, it is not considered that this authority would be able to sustainably object to this application when considering the context of the NPPF and the existing use currently in place. Should this application be approved this may be opportunity to set a maximum occupancy by condition that does not restrict that which currently takes place and this would also satisfy this application”*. As stated earlier, the total occupancy of the building is not proposed to change and so the suggested condition has been included in the recommendation and is agreed to by the applicant.
- 8.26 The Highway Officer suggested that, due to the location of the site, a construction management plan should be submitted prior to commencement for approval. It is recommended that this work is undertaken following appointment of a main contractor, designed to minimise disruption to neighbours and the adjacent strategic roads and footway. This requirement has been imposed as a condition. A condition has also been imposed to require the provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.
- 8.27 Concerns have been raised by residents regarding increased pressure for on-street parking. However, as the overall capacity of the building is not increasing, it is considered that this is not a sustainable objection to the proposal, especially considering the existing use of the site and the proximity to public car parks and alternative modes of transport. This edge of town centre location is a mixed use area, where there is the potential for conflict between users to arise. In considering such proposals, paragraph 18.8 of the emerging Local Plan advises that community centres and other D1 uses within town centre will add to its diversity and will extend both its appeal and periods of activity throughout the day. It is considered that the proposal will provide a positive contribution to diversification and improve existing facilities for the users of the Mosque, providing not just a place of worship but education, advice centre, counselling and lectures – essentially a hub for the local muslim community. The community use can be walked to by many of its visitors, with the remainder having a choice of public car parks. The site has been used for as a mosque for over 20 years, but the building is now in need of serious update and improvements to provide more modern facilities. It is considered that due to the overall capacity of the building not increasing, this can be undertaken with no

adverse impacts on highway issues, including traffic generation and on street parking.

### **Landscaping**

- 8.28 There is no existing landscaping or biodiversity on the site. The proposed landscaping is provided by a mix of hard and soft landscaping. Tree and shrub planting is proposed along both the side boundaries of the site and the proposed green roofs will also introduce a substantial element of additional planting. Views towards the site from the east, south and west will be substantially improved as a result of the removal of the existing buildings and their replacement with the proposed green roofs. Landscaping conditions have been imposed, requesting full details of the planting scheme, including the green roofs. The Landscape Officer raised no objection on arboricultural grounds, subject to landscape conditions as required by policy ENV6 of the Local Plan.

### **Other Matters**

- 8.29 Southern Water raises no objection to the proposal subject to various conditions and informatives relating to foul and surface water disposal. In particular, detailed designs for the drainage for the basement will ensure that these facilities will not be flooded if any surcharge of the sewerage system occurs.

## **9.0 CONCLUSION**

- 9.01 Policy CF3 of the adopted Local Plan states that the loss of community facilities is not permitted unless a replacement facility is provided. Policy DM33 of the emerging Local Plan states that proposals for D1 uses in the town centre will be permitted, where it will not have a significant impact on local amenity, inc. as a result of noise and hours of operation, and where it establishes or retains an active frontage to the street. The mosque use is an established one and the overall levels of worship at the centre are not expected to increase with a slight reduction proposed in prayer space. The mosque itself is an existing use and the current building has no noise insulation. As a result, it is considered that the new building will provide improved insulation properties and there will not be an adverse increase in noise and disturbance to neighbouring properties. The improvement of existing facilities to improve the provision of education etc. will be undertaken outside of prayer times during the day and so will not cause an increase in overall visitor levels. The EHO has raised no objections to the proposal, subject to the imposition of conditions relating to noise and air quality. Any plant and machinery used for the building will also be subject to noise conditions.
- 9.02 The emerging local plan advises in paragraph 18.8 that community centres and other D1 uses within town centre will add to its diversity and will extend both its appeal and periods of activity throughout the day. Overall, it is considered that the proposal will provide a positive contribution to diversification and improve existing facilities for the users of the Mosque, providing not just a place of worship but education, advice centre, counselling and lectures – essentially a hub for the local muslim community. The site has been used for these purposes for over 20 years and the building is now in need of serious update and improvements to provide more modern and up to date facilities. The layout of the existing building allows for some ancillary uses, such as lectures and social events, but the building is outdated and does not provide any purpose built space for such uses.

- 9.03 Policy DM1 of the emerging Local Plan states that proposals which create high quality design will be permitted, particularly where it responds positively to local character and provides improvements or uplifts an area of poor environmental quality. The building has been well designed to reflect the character and appearance of the surrounding area and it basically restores a 'lost' frontage. It will provide a sense of enclosure to this part of Mote Road and will greatly improve the visual appearance of the site and the area through the use of good design and materials. Where some of the first floor windows are considered to raise issues of overlooking, these windows have been conditioned to be obscure glazed. The functioning of the 'multi-purpose hall' is not in any way impaired by the use of obscure glazing, but it will ensure no loss of privacy to the adjacent properties, in particular, 18 and 30 Mote Road. The orientation of the site and the design and layout of the building ensures that there will be no unacceptable loss of sunlight to the adjacent properties.
- 9.04 KCC Highways Engineer has raised no objection to the proposal. The town centre location ensures that the site is sustainable with good access to parking and alternative modes of transport. A condition has been imposed to restrict the use to what currently takes place with a maximum occupancy condition of 550.
- 9.05 Overall, the proposal is considered to accord with the adopted and emerging local plan policies. It provides for the continuation of an established community use, but will enable the improvement to the buildings and the facilities to be undertaken. The uses of the building will benefit greatly from the replacement of the outdated building with modern facilities. The replacement of the building will also greatly improve the character and appearance of the surrounding area by restoring the frontage of the site to match the adjacent terraced buildings. It is considered that the privacy of the surrounding properties can be protected by the use of obscure glazing and that any activities, noise and disturbance will not be increased above that which currently takes place as part of the existing use of the site as a mosque. This proposal creates the opportunity to provide more control over the currently unregulated use through the imposition of planning conditions.

**10.0 RECOMMENDATION – GRANT** 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 hereby permitted shall be carried out in accordance with the following approved plans:
- Drawing No. 1787-01: Location Plan - Existing;
  - Drawing No. 1787-01 Rev.A: Site Plan/Location Plan (Proposed Site Plan Scale 1:200);
  - Drawing No. 1787-02: Existing Elevation (front);
  - Drawing No. 1783-03: Existing Site Plan;
  - Drawing No. 1787-04: Existing Elevation (rear);
  - Drawing No. 1787-05: Existing Elevation (facing 30 Mote Road);
  - Drawing No. 1787-06: Existing Elevation (facing 16 Mote Road);
  - Drawing No. 1787-02: Level Zero Plan (proposed floor plan);
  - Drawing No. 1787-03: Level One (proposed floor plan);

- Drawing No. 1787-04 Rev.A: Level Two (proposed floor plan);
- Drawing No. 1787-05 Rev.A: Level Three (proposed floor plan);
- Drawing No. 1787-06: Key to Elevations;
- Drawing No. 1787-07 Rev.B: Elevation No.1 (proposed);
- Drawing No. 1787-08 Rev.A: Elevation No.2 (proposed);
- Drawing No. 1787-09 Rev.A: Elevation No.3 (proposed);
- Drawing No. 1787-10 Rev.A: Elevation No.4 (proposed);
- Drawing No. 1787-11: Elevation 6 and Section A-A (proposed);

Reason: To ensure the quality of development is maintained and to prevent harm to amenity.

- (3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building and hard surfaces and hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.  
Reason: To ensure a satisfactory appearance to the development.

- (4) The development shall not commence until full details of the bicycle parking as shown to be provided on the approved plans (drawing no. 1787-01: Location and Site Plan), including details of design and appearance and materials of the structure, have been submitted to and approved in writing by the Local Planning Authority. The bicycle parking shall be provided on site in accordance with the details approved prior to the first occupation of the residential flat and shops hereby permitted and shall be retained and maintained thereafter for the storage of bicycles.

Reason: To ensure that facilities are available for the parking of bicycles in the interests of highway safety and to encourage the use of sustainable modes of transport and access to the site by means other than private motor car in accordance with Government Guidance in the National Planning Policy Framework.

- (5) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, using indigenous species. The scheme shall be designed using the principles established in the Councils adopted Landscape Character Assessment and Landscape Guidelines. The details shall include all trees and hedgerows to be retained on the site and additional proposed planting.

Reason: No such details have been submitted and to ensure a satisfactory setting and external appearance to the development.

- (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 buildings 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.

- (7) The development shall not commence until details of the proposed planting for the green roofs have been submitted to and approved by the local planning authority. The submitted details shall set out an appropriate planting mix and a management

programme for its future maintenance. The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a satisfactory appearance to the site and in the interests of biodiversity.

- (8) The three retail shop units shown on the approved plans shall only be used for retail purposes ancillary to the Mosque and for no other purposes;

Reason: In the interests of the amenities and living environment of the prospective occupiers of the residential flat above and exiting adjacent residents and to safeguard the character, appearance and functioning of the surrounding area.

- (9) The use hereby permitted for the three shop units shall only be carried out between the hours of 07:00 to 22:00 hours Monday to Friday, 10:00 to 16:00 hours on Saturdays and Sundays with no use on Bank Holiday Mondays.

Reason: To safeguard the amenities of the occupiers of the neighbouring residential properties.

- (10) The use hereby permitted shall be restricted to a place of worship and no other use, whether falling within Use Class D1 of the Use Classes Order 1987 (England) (as amended) or not, shall be carried out from the premises.

Reason: To safeguard the amenities of the occupiers of the neighbouring residential properties.

- (11) No demolition/construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.

[In addition to these hours of working the Local Planning Authority may approve in writing a schedule of activities where it is necessary for safety reasons to conduct works during a railway possession or road closure, outside the hours specified in this condition].

Reason: To safeguard the amenities of the occupiers of the neighbouring residential properties.

- (12) Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential unit will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings – Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to the occupation of the premises and be retained thereafter.

Reason: In the interests of the amenities and living environment of the prospective occupiers of the residential flat.

- (13) Prior to the first use of the premises, details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The scheme shall ensure that the noise generated at the boundary of any

noise sensitive property shall not exceed Noise Rating Curve NR35 (in areas of low background sound levels a target of NR30 shall be achieved) as defined by BS8233: 2014 Guidance on sound insulation and noise reduction for buildings and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it's operating. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority.

- (14) The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142: 2014 Rating for industrial noise affecting mixed residential and Industrial areas) shall be at least 5dB below the existing measured ambient noise level LA90,T during the day time period. For the purpose of the assessment the Authority will accept 07:00 – 23:00 hours as covering the day time period.

Reason: To safeguard the amenities of the occupiers of the neighbouring residential properties.

- (15) The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142: 2014 Rating for industrial noise affecting mixed residential and Industrial areas) shall be at least 5dB below the existing measured ambient noise level LA90,T during the night time period. For the purpose of the assessment the Authority will accept 23:00 – 07:00 hours as covering the night time period.

- (16) The development shall not be commenced until a report, undertaken by a competent person in accordance with current guidelines and best practice, has been submitted to the local planning authority for approval. The report shall contain and address the following:

- 1) An assessment of air quality on the application site and of any scheme necessary for the mitigation of poor air quality affecting the residential amenity of occupiers of this development.
- 2) An assessment of the effect that the development will have on the air quality of the surrounding area and any scheme necessary for the reduction of emissions giving rise to that poor air quality. The assessment should, where possible, quantify what measures or offsetting schemes are to be included in the development which will reduce the transport related air pollution of the development during construction and when in occupation.

Any scheme of mitigation set out in the subsequently approved report shall be implemented prior to the first occupation of the building and maintained thereafter.

Reason: In the interests of the amenities and living environment of the prospective occupiers of the residential flat and preventing poor air quality on the development and the surrounding area.

- (17) No lighting whether permanent or temporary shall be installed on the site without the prior written consent of the Local Planning Authority. Any lighting scheme will then be carried out in accordance with the approved details and be retained thereafter.

Reason: To safeguard the amenities of the occupiers of the neighbouring residential properties.

- (18) Prior to the commencement of the development a Code of Construction Practice shall be submitted to and approved in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003), unless previously agreed in writing by the Local Planning Authority.

The code shall include:

- An indicative programme for carrying out the works;
  - Measures to minimise the production of dust on the site;
  - Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s);
  - Maximum noise levels expected 1 metre from the affecting façade of any residential unit adjacent to the site(s);
  - Design and provision of site hoardings;
  - Management of traffic visiting the site(s) including temporary parking or holding areas;
  - Provision of off road parking for all site operatives;
  - Measures to prevent the transfer of mud and extraneous material onto the public highway;
  - Measures to manage the production of waste and to maximise the re-use of materials;
  - Measures to minimise the potential for pollution of groundwater and surface water;
  - The location and design of site office(s) and storage compounds;
  - The location of temporary vehicle access points to the site(s) during the construction works;
  - The arrangements for public consultation and liaison during the construction works.
- (19) Before the development hereby permitted is first occupied, the following windows shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such:

The proposed first floor 'kitchen' window that faces north west.

The proposed first floor 'multi-purpose hall' window that faces north west.

The proposed first floor 'stairwell' window that faces north west.

The proposed four first floor 'multi-purpose hall' windows that face south east.

Reason: To safeguard the privacy of existing occupiers.

- (20) Prior to the commencement of the development, details of satisfactory facilities for the storage of refuse on the site shall be submitted to and approved in writing by the LPA and the approved facilities shall be provided before the first occupation of the building(s) or land and maintained thereafter.

Reason: To safeguard the amenities of the occupiers of the neighbouring residential properties.

- (21) The development hereby approved shall not commence until details have been submitted for prior approval in writing by the Local Planning Authority of decentralised and renewable or low-carbon sources of energy and how they will be incorporated into the development. The approved details will be in place before first occupation of the development hereby approved and maintained as such at all times thereafter.

Reason: To secure an energy efficient and sustainable form of development to accord with the provision of the NPPF.

- (22) No development shall take place until full details of the finished levels of the buildings hereby permitted and details of the existing site levels have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To safeguard the residential amenity of existing and prospective occupiers and to safeguard the character, appearance and functioning of the surrounding area.

- (23) The building hereby permitted shall not exceed a maximum occupancy of 550 people at any one time.

Reason: To safeguard the users of the mosque and the residential amenity of existing and prospective occupiers and to safeguard the functioning of the surrounding area.

- (24) Prior to the commencement of the development, details of the proposed means of foul and surface water sewerage disposal shall be submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure suitable provision is made for the disposal of foul and surface water.

## INFORMATIVES

As the development involves demolition and / or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.

Attention is drawn to the Approved Document E Building Regulations 2010 "Resistance to the Passage of Sound" – as amended in 2004 and 2010. It is recommended that the applicant adheres to the standards set out in this document in order to reduce the transmission of excessive airborne and impact noise between the separate units in this development and other dwellings.

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.

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

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by the Kent County Council (KCC) whilst some are owned by third part owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <http://www.kent.gov.uk/roads-and-travel/what-we-look-afer/highway-land>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Provision should be made for the separate storage of recyclables from household waste. Advice on recycling can be obtained from the Environmental Services Manager.

The applicant is advised by Southern Water that a wastewater grease trap should be provided on the kitchen waste pipes or drain installed and maintained by the owner or operator of the premises.

Detailed design of the proposed drainage system should take into account the possibility of the surcharging of the public sewerage system in order to protect the development from potential flooding (particularly for the proposed basement).

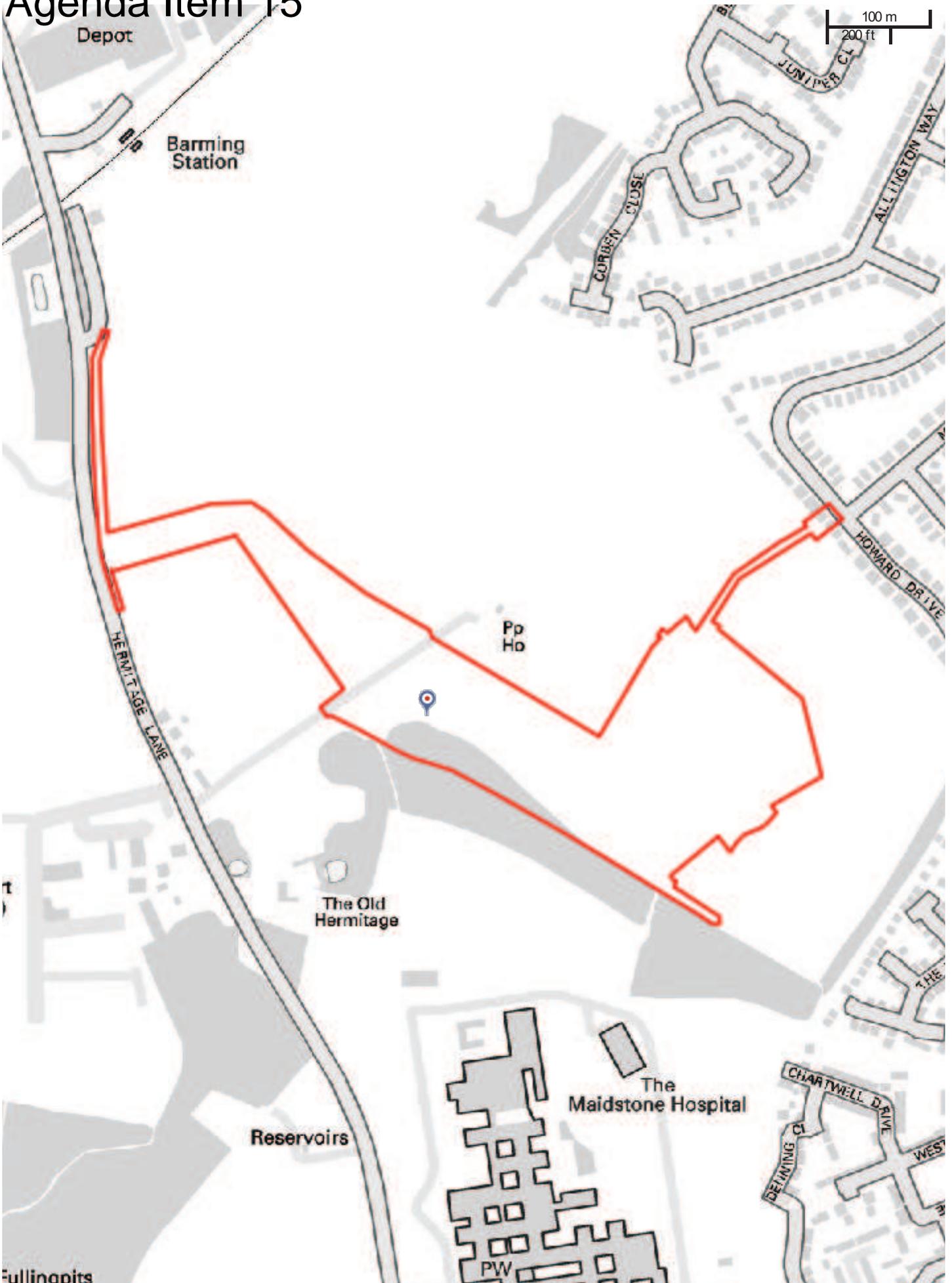
A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel. 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

Due to the changes in legislation that came into force on 1<sup>st</sup> October 2011 regarding the future ownership of sewers, it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water.

Case Officer: Diane Chaplin

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.  
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

# Agenda Item 15



16/503641 - Land To The East Of Hermitage Lane

Scale: 1:5000

Printed on: 30/11/2016 at 10:33 AM

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**REPORT SUMMARY**

<b>REFERENCE NO - 16/503641/REM</b>			
<b>APPLICATION PROPOSAL</b> Reserved matters of appearance, landscaping, layout and scale for Phase 1 for erection of 183 dwellings with associated infrastructure pursuant to outline approval ref 13/1749.			
<b>ADDRESS</b> Land to the East of Hermitage Lane, Maidstone Kent			
<b>RECOMMENDATION</b> Approve subject to conditions			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> See Report below			
<b>REASON FOR REFERRAL TO COMMITTEE</b> <b>Cllr Cynthia Robertson</b> has called the application to Planning Committee due to the large scale nature of the proposals which are on a prominent site and which will have a considerable impact on the local area.			
<b>WARD</b> Allington	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Croudace Homes Ltd <b>AGENT</b> Croudace Homes Ltd	
<b>DECISION DUE DATE</b> 22/12/16	<b>PUBLICITY EXPIRY DATE</b> 19/10/16 – latest round 01.12.16	<b>OFFICER SITE VISIT DATE</b> Various	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
16/507319	Submission of details pursuant to conditions 10, 11, 12, 14 and 18 of outline planning permission MA/13/1749 for the access road (from Hermitage Lane) only.	Awaiting determination	
14/503735	Outline - Access not reserved - Mixed use development comprising up to 420 residential dwellings (including Affordable homes), land safeguarded for an education facility and land safeguarding for a community centre. Provision of public open space (including children's play areas) associated infrastructure and necessary demolition and earthworks. The formation of 2 no. new vehicle accesses from Hermitage Lane and Howard Drive	Withdrawn Resolved to be approved by planning committee 30.07.2015.	04.02.16
14/503786/OUT	Outline application for up to 80 residential dwellings with access to be considered at this stage with all other matters reserved for future consideration.	Withdrawn	04.02.16
13/1749	An Outline application for a Mixed-Use development comprising up to 500 residential	Refused – Allowed	19.10.15

	<p>dwellings (including affordable homes), land safeguarded for an education facility and land safeguarded for a community centre. Provision of public open space (inc. children's play areas) associated infrastructure and necessary demolition and earthworks. The formation of 2No. new vehicular accesses from Hermitage Lane and Howard Drive. With access to be considered at this stage and all other matters reserved for future consideration.</p>	<p>on appeal</p>	
<p>MA/12/2307</p>	<p>Request for a screening opinion as to whether the proposed development incorporating up to 700 dwellings, a mixed use centre, a 2 form entry primary school, access from Hermitage Lane, up to 15,000sqft employment uses, extension to Barming Railway Station car park, drainage infrastructure and open space is development requiring an Environmental Impact Assessment.</p>	<p>Not EIA development</p>	<p>24.01.13</p>
<p>MA/01/0080</p>	<p>Outline application for residential development, the creation of new vehicular accesses, provision for a local centre, community building, school site, public open space, informal parkland, greenways and landscaping, with all matters except means of access reserved for future consideration</p>	<p>Refused – Non determine Appeal dismissed</p>	<p>02.10.02</p>

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

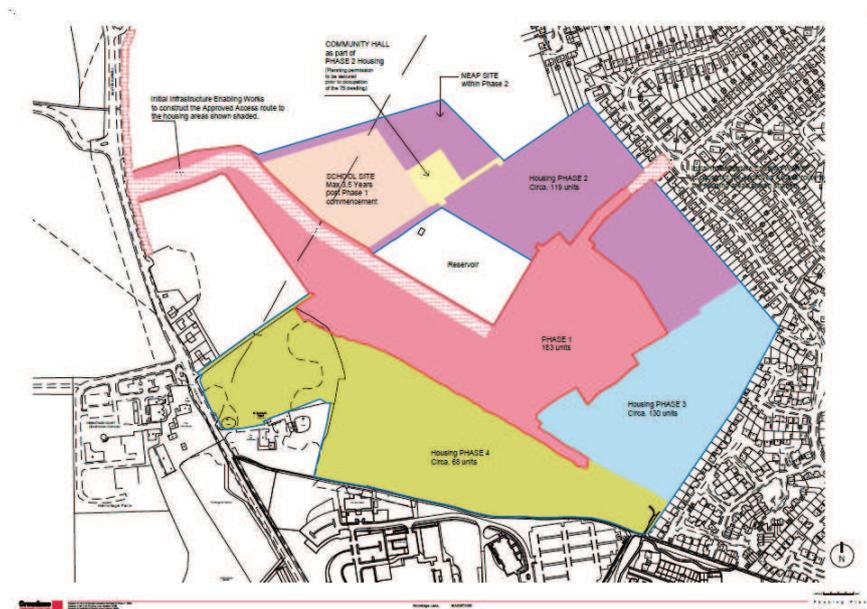
- 1.01 The site is located to the east of Hermitage Lane (the B2246). The southern boundary is demarcated by a belt of designated Ancient Woodland with a smaller fallow field beyond. The Maidstone Hospital and land associated with the Old Hermitage/St Lawrence's Chapel are located further beyond.
- 1.02 The western boundary of the wider site follows Hermitage Lane in parts and also a paddock to the rear of properties fronting Hermitage Lane. Areas of open agricultural land including a pear orchard are located immediately north of the site.
- 1.03 The remaining boundaries of the wider site are adjacent to existing residential development. To the north-east are properties on Howard Drive and to the south east are the rear gardens and properties located on Rosslyn Green, Hawkwood, Watermill Close and The Weavers.
- 1.04 The whole site granted outline permission under 13/1749 extends to approximately 30.66 ha and is within both Maidstone Borough and Tonbridge and Malling Borough, however the site area the subject of the current application extends to approximately 7.12 hectares. The site is irregular in shape (and excludes a covered reservoir in the

centre) and comprises fields and areas of woodland which vary in character and use. The northern field contains a commercial pear orchard with the main field previously used for crop growing. The site also comprises two residential properties, nos. 100 and 102 Howard Drive. These properties are proposed to be demolished to facilitate a secondary emergency/bus access.

- 1.05 There are a number of trees within the site predominantly located in woodland groups. The most substantial of these is located along the southern boundary, with part of this belt designated as Ancient Woodland. The remainder of trees are located along the other boundaries. Tree Preservation Orders cover the trees along the north eastern and south eastern boundaries.
- 1.06 A number of Public Rights of Way traverse or lie adjacent to the site including PROW MR489/KB47 extending between Hermitage Lane and Howard Drive, PROW KB51, extending south east from MR489/KB47 through the main block of woodland and PROW KB19, following the south eastern boundary to Howard Drive.
- 1.07 The site lies on the transition between the Greensand Ridge to the south and the river Medway valley to the north and is gently undulating, falling steadily to the north - north east, from a high point of 80m AOD at the south eastern corner, to a low point of approximately 60m AOD at the north western and western corners. Beyond this, the land continues to fall gradually to the north-west and north.

## 2.0 PROPOSAL

- 2.01 The reserved matters application seeks approval of matters relating to layout, appearance, scale and landscaping for Phase 1 only for 183 dwellings. It also seeks approval of a number of conditions (1,2,10,18 20 and 21 – see Appendix A) contained within the outline approval (13/1749) which are required to be submitted for each phase of development.
- 2.02 The Phasing plan submitted for approval as part of condition 1 of the outline permission sets out the phasing of the site, with Phase 1, the subject of the current reserved matters application (shown red below), with a further 3 phases to follow. Phase 4 (which includes the Ancient Woodland) and the area known as the “hospital field” is shown in green.



- 2.03 The Phase 1 land includes the primary route through the site, linking Hermitage Lane with Howard Drive and includes land within Tonbridge and Malling Borough. The outline approval granted permission for the access road from Hermitage Lane to a point some 581m into the site (almost parallel with the reservoir to the east) and a secondary access from Howard Drive extending some 67m into the site. Use of this access is restricted by condition 7 (see Appendix A) for buses, emergency vehicles, pedestrians and cyclists only. As such means of access is not for consideration with this reserved matters application.
- 2.04 Significant amendments have been negotiated during the progression of the application to the design, layout, landscaping and extent of the Phase 1 reserved matters to accommodate concerns expressed by the case officer, local residents and statutory consultees. These include but are not exclusive to, enlargement of red line area of Phase 1 to include the access road and open spaces areas to north and south of the road and to include the open space area to south east within Phase 1, inclusion of the 15m buffer to the Ancient Woodland (AW) within Phase 1 which extends further SE wards (previously contained within phase 3) – to enable the buffer planting to establish to help protect the AW, re-design of landscaping detail which includes the open space areas to the north and south of the main access road (some of which lies within and the buffer to the AW and redesigns to layout and design of dwellings. The amended details cover a comprehensive landscaping strategy which includes detailed planting plans and specifications for the open space areas, semi natural open space areas, play area (to the NW of the AW) and 15m buffer planting to the AW.
- 2.05 The Phase 1 scheme includes a minimum 15 metre buffer from the designated AW along its entire length – NW-SE axis) which is proposed to be fenced off with 1.2 m high timber post and rail fencing with a further amenity verge/meadow grassland ranging from 2-12m along most of its length but accommodating an additional 31m in the area to the NW corner which is proposed to accommodate the woodland play area.
- 2.06 Specific building forms are provided at prominent locations within the Phase 1 site which consist of “vista” and “key” buildings. The scale of buildings range from one to three storey’s with taller buildings fronting the primary road. All building heights are below or at 11m, as required by condition 20 of the outline permission (see Appendix A). A mix of dwelling types are proposed within the 183 units ranging from 1-5 bedroom units with materials comprising of facing brickwork, brick features, tile hanging, ragstone walling on “key” buildings and render. A variety of bays and entrance porches, set under a mix of plain tile and slate roofs are proposed. A total of 55 affordable dwellings are proposed within Phase 1 the details of which are set out below.

### 3.0 SUMMARY INFORMATION

	Outline permission	Phase 1	Remaining for phases 2-4
Site Area (ha)	30.66	7.12	23.54
Approximate Ridge Height (m)	No more than 11m	Various but no more than 11m	N/A
Approximate Eaves	N/A	Various	-

Height (m)			
Approximate Depth (m)	N/A	Various	-
Approximate Width (m)	N/A	Various	-
No. of Storeys	Limited to 11m high	Ranging 1-3 –no more than 11m high	No more than 11m high
Parking Spaces	N/A	Various -Meets IGN 3 standards	-
No. of Residential Units	Up to 500	183	Up to 317
No. of Affordable Units	Upto 150 (30%)	55 (30% of 183) – 60% affordable rent, 40% shared ownership.	Up to 95

#### 4.0 PLANNING CONSTRAINTS

- The site contains woodland TPO's
- There are a number of public rights of way that run through or adjacent to its boundaries.
- Part of the site lies in an area of Special Archaeological Potential.
- The site falls within Flood Zone 1
- There is an Air Quality “hotspot” at the junction of Fountain Lane and Tonbridge Road and at the Watringbury crossroads.
- An area of designated Ancient Woodland lies to the immediate south (but outside the site).
- The site forms part of an allocated housing site in the Maidstone Borough-Wide Local Plan (2000) and the Submitted version of Local Plan.

#### 5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)  
 National Planning Practice Guidance (NPPG)  
 Maidstone borough-Wide Local Plan 2000: ENV6, ENV24, ENV27, ENV31, H1 (xvii), H12, CF1, CF6, CF8, T3  
 MBC Affordable Housing DPD (2006)  
 MBC Open Space DPD (2006)  
 Submitted version Maidstone Borough Local Plan Feb 2016 - SS1, SP2, H1, H1(2), DM1, DM2, DM3, DM5, DM7, DM11, DM12, DM13, DM22, DM24, DM27

#### 6.0 LOCAL REPRESENTATIONS

6.01 Approximately 30 representations objecting to the application have been received raising the following main (summarised) points:

- Significant traffic congestion
- Over-capacity in local schools

- Harm to countryside character
- Flooding issues
- Restricted access due to traffic to major hospital
- Lack of sufficient infrastructure capacity
- Insufficient parking for the new houses
- New retail park at end of Hermitage lane has caused traffic chaos
- Too many apartments being built in phase 1
- Concern over exit into Howard Drive and who may use this
- Concerns over air quality
- Loss of green spaces
- Objects to the loss of woodland TG3001- protected by TPO No.36
- Phase 1 plan appears to show an access road leading up to the Ancient woodland
- Work should not take place during the bird nesting season
- Protection of fauna and flora

6.02 2 representations commenting on the application (neither objection/supporting raising the following main (summarised) points:

- Protection of community facilities
- Retention of existing buffer/landscaping areas important
- Need to build cycle and footpaths

6.03 Various letters/documents received from the New Allington Action Group (NAAG) raising concerns on the following information.

- Informed by residents in Howard Drive that the two properties owned by Croudace have Bats roosting in their lofts
- Heritage – lack of acknowledgement in the current Local Plan about the site's important heritage connections – Phase 1 is immediately next to a confirmed Anglo Saxon/Iron Age settlement.
- Landscape Strategy - lacks detail and fails to protect the woodland from the start of development. Proposed play areas are too close to the Ancient Woodland
- Excessive traffic in Hermitage Lane
- Buffer zones - Phase 1 does not include buffer zones and is left to Phase 4 which is unacceptable. The LEMP should be agreed prior to the commencement of development. 15m buffer is inadequate.
- TPO Order – TPO No.36 will be removed. This is not necessary. Full details for the whole site should be known before development commences.
- Drainage – concerns raised by KCC - Lead Local Flood Authority – no detailed drainage designs have been submitted for the Phase 1 scheme.
- Parking – the apartment have no allocated car spaces and some plots have no nearby visitor parking spaces. Inadequate parking has been provided on site.

A letter addressed to the Head of Planning has also been submitted with the title “No more development and Stop Hermitage Lane Traffic Jams” promoted by the New Allington Action Group . The letter contains a list compiling over 200 plus local residents and road user comments on what they think about Hermitage Lane. The letter also encloses an on-line social media petition purporting to have 1021 signatories at the time of submission on the same subject matter.

## 7.0 CONSULTATIONS

### Statutory

- 7.01 UK Power Networks – No objection
- 7.02 Highways England – No objections
- 7.03 Kent Police – No objection- expecting Croudace Homes to achieve Secured By Design Silver award.
- 7.04 Natural England – No comment on the application
- 7.05 Southern Water – comments in response dated 11.11.13 remain unchanged and are valid for this application - no objection  
AMENDED PLANS – no further comments
- 7.06 SGN Networks (Gas) – No objection in principle
- 7.07 KCC – Lead Local Flood Authority – Insufficient information to enable a recommendation that permission be granted – there is no detailed drainage design for phase 1.  
AMENDED PLANS - No further comments
- 7.08 KCC – Archaeology – most archaeological issues relating to the details of this reserved matters application are being addressed through an agreed programme of evaluation works, with trial trenching underway. Some proposed reserved matters planting could have an impact on archaeology within the medieval chapel safeguarded zone and no works at all should take place within this zone.  
Recommend a condition on archaeology field evaluation works.
- 7.09 KCC – PROW - no objection - suggest 2 conditions relating to public footpath KB51 – relating to any proposed surfacing and no restriction of public access.
- 7.10 MBC Housing – 30% Affordable housing provided within Phase 1 - no objection
- 7.11 MBC Landscape/Arboricultural – Indicative landscape strategy is acceptable in principle although further details required. The submitted Arboricultural Method Statements are acceptable in principle subject to the submission of a programme of monitoring at appropriate stages of construction.  
AMENDED PLANS – No objection to amended details submitted.
- 7.12 MBC Conservation Officer- no objection
- 7.13 KCC Biodiversity - require additional information prior to determination relating to provision of woodland buffer within Phase 1  
AMENDED PLANS - awaiting submission of amended LEMP details.
- 7.14 KCC Highways – No objection in principle but suggest some variation in surface treatment due to the long straight section of road on the entrance road to the site, additional plans to show vehicle including bus tracking and a plan to show which roads are proposed to be adopted. Street lighting plan required to accommodate tree lined streets.

Proposed parking levels comply with requirements of IGN3 although there are imbalances in the distribution of visitor parking.

Amended plans: No objection - supports both primary access from Hermitage Lane and Howard Drive coming forward together in Phase 1. Supports features to reduce traffic speeds, lighting detail generally acceptable to accommodate street lighting and trees. Proposed parking levels meet standards with a more even distribution of visitor parking around the site.

Latest plans – No objections

7.15 MBC Parks – Awaiting comments

7.16 Tonbridge and Malling BC – Awaiting comments

### **Non Statutory**

7.17 Kent Wildlife Trust – disappointed that position of link road has not been included in Phase 1. Unclear about when buffer zone will be created to Ancient Woodland. Until this is resolved – holding objection.

7.18 Woodland Trust – Objects on damage to Ancient Woodland -15m buffer is not acceptable – suggests 50m.

## **8.0 BACKGROUND PAPERS AND PLANS**

8.01 Members will recall that outline planning permission 13/1749 was refused by the Council on a number of grounds, principally the impact on the Ancient Woodland, the absence of a Country Park within Tonbridge and Malling Borough Council and in the absence of a legal agreement to secure financial contributions to mitigate the impacts of the development. The appeal was recovered by the Secretary of State and was the subject of a public inquiry between 2-5 June and 9 June 2015. The Inspector submitted his report to the Secretary of State in August 2015 with the Secretary of State issuing his approval notice in October 2015 – see Appendix B.

8.02 The outline approval for the site granted planning permission for a mixed use development comprising of up to 500 dwellings, land safeguarded for an education facility and community facility, provision of open space, associated infrastructure and necessary demolition/earthworks and the formation of 2No. new vehicular access from Hermitage Lane and Howard Drive. Matters relating to the access were approved as part of the outline permission but all other matters were reserved for future consideration.

8.03 Therefore, the access road, from its ingress/egress from Hermitage Lane and extending into the site by approximately 581m and from Howard Drive, extending into the site by approximately 67m have already been approved by the outline planning permission. These matters do not need further consideration. Only matters relating to appearance, layout, scale and landscaping need further detailed approval.

8.04 Conditions imposed on the outline permission, amongst other matters require the submission of a phasing plan to identify the sequence of phases and site area coming forward. Conditions on the outline permission generally defer to the phasing plan to enable each phase and their subsequent conditions to be considered on a phase by phase basis. There are exceptions to this however, relating to the construction management plan.

- 8.05 A separate S106 agreement relating to infrastructure provision was accepted by the Inspector/ S of S and within this agreement requires the provision of a LEMP – Landscape Ecological Management Plan. Croudace have submitted this document as a supporting document to the current reserved matters for Phase 1, however, this document is not a requirement of the outline conditions or a detailed matter for consideration as part of the reserved matters application. It will need to be formally approved prior to development commencing on phase 1. I expect an updated version of the LEMP to be submitted imminently to the Council which takes on-board comments from the KCC Ecological officer. At the time of writing this report, the updated LEMP has not been submitted but Members will be updated on this via the urgent update papers or at the committee meeting.
- 8.06 A recent condition application (16/507319/SUB) to partly discharge certain conditions on the outline planning permission (conditions 10,11,12 and 18) relating to the access road only and condition 14 for the whole site is currently being considered and may be determined prior to the committee meeting. All relevant statutory consultees have agreed to the partial discharge of these conditions for the access road only (including KCC Archaeology). Some concern has been raised by local residents and members regarding the impact on potential archaeological remains in an area denoted on the landscape plans for the play area within Phase 1. KCC Archaeology have requested further information on the groundworks in this area and the impact on heritage assets and as such have not recommended discharge of the archaeology condition for the remainder Phase 1 area. The applicant is doing further work on this and will need to submit a further SUB application to partly discharge this condition for the remaining parts of Phase 1. This does not impact consideration of the reserved matters application as the archaeology condition forms part of the outline consent and requires to be discharged in its own right.

## **9.0 APPRAISAL**

### **Principle of Development**

- 9.01 The principle of development has already been established by the grant of outline planning permission by the Secretary of State (SoS) under planning reference 13/1749 on 19<sup>th</sup> October 2015. This granted permission for development of the site for up to 500 dwellings with access considered at the outline stage. Matters relating to layout, scale, appearance and landscaping were reserved for future consideration. Whilst a number of supporting plans were submitted with the outline application, most of these were for illustrative purposes only and the SoS in his decision notice – see Appendix A and B, only conditioned the access roads (condition 5), the height of the buildings not to exceed 11m (condition 20) and that the quality and type of open spaces shall be as set out in the Design and Access Statement dated Oct 2013 (condition 21). The submitted reserved matters application meets the specified criteria and is therefore a valid reserved matters application.
- 9.02 The matters for consideration therefore only relate to the layout, scale, appearance and landscaping of the site. Matters relating to highways impact, loss of agricultural land, air quality, etc etc are not for consideration with the current application.
- 9.03 It should be noted that condition 1 of the outline permission requires the submission of a phasing plan before any development begins. The applicant seeks approval of this phasing plan as part of the reserved matters application. Phase 1 seeks to establish the primary route through the site, linking Hermitage Road with Howard Drive with subsequent phases following in sequence. Phase 4, includes the southern

“hospital field” and the AW. The access road required to access this land and pass through either the AW or secondary woodland is not for consideration at this stage and will be considered as part of Phase 4. Notwithstanding this, the applicants are continuing work to establish the least harmful route in ecology terms (see para 13 of SoS decision notice - Appendix B) to inform a reserved matters application for Phase 4 in future years.

- 9.04 It should also be recognised that adopted policy H12 of the Maidstone Borough Wide Local Plan 2000 allocates the whole site for Housing (the site considered under appeal and granted permission by the SoS under 13/1749). Subsequent to the appeal decision, and for the Reg 19 submission to the Planning Inspectorate, which was agreed by Full Council on 25<sup>th</sup> January 2016, policy H1(2) of the submitted draft Local Plan establishes the key planning criteria to be met in development of the site. This policy allocation is considered to carry significant weight and the policy and subsequent site plan reflects the outline planning consent but also establishes key criteria for assessment of this reserved matters application which is discussed in further detail below. The policy is set out below.

### **Policy H1 (2)**

#### **East of Hermitage Lane, Maidstone**

East of Hermitage Lane, as shown on the policies map, is allocated for development of approximately 500 dwellings at an average density of 40 dwellings per hectare. In addition to the requirements of policy H1, planning permission will be granted if the following criteria are met.

#### **Design and layout**

1. A 15 metres wide landscape buffer will be implemented between the identified area of ancient woodland and the proposed housing development, to be planted as per recommendations detailed in a landscape survey. Development will not be permitted within this area.
2. The root protection area of trees identified as in and adjacent to the area of ancient woodland will be maintained and kept free from development.
3. A buffer will be provided along the north eastern boundary of the site (rear of Howard Drive dwellings), incorporating existing protected trees, the details of which will be agreed with the council.
4. The wooded character of the footpath (KB19) running along the south eastern boundary of the site will be maintained.
5. Development will be subject to the results and recommendations of an archaeological survey.

#### **Access**

6. Access to the site will be taken from B2246 Hermitage Lane. Subject to the agreement of junction details, this access will be made in the vicinity of the land opposite the entrance to Hermitage Quarry.
7. An automated bus gate will be provided that allows buses and emergency vehicles to access the site from Howard Drive. Pedestrian and cycle access from Howard Drive will enable permeability to the site.
8. Where ownership of component land parcels differs, access for development purposes will not be impeded to or from these component parcels.

#### **Air quality**

9. Appropriate air quality mitigation measures to be agreed with the council will be implemented as part of the development.

#### **Open space**

10. The ancient woodland on the south western boundary of the housing development will be retained as public open space.
11. The linear woodland, extending south and south east from the ancient woodland to the site boundary, will be retained as public open space.

12. The land currently used as a commercial orchard, north west of the restricted byway and extending as far as the borough boundary, will be retained for a combination of community infrastructure and public open space uses.

13. Provision of 12.95 ha of open space within the site comprising 6.62ha woodland/landscape buffers, 5.41ha amenity green space, 0.77ha of allotments (community orchard), 0.15ha of provision for children and young people and contributions towards outdoor sports facilities at Giddyhorn Lane. Development should maximise the use of the southern part of the site including Bluebell Wood and the "hospital field" for the provision of open space, making best use of existing features within the site.

14. Maintenance of the open character between Allington in Maidstone Borough and the Medway Gap settlements in Tonbridge and Malling Borough.

#### **Community Infrastructure**

15. Land will be transferred for primary education use, the details of which will be agreed with the local education authority.

16. A multi-functional community centre will be provided. The use of the north western part of the site (land to the north of the restricted byway and south of the borough boundary) for the siting of community infrastructure is strongly encouraged.

#### **Highways and transportation**

17. A direct pedestrian/cycle path, complementary to the current character of the orchard and open fields, will be provided alongside the western access to site.

18. Contributions will be made towards pedestrian and cycle links to existing residential areas, shops, schools and health facilities, including links through to Howard Drive and Queen's Road via Freshland Road.

19. Provision of pedestrian crossing facilities on Hermitage Lane to the north of the site.

#### **Strategic highways and transportation**

20. Interim improvement to M20 J5 roundabout including white lining scheme.

21. Traffic signalisation of M20 J5 roundabout and localised widening of slip roads and circulatory carriageway.

22. Provision of an additional lane at the Coldharbour roundabout.

23. Capacity improvements at the junction of Fountain Lane and A26.

24. Provision of a circular bus route to serve the north west Maidstone strategic development area.

25. Provision of a new cycle lane along B2246 Hermitage Lane.

- 9.05 As such, development of the whole site has already been established and the Phase 1 submission establishes a clear intent to commence works on the site. The Land East of Hermitage Lane site is included within the Council's Housing Land Supply figures for both 5 and 10 year supply.

#### **Layout**

- 9.06 Policy H12 of the adopted Local Plan sets out some key policy criteria for the development of the site, however the AW to the south of the site (known locally as Bluebell Woods) was not designated at the time of adoption of the 2000 Local Plan. Emerging Policy H1(2) sets out a more up to date list of criteria to be met in order for planning permission to be granted and importantly sets out a requirement for a 15m wide buffer between the AW and housing. This has been reflected in the proposed layout of Phase 1. Most of the criteria set out by this policy has been established by the granting of outline planning permission, with subsequent mitigation matters secured by the two S106 agreements, although this did not consider more detailed

matters such as layout and landscaping of the site. Whilst an illustrative Master Plan was submitted for the outline scheme, showing how the site was envisaged to come forward, this was for illustrative purposes only.

9.07 A key design form has been established by the approved road layout of the outline permission. This granted permission not only for the points of access from Hermitage Lane and Howard Drive but also for the access road into the site, extending as far as the eastern most point of the reservoir. This has established the “primary” route into the site and forms the focus for the main street with tree lined planting – linking the new access road from Hermitage Lane through to Howard Drive. Whilst vehicular access, except for buses/emergency vehicles is restricted from Howard Drive (see condition 7 – Appendix A) this route forms a primary street and establishes a strong built form, predominantly of three storeys with a clear hierarchy and legibility. The primary street also enables key buildings to be located in prominent positions, for instance the curved buildings at the entrance to the site and the buildings that front the “new square” which are proposed to be rag stone faced with yellow stock bricks (see highlighted areas). Secondary road junctions are promoted with paired gateway buildings. The surrounding road network then follows a clear hierarchy of reduced width roads that take the form of secondary routes, access streets and lanes which frame the edges of the development and are generally informal and shared spaces.



9.08 Strong well defined building lines are promoted by the establishment of principally perimeter blocks to each road frontage which provide an active street frontage with the use of vista buildings to terminate longer views. Corner buildings are used to actively turn corners and engage with the street. This strong urban form in the centre axis of the site helps to create clearly defined and legible streets which assist in way making across the early crucial phase of the development site. Key buildings are used to identify gateway junctions and provide access to areas of the site behind the





*Housing Mix and Affordable Housing*

- 9.12 A good mix of housing types are dispersed throughout the phase 1 site area which meet the identified needs of the borough -ranging from 1 bed flats to 5 bedroom houses. A detailed mix has been submitted with the application. Affordable housing is distributed within the site and provides for 55 dwellings which equates to 30% of the overall housing provision in phase1 (as required by the S106 agreement).The S106 agreement for the outline application secured 30% affordable housing across the whole site. The Phase 1 scheme provides for 34 rental dwellings comprising a mix of 1, 2, 3 and 4 bed units and 21 Intermediate housing dwellings comprising a mix of 1, 2 and 3 bed units.

*Residential amenity*

- 9.13 The housing layout provides for good separation distances between houses which meet industry recognised standards and prevents significant overlooking of residential gardens. Windows are positioned on dwellings to reduce the occurrence of overlooking whilst creating active frontages and surveillance of public spaces. The perimeter block format adopted by the proposal establishes overlooking of public areas from residential dwellings and provides for natural surveillance of the public open spaces/squares which create a sense of safety for users of the space. The phase 1 proposals are considered acceptable on the amenity of future residential properties.
- 9.14 The pedestrian/cycle and bus only access from Howard Drive will have a limited impact on principally the properties either side of the access due to increased noise and disturbance however this was previously accepted by the SoS in the granting of outline permission for this access and therefore is not for consideration as part of this reserved matters application.
- 9.15 Given the distance away from other existing residential properties, the phase 1 proposals will not have an impact on overlooking/loss of privacy although surrounding properties will obviously experience a change as the site is developed out.
- 9.16 Overall and with substantial changes to the layout of phase 1 negotiated through the progression of the application, the layout of phase 1 will provide a high quality housing development which responds to the sensitivities of the site, promotes legibility and way making, utilises key landscape features as focal points, sensitively addresses the ecological value of the woodland, provides for sufficient on and off street parking and provides an acceptable level of residential amenity for future and existing dwellings.

**Scale**

- 9.17 The overall scale of the buildings varies across the phase 1 site from single storey garage units to two storey dwellings, shown in light blue below and three storey buildings, in dark blue. The maximum scale of buildings was restricted by outline condition 20 – (see Appendix A) which limits building heights to 11m. All the buildings across phase 1 are at or below 11m. As can be seen from the drawing below, the three storey buildings are predominately those which front the primary street and form the vista buildings. This sets a clear wayfinding for future users of the site, establishes key areas of interest and enables easy identification of key routes. Lower storey heights are used to reflect the changing character areas and reduced density toward the fringes of the site.

- 9.18 Significant amendments have been negotiated during the course of the application to ensure streets are coherent, clearly defined and create active street frontages. This is promoted and reinforced by appropriate building heights in key locations. I consider the correct balance has now been achieved and the scale of the buildings in the locations shown is appropriate within phase 1 to create a strong coherent strategy for the remaining phases of the site.



### Appearance

- 9.19 The proposed buildings include a variety of house types and designs which are of a traditional design which include a mixture of brickwork, ragstone walling, render and vertical tile hanging. Roofs are proposed in two key materials, grey natural slate and plain tile. The blue colouring on the buildings plan below denotes natural slate roofs and the orange, plain tile. Georgian style balconies are proposed to key buildings which predominantly front the main street with a variety of bays and entrance porches to other buildings. Windows are to be finished with a mixture of tiled and cast stone cills and brick window heads.
- 9.20 Boundaries fronting the public realm are to be constructed using facing brickwork to match the adjacent house. Those not immediately visible from public areas will use close boarded fencing and important vista areas which are accessible to the public will have 1.2m high bow top railings. Details of the boundary treatment across the whole phase 1 site have been carefully considered to ensure high quality boundary treatment is used in association with a strong public realm landscaping scheme.



the site and the inclusion of the buffer area to the AW within the phase 1 area. The inclusion of these areas are considered essential to phase 1 to enable the landscaping to establish itself from the first phase and to provide amenity areas for the residents of the new dwellings, to establish a sense of place early in the development phase and establish key behavioural parameters from early residents, to provide protection to the AW in the form of buffer planting within the identified “buffer planting zone” and to conform to the overarching illustrative Landscape Ecological Management Plan LEMP which was attached to the S106 of the outline planning permission.

- 9.25 Members will note that the submission of the site wide LEMP was a requirement of the S106 agreement on the outline permission which requires its submission prior to commencement of development. It was NOT a requirement of the outline conditions. There is therefore no need to submit the LEMP provisions as part of the reserved matters detail for phase 1. However the developers have submitted a first draft of the LEMP provisions which have been reviewed by the KCC Ecology. KCC Ecology have requested amendments to the LEMP provisions to provide clarity on a site wide LEMP and also a phase by phase provision. The key principles are agreed, but further work is required.
- 9.26 An update on the LEMP provisions and its acceptability will be provided to members via the urgent update papers. It should be re-iterated however, that discharge of the LEMP is not a requirement of the outline conditions or reserved matters details.
- 9.27 A key requirement of emerging policy H1(2) - criterion 1, which follows advice from Natural England/Forestry Commission Standing Advice for Ancient Woodland and Veteran Trees, is the provision of a 15m wide landscape buffer to the AW. The phase 1 proposals maintain this requirement and as set out in paragraph 9.09 above, provide additional amenity land outside this area. The Landscape Strategy Statement sets out that planting in this area “will have the effect of extending the woodland habitat. It also has a defensive role as it will help to prevent the formation of informal footpaths across the woodland which could harm its ecology”...”Planting will be carried out prior to construction so that it has time to establish before occupation” and “will be protected from damage during construction by a tree protection fence”
- 9.28 As part of initial pre-application discussions on the phase 1 proposals, it was agreed in principle that instead of a more formal LEAP as shown illustratively on the outline Master Plan (to the immediate east of the reservoir), that a more holistic play proposal which took its cue from the woodland setting be developed and that this be extended around and through the site to create a circular route. The current play provision proposals are the first phase of this and seek the provision of wooden play facilities towards the western corner of phase 1. The Landscape Strategy Statement sets out the rationale for the play spaces and the creation of “play events or nodes” where the various play areas within the whole development site will be connected by paths along movement routes so that these areas form an integrated part of the green infrastructure of the site.
- 9.29 Condition 21 of the outline consent requires all reserved matters applications to provide for the quantity and type of open space specified in the Design and Access statement submitted for the outline application. The plan below demonstrates that the overall quantity and type of open space is on course to be delivered across the phases.



9.30 The Council’s Landscape and Arboricultural officers have confirmed that the landscaping details are acceptable and are in general conformity with the Landscape Guidelines which are supplemental to the Maidstone Landscape Character Assessment. The Arboricultural officer has confirmed acceptance of removal of part of Tree Group 3001 which is part of TPO No 36. 2003 and TPO No.26 of 2003 as part of the overall landscape strategy for the site and accepts the tree protection measures as set out by the Arboricultural Method Statements. . KCC Highways have confirmed acceptance of the lighting details in relation to the tree avenue planting areas. Updated comments on the acceptably of the LEMP will be provided by way of the urgent update papers.

9.31 Overall, it is considered that the landscaping proposals including those additional elements within phase 1 are acceptable and will meet the aspirations of emerging policy H1(2) and the Council’s Landscape Guidelines as set out in the Landscape Character Assessment.

**Other Matters**

*Conditional Approval of Outline Matters (conditions 1,2,10,18 & 20)*

9.32 The outline permission requires a number of details to be submitted as part of the reserved matters application. Condition 1 requires a phasing plan to be agreed by the LPA. Following amendments to the phasing plan, this is now considered acceptable and is recommended to be agreed as part of the Phase 1 reserved matters. Condition 2 requires the submission of reserved matters and is addressed by the current application. Condition 10 requires details of tree retention and protection during the relevant phase of development. The submitted details are considered acceptable with no objections raised by the Council’s arboricultural officer for phase 1. The condition should be discharged for phase 1 only. Condition 18 requires details of public lighting to be agreed by the LPA for each phase of development. The applicants have submitted a lighting detail for phase 1. This is considered acceptable and should be discharged for phase 1 only. Condition

20 limits height of all buildings to 11m. All buildings within the phase 1 are at or under 11m.

*Surface Water Drainage*

- 9.33 KCC Lead Local Flood Authority (LLFA) have raised concerns that there is insufficient information regarding a detailed drainage design for them to comment on the application. Condition 11 of the outline planning permission – see Appendix A) imposed a condition requiring details of both foul and surface water drainage. This condition will be required to be discharged prior to development commencing on phase 1. Details relating to the access road only have been submitted for the SUB application cited below and KCC LLFA raise no objection to the partial discharge of this condition for the access road only. The applicants have not submitted details as part of the reserved matters for phase 1 and therefore such details will need to be provided at a later date. There is no requirement to provide these details as part of the current reserved matters application.

*Archaeology*

- 9.34 Condition 12 of the outline permission requires the submission of archaeological work in accordance with a scheme of investigation which requires the approval of the LPA. A condition application 16/507319/SUB has been submitted by the applicant which seeks approval of this condition for the access road only. A written scheme of investigation and project design for an Archaeological Watching Brief has been submitted which KCC Archaeology raise no objection to. However they have requested further work around the area proposed for the play facilities. The applicants are working with KCC Archaeology on this further information and this will need to be the subject of a further SUB submission application to the LPA prior to commencement of the remaining parts of Phase 1. The applicant is aware of this requirement. As this matter is dealt with under the outline permission, no further condition requirement is necessary under the phase 1 reserved matter.

*KCC PROW*

- 9.35 KCC's –PROW team have requested conditions to cover those matters set out in informative 2 and 3 below. As these matters are controlled by separate legislation - the Highways Act, there is no further need, nor would they meet the tests for planning conditions, to require these on the reserved matters application. I recommend that these are dealt with by the informatives set out below.

## **10.0 CONCLUSION**

- 10.01 The granting of outline planning permission by the SoS in October 2015 established the principle of a mixed use development across the site for up to 500 dwellings, education facility, community centre, provision of open space and two new accesses from Hermitage Lane/Howard Drive. The current reserved matters application for phase 1 and relating to matters of layout, scale, appearance and landscaping seeks to provide 183 dwellings comprising a mixture of 1-5 bedroom dwellings arranged across principally two and three storey dwellings.
- 10.02 The reserved matters application follows the policy requirements of both the adopted Local Plan (H12), emerging policies SS1, SP2 and H1(2) and the outline planning permission. Following extensive revisions to the phase 1 application, I am now satisfied that the proposals will create a high quality development with place making at its heart. Key legible routes are clearly defined with a hierarchy of streets with key vista buildings marking important destinations. Landscape protection is afforded to the AW in the form of a 15m buffer area with the AW being used to channel key

views and build upon the sense of place created by the woodland. High quality materials are proposed to the facing elements of buildings which will ensure a connection to the surrounding built form and local heritage. The guiding principles of the LEMP will ensure the long term protection of the AW and the open space areas of the site.

- 10.03 The phase 1 layout and material detail will set a high quality standard for the remaining parts of the site and is considered an appropriate response to this sensitive site on the edge of the Maidstone urban area.

## 11.0 RECOMMENDATION

**The Head of Planning and Development BE GIVEN DELEGATED POWERS TO GRANT planning permission subject to the imposition of the conditions below.**

### CONDITIONS

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

#### **Planning Drawings**

**4389/1-5, 4694, 4694/1, 4694/2, 4389**

**DES/118/021, 100 Rev F, 101 Rev A, 102 Rev D, 103 Rev A, 104 Rev B, 105 Rev B, 106 Rev B, 107 Rev B, 108 Rev B, 109 Rev B, 110 Rev B, 111 Rev B, 112 Rev B, 113 Rev A, 200 Rev A, 202 Rev A, 204 Rev A, 209 Rev B, 216 Rev A, 218 Rev A, 219 Rev A, 220 Rev B, 221 Rev A, 222 Rev B, 226 Rev B, 227 Rev B, 229 Rev B, 230 Rev A, 231 Rev B, 233 Rev B, 234 Rev C, 236 Rev B, 238 Rev B, 239 Rev B, 240 Rev C, 244 Rev A, 245 Rev A, 246 Rev C, 247 Rev C, 248 Rev B, 249 Rev B, 250 Rev B, 251 Rev C, 252 Rev C, 253.**

**DES/118/300 Rev A, 301 Rev A, 302 Rev B, 303, 304, 305 Rev A, 400 Rev B, 402 Rev B, 403 Rev A**

**DES/118/601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612**

#### **Landscape**

**DES/118/121 Rev B, 122 Rev B, 123 Rev B, 124 Rev B, 125 Rev B, 126 Rev B, 127 Rev C, 128, Rev C, 129 Rev C, 130, 132 Rev C, 133, 134 136**

**DES/118/404 Rev B, 405, 406 Rev A, 407 Rev A**

**DES/705/31 Rev A, 32 Rev A**

2. Prior to any development above damp proof course level, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the method of laying the ragstone walling, mortar mix and pointing detail for those buildings comprising of ragstone walling. Prior to the first laying of the ragstone walling, a sample panel showing the agreed ragstone detailing shall be constructed on site and shall measure no less than 2 x 2 metres and the sample panel shall remain on site for the duration of the construction of those buildings which contain ragstone walling. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance of development.

3. The landscape planting, play area and tree protection measures shall be carried out in accordance with the approved landscaping planting plans, the Arboricultural

Method Statements, the Landscape Strategy Statement and the Landscape Maintenance; Annual Work Plan. No occupation of the development hereby permitted shall commence until all planting, seeding, turfing and play area provision specified in the approved landscape details has been completed. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: To ensure a satisfactory landscaped setting for the development.

4. Prior to any development above damp proof course level details of the on-going and long term management responsibilities and maintenance of the play area shall be submitted to and approved by in writing the Local Planning Authority. The play area shall thereafter be managed and maintained in accordance with the approved details.

Reason: No such details have been provided and to ensure the play area is properly managed and maintained.

5. Prior to any development above damp proof course level the following details shall be submitted to and approved in writing by the Local Planning Authority:
  - a) Details and locations of swift bricks and bat boxes integral to buildings
  - b) Details and locations of bird and bat boxes throughout the site of phase 1
  - c) Wildlife friendly gullies
  - d) Retention of cordwood on site
  - e) Provision of 12cm square gaps under any new boundary fencing to allow passage of small mammals
  - f) Timing of delivery of the above matters

Works shall be carried out in accordance with the agreed details.

Reason: To protect and enhance biodiversity

6. Prior to any development above damp proof course level details of measures to prevent parking on landscaped/amenity areas shall be 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 and in the interest of safety.

7. The vehicle parking spaces and/or garages and vehicle loading/unloading and turning facilities shown on the submitted plans shall be permanently retained for parking and turning and shall not be used for any other purpose.

Reason: In the interest of highways safety and parking provision.

8. Prior to any development above damp proof course level details of the positioning of all external meter cupboards shall be submitted to and approved by in writing the Local Planning Authority. No external meter cupboards shall be positioned on the

front/primary elevation of any building. The development shall be carried out in accordance with the agreed details.

Reason: No such details have been provided and to ensure a satisfactory appearance to the development

## INFORMATIVES

1. The applicant is advised the condition 1 of outline permission 13/1749 and relating to the approval of a phasing plan - drawing DES/118/100F is hereby approved. Condition 10 relating to details of tree retention and protection during Phase 1 is approved BUT for Phase 1 only. Condition 18 requiring details of public lighting for Phase 1 is approved BUT for Phase 1 only.
2. That the applicant is advised that PROW KB15 shall be open and available to the public throughout construction and that measures are put in place to ensure Public safety is maintained. That the right of way shall be kept in a clean and usable condition.
3. That any proposed surfacing and changes to existing PROW KB51 are agreed by the County Council's PROW and Access Service.
4. KCC Highways have stated the following:  
It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land>  
The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Case Officer: James Bailey

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

## Appendix A

### Conditions applicable to planning applications referenced 13/1749 & TM/13/03147/OA:

- 1) Details of a phasing plan for the development shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in accordance with the approved details.
- 2) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") for each phase or sub-phase of the development shall be submitted to and approved in writing by the local planning authority before any development begins within that phase or sub-phase and the development shall be carried out in accordance with the details as approved.
- 3) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 4) Each phase or sub-phase of the development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved for that phase or sub-phase.
- 5) The access to the development hereby permitted shall be carried out in accordance with the following approved plans: 1402-GA-32 revision B and 1402-GA-37 revision A.
- 6) No other development of any phase or sub-phase shall commence until the access to the development has been completed in accordance with approved plan 1402-GA-32 revision B.
- 7) Prior to the first use of the access from Howard Drive, details of the measures to prevent its use other than by buses, emergency vehicles, pedestrians and cyclists shall have been submitted to and approved in writing by the local planning authority and the approved measures shall have been installed and made operational and thereafter retained in operation.
- 8) No more than 250 dwellings within the development hereby permitted shall be occupied until the completion of the improvements to M20 Junction 5 shown on drawing number WSP Figure 5 (dated 1 May 2014).
- 9) No part of the development hereby approved shall be occupied until details of measures (known as a Green Travel Plan) to encourage the use of access to and from the site by a variety of non-car means have been submitted to and approved in writing by the local planning authority, put into operation and thereafter retained in operation.
- 10) No development shall commence on any phase or sub-phase until details of trees to be retained on that phase and of the measures to be taken for their protection during construction have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 11) No development shall commence on any phase or sub-phase until details of both foul and surface water drainage for that phase or sub-phase have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. No building shall be occupied or used until its foul and

surface water drainage has been completed in accordance with the approved details. The drainage shall thereafter be retained in an operational condition.

12) No development shall take place within the areas indicated in paragraphs 8.3.2, 8.3.3 and 8.4.2 of the submitted Heritage Statement dated October 2013 prepared by Wessex Archaeology (report reference 86910.03) until a programme of archaeological work in accordance with those paragraphs has been implemented in accordance with a written scheme of investigation and, if necessary, preservation of finds, which has been submitted to and approved in writing by the local planning authority.

13) If, during development of any phase or sub-phase, contamination not previously identified is found to be present at the site then no further development of that phase or sub-phase (or any lesser but more appropriate area agreed in writing by the local planning authority) shall be carried out until details of a remediation strategy have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

14) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) working hours on site
- ii) the parking of vehicles of site operatives and visitors
- iii) loading and unloading of plant and materials
- iv) construction traffic management
- v) storage of plant and materials used in constructing the development
- vi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- vii) wheel washing facilities
- viii) measures to control the emission of dust and dirt during construction
- ix) measures to control noise and vibration during construction
- x) a scheme for recycling/disposing of waste resulting from demolition and construction works

15) No building shall be occupied until provision has been made for the storage of its refuse and recycling bins in accordance with details to be submitted to and approved by the local planning authority.

16) No building shall be occupied until underground ducts have been installed to enable it to be connected to telephone and internet services, electricity services and communal television services without recourse to the erection of distribution poles or overhead lines within the development hereby permitted. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 or any other or subsequent Order revoking or re-enacting that Order, no distribution pole or overhead line shall be erected within the site of the development hereby permitted.

17) No dwelling shall be occupied unless its bedrooms have been fitted with windows with acoustically treated trickle vents in accordance with the recommendations of paragraphs 4.1.8 to 4.1.10 and 5.4 of the submitted Site Suitability Assessment Report: Noise by WSP UK Ltd revision 1 dated 24/09/2013.

18) No development shall commence on any phase or sub-phase until details of public lighting for that phase or sub-phase have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. No building shall be occupied or used until public lighting to it has been completed and made operational in accordance with the approved details. The lighting shall thereafter be retained in an operational condition.

19) Before the development of each phase or sub-phase begins a scheme (including a timetable for implementation) to secure at least 10% of the energy supply of that phase or sub-phase from decentralised and renewable or low carbon energy sources shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and retained as operational thereafter.

20) The details of scale to be submitted in accordance with condition 2 shall limit to 11m the height from ground level to ridgeline of any building proposed.

21) The details of the layout to be submitted in accordance with condition 2 shall provide for the quantity and type of open space specified in the tables headed Land Use and Green Space Type on pages 38 and 41 and in paragraph 13.15 of the submitted revised Design and Access Statement revision 06 dated 21 October 2013.

Appendix B

**Secretary of State Decision Notice**

**TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 78  
APPEALS BY CROUDACE STRATEGIC LTD  
LAND EAST OF HERMITAGE LANE, MAIDSTONE, KENT  
APPLICATION REFS: 13/1749 & TM/13/03147/OA**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, P W Clark MA MRTPI MCMI, who held a public inquiry on 5 days between 2 to 9 June 2015 into your client's appeals against the refusal of Maidstone Borough Council (MBC or 'the Council') and Tonbridge and Malling Borough Council (TMBC) to grant planning permission for a mixed-use development comprising up to 500 residential dwellings (including affordable homes, land safeguarded for an education facility and land safeguarded for a community centre, the provision of open space (including children's play areas) associated infrastructure and necessary demolition and earthworks and the formation of 2N<sup>o</sup> new vehicular accesses from Hermitage Lane and Howard Drive, in accordance with applications 13/1749 & TM/13/03147/OA, both dated 11 October 2013.

2. On 14 October 2014 the appeals were recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 of the Town and Country Planning Act 1990. The reason for recovery was that the appeals involve proposals for residential development of over 150 units or on sites of over 5 hectares, which would significantly impact on the government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.

**Inspector's recommendation and summary of the decision**

4. The Inspector recommended that the appeals be allowed and planning permission granted. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and agrees with his recommendations. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

**Policy considerations**

5. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the saved policies of the Maidstone Borough-Wide Local Plan, adopted December 2000, together with the Maidstone Local Development Plan Framework Affordable Housing and Open Space Development Plan Documents (DPDs) adopted December 2006 (IR27). Within Tonbridge and Malling, the statutory Development Plan comprises the Core Strategy adopted September 2007 and the Managing Development and the Environment Development Plan Document adopted April 2010 (IR27). The Secretary of State agrees with the Inspector that the most relevant policies to these appeals are those listed at IR29-36.

6. The Secretary of State notes that MBC is in the process of producing a new Local Plan (IR37 - 43). The latest draft is the 2014 Regulation 18 Consultation Document, which proposes to allocate the northern field for 500 dwellings, but the woodland and southern field are proposed to be designated for public open space. However, as this

plan is still at an early stage and may change, the Secretary of State gives it limited weight.

7. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework, March 2012 (The Framework), the associated planning practice guidance issued in March 2014, and the Community Infrastructure Levy (CIL) Regulations 2010 as amended. He has also considered the other documents referred to at IR26 and IR44 – 46.

### **Procedural matters**

8. The Secretary of State notes that there are two identical applications and two appeals because the development proposed straddles the boundary between the two local authorities, but that no buildings are envisaged within TMBC's area (IR3). He agrees with the Inspector's conclusion regarding Appeal B at IR209.

9. The Secretary of State notes that both MBC and TMBC adopted Screening Opinions to the effect that the proposed development would not require an Environmental Impact Assessment.

### **Main issues**

#### *Housing supply*

10. MBC cannot demonstrate a five year housing land supply and therefore the relevant policies in the development plan for the supply of housing should not be considered up to date in accordance with paragraph 49 of the Framework.

11. The Secretary of State notes that both the main parties agree that 30% of dwellings should be provided as affordable housing, and therefore the proportion of affordable housing offered is not an issue in this appeal.

#### *Ecology*

12. For the reasons given at IR218-236, the Secretary of State agrees with the Inspector's conclusions that majority of the area has been correctly designated as ancient woodland (IR227) and that the site has medium to high ecological value at local level (IR237).

13. The Secretary of State agrees with the Inspector's reasoning and conclusions at IR238-252, including that there is no convincing justification for a condition insisting on the delivery of the proposal through the option 3 route to gain access to the southern field, as other options may prove to be more preferable (IR252). As this is an outline application the exact route would be decided at reserved matters stage. The Secretary of State endorses the Inspector's consideration of the option 3 route as an exemplar of how access would be resolved at reserved matters stage because this option is the appellant's currently preferred option (IR247). However, for the reasons at IR245-252, the Secretary of State considers that further investigation at the reserved matters stage might lead to another option to gain access to the southern field being identified and chosen that would be less harmful in ecological terms than option 3. Consequently he considers that option 3 may be regarded as the 'worst case' scenario for the purpose of deciding if the proposal would comply with Framework paragraph 118.

14. Option 3, if taken forward, would result in an absolute loss of about 0.03 ha of Ancient Woodland, equating to only 1.8% of the designated area (IR98 and 253). The Secretary

of State agrees with the Inspector's assessment at IR253-260 of the ecological effects of the proposal on the basis of option 3. Although the small loss of Ancient Woodland would technically infringe the requirements of adopted Local Plan policy H12 which calls for the retention, without qualification, of trees and woodland, the Secretary of State agrees with the Inspector that the ecological effects of option 3 would be acceptable, notwithstanding the minor loss. For the reasons given at IR253-260, the Secretary of State does not consider that harm to biodiversity if option 3 were taken forward would be significant. In respect of the loss of Ancient Woodland, he considers that the need for, and benefits of the development in this location clearly outweigh the loss. He therefore agrees that the tests of Framework paragraph 118, bullets 1 and 5 are clearly met in this case (IR259 and 260).

#### *Landscape*

15. For the reasons given at IR261-270 the Secretary of State agrees with the Inspector's conclusion that the effects of the proposal on the landscape character of the neighbourhood would be acceptable, notwithstanding a technical contravention of adopted Local Plan policy H12 (IR271).

#### *Other matters*

16. The Secretary of State has had regard to the New Allington Action Group's concerns referred to at IR272 – 273. However he agrees with the Inspector that there is no substantive evidence on which to disagree with Kent County Council and TMBC that the outcomes of this proposal in terms of highway safety and air quality would be acceptable.

17. The Secretary of State agrees with the Inspector's reasons and conclusions at IR275-280 regarding infrastructure, loss of agricultural land, archaeological interest, the Strategic Gap, access to the development and issues arising with development on the Hythe beds.

#### **Conditions**

18. The Secretary of State agrees with the Inspector's assessment at IR281-300 regarding planning conditions. He is satisfied that conditions proposed by the Inspector and set out at pages 76-78 of the IR meet the tests of Paragraph 206 in the Framework and comply with the Planning Practice Guidance.

#### **Section 106 planning obligations**

19. The Secretary of State agrees with the Inspector's assessment at IR301-304 on the proposed planning obligations. He agrees with the Inspector that with the exception of the provision of £426 per dwelling for the provision and maintenance of strategic open space, the remaining obligations do accord with Paragraph 204 of the Framework and the CIL Regulations 2010 as amended, and so should be taken into account in making the decision.

#### **Overall balance and conclusion**

20. The Secretary of State agrees with the Inspector's conclusions at IR305-313. As the relevant policies for the supply of housing in the development plan are out of date the decision taking process in this case should be that set out in the final bullet of paragraph 14 of the Framework.

21. The social and economic benefits of the housing would be very significant. The effect of development on landscape character would be acceptable and there would be a positive overall environmental balance.

22. The harm to biodiversity would not be significant and Framework paragraph 118 does not represent a policy which indicates that development should be restricted in this case for the reasons set out in paragraph 14.

23. Overall, the significant benefits of the proposal would not be outweighed at all, let alone significantly or demonstrably, by the limited adverse impacts. It follows that the scheme should benefit from the presumption in favour of sustainable development.

#### **Formal decision**

24. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendations and hereby allows your client's appeals and grants planning permission for a mixed-use development comprising up to 500 residential dwellings (including affordable homes, land safeguarded for an education facility and land safeguarded for a community centre, the provision of open space (including children's play areas) associated infrastructure and necessary demolition and earthworks and the formation of 2N<sup>o</sup> new vehicular accesses from Hermitage Lane and Howard Drive, in accordance with applications 13/1749 & TM/13/03147/OA, both dated 11 October 2013, subject to the conditions set out at Annex A of this letter.

25. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.

26. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

#### **Right to challenge the decision**

27. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

28. A copy of this letter has been sent to Maidstone Borough Council and Tonbridge and Milling Borough Council. A notification e-mail or letter has been sent to all other parties who asked to be informed of the decision.

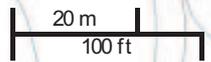
Yours faithfully

*Julian Pitt*

**JULIAN PITT**

Authorised by Secretary of State to sign in that behalf

# Agenda Item 16



16/506630

Scale: 1:1250

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**REPORT SUMMARY**

<b>REFERENCE NO - 16/506630/FULL</b>			
<b>APPLICATION PROPOSAL</b> Demolition of existing bungalow and erection of 2 replacement detached four bedroom dwellings, set on 3 floors with associated parking.			
<b>ADDRESS</b> St Faiths Bungalow St Faiths Lane Bearsted Kent ME14 4JN			
<b>RECOMMENDATION – Approval</b>			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The proposed development is considered to comply with the policies of the Maidstone Borough-Wide Local Plan 2000 and the National Planning Policy Framework, and there are no overriding material considerations to indicate a refusal of planning consent.			
<b>REASON FOR REFERRAL TO COMMITTEE</b> Bearsted Parish Council and Cllr Springett wish to see the application refused and reported to planning committee			
<b>WARD</b> Bearsted	<b>PARISH/TOWN COUNCIL</b> Bearsted	<b>APPLICANT</b> Mr & Mrs B Wharton <b>AGENT</b> E P Architects Ltd	
<b>DECISION DUE DATE</b> 25/10/16	<b>PUBLICITY EXPIRY DATE</b> 08/11/16	<b>OFFICER SITE VISIT DATE</b> 29/09/2016	
<b>RELEVANT PLANNING HISTORY:</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
16/504496/FULL	Demolish existing bungalow and replace with 2 no detached 4 bedroom dwellings, set on 3 floors with associated parking	Refused	01/08/16
Reason for Refusal; <i>The proposal would result in an unacceptable loss of privacy to the rear gardens and ground floor habitable rooms of No.s 10 &amp; 11 St Faiths Court and result in an unacceptable overbearing and oppressive impact upon no.s 10 &amp; 11 St Faiths Court. This would result in significant harm to the amenities of neighbouring properties contrary to paragraph 17 of the National Planning Policy Framework.</i>			
16/501957/FULL	Demolish existing bungalow and build two storey house and garage	Approved	16/05/16
13/0003	Extension of time to implement planning permission MA/10/0172. Demolition of existing bungalow and erection of a two storey dwelling	Approved	27/02/13
10/0172	Demolition of existing bungalow and erection of a two storey dwelling and detached double garage	Approved	26/03/10
05/0264	Conversion of existing single storey dwelling to a two storey dwelling (erection of an extension to form first floor) and erection of detached double garage	Approved	04/04/05

## **MAIN REPORT**

### **1.0 DESCRIPTION OF SITE**

- 1.01 The application site lies within the urban area in Bearsted Parish to the south of the central village and on the eastern side of St Faiths Lane – a private road accessing approximately 9 detached dwellings and a relatively modern gated development of 2/3 storey terraced properties at Bearsted Views.
- 1.02 The site contains an existing detached bungalow (known as St Faiths Bungalow) which is clad in white weatherboarding with a tiled roof. It has a gravel driveway with provision for 4 car parking spaces and detached garage/store to the side of the dwelling.
- 1.03 There is a replacement TPO Lawson Cypress tree (*Chamaecyparis Lawsoniana*) which was planted in 2012, ref T1 of TPO No.35 of 2003 situated within the front garden of the dwelling.
- 1.04 The proposal site does not affect the setting of a listed building or Conservation Area

### **2.0 PROPOSAL**

- 2.01 The proposal is for the demolition of an existing detached bungalow to be replaced by 2 detached dwellings fronting onto St Faiths Lane. The two dwellings would be set over three floors and would provide occupants with four bedrooms (1 with en-suite facilities), bathroom, living room, kitchen/dining room, two WCs, utility and store.
- 2.02 Each dwelling has a double integral garage and driveway area, with provision for 3 car parking spaces per dwelling. The driveway would be finished in permeable paving.
- 2.03 The site is situated on a slope, where the land levels fall to the rear of the site, the proposed dwellings are cut into the land to provide accommodation set over three floors. The dwellings would have a two storey appearance on the front elevation and three storey on the rear elevation, although the lower ground floor level would be largely hidden from view.
- 2.04 The ridge height would be 7.1m from the existing ground level, and eaves height of 5m. The proposed roof would be hipped, incorporating a projecting gable-end element and lean to pitched lean-to roof above the garage on the front elevation, and pitched lean-to roof above the ground floor on the rear elevation.
- 2.05 The dwellings would be built from facing brick on lower ground and ground floor levels, with fibre cement weatherboarding at first floor level, with fibre cement slate tiles for the roof.

#### **Relevant Planning History**

- 2.06 An application for two detached dwellings (replacing the existing bungalow), set over three storeys with gable-end roofs was refused under planning reference: 16/504496/FULL. The changes from that application have been to have fully hipped roofs (as opposed to gables); reduction in ridge height by between 0.7-0.9m; and the first floor and roof on the rear elevation has been set back by 1.6m.

- 2.07 There is an extant permission for a two storey detached dwelling at the site have approved 16/501957/FULL. The proposed dwellings have a lower ridge and eaves height than the replacement two storey dwelling approved under 16/501957/FULL.

### 3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Development Plan: ENV6, T13  
Emerging Local Plan: DM1, DM2, DM8

### 4.0 LOCAL REPRESENTATIONS

- 4.01 **Bearsted Parish Council** – Objects, would like to see the application refused for the following summarised reasons;

- Low density part of Bearsted, proposal is overdevelopment of the site
- Safety concerns to local residents, increased traffic, no footpaths on St Faiths Lane.

- 4.02 **Councillor Springett** - Objects, would like to see the application refused for the following summarised reasons;

- Overdevelopment of the site, design is cramped and awkward.
- Properties out of keeping with other properties in St Faiths Lane
- Loss of privacy to adjacent properties
- Site has restricted access, lack of room for vehicle manoeuvrability
- Increased traffic on St Faiths Lane
- Safety issues for pedestrians along the lane

- 4.03 **Public Responses** - 20 objections have been received from 12 neighbouring properties & interested parties objecting on the following summarised grounds;

- Out of character with existing development in area, forward of existing building line.
- Overdevelopment of the site.
- Additional traffic would cause safety risks to pedestrian users of the lane
- Unsuitable access, increased congestion, may obstruct emergency vehicles
- Unsuitable car parking arrangement, 3 spaces is too many, no visitor parking increasing parking pressure elsewhere.
- Overshadowing & loss of light
- Harm to privacy, overlooking to properties to rear.
- Increased sense of enclosure, overbearing and oppressive impact
- Noise and light pollution from two dwellings
- Loss of landscaping is out of keeping with the local landscape
- Concerns regarding surface water and soakaways
- Does not address issues raised in refused application ref; 16/504496
- Replacement dwelling approved under 16/501957/FULL approved without objection, but not without neighbour concern.
- Contrary to Paragraph 17 of the NPPF.

Other issues raised which are not a planning consideration:

- Covenant on land

- Spoiling an existing view
- Obstruction, damage, noise, smell and disturbance during construction process

## **5.0 CONSULTATIONS**

### **5.01 KCC Highways – No objection**

### **5.02 MBC Landscape - No objection**

Subject to a pre-commencement landscape condition which includes the provision of tree protection details in accordance with BS 5837: 2012 and the retention of TPO tree within the front of the site.

## **6.0 APPRAISAL**

### **Principle of Development**

- 6.01 Development Plan Policy, Emerging Local Policy and Central Government guidance encourages housing in sustainable urban locations such as this, but clearly the detail of the scheme must be appropriate which will now be assessed.

### **Visual Impact**

- 6.02 The application site covers an area of some 473.8m<sup>2</sup>, whilst the two dwellings would increase the footprint of built development within the site, I would consider the replacement dwellings sufficiently respect the size of the plot. The dwellings retain an open site frontage incorporating driveways and a small garden area in plot 2 which provide spacing to the boundaries, and there is sufficient spacing between dwellings.
- 6.03 There is no defined character or pattern to the sporadically placed dwellings along St Faiths Lane; the dwellings include a mix of single storey/two storey detached dwellings of varying scales and designs as well as a mix of two/three storey terraced dwellings in the Bearsted Views to the north-east of the site. As development along St Faiths Lane is sporadically placed, the proposed two detached dwellings would not upset the streetscene, nor is there a clear building line to adhere to. Towards the northern end of the lane there is a transition to a denser form of the development, incorporating terraced properties set over two-three storeys. The proposal site would be located on the northern end of the lane in close proximity to this denser form of the development and therefore I am satisfied the two detached dwellings would not appear out of character with the area.
- 6.04 In terms of design, I would consider the two elevations fronting onto the streetscene at St Faiths Lane are appropriate in terms of design and scale. The dwellings have a two storey appearance on the front elevation, which due to the hipped roof, projecting gable element, and lean-to roof over the double garage not only breaks up the overall bulk of the development but creates a good level of visual interest to the building. Furthermore the use of brick on the lower-ground and ground level and weatherboarding on the first floor further adds to the visual interest of the building.
- 6.05 I therefore consider the siting, scale and design of the proposed dwelling to be acceptable. I do not consider the proposal would appear visually intrusive, but positively integrates with the denser form of the development towards the northern end of the streetscene and surrounding area; and nor would it represent a cramped form of development resulting in an over development of the site, which already has

a lawful residential use. Samples of materials will be sought via condition to ensure a good quality finish to the development.

### **Residential Amenity**

#### 10 and 11 St Faiths Court

- 6.06 No.s 10 & 11 St Faiths Court are a pair of semi-detached properties located to the rear of the site, these neighbouring dwellings are set on a lower ground level, approximately 2.5m below the existing ground level on the site. Both these neighbouring properties have objected regarding loss of privacy due to overlooking, and loss of light and overshadowing.
- 6.07 Previously the 1<sup>st</sup> floor windows (top floor) were the only windows that were considered to result in overlooking. To address this concern, the revised scheme has set back the first floor rear elevation by 1.6m, increasing the distance between the first floor windows and neighbouring dwellings at no's 10 & 11 St Faiths Court. As a result there is a separation distance of between 21-24m (rather than between 18-21m) which I consider to be a sufficient distance to ensure that the neighbours ground floor habitable rooms and amenity areas are not directly overlooked. The hedging and fencing along the rear boundary lines will ensure that there is no significant overlooking of these neighbours amenity areas.. As such I am satisfied the proposals would not cause significant harm to these neighbours in terms of privacy, and the amended scheme has overcome the previous reason for refusal. The ground and lower ground floor would not overlook these properties due to the levels and intervening hedging and fencing.
- 6.08 With regard to outlook and loss of light, due to the set back of the first floor level increasing the distance between dwellings; lower ridge height; and amended roof pitch to a hipped roof which now slopes away from the shared these neighbours, I am satisfied the amended proposals do not result in an overbearing or oppressive impact or loss of light. Thus I am satisfied a suitable outlook remains from no's 10 & 11 St Faiths Court, and the amended scheme has overcome the previous reason for refusal.
- 6.09 Both neighbouring properties have objected on the basis of increased noise, it is considered that the additional noise created by one additional dwelling within a residential area would not cause significant harm to the amenities of these neighbouring properties.

#### Other neighbouring properties

- 6.10 The neighbour at Hope Lodge has objected regarding overlook and loss of privacy, due to the separation distance of approximately 25m, existing boundary treatment and shrubbery, it is not considered that the proposed dwellings would overlook the neighbours front habitable rooms to a degree that would result in significant harm to residential amenity.
- 6.11 Neighbouring dwellings at 9 St Faiths Court and 19 Windmill Heights have raised objections with regard to overlooking and harm to privacy; these neighbours are over 30m and 40m away from the siting of the proposed dwellings respectively. Due to the distance between dwellings, it is not considered that the proposed dwellings would overlook the neighbours habitable rooms or immediate amenity area to a significantly harmful extent.

- 6.12 I do not consider the proposals would have a significant harmful impact upon the amenities of any other neighbouring property.

### **Highways**

- 6.13 The site has an existing residential use and the development would continue to have vehicular access of St Faiths Lane which is a private street. The KCC Highways Officer has not objected to the proposal. The proposed dwellings have double garages with driveway areas in front of the dwellings, with provision for 3 car parking spaces per dwelling. Objections have been received relating to issues of congestion, lack of turning points and public safety for the users of the lane. St Faiths Lane is a private street in which the highways authority has no jurisdiction. I do not consider the vehicular movements of the additional dwelling would generate significant enough vehicular movements to and from the site to result in highways safety issues along St Faiths Lane or Tower Lane, to justify refusal on the grounds of highway safety.

### **Landscaping**

- 6.14 The submitted plans indicate a small area of garden to the front Plot 2, which ensures the retention of an existing TPO tree .To the rear of the plots, each property is shown to have a patio and garden area with the maintenance of existing shrubs/hedge along the rear boundary line and addition of shrub/hedge planting to match the existing. I consider the landscaping shown would be appropriate for the site, given its small plot size. The Landscape Officer recommends a pre-commencement landscaping condition ensuring which includes the provision of tree protection details in accordance with BS 5837: 2012, which I consider necessary to ensure the retention and protection of the TPO tree shown on Plot 2.

### **Other Matters**

- 6.15 Given the existing residential use of the site and existing gravel drive and well maintained lawn with the garden areas, I do not consider there to be any significant issues with regard to a possible impact upon protected species. A condition is attached to ensure biodiversity enhancements through bird/bat boxes.
- 6.16 Issues relating to; disturbance from construction; maintenance costs for the private lane; damage to property and land covenants are not planning considerations which can be taken into account.

## **7.0 CONCLUSION**

- 7.01 The amendments to the two proposed detached dwellings due to the lower height of the roof, amended roof pitch and set back of the first floor rear elevation ensures that the proposal does not cause an unacceptable loss of privacy, and would not appear significantly overbearing or oppressive to the rear properties, thus overcomes the reasons for the refusal outlined in 16/504496/FULL.
- 7.02 For the reasons above, the application is considered to be acceptable and accords with the adopted local plan policies, emerging local plan policies and accords with the principles of the NPPF. As such I am recommending approval subject to conditions.

- 8.0 RECOMMENDATION – GRANT** Subject to the following conditions;

CONDITIONS to include

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. Prior to any development above damp proof course level, written details and samples of the materials to be used in the construction of the external surfaces of the buildings and hard surfaces 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. The development shall not commence 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 to be retained together with measures for their protection during the course of development in the form of a Tree Protection Plan undertaken by an appropriately qualified party in accordance with BS5837:2012. This shall specifically include the retention and new planting of the existing hedgerow shown on 1720.P.10 Rev A which runs along the site's rear (south-eastern) boundary with no.10 & 11 St Faiths Court; and the retention and protection measures for the TPO tree within Plot 2. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment 2012.

Reason: To safeguard existing trees and hedges to be retained and ensure a satisfactory external appearance to the development and a high quality of design,

4. The approved landscaping scheme shall be implemented in the first available landscaping season following first occupation of the development hereby permitted. 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 safeguard existing trees and hedges to be retained and ensure a satisfactory external appearance to the development and a high quality of design,

5. Prior to any development above damp proof course level, details of all fencing, walling and other boundary treatments shall be submitted to the Local Planning Authority and approved in writing. The approved details shall be implemented and these measures shall be retained at all times thereafter.

Reason: To ensure a satisfactory appearance to the development.

6. 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.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and/or re-enacting that Order) no extension or enlargement (including additions to roofs) shall be made to the dwellinghouse(s) hereby permitted without the express permission of the council.

Reason: The further extension of these dwellings requires detailed consideration to safeguard the amenities of the surrounding area.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revising, revoking and re-enacting that Order with or without modification), no internal or external alterations shall take place to any garage, which would preclude its use for housing motor vehicles without the prior written approval of the Local Planning Authority.

Reason: To ensure that alterations are not carried out which would deplete the provision of car parking facilities within the site.

9. The development shall not commence until details of ecological enhancements within the development site, to include provision of swift bricks within buildings; and bat boxes have been submitted to and approved in writing by the Local Planning Authority and the approved details shall be maintained thereafter;

Reason: In the interests of ecology and biodiversity enhancement.

10. Prior to the commencement of development above damp proof course level details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter;

Reason: To ensure an energy efficient form of development.

11. The development hereby permitted shall be carried out in accordance with the following approved plans: 1720.P.10 Rev A , 1720.P.11 Rev A received 21<sup>st</sup> October 2015.

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

## INFORMATIVES

### HOURS OF WORKING (DEMOLITION/CONSTRUCTION)

No demolition/construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.

### Construction

As the development involves demolition and/or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.

### Highways

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure

## Planning Committee Report

that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Case Officer: Corinna Griffiths

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.  
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.



**REPORT SUMMARY**

<b>REFERENCE NO - 16/506756/FULL</b>			
<b>APPLICATION PROPOSAL</b>			
Demolition of the existing commercial buildings on the site and the construction of 5 no. dwellings alongside associated parking, access and landscaping works.			
<b>ADDRESS</b> Wilsons Yard George Street Hunton Kent ME15 0RF			
<b>RECOMMENDATION – REFUSE PERMISSION</b> for the reasons set out in Section 10.0.			
<b>SUMMARY OF REASONS FOR REFUSAL</b>			
<ul style="list-style-type: none"> <li>- The proposal represents new development in the open countryside outside any defined rural settlement and would not represent a sustainable form of development or effective re-use of a brownfield site due to the site distance from the nearest urban area, rural service centre or larger village, the reliance on unsustainable modes of transport and that significant environmental improvement would not result.</li> <li>- The proposal would result in new development which would be detrimental to the character and rural appearance of the area which has been designated as a Special Landscape Area.</li> <li>- The application fails to demonstrate that the loss of the existing employment use would outweigh the benefit of the provision of residential development and lacks any robust evidence to support the arguments that the site is unattractive for a new occupier contrary to the economic sustainability goals and the support of the rural economy.</li> </ul>			
<b>REASON FOR REFERRAL TO COMMITTEE</b>			
Cllr Brian Mortimer has requested that the application be considered by the Planning Committee should the application be recommended for refusal as KCC highways do not assess and comment on the proposal as it is below the relevant size threshold and it is thought that the proposed housing would be a better use than the existing light industrial use.			
<b>WARD</b> Coxheath Hunton	<b>And</b>	<b>PARISH/TOWN</b> Hunton	<b>COUNCIL</b>  <b>APPLICANT</b> Esquire Developments Limited <b>AGENT</b> DHA Planning
<b>DECISION DUE DATE</b> 08/11/16	<b>PUBLICITY EXPIRY DATE</b> 21/10/16	<b>OFFICER SITE VISIT DATE</b> Visited on various occasions	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
15/509819	Demolition of the existing commercial buildings on the site and the construction of 3 pairs of semi-detached dwellings alongside associated parking, access and landscaping works on the land at Wilsons Yard, Hunton	Withdrawn	03.05.2016
04/2315	Erection and renewal of existing chain link fencing and concrete posts on front and sides of entrance to site with 1.8 m high chain link fencing.	Permitted	31.01.2005

03/0336	Change of use of land and part of building to light industrial (B1c) use including the retention of blockwork, cladding, doors and windows to part of the southern elevation of the building.	Refused for the reasons below	29.08.2003
<p>(1) The existing building, together with the alterations to the south elevation of the building, constitute a building that is of a form, bulk, general design and appearance that is not in keeping with its rural surroundings within a designated Special Landscape Area and which detracts from the setting of 'Hunton Place' a Grade II listed building. As such, the proposed development is contrary to the Central Government advice contained within paragraph 3.14 of Planning Policy Guidance Note 7, policies RS5, RS1, ENV4 and ENV19 of the Kent Structure Plan 1996 and policies ENV44, ENV34 and ENV12 of the Maidstone Borough-Wide Local Plan 2000.</p> <p>(2) The local highway network, in terms of the restricted width of the roads, is inadequate to serve the number and type of vehicles that the proposed use is likely to generate, contrary to policy T18 of the Kent Structure Plan 1996 and policies ENV44(5) and T21 of the Maidstone Borough-Wide Local Plan 2000.</p> <p>ALLOWED on APPEAL</p>			
00/1754	An outline application for the erection of 2 no. detached dwellings with associated garages, with external appearance, landscaping and design reserved for future consideration.	Refused	15.11.2000
<p>(1) The proposal represents new development in the open countryside outside any defined rural settlement contrary to policies RS1, RS5 and ENV1 of the Kent Structure Plan and policy ENV29 of the Maidstone Borough-Wide Local Plan.</p> <p>(2) The proposal would not represent a sustainable form of development and would therefore be contrary to policy S1 of the Kent Structure Plan and the strategic objectives of the Maidstone Borough-Wide Local Plan.</p> <p>(3) The proposal would result in new development which would be detrimental to the character and rural appearance of the area which has been designated as a Special Landscape Area in the Kent Structure Plan and would be contrary to policy ENV4 of that Plan and policy ENV37 of the Maidstone Borough-Wide Local Plan.</p> <p>APPEAL DISMISSED</p>			
97/0030	Redevelopment of yard involving the demolition of the existing buildings and the erection of 3 detached dwellings with garages and new access road.	Refused	14.03.1997
<p>(1) The proposed development by reason of its arrangement, scale, design and location would be an intrusive feature in the landscape interspersed with buildings of special architectural of historic interest and designated as a Special Landscape Area within the Greensand Ridge South of Maidstone, contrary to Policy ENV4 of the Kent Structure Plan 1996 and Policy C5 of the Maidstone Borough Local Plan 1993.</p> <p>(2) The proposal by virtue of its design and layout would result in an inadequate level of privacy for the proposed occupants contrary to Policy ENV1 of the Maidstone Borough</p>			

<p>Local Plan 1993 and the standards of Kent Design Document 1995, by virtue of the overlooking of the rear private amenity area of plot 2 from the proposed dwelling on plot 3.</p> <p>(3) The proposal represents new development in the open countryside outside any defined rural settlement contrary to policies RS1, RS5 and ENV1 of the Kent Structure Plan 1996 and Policy C1 of the Maidstone Borough Local Plan 1993.</p> <p>(4) The proposed redevelopment by virtue of the existing buildings having no lawful use would not represent a satisfactory minor extension of a group of houses and would constitute a consolidation of sporadic development contrary to Policy RS2 of the Kent Development Plan 1996 and policies C1, R2 and R7 of the Maidstone Borough Local Plan 1993.</p>			
91/0998	Section 64 determination for vehicle shelter and workshop. .	Refused	16.08.1991
<p>(1) The lawful use of the building referred to in the application for a vehicle workshop has been abandoned, and the said building has no lawful use. Accordingly planning permission is required for any use of the said building.</p> <p>(2) Further, the use of the said building as a haulage depot is prohibited by an Enforcement Notice dated 11 June 1979.</p>			
91/0926	Section 64 determination for use as vehicle shelter (storage) and maintenance workshop for mechanically propelled motor vehicles (the storage of pre-1930 vintage and post vintage specialist cars lorries and traction engines and their mechanical upkeep). .	Refused	24.07.1991
<p>(1) The lawful use of the building referred to in the application for a vehicle workshop has been abandoned and the said building has no lawful use. Accordingly planning permission is required for any use of the said building.</p> <p>Further, the use of the said storage building as a haulage depot is prohibited by an enforcement notice dated 11 June, 1979.</p>			
89/2208	Use as vehicle shelter (storage) and maintenance workshop for mechanically propelled motor vehicles (the storage of pre-1930 vintage and post vintage specialist cars lorries and traction engines and their mechanical upkeep).	Refused	13.07.1990
86/0756	Change of use of workshop and haulage depot to four light industrial units	Refused	21.08.1986
82/1021	Continuation of use of premises as a haulage depot	Refused	30.09.1982
79/1769	Established use as transport depot with workshop facilities for vehicle repairs and ancillary storage and office facilities	Refused	25.01.1980

77/1066	Change of use of storage building to motor vehicle repairs.	Refused	03.01.1978
76/1187	Use for storage and general maintenance of scaffolding materials	Refused	20.02.1977

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 Wilsons Yard is located on the west side of George Street within the open countryside and on land designated as a Special Landscape Area. The site extends to approximately 0.41 hectares in area and is occupied by a steel framed building some 62m in length and some 9.4m deep. This building is of some age and is subdivided internally into five units with all access on the south side. It has a corrugated asbestos roof with corrugated sheeting and concrete blockwork for the walls.
- 1.02 There is grazing land to the north and south of the site and its eastern boundary abuts the rear boundaries of three dwellings on East Street. These comprise Badgers and Thatched Cottage, which are semi-detached, and Hunton Place which is a Grade II listed building.
- 1.03 There is an area of Ancient Woodland to the east of the site on the opposite side of George Street and public rights of way dissecting the fields to the north (with the access immediately to the north of the entrance to the site) and approximately 100m to the south.
- 1.04 An existing vehicular access leads from George Street into the site, this is enclosed by metal gates and fencing. The site is currently sub-divided by a fence and gate dissecting the site into two, with the eastern area closest to the road predominately grassed and the buildings and operations to the western part of the site. The existing building is visible above the existing dividing fence and from the local public rights of way.

### 2.0 PROPOSAL

- 2.01 The proposal is to demolish the existing buildings and erect 5 new dwellings. This would include the following:

#### *Demolition*

- The existing building to be removed measures approximately 62m in length, 9.4m in depth and has a pitched roof with an eaves height of 4.8m and a ridge height of 6.5m.
- Existing workshop which measures approximately 4.5m by 5.5m and has a low pitch roof with an eaves height of 1.8m and ridge height of 2.2m.
- An existing garage and 3 metal storage containers would also be removed.

#### *Housing*

- Five new dwellings would be provided. 3 detached dwellings and a pair of semi-detached dwellings. These would be two-storey, with a roof form a mix of hipped, half-hipped and gables.
- Tile hanging is proposed at first floor, with brick at ground floor and tiled roofs.
- The design is simple and traditional.

	<b>Plot A</b> (Detached)	<b>Plot B</b> (Detached)	<b>Plot C</b> (Detached)	<b>Plot D</b> (Semi)	<b>Plot E</b> (Semi)
Approximate ridge height (m)	8.4m	8.5m	8.5m	8.4m	8.4m
Approximate eaves height (m)	4.9m	5m	5m	4.9m	4.9m
Approximate depth (m)	11.2m	9.5m	9.5m	8.6m	6.3
Approximate width (m)	11.8m	14.8m	14.8m	5.9m	11.5m
No. of storeys	2	2	2	2	2
Parking spaces	2 external 2 internal garages	2 external 2 internal garages	2 external 2 internal garages	2 external	2 external and 1 internal garage
No. of bedrooms	4	4	4	2	3

#### *Landscaping*

- It proposed to landscape the eastern part of the site (approximately 0.8hectares) with a new orchard.
- Trees and boundary planting around, and within the site is proposed to be retained and enhanced as necessary.
- Each dwelling would benefit from private rear gardens.

#### *Access*

- An existing vehicular access from George Street would be utilised and a new internal road would be provided which would lead to the new dwellings to the north of the site.

### **3.0 PLANNING CONSTRAINTS**

- Adjacent to listed building (Hunton Place, Grade II Listed)
- Adjacent to Ancient Woodland
- Special Landscape Area

### **4.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Development Plan:

#### Maidstone Borough Wide Local Plan 2000 :

Policy ENV6 : Landscaping, surfacing and Boundary Treatment  
Policy ENV28 : Development in the Countryside  
Policy ENV34 : Special Landscape Areas  
Policy ENV45 : Conversion of Rural Buildings for Residential Purposes  
Policy ENV49 : External Lighting  
Policy T13 : Parking Standards

Maidstone Borough Local Plan Publication (Submission draft) February 2016

Policy SP17 : Countryside  
Policy DM1 : Principles of good design  
Policy DM2 : Sustainable design  
Policy DM3 : Historic and natural environment  
Policy DM4 : Development of brownfield land  
Policy DM11 : Housing mix  
Policy DM12 : Density of housing development  
Policy DM21 : Retention of employment sites  
Policy DM27 : Parking standards  
Policy DM34 : Design principles in the countryside  
Policy DM35 : Conversion of rural buildings  
Policy DM41 : Expansion of existing businesses in rural areas.

Other Documents:

Kent Design Guide Review: Interim Guidance Note 3-Residential Parking

**5.0 LOCAL REPRESENTATIONS**

**5.01 Parish Council**

No objection

**5.02** Adjoining neighbours were notified of the application. A site notice was also put up at the site.

16 objections have been received in response to the consultation which are summarised as follows:

- A neighbour understands that an approach was made to the applicant from a courier company to use the site for this business.
- A neighbour understands that the council were interested in using the site a traveller site.
- Concerns regarding traffic and lack of parking
- Overlooking
- Lack of landscaping proposed to the north of the site
- In favour of housing but not the numbers proposed, the numbers should be reduced
- Over-intensification of the site and would increase the number of dwellings on George Street by a third
- Unsustainable site
- Comparisons with application at Woodyard in East Street are not valid.
- Design out of keeping
- Who would manage the landscaping
- Sewerage and drainage concerns
- Roads unsafe for pedestrians
- Public transport cannot cope with the development
- Views would change
- Concerns regarding lighting
- Many of the retained trees are outside the application site
- Planning permission refused for Little Clockhouse, George Street for gypsy site
- Noise and disturbance
- Proposed building would be taller than existing building

- Site is within the Special Landscape Area
- Lack of school places
- result in an urban feel to the street

One letter of support has been received from the owner of the site who raises the following points:

- The site benefits from B1 consent with three large units and the site and 2 storage units.
- If all the units were in use the level of traffic using the site and George Street would be significantly higher than at present.
- Having owned the site for 16 years, most of the units have remained empty during this time, and as a result traffic has been artificially low.
- Owner is retiring and no longer needs the site and the units are too large

## 6.0 CONSULTATIONS

6.01 **Southern Water** (28/09/16): The applicant has not stated details of means of disposal of foul drainage.

Should the application be approved a condition should be attached relating to means of foul and surface water drainage.

6.02 **KCC Public Rights of Way Officer** (16/09/16) : Public Rights of Way KM17 footpath runs along the western boundary of the site and should not affect the application.

6.03 **UK Power networks** (14/09/16) : No objection

6.04 **KCC Highways** (5/10/16) : The application does not meet the protocol for comments and no comments are made.

6.04 **Upper Internal Medway Drainage Board** (5/10/16) : Site outside the IDBs district and unlikely to affect the IDBs interests.

6.05 **Natural England** (6/10/16) : No objection

6.06 **Conservation Officer** (27/9/16) : The site is currently partially occupied by a large ex-agricultural building of modern date and unattractive appearance which lies close to the rear of Hunton Place, a Grade II listed building. The site has a lawful use for car repairs.

It is proposed to remove the existing building and replace it by 3 detached and 1 pair of semi-detached houses. These would be sited further away from the listed building and be of modest scale.

In my opinion, the proposals would result in a visual improvement to the setting of the listed building whilst the extinguishment of the car repair use should also result in an improvement to the setting.

I raise no objection to this application on heritage grounds subject to conditions re samples of materials, removal of all permitted development rights and landscaping.

6.07 **Tree Officer** (4/10/16): Grove Wood to the east of George Street is designated Ancient Semi Natural Woodland but there are no protected trees on, or immediately adjacent to, the site.

There appear to be no significant trees which would form a constraint to the development proposal. I therefore raise no objection on arboricultural grounds subject to a pre commencement landscape condition which includes the provision of protection details, in accordance with BS5837: 2012, for existing trees/ hedges to be retained and new areas to be soft landscaped.

- 6.08 **Environmental Health Officer** (20/9/16) : A Phase I Desk Study (LEAP Environmental Ltd, LP00997 20<sup>th</sup> August 2015) has been submitted in support of the application. The report has been carried out using an acceptable methodology and concludes that further intrusive investigations should be carried out because of the historic uses of the site (car maintenance) and because of asbestos sheeting stored on site and asbestos, metals and PAH (polyaromatic hydrocarbons) associated with made ground. Therefore a contaminated land condition should be attached to any consent granted.

## 7.0 BACKGROUND PAPERS AND PLANS

Application form  
Planning Statement  
Design and Access Statement  
Preliminary Ecological Survey  
Reptile Survey Report  
Phase I Desk Study and Site Reconnaissance

Drawing Number 22561B/02 Revision P1 (Site Location Plan)  
Drawing Number 22561B/01 Revision P1 (Existing Site Layout)  
Drawing Number 22561B/03 Revision P1 (Existing Elevations of Storage Buildings)  
Drawing Number 22561B/10 Revision P4 (Proposed Site Layout)  
Drawing Number 22561B/11A Revision P2 (House Type B Variation 1)  
Drawing Number 22561B/11B Revision P3 (House Type B Variation 2)  
Drawing Number 22561B/12 Revision P3 (House Type A)  
Drawing Number 22561B/13 Revision P3 (House Type C and D)  
Drawing Number 22561B/14 Revision P3 (Proposed Street Scenes)  
Drawing Number 22561B/15 Revision P2 (Proposed Street Scenes)

Drawing Number 22561B/16 Revision P1 (Comparison of levels on site)

## 8.0 APPRAISAL

### Background history

- 8.01 This site has a significant planning history dating from 1954. Of relevance is an enforcement notice issued in 1979 alleging a material change of use to use to a haulage depot. This notice was upheld following an appeal and a High Court challenge.
- 8.02 Also of relevance is a further enforcement notice issued in 1982 relating to the erection of a corrugated iron fence on the eastern part of the site and the construction of blockwork and corrugated iron walls to the front of the building. The notice required the fence to be reduced to 2m in height and the blockwork and corrugated iron walls to the front of the building demolished. The notice was upheld after an appeal was dismissed.

- 8.03 A number of subsequent applications for alternative uses have also been refused, including an application to erect two detached dwellings in 2000 with these decisions upheld at appeal. The haulage use ceased as a result of the 1979 enforcement notice and at the time it was agreed that whilst the building itself was lawful, its only lawful use is for agriculture.
- 8.04 In 2003 an application was submitted for the change of use of land and part of building to light industrial (B1c), in total this related to three of the units within the building and on a site area measuring approximately 0.19ha. The site included the vehicular access from George Street and an area of land to the south of the building itself. Whilst refused by the Planning Committee, this application was subsequently allowed at appeal, with permission granted subject to a number of conditions including restricting the use to those falling with a B1(c) and hours of operation.
- 8.05 It is understood that the site has been used by the owner for car repairs since the appeal was allowed.

Five year housing supply

- 8.06 The National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states that Councils should:
- 8.07 *“identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.*
- 8.08 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was commissioned jointly with its housing market area partners: Ashford and Tonbridge and Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the borough for the 20 year period of the emerging Maidstone Borough Local Plan (2011 to 2031). The SHMA has been the subject of a number of iterations following the publication of updated population projections by the Office for National Statistics and household projections by the Department for Communities and Local Government. At the meeting of the Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Councillors agreed an objectively assessed housing need figure of 18,560 dwellings for the period 2011 to 2031. This figure was adopted as the Local Plan housing target by Council at its meeting on 25 January 2016.
- 8.09 The Maidstone Borough Local Plan was submitted to the Secretary of State for examination on 20 May 2016. The Plan allocates housing sites considered to be in the most appropriate locations for the borough to meet its objectively assessed needs, and the Housing Topic Paper (which was submitted with the Local Plan) demonstrates that the Council has a five-year supply of deliverable housing sites. The independent examination commenced on 4 October 2016, and the hearings are programmed to mid-December. The examination will close following further consultation on modifications to the Local Plan and receipt of the Inspector’s final report. Adoption of the Plan is expected spring/summer 2017.

- 8.10 Housing land supply monitoring is undertaken at a base date of 1 April each year. The Council's five-year housing land supply position includes dwellings completed since 1 April 2011, extant planning permissions, Local Plan allocations, and a windfall allowance from small sites (1-4 units). The methodology used is PPG-compliant in that it delivers the under-supply of dwellings in the past five years over the next five years; it applies a discount rate for the non-implementation of extant sites; and, in conformity with the NPPF paragraph 47, a 5% buffer is applied given the position that is set out in full in the Housing Topic Paper. As at 1 April 2016 the Council can demonstrate 5.12 years' worth of deliverable housing sites against its objectively assessed need of 18,560 dwellings.
- 8.11 In September 2016, an illustrative desktop exercise was completed in order to test how the Council is continuing to meet its 20-year and five-year housing targets. Using the same methodology, the housing land supply calculation was rolled forward five months; the contribution from new planning permissions granted since April was included; the phased delivery of extant permissions and Local Plan allocations was reviewed; and the windfall contribution was adjusted to avoid double counting. The Housing Topic Paper Update reaffirmed that the Council's five-year housing land supply position is robust and that the assumptions being made are justified, demonstrating an uplift in the Council's position to 5.71 years. The purpose of the update was to show an indicative position as at 1 September: the update does not replace the 1 April 2016 Topic Paper because a full survey was not undertaken in September. A full five-year housing land supply update will be completed through the annual housing information audit to produce the 1 April 2017 position.
- 8.12 As such it is considered that the Council can demonstrate a 5 year housing land supply and in accordance with Paragraph 216 of the NPPF the saved policies within the adopted local plan are considered to carry full weight and the emerging policies are considered to carry significant weight.

#### Loss of employment use

- 8.13 The NPPF and local policies provide greater support for business uses within rural areas, rather than new residential developments. Paragraph 28 of the NPPF supports a prosperous rural economy supporting *'the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing building and well-designed new building.'*
- 8.14 Policy ENV45 of the adopted local plan and Policy DM35 of the emerging local plan, state that before allowing the conversion of rural buildings to residential use, reasonable attempts need to be made for the re-use for business use. Although not strictly applicable as the current proposal relates to demolition and redevelopment the principle of losing employment use in the countryside is common to both.
- 8.15 A section of the existing building has a lawful use class B1(c) light industrial use. In absence of any other planning permission. The definition of a B1 use is that it can operate in any residential area without detriment to the amenity of that area. It is understood that the remaining floor space in the building has a lawful agricultural use.
- 8.16 The submitted planning application provides limited information about the existing building, its current use or the loss of the existing employment use. It is understood that the current owner has reached retirement age and no longer wishes to continue commercial uses on the site. The commercial use on the application site has successfully operated from the application site for a significant period of time and

without any significant harm and as a result it is considered that the site would be attractive to alternative commercial occupiers.

- 8.17 The limited information submitted with an earlier planning application showed that the site was marketed in 2014 by two agents, RTA and GT associates. There was no information available on the extent of the marketing exercise, the agents used or the length of time that marketing took place. The submitted evidence suggests that there was interest shown by two parties; however this was not pursued due to the restrictions on hours of use and broadband limitations.
- 8.18 In summary, a commercial use has operated successfully from the application site for a significant period of time, and insufficient evidence is available to demonstrate that a continued or alternative commercial use would not be attracted to, and successfully operate from the site in the future. The application does not support the economic goals of sustainable development and the benefit of providing 5 new dwellings does not outweigh the loss of the existing rural employment use. A

#### Redevelopment of brownfield land

- 8.19 The application site falls within the definition of previously developed land (PDL) as set out in the NPPF and as such is considered to be a brownfield site. The core principles set out in the NPPF encourage the effective use of land by reusing sites that have previously been developed (brownfield land). This principle is reflected in Policy DM4 of the emerging Local Plan. Policy DM4 sets out that :

*'Exceptionally, the residential redevelopment of brownfield sites in the countryside which meet the above criteria and which are in close proximity to Maidstone urban area, a rural service centre or larger village will be permitted provided the redevelopment will also result in a significant environmental improvement and the site is, or will be made demonstrably accessible by sustainable modes to Maidstone urban area, a rural service centre or larger village.'*

- 8.20 As brownfield land, the redevelopment of the application site needs to be assessed against the criteria set out in policy DM4 and this assessment is included in the following paragraphs.

#### Suitability of the site for residential use

- 8.21 Policy ENV28 of the MBWLP allows for development within the countryside subject to the proposal meeting a number of different criteria. The proposed redevelopment of the site for residential use would not fall within any of these criteria. The policy does allow for exceptions which are indicated by policies elsewhere in the plan. Again it is not considered that the demolition of the existing buildings and redevelopment of the site for a residential use would be supported by other policies in the plan.
- 8.22 Policy SP17 of the emerging Local Plan allows for small-scale residential development when it:
- (a) Meets a proven essential need for a rural worker to live permanently at or near their place of work
  - (b) Meets a proven need for Gypsy and Traveller accommodation
  - (c) Meets local housing needs

- 8.23 The proposed scheme does not meet any of these criteria. It is concluded that the proposed development would be contrary to policies ENV28 of the adopted Local Plan and SP17 of the emerging Local Plan.

*Distance from urban area, rural service centre or larger village*

- 8.24 Hunton is located approximately 1.6km from the application site. Hunton is not identified as part of the urban area, a rural service centre or a larger village. Hunton has a primary school, pre-school, community hall and a church. Hunton does not have any shops, a doctors, dentists or other services that would normally be found in sustainable locations and areas identified for housing growth in the emerging local plan.
- 8.25 The application site lies approximately 6km from the outskirts of the Maidstone Urban area. The site is approximately 3km from Coxheath to the north-east and Yalding to the west, with these two settlements defined in the emerging local plan as 'Larger Villages'.
- 8.26 The information submitted in support of the application seeks to demonstrate that the site is sustainable in terms of its links to Hunton and the larger villages. Information supplied by the applicant highlights that journey times by private vehicle to Yalding and Coxheath are 5 and 7 minutes respectively. Policy DM4 clearly sets out that the site should be demonstrably accessible by sustainable modes. The planning statement includes a copy of the Nu Venture bus timetable and states at Paragraph 2.1.6 that :
- 'The site is located within 500metres of the nearest bus stop to the south on East Street.....It should however be noted that these services only operate on school days and provide services between Maidstone and Goudhurst approximately 6 times a day.'*
- 8.27 It is acknowledged that there is a bus stop on East Street within 500m walking distance, however there is no footpath along George Street for pedestrians to use and the only alternative access is using public rights of way that would be across unlit and unsurfaced land
- 8.28 It is understood that two buses a day serve the bus stop in East Street. The number 26A bus route is between Pattenden Lane and Maidstone Town Centre, stopping at the bus stop opposite George Street at 07:31, on school days only, with the return route leaving Maidstone Town Centre at 16:03. It is not considered that this bus route provides a viable alternative to the use of a private vehicle. Alternative bus stops are located along East Street and within Hunton itself; however there is also poor accessibility for pedestrians to these bus stops.
- 8.29 The Institute of Highways and Transportation "Guidelines for Journeys on foot", document refers to an average walking distance of 1km (0.6miles). In table 3.2 the document outlines suggested walking distances. In terms of the distance for walking to commute, or travel to school the document states that a distance of 500m is desirable, a distance of 1000m would be acceptable with a distance of 2000m the maximum.
- 8.30 Paragraph 3.35 of the "Guidelines for Journeys on foot", advises that :

*'It will be important to identify the anticipated desire lines, crossing locations, volume and type of pedestrian activity. The practicality and attractiveness of walking depends not only on the general location but also on the access details.'* Paragraph 3.36 advises that: *'Additional walking distances or gradients can be crucial in determining whether a development is pedestrian friendly.'*

- 8.31 The walking distance from the application site to the primary school in Hunton is over 2000 metres by road, reducing slightly to approximately 1700 metres if public footpaths are used. Notwithstanding these distances it is considered that the facilities available for pedestrians, with a lack of suitable footpaths which are unlit and with unmade surfaces, do not provide a viable alternative to the private motor vehicle with these routes unattractive and impractical for pedestrians.
- 8.32 In these circumstances it is concluded that the site is not located in a sustainable location, with future occupants heavily reliant on the private car the site would not be demonstrably accessible by sustainable modes.

*Environmental improvement (including landscape impact and listed building setting)*

- 8.33 Policy DM4 of the emerging plan criteria sets out that development needs to result in significant environmental improvement. Paragraph 7 of the NPPF sets out that the environmental role of sustainable relates to :

*'Contributing to protecting and enhancing our natural, built and historic environment, and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.'*

- 8.34 The planning statement and the applicant have sought to address the environmental improvement that would result from the proposed development. The planning statement in summary sets out the following improvements :

- *A 35% reduction in the built footprint on the site.*
- *The proposal would 'break up' the built form of the site.*
- *There would be a 45% reduction in hardstanding*
- *The new dwellings would be of a sympathetic scale.*
- *Improvement to the setting of the listed building (Hunton Place)*

- 8.35 In an additional supporting statement, the applicant has raised the following additional point (in summary) :

- *The likelihood of any harmful contamination of the land occurring is dramatically reduced, and during the works any existing contamination on site will be remediated.*
- *The development would be designed with a fully SUDs compliant drainage scheme that will not result in the harm of the environment in any way*
- *Improvements will be made to the quality of water infiltration.*
- *A fully comprehensive landscaping proposal will also be developed ensuring that the existing perimeter trees and hedging is bolstered and improved, additional landscaping will also be planted to significantly soften the appearance of the site.*
- *Providing ecological enhancements for local wildlife.'*

- 8.36 The application site is within the open countryside with three boundaries shared with open fields. The land to the east is dominated by woodland (designated as Ancient

Woodland) with sporadic residential development to the west of the site. The site is within the Special Landscape Area (SLA) defined in the adopted local plan with adopted policy ENV34 seeking to protect and conserve the scenic quality and distinctive character of the area.

- 8.37 The proposal seeks to remove the existing corrugated building and ancillary structures and construct 5 new dwellings (3 detached and a pair of semi-detached properties). The character and appearance of the proposed dwellings would be significantly different to the existing agricultural building. The development would introduce a formal row of houses in an area where sporadic housing currently exists. The pattern of existing development generally fronts the road in a different fashion to the pattern or layout that the proposed scheme.
- 8.38 It is noted that the proposals would incorporate a new orchard at the entrance/east of the site. This would provide new soft landscaping and act as a landscape buffer separating the proposed dwellings and shielding views of domestic paraphernalia from the road frontage. Notwithstanding this screening the development would still result in new domestic gardens adjoining the open land to the south, introducing domestic paraphernalia and activities which would significantly alter the character and appearance of the area.
- 8.39 The height and bulk of the proposed dwelling would be greater than the existing agricultural building. The development would have an appearance that would appear out of place in the surrounding countryside. The development provides an unacceptable replacement to the existing buildings which although in need of repair are wholly agricultural in appearance and characteristic of this countryside location. Other ancillary urbanising features such as the bin store (located at the road frontage), turning areas, formalised parking bays, formal landscaping and necessary provisions to support 5 new dwellings would cause further impact on the character and appearance of the area and surrounding landscape.
- 8.40 It is acknowledged that there would be an improvement to the setting of the adjacent listed building by the removal of the existing agricultural building which currently does not make a positive contribution to the setting Hunton Place. Additional landscaping and ecological enhancements are welcomed, however Policy DM4 of the emerging local plan seeks that it should be demonstrated that there would be significant environmental improvement and unfortunately it is not considered that the application demonstrates this and that the improvements would not outweigh the harm of introducing 5 new dwellings into this location.

#### Residential amenity

- 8.41 The nearest properties are to the west of the application site, namely Hunton Place, Badgers and Thatched Cottages.
- 8.42 In relation to Hunton Place, the existing building on the application site is in close proximity to the boundary with Hunton Place (approximately 3m), with a freestanding garage adjacent to the boundary. The proposed development would remove these buildings and the relationship with adjacent buildings is likely to be improved as the proposed buildings are further away from the boundary. The submitted proposal is considered acceptable after an assessment of the potential impact on the residential amenity of the occupiers of Hunton Place.

- 8.43 The proposed development involves new buildings closer to the boundaries with the properties at Thatched Cottage and Badgers. Buildings would be relocated from the northern part of the site to the south which would result in buildings closer to the respective boundaries of these properties. The nearest proposed dwelling (Plot A) would be sited approximately 6m from the neighbouring boundary. A distance of approximately 16m would separate the new dwellings from the existing neighbouring properties.
- 8.44 In terms of assessing whether there would be any direct overlooking or loss of privacy, the side elevation of proposed new property Plot A would contain only one first floor window which would be obscure glazed. In these circumstances it is not considered that any harm would result through loss of privacy or overlooking. Due to the proposed relationship of the existing and proposed dwelling it is considered on balance that there would not be a significant harmful impact from the new dwellings in relation to overshadowing, or any significant loss of light or outlook.
- 8.45 The proposed new dwellings will provide a suitable standard of accommodation with an adequate internal and external layout and suitable provision off external amenity space.
- 8.46 In summary, the proposed development would relocate buildings away from one property boundary and whilst buildings would be closer to a second boundary it is considered that due to the siting of the buildings the development is acceptable in relation to residential amenity. The development will provide new living accommodation of an acceptable standard and design.

#### Parking

- 8.47 Paragraph 39 of the NPPF sets out local parking standards for residential development, in assessing development proposals a local planning authority should take into account;
- *The accessibility of the development*
  - *The type, mix and use of development*
  - *The availability of and opportunity for public transport*
  - *Local car ownership levels and*
  - *An overall need to reduce the use of high-emission vehicles.*
- 8.48 The relevant development plan policies to car parking are policy T13 of the adopted local plan and policy DM27 of the emerging local plan which are supported by the Kent Design Guide Review: Interim Guidance Note 3-Residential Parking. Car parking standards state that within a rural location 1.5 spaces shall be allocated for 2 bedroom houses and 2 spaces for 3 or 4 bedroom houses, visitor provision would be 0.2 spaces for each unit regardless of size.
- 8.49 In relation to the proposed development the car parking standards would require 9.5 allocated spaces with one additional visitor space. Each of the new dwellings benefit from two independently accessible spaces (a total of 10 spaces) and four of the five dwellings would benefit from an additional single or double garage (total of 7 garages). Whilst garages do not normally count against the overall parking requirement, in this case with the number of garages proposed, the lack of a dedicated visitor parking space is considered acceptable.

Highway matters

- 8.50 The application site benefits from an historic vehicular access onto George Street. This vehicle access served the earlier unlawful uses of the site, together with the approved light industrial use. The only proposed change to this existing access is the relocation of the existing vehicle access gates.
- 8.51 The proposed development involves the construction of 5 new houses (3 four bedroom and 1 two bedroom and 1 three bedroom) and there will be vehicle movements associated with these dwellings. Whilst the need for vehicle movements would be increased by the isolated site location, and notwithstanding the concerns of neighbouring occupiers the impact of the vehicle movements is not considered great enough to amount to grounds for the refusal of permission.
- 8.52 When assessing the potential traffic impact from new development it is standard practice to make a comparison between proposed vehicle movements and the existing site operating at full capacity in its lawful use. The application site can lawfully be used for light industrial purposes.
- 8.53 Whilst no information is available on maximum or proposed vehicle movements it is considered from past experience that the difference between maximum and proposed vehicle movements would not be sufficient to justify the refusal of planning permission. In terms of statutory consultation, KCC highways do not consider that the general traffic impact from a development of five dwellings great enough to require assessment by them.

Other matters

- 8.54 Matters relating to contamination, drainage, landscaping, trees and ecology could be satisfactorily dealt with by planning condition should the application be acceptable in all other respects.

**9.0 CONCLUSION**

- 9.01 The proposed development would represent an unsustainable form of development which would fail to meet to economic, social or environmental roles as set out in the NPPF and no overriding considerations fall in favour of the development.
- 9.02 It is recognised that there would be an improvement to the setting of the adjacent listed building and the enhancement to landscaping would represent planning gain, however these matters are not considered to override the harm that would result from the proposed development.
- 9.03 It is not considered that the proposed development would be in accordance with current policy and guidance and the application is thus recommended for refusal.

**10.0 RECOMMENDATION –REFUSE PERMISSION** for the following reasons:

- (1) The proposal would result in the loss of an employment generating use with the planning application failing to demonstrate through robust evidence that the site would not be suitable for continued, or an alternative future employment use, with the loss of the existing employment use outweighing the benefit of residential development and the proposal contrary to the economic sustainability goals and the

support of the rural economy set out in the National Planning Policy Framework 2012 and National Planning Policy Guidance,

- (2) The proposed development in an isolated location, in the open countryside and outside any defined settlement would not represent a sustainable form of development or effective re-use of a brownfield site due to the separation distance from public transport and facilities without the need for a private motor vehicle contrary to The National Planning Policy Framework 2012, The National Planning Practice Guidance, policy ENV28 of the Maidstone Borough Wide Local Plan and Policies SP17 and DM4 of the Maidstone Borough Local Plan Publication 2016 (Submitted Version) May 2016.
- (3) The proposed residential development of five dwellings would be detrimental to the character and appearance of this rural location and damaging to local distinctiveness in this area designated as a Special Landscape Area and would be contrary to The National Planning Policy Framework 2012, The National Planning Practice Guidance, policies ENV28 and ENV34 of the Maidstone Borough Wide Local Plan and policies SP17, DM1, DM3, DM4 and DM34 of the Maidstone Borough Local Plan Publication 2016 (Submitted Version) May 2016.

#### INFORMATIVE

The plans taken into consideration in reaching the decision to refuse planning permission are:

Application form  
Planning Statement  
Design and Access Statement  
Preliminary Ecological Survey  
Reptile Survey Report  
Phase I Desk Study and Site Reconnaissance

Drawing Number 22561B/02 Revision P1 (Site Location Plan)  
Drawing Number 22561B/01 Revision P1 (Existing Site Layout)  
Drawing Number 22561B/03 Revision P1 (Existing Elevations of Storage Buildings)  
Drawing Number 22561B/10 Revision P4 (Proposed Site Layout)  
Drawing Number 22561B/11A Revision P2 (House Type B Variation 1)  
Drawing Number 22561B/11B Revision P3 (House Type B Variation 2)  
Drawing Number 22561B/12 Revision P3 (House Type A)  
Drawing Number 22561B/13 Revision P3 (House Type C and D)  
Drawing Number 22561B/14 Revision P3 (Proposed Street Scenes)  
Drawing Number 22561B/15 Revision P2 (Proposed Street Scenes)

Drawing Number 22561B/16 Revision P1 (Comparison of levels on site)

Case Officer: Rachael Elliott

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

# Agenda Item 18



16/507158 - 7 Cavendish Way

Scale: 1:1250

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## REPORT SUMMARY

<b>REFERENCE NO - 16/507158/FULL</b>		
<b>APPLICATION PROPOSAL</b> Erection of an annex with store room above, roof lights and external stair case.		
<b>ADDRESS</b> 7 Cavendish Way Bearsted Kent ME15 8PW		
<b>RECOMMENDATION - Permit</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b> The proposed development is considered to comply with the policies of the Maidstone Borough-Wide Local Plan 2000, the Submission Version of the Maidstone Borough Local Plan, and the National Planning Policy Framework and there are no overriding material considerations to indicate a refusal of planning consent.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> - Application has been called to Planning Committee by Councillor Springett - Bearsted Parish Council wish to see the application refused		
<b>WARD</b> Bearsted	<b>PARISH COUNCIL</b> Bearsted	<b>APPLICANT</b> Mr & Mrs Ryder <b>AGENT</b> MRW Design
<b>DECISION DUE DATE</b> 09/12/16	<b>PUBLICITY EXPIRY DATE</b> 01/12/16	<b>OFFICER SITE VISIT DATE</b> 19/10/16
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>		

15/503039 - Non Material Amendment to 14/500583 being 2 additional roof windows, alterations to ground floor layout and mirroring garden layout – Approved

14/500583 - First floor and rear extension, detached garage and creation of dwelling to create pair of semi-detached houses – Approved

MA/14/0349 – Dwelling to rear of property – Refused (dismissed at appeal)

MA/88/1555 - Extension of bungalow - Refused

## MAIN REPORT

### 1.0 Site description

1.01 7 Cavendish Way is a semi-detached chalet-style bungalow that is located opposite the junction with Shirley Way. The property benefits from a front driveway and on-street parking is available in the area. A public right of way (KM79) runs along the rear boundary of the site; and there are a number of garages associated to properties in Cavendish Way that have access from this track. Vehicles can enter at the southern-end of the track but there is no through-fare to the north. For the purposes of the adopted Local Plan, the proposal site is within the defined urban area.

### 2.0 Background information

2.01 The dwelling proposed under MA/14/0349 was located perpendicular to the rear boundary of 7 Cavendish Way; it measured some 11m by 6.7m in floor area; it stood some 5.6m in height; it had openings on all four sides; it had a front porch; and 2 parking spaces were provided. Planning permission was refused because it would *“.....represent development at odds with the prevailing pattern of development comprising ancillary buildings fronting the bridleway and would therefore be harmful to the character and appearance of the locality”*. This application was subsequently dismissed by the Planning Inspectorate who commented that *“...while the proposed dwelling would be similar to many others in this plainly urban setting, its siting would be at odds with the established pattern of development.....and the proposed dwelling, which would be significantly wider, taller and deeper, would represent a prominent and incongruous feature in the area”*.

2.02 After this, planning permission was granted for a triple-bay garage under 14/500583, which saw the property also split into 2 separate residential units. This garage would sit parallel with the rear boundary of 7 Cavendish Way; would measure some 9.5m by 5.8m in footprint; would stand some 5m in height; and the garage doors would face onto the track.

2.03 The original plans for this application showed an external staircase to access the roof storage area and through further negotiations this has been internalised.

### **3.0 Proposal**

3.01 This application is for the erection of an annexe that is to be occupied by the elderly parents of the owners of 7 Cavendish Way.

3.02 The building will be located parallel to the rear boundary of 7 Cavendish Way; it would measure some 11m by 6.3m in footprint; it would stand some 5.5m in height; and 3 'false' garage doors would front onto the track. One parking space to the side of the building would be provided. Internally, the annexe would provide 1 bedroom, study and living area, with storage space in the roof to be largely used by the occupants of 7 Cavendish Way.

### **4.0 Policies and other considerations**

- Maidstone Borough-Wide Local Plan 2000: H18
- National Planning Policy Framework (2012)
- National Planning Practice Guidance (2014)
- Maidstone Local Plan (Submission version): DM1, DM8
- Supplementary Planning Document – 'Residential Extensions'

### **5.0 Consultee responses**

5.01 **Councillor Springett:** Wishes for the application to be reported to Committee;

*"I am concerned that yet another attempt is being made to squeeze a two storey dwelling at the rear of 7 Cavendish Way. This is a most odd 'land locked' location with poor access via a bridleway, which will have a detrimental effect on the character of the area and cause a loss of privacy to adjacent properties. It has previously been refused by both Maidstone Borough Council and by a planning inspector on appeal."*

5.02 Further comments from Councillor Springett are as follows;

*"I am writing to raise my concerns regarding the proposal to install an independent cesspit to serve the annexe. In my experience, when these are emptied there are significant unpleasant odours released and this would be extremely unpleasant for the residents of the many nearby properties and could have a very detrimental impact on the nearby fish and chip shop and Chinese takeaway if emptying took place during their opening hours. In addition, the design of some cesspits allows for water to drain from the top of the tank into the surrounding ground, which in this case would either be residential gardens or a public footpath. Could I ask that Environmental Health be consulted in this respect. Furthermore, in order to comply with the requirement of the Public Rights of Way Officer that the footpath not be blocked at any time, a condition needs to be applied to require the vehicle used to empty the cesspit to access the tank via 7 Cavendish Way and not park in the access lane/ public right of way for the purpose of emptying the cesspit. Could I therefore ask for this drainage issue to be considered very carefully if you are minded to recommend approval of this application. I would also ask that a further condition be applied to ensure that the annex can only be occupied by relatives of the occupants of 7 Cavendish Way and not be permitted to be rented out at any time."*

- 5.03 **Bearsted Parish Council:** Wish to see the application refused and reported to committee;

*"We raise objection to this development, supporting the objections of the closest neighbour and in the knowledge that a residential development at the rear of this property has already been refused by MBC."*

- 5.04 **Environmental Health Officer:** Raises no objection to the installation of a cess pit.

- 5.05 **KCC Public Rights of Way Officer:** Raises no objection.

- 6.0 Neighbour responses:** 4 representations received raising concerns over;

- *Not appropriate location for new dwelling*
- *Overlooking/loss of privacy*
- *Harmful visual impact*
- *Over development of site*
- *Parking provision*
- *Pressure on mains sewer*
- *At odds with pattern of development in area*
- *Unsuitable access to rear for vehicles*
- *Could encourage criminal behaviour*

## **7.0 Principle of development**

- 7.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.

- 7.02 Whilst not specifically referring to annexes, saved policy H18 of the adopted Local Plan seeks to ensure any additions to residential properties do not have an adverse impact upon the character of the main house and the surrounding area; and do not have a detrimental impact upon the amenity of local residents or highway safety.

- 7.03 The Council's Supplementary Planning Document – 'Residential Extensions' is also of relevance and states that outbuildings should be ancillary in scale to the main house; fit well within the streetscene; and not have a detrimental impact upon the living conditions of local residents. The National Planning Policy Framework (NPPF) seeks good design in sustainable locations.

- 7.04 The submitted version of the Development plan went to the Secretary of State for examination on the 20 May 2016 and is currently under examination which is expected to finish in December of this year. The emerging Plan is considered to hold significant weight; and there is policy support for this type of development in this location, subject to its details which the report will go on to assess.

- 7.05 I will now consider the proposal against the criteria set out in this relevant policy and guidance.

## **8.0 Visual impact and design**

- 8.01 In this urban setting, the proposed annexe would respect the pattern of development in the area as it would be orientated towards the track; and the 3 'false' garage doors as a frontage would provide a strong relationship between the annexe and other garages/outbuildings along the western edge of this track.

8.02 The dwelling refused under MA/14/0349 and dismissed at appeal, whilst of a similar scale, was orientated away from the track going against the grain of development in the area; and it took on the appearance of a house rather than an ancillary building. This proposal, through better design and siting has addressed these issues and given that the proposal is now for an annexe there is a clear relationship with the main house and I am satisfied that that it will no longer “...appear as a house awkwardly confined in a back alley” as the Planning Inspector put it.

8.03 It is accepted that the proposed building is not of a too dissimilar scale to the building proposed under MA/14/0349 and that the Planning Inspector commented here the building would “...represent a prominent and incongruous feature in the area”. However, since this time planning permission has been granted for a 3-bay garage under 14/500583 and this proposal is generally of the same design and in the same location as this building; and the proposal is only marginally larger than this building which can still be built-out. For clarification, the proposal would be a modest 0.4m taller; and for the external staircase to be internalised (to ensure the residential amenity of surrounding properties), it would be approximately 1.5m longer. In my view, given the simple design, scale and orientation of the proposal, it would appear no more visually intrusive than the garage building that has extant planning permission.

## **9.0 Residential amenity**

9.01 The nearest property to the proposal is 7a Cavendish Way which adjoins 7 Cavendish Way. The annexe would be more than 23m away from this property’s rear elevation; and would be more than 10m from its rear boundary. Given this distance, I am satisfied that the proposal would not result in a significant loss of light to this property. Furthermore, the proposal is single storey, and existing boundary treatments would ensure acceptable levels of privacy at ground floor level. With regards to the rooflights serving the storage area, these will be conditioned to be fixed shut and obscure glazed. I am also satisfied that the intended use of the building would not result in unacceptable noise and disturbance for any local resident; and no other residential property would be within a significant enough distance of the proposal for their residential amenity to be adversely affected.

9.02 The applicant has suggested that a cess pit could be used for the annexe’s foul sewage and the Environmental Health Officer has no objection to this in terms of residential amenity.

## **10.0 Highway safety implications**

10.01 The proposal would provide a single parking space, accessed from the track that runs along the eastern boundary of the site. There are a number of garages accessed by this track and I am satisfied that the addition of 1 further vehicle using this track would not result in a highway safety issue. Furthermore, 7 Cavendish Way would still benefit from 2 off-road parking spaces and there is on-street parking available in the area, and so no objection is raised in terms of parking provision. I would also add that whilst the Planning Inspector commented under MA/14/0349 that the track is “...unsuitable as a sole means of vehicular access to a dwelling”, this proposal is for an annexe where refuse and deliveries for example would still be via 7 Cavendish Way.

10.02 It should also be noted that KCC Highways did not raise an objection to the 3-bay garage under 14/500583 that would also have to use the track.

10.03 KCC Public Rights of Way also raised no objection to this proposal and they are satisfied that it would not affect the public footpath that runs along the eastern boundary of the site.

#### **11.0 Other considerations**

11.01 The garden space will not be subdivided; only 1 parking space will be provided next to the annexe suggesting it will be a secondary access to the main house; and refuse collection will be from the main house. I am therefore satisfied that this building will be used as an annexe to 7 Cavendish Way and not as a separate self-contained unit, and the relevant occupancy condition will be imposed to ensure this is maintained.

11.02 It is considered unreasonable to impose a condition restricting where the vehicle to empty a cess pit will go (which is not currently installed and may or may not be used), as the potential blocking of a right of way for a temporary period is not considered to be unacceptable in planning terms and there are no restrictions for other properties using the access track. Therefore, such a condition would not meet the six tests as set out in the NPPG. Notwithstanding this, Councillor Springett has requested that an informative be added to advise the applicant to carefully consider how they intend to deal with foul sewerage in terms of its impact upon local residents. This is considered reasonable and will be added.

11.03 The issues raised by Councillor Springett, Bearsted Parish Council and the local residents have been addressed in the main body of this report. However, I would add that I do not consider the proposal's potential encouragement or not of criminal behaviour to be a reason to refuse this application.

#### **11.0 Conclusion**

11.01 The previous application was approved refused and dismissed at appeal because the development would have gone against the pattern and grain of development in the area and would have appeared visually incongruous. In my view, this proposal has overcome these objections. Furthermore, a significant material consideration in the determination of this application is also the fact that there is an extant permission for a 3-bay garage which is of a similar scale and design, and in a similar location.

11.02 I am of the opinion that this proposal would not cause any demonstrable harm to the character, appearance and amenity of the surrounding area; and would not cause unacceptable harm to the living conditions of neighbouring properties or highway safety. I therefore consider that this proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant and recommend conditional approval of the application on this basis.

#### **12.0 RECOMMENDATION – GRANT 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 any buildings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using the approved materials and

maintained thereafter unless otherwise agreed in writing by the local planning authority;

Reason: To ensure a satisfactory appearance to the development.

- (3) Before the development hereby permitted is first occupied, all rooflights shall be obscure glazed and shall be incapable of being opened and shall subsequently be maintained as such;

Reason: To safeguard the privacy of neighbouring properties.

- (4) The additional accommodation hereby permitted shall only be used as additional accommodation ancillary to the principal dwelling (7 Cavendish Way) and shall not be sub-divided, separated or altered in any way so as to create a separate, self-contained residential unit;

Reason: To ensure the amenity of future occupants and neighbouring properties.

- (5) The development hereby permitted shall be carried out in accordance with the following approved plans: PL201A and 202 A received 01/11/16;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

## INFORMATIVES

- (1) Kent County Council has a controlling interest in ensuring that the bridle path is maintained to a standard suitable for use by pedestrians, horse riders and cyclists. Any maintenance to the higher level required for continuous motorised vehicular access would be the responsibility of the relevant landowners. The granting of planning permission confers no other permission or consent on the applicant; and no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact the Highways Authority before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then this office will deal on the basis that:

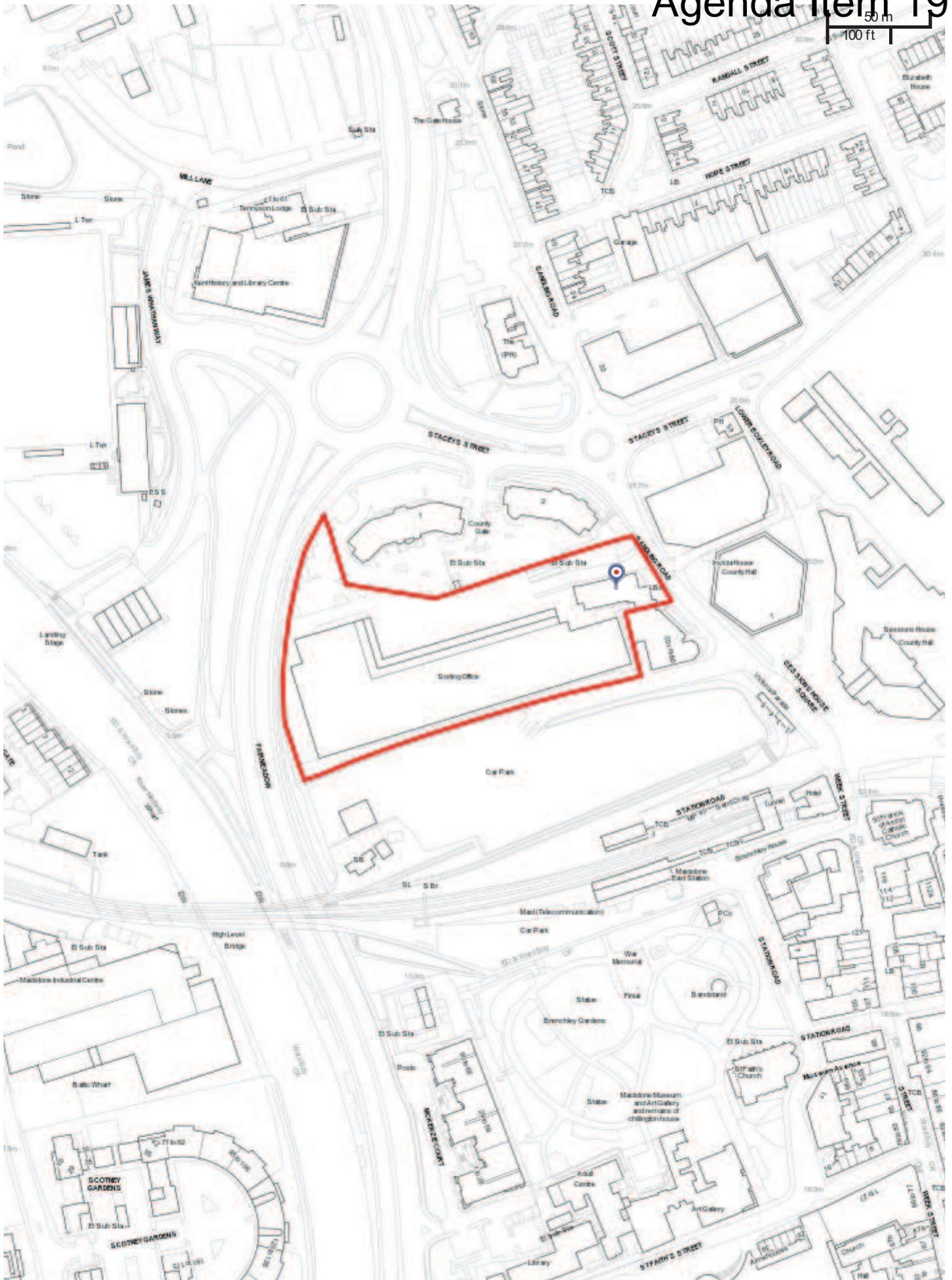
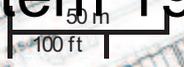
- o The applicant pays for the administration costs
- o The duration of the closure is kept to a minimum
- o Alternative routes will be provided for the duration of the closure.
- o Minimum of six week notice is required to process any applications for temporary closures.

This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent. The successful making and confirmation of an order should not be assumed.

- (2) The applicant is advised to give careful consideration in deciding on non-mains drainage solutions in terms of its potential impact upon local residents.

Case Officer: Kathryn Altieri

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



16/507358 - Former Royal Mail Depot

Scale: 1:2500

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**REPORT SUMMARY**

<b>REFERENCE NO - 16/507358/FULL</b>		
<b>APPLICATION PROPOSAL</b> Change of use of Royal Mail Depot and ancillary offices to a mix of uses comprising of use of former Royal Mail administration block as B1a (offices), use of main warehouse for car parking, use of warehouse 2 for a mixed use of B8 and A1 retail warehouse, use of undercroft parking as a carpark, use of undercroft parking as a carpark, all with associated operational works for a temporary period of 5 years.		
<b>ADDRESS</b> Former Royal Mail Depot, 98 Sandling Road, Maidstone, Kent, ME14 1AA		
<b>RECOMMENDATION</b> Grant planning permission subject to conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>  Proposal is for temporary use which is not considered to conflict with the long term development of the site		
<b>REASON FOR REFERRAL TO COMMITTEE</b>  <ul style="list-style-type: none"> <li>• Application is made by the Council itself.</li> </ul>		
<b>WARD</b> North	<b>PARISH/TOWN COUNCIL</b> North	<b>APPLICANT</b> John Foster, Economic Development, MBC <b>AGENT</b> Evans and Langford LLP
<b>DECISION DUE DATE</b> 12.01.17	<b>PUBLICITY EXPIRY DATE</b> 18.11.16	<b>OFFICER SITE VISIT DATE</b> Various
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>		

The application site has been the subject of a range of planning applications, with those dating from 1981 being particularly relevant:

**80/1964E** dated 26 January 1981 for a system built parcels sorting office, access road, car parking and ancillary works;

**81/1643E** dated 4 March 1982 for an industrial/warehouse development with associated motor transport workshop and welfare facilities, and office development;

**94/1730** dated 22 February 1995 for the removal of a temporary office building and internal and external alterations to provide a customer service centre including new entrance doors, disabled access ramp, parking and street furniture;

**96/1102** dated 10 March 1997 for the erection of a new extension to re-house local sorting office;

**14/500483/OUT** submitted 9 June 2014 for outline application for the redevelopment of land at Maidstone East and Sorting Office to provide a new railway station and large foodstore, petrol filling station, associated commuter and retail parking. Currently being held in abeyance.

**MAIN REPORT**

## **1.0 SITE DESCRIPTION**

- 1.1 The site is situated on Sandling Road at the northern end of the town centre of Maidstone and occupies an area of some 1.34 Ha. Vehicular access is gained from Sandling Road.
- 1.2 The largely rectangular shaped site is occupied by a three storey masonry office building, two steel framed warehouses which have previously been used as a mail sorting facility, hardstanding yards, and parking areas.
- 1.3 The site boundaries are generally defined for the most part by security fencing.
- 1.4 The River Medway is on the opposite side of Fairmeadow (approximately 60m west of the site) and flows south to north. There is a significant drop in level from the Fairmeadow carriageway down to the path that runs adjacent the river.
- 1.5 To the south of the site is the commuter carpark of approximately 530 spaces for Maidstone East railway station, with the station building beyond. The office building borders Cantium House, which also forms a boundary to the site.
- 1.6 On the opposite side of Sandling Road is the Kent County Council complex of Invicta House, multi storey carpark (249 spaces) and Sessions House.
- 1.7 A level survey of the site shows the site to lie between 13.60m within the carpark at the south west corner rising up to approximately 22.10m along Sandling Road.
- 1.8 The application site has been unoccupied for a number of years, with only occasional use at Christmas periods to provide additional capacity to the relocated site at Parkwood. This occasional use will not continue now that Royal Mail have sold the site.

## **2.0 PROPOSAL**

- 2.1 This application proposes a temporary change of use of the former Royal Mail Depot and ancillary offices to a mix of uses for a five year period, as outlined below.
- 2.2 The site has been recently purchased by Maidstone Borough Council and Kent County Council with a view to developing a long term proposal to redevelop the site. This application for temporary planning permission is the first stage of this process.
- 2.3 The office building will be used as B1a office space for local charities, as well as community meeting space. Five (5) parking spaces will be provided for use by the occupants of the office space.
- 2.4 The ancillary office space at the eastern end of warehouse 1 will be used as storage space by the charity occupants of the office building.
- 2.5 Warehouse 1 and the open surface areas will be used as a 'pay and display' parking facility. A total of 140 parking spaces (including 6 disabled spaces) will be provided here on both a short and long term basis. Parking will operate between the hours of 5am to midnight, with the site being secured between these times. The submitted plans show the locations of the parking available on the application site, as well as the proposed locations of parking meters.

- 2.6 To provide vehicular access to the warehouse, two ramps of approximately 0.45m in height are proposed to overcome the level difference from the external yard. These will be used for access and egress respectively. Improved visibility at the warehouse access and egress points will be provided by replacing the existing roller shutters with ones of increased width. Ventilation will be provided via passive means, by removing the glazing from the low level windows and retaining the high level ridge ventilation. No other structural changes are proposed to the warehouse.
- 2.7 Warehouse 2 will be used as a mix of B8 and A1 retail warehouse by a local charity, primarily for the sale and distribution of second hand comparison and bulky goods with ancillary office accommodation. Five parking spaces will be provided for use by the occupants of the warehouse.
- 2.8 The undercroft of warehouse 2 will be retained as car parking and used for permit parking by Kent County Council. It provides 99 car parking spaces.
- 2.9 Overall the proposal includes 244 car parking spaces in total, 139 of which are existing. There is a reduction of light goods vehicle parking from 16 spaces to none and an increasing in disability spaces from 0 to 6. The existing 10 motorcycle spaces are to be retained. The proposal has been designed following a transport assessment carried out at the end of 2015 which concluded that a maximum of 250 car parking spaces would not have an adverse effect on the local highway network.
- 2.10 It is proposed that existing site driveway is maintained as the only means of vehicular access and egress from the site. Signage will be provided on the site frontage to advertise the availability of public parking within the site. Existing external lighting will be maintained and enhanced where necessary to provide a safe environment for users, whilst ensuring that it does not adversely impact on the amenities of adjoining or surrounding occupiers.
- 2.11 The applicant has sought to justify the proposed five year temporary planning permission with the following points:
- Previous proposals to comprehensively redevelop the site have failed to deliver a viable retail-led scheme;
  - The site has a number of challenges including topographical, geotechnical and contamination and constraints including highways and the need to consider sympathetically the nearby Listed Buildings.
  - In addition to the Planning process, rail related consents are also required.
  - As a public sector led scheme extensive public involvement, engagement and consultation is proposed, as part of a masterplan processes
  - The proposal will include the delivery of housing, employment, place-making and sustainability. The provision of a retail occupier will take time.
- 2.12 A statement from the applicant covering these points is included as Appendix 1.

### **3.0 POLICY AND OTHER CONSIDERATIONS**

- 3.1 The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Maidstone Borough-Wide Local Plan 2000: ED8, T8, T9, T11, T13, T21, T22, T23, T24, R1, ENV49.  
Maidstone Borough Council (Submission Version) Draft Local Plan: RMX1 (2); SP1, SP4, DM1, DM3, DM4, DM5, DM7, DM20, DM24, DM27.
- 3.2 The Council has recently finished its Regulation 19 consultation on the submission version of the draft Local Plan and representations from that consultation are currently being assessed at the Examination in Public (EiP). The emerging plan is a material consideration and carries significant weight.
- 3.3 The site is covered by the following site specific policies

***Adopted MWBP 2000. POLICY ED8 IN CONSIDERING THE DEVELOPMENT OF LAND AT MAIDSTONE EAST RAILWAY STATION SHOWN ON THE PROPOSALS MAP, PRIORITY WILL BE GIVEN TO THE FOLLOWING USES:***

- (1) TRANSPORT INTERCHANGE AND STATION CONCOURSE WITH ASSOCIATED SMALL SCALE RETAIL UNITS; AND  
(2) OFFICES; AND  
(3) RESIDENTIAL.*

*IN ADDITION, WHEN THESE NEEDS HAVE BEEN MET, THE FOLLOWING USES WILL ALSO BE ACCEPTABLE: HOTEL, RESTAURANTS OR LEISURE USES. CAR PARKING PROVISION WILL BE MADE IN ACCORDANCE WITH THE REQUIREMENTS OF POLICY T13 AND IN ADDITION BETWEEN 400–600 SPACES WILL BE RETAINED FOR THE RAILWAY STATION.*

**Submitted Local Plan 2016 Policy RMX1 (2)**

**Maidstone East and former Royal Mail Sorting Office, Sandling Road, Maidstone**  
*Maidstone East and former Royal Mail Sorting Office, as shown on the policies map, is allocated for development for up to 10,000m<sup>2</sup> comparison and convenience retail and approximately 210 dwellings. In addition to the requirements of policy H1, planning permission will be granted if the following criteria are met.*

***Design and layout***

- 1. The provision of up to 10,000m<sup>2</sup> of comparison and convenience shopping floorspace and some 210 dwellings.*
- 2. The provision of a more prominent station entrance fronting onto Sessions House Square/Week Street.*
- 3. Development is designed to respond to the listed Sessions House and its setting. Development should provide an 'active' frontage comprising individual retail units facing the west side of Sessions House Square and provide direct pedestrian entrance into the development via this frontage.*
- 4. Development is designed to achieve a visual and physical connection between Sessions Square and Brenchley Gardens.*
- 5. The overall height and bulk of development is controlled to limit the overall incursion in views of Sessions House from the west.*
- 6. Assessment of the archaeological potential of the site is undertaken and the measures needed to address the assessment's findings secured.*
- 7. The provision of commuter car parking to serve Maidstone East railway station.*
- 8. Maintenance access for Network Rail to the western end of the railway tracks is secured.*
- 9. The incorporation of landscaped elements within the overall scheme design including the retention of existing landscape features where possible. Where the loss of existing landscape features is unavoidable, appropriate compensatory planting must be provided.*

**Access**

10. *The scheme enables the improved, safe and convenient interchange between buses, trains and taxis, including through the provision of improved pick up/drop off facilities.*

11. *Full disabled access to the station and platforms is secured.*

12. *Highway access is taken from Sandling Road. An additional, in-bound only access to the Sorting Office part of the site could be taken from Fairmeadow.*

**Ecology**

13. *Development will be subject to the results and recommendations of a Phase 1 ecological survey.*

**Flooding and water quality**

14. *The submission of a detailed surface water drainage strategy for the development based around sustainable drainage principles .*

15. *The submission of a transportation noise assessment and the delivery of resultant noise attenuation measures in particular for residential development sited close to the railway line and/or Fairmeadow.*

**Air Quality**

16. *The submission of an air quality assessment and emissions reduction plan to be agreed with the council.*

**Land contamination**

17. *The submission of a land contamination assessment and the delivery of resultant mitigation measures.*

**Public realm**

18. *Improvements at Sessions House Square and Week Street to provide an enhanced public open space and public realm.*

19. *Contributions to a comprehensive public realm enhancement scheme for the stretch of Week Street linking the site to the junction with Fremlin Walk, and from the site to Brenchley Gardens, to significantly upgrade the quality and attractiveness for pedestrians.*

**4.0 LOCAL REPRESENTATIONS**

4.01 A site notice was displayed at the site on 17<sup>th</sup> October 2016 and expired on 14<sup>th</sup> November 2016. The proposal was advertised as a major proposal on 21<sup>st</sup> October 2016 and expired on 18<sup>th</sup> November 2016.

4.02 No representations have been received from local residents or local businesses.

**5.0 CONSULTATIONS**

5.01 Environmental Health:

No concerns regarding air quality and noise.

A Publically accessible EV “rapid charge” point (of 22kW or faster) should be provided per 1000m<sup>2</sup> of commercial floor space. Ideally any dwellings with dedicated off-street parking should be provided with their own charge points for low-emission plug-in vehicles. Where these things are not practicable, contribution towards installation at nearby locations should be considered.

5.02 Kent Police

Crime prevention is not mentioned within the application and a condition is suggested to ensure a suitable design. Suggest that the car park is constructed the Park Mark standards of safe car parks.

5.03 Environment Agency

No objection subject to condition regarding contamination

5.04 Local Lead Flood Authority

No objection – development regarded as low risk.

5.05 KCC Highway Services

5.05.1 The traffic generation forecasting for the proposed temporary car park has been undertaken by projecting the accumulation profile measured for the Invicta House car park opposite. Ninety nine (99) of the 250 spaces proposed are intended for KCC staff allocation under license. One hundred and forty one spaces (141) are intended for a combination of both long and short stay, pay and display parking, however. The split of which, as far as I am aware has not yet been determined.

5.05.2 It is considered that the accumulation profile for this latter allocation (56% of the total) may be somewhat different. I would expect that long stay car parking may attract rail users and their arrival times may be earlier. I would also expect that short stay parking may attract shopping or local business trips and their arrival times may be later than the morning peak periods identified from surveys. It could be conjectured therefore that the traffic generation forecasts predicted from the Transport Assessment are robust in terms of the peak hour projections.

5.05.3 It is noted that off-site junction capacity analysis was initially undertaken on the basis of a 437 space car park, which in physical terms could be accommodated on the site. This showed that most notably for Stacey Street arrivals from the Lower Boxley Road/Prison direction in the morning peak period, theoretical capacity was exceeded at the Sandling Road/Staceys Street roundabout. Under this scenario, as confirmed by the modelling, queues and delays increase exponentially. As a consequence of this analysis the number of car parking spaces proposed was significantly reduced.

5.05.4 The proposed 250 space car park is shown to achieve ratios of flow to capacity that, whilst close to the theoretical maximum in the case of the Sandling Road/Stacey Street roundabout, are broadly comparable to the conditions that could otherwise occur if the permitted use of the site as a Royal Mail Depot were still in operation.

5.05.5 It should further be borne in mind that this application is for a temporary period, for up to 5 years. The forecast operating conditions will not therefore be permanent.

5.05.6 In terms of wider aspects, it is understood that pedestrian movements in the area can be understood that large pedestrian movements can also occur on Saturdays or in mid-week when Maidstone United are playing at home. The temporary car park proposed here could help to reduce any on street parking in residential areas that occurs surrounding the stadium and the traffic movements associated with vehicles circulating to find somewhere to park during busy periods.

5.05.7 I write to confirm therefore on behalf of this authority that I have no objection to the application for a temporary period not exceeding five years.

5.05.8 Finally I note that with respect to the warehousing/storage elements of the proposal swept path analyses of a 10m rigid lorry has been provided to show turning/forward egress. Unless satisfactory turning for larger vehicles can be demonstrated, it would be useful to condition any approval that HGV access is limited to the vehicle

specification demonstrated i.e. the 10m rigid lorry turning shown on Evans & Langford option C drawing 13527/20.

5.05.8 It is also understood that amendments to road signage would be required to direct road users to the new car park. A condition should also be included for details to be submitted for checking and approval.

5.06 Southern Water  
No objection but informative suggested.

5.07 KCC Archaeology  
No objection

5.08 Developer has proposed the following in response to the above comments:

5.08.1 Environmental Health

We note the requested condition for publically accessible 'rapid charge' points for the commercial areas. Whilst there is merit in providing these points, given the temporary nature of this application, we deem it unnecessary for them to be provided at this time. There are already a number of accessible points outside County Hall opposite this site which receive moderate patronage, and therefore these would be sufficient to cater for the current demand. Of course as a parking operator, should there be a significant increase in demand for use of charging points then MBC would seek to install them in appropriate locations. As such we deem that the proposed condition is not required.

5.08.2 Kent Police

We have been in contact with the CPDA officer regarding their requirements for the scheme, in particular KDI Design for Crime Prevention. We discussed the proposals for internal pedestrian routes utilising the raised platform to provide a segregated route through the site which benefits from natural surveillance. The carpark building will also have some internal wall removed to improve ventilation and visibility along the frontage. Vehicle and pedestrian routes will be clearly defined through the site, and there will be appropriate signage to direct site users to appropriate areas.

5.08.3 There is also a scheme of CCTV cameras being developed to cover both internal and external areas, but this has not yet been finalised. This CCTV proposal will also be reviewed by appropriate MBC and KCC officers prior to implementation. We have identified areas particularly to the rear of the site which are more remote but act as fire escape routes. Clearance of undergrowth has already taken place along these routes so that it can be seen from the adjacent railway station carpark, and again CCTV will be provided. Lighting lux levels across the site are to be checked, particularly within the internal and undercroft carparks, and improved where they do not meet minimum standards.

5.08.4 There are no plans to join the Park Mark scheme and there is no legal requirement to provide this accreditation. MBC have not supported the Parkmark scheme for many years now (along with many other local authorities) as it is completely unknown by customers, not publically promoted by the BPA and expensive in terms of annual inspections/accreditation etc. and therefore has limited value. MBC will of course be meeting their H&S requirements in terms of lighting, signage and ensuring the environment is safe for customers during the limited lifespan as a car park. Also there is no proposal to apply for BREEAM, as this would be not financially viable considering the temporary nature of the site.

5.08.5 We acknowledge that Kent Police suggest a condition to be included, and the wording they propose seem suitable however it would our preference for this to be 'prior to occupation' rather than a pre-commencement condition.

5.08.6 KCC (Highways)

We have previously submitted a signage scheme to KCC Highways and they have given their in-principle agreement to the proposed sign types and locations. The proposed condition regarding delivery vehicle swept paths is agreed.

5.08.7 Southern Water

We note the informative being requested regarding connection to the public sewerage system. As the site is already connected to the system and not changes are proposed, the informative is not necessary.

5.08.8 Submitted Local Plan designation

We acknowledge that submitted plan has weight, and by applying for a temporary approval that safeguards the retention of the strategically important site, this proposal therefore is made to supports the future implementation of policy RMX1 (2) into residential and retail space. It should be noted that the masterplan process for future site redevelopment is underway.

## 6.0 BACKGROUND PAPERS AND PLANS

6.01 The development proposals are shown on drawing numbers

- 13527/02
- 13527/15
- 13527/20
- 13527/21

6.02 The application is supported by the following documents:

1. Planning Design and Access statement
2. Air Quality Statement
3. Drainage Impact statement
4. Transport assessment
5. Transport technical note
6. Justification note for five year temporary use (included as Appendix 1)

## 7.0 APPRAISAL

### Weighting of considerations and Principle of Development

7.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise. In this case the Development Plan comprises the Maidstone Borough-Wide Local Plan 2000.

7.02 Paragraph 216 of the NPPF states that,

*"From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*

- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."*

As a matter of judgment in relation to these criteria, including the advanced stage of the Submitted Local Plan, currently at Examination in Public, I consider that it has significant weight.

7.03 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, in particular the presumption in favour of sustainable development identified in paragraph 14 of the NPPF means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole. The NPPF also underlines the Government's commitment to securing economic growth, and to ensuring that the planning system supports sustainable economic growth. It provides that significant weight should be placed on the need to support economic growth through the planning system (NPPF paragraphs 18-19). Clearly the NPPF does need to be read as a whole.

7.04 **Highways**

Section 5 indicates that the highways authority consider that the impact of the proposal, which proposes 244 car parking spaces, together with the vehicle movements associated with the other proposed uses, would not be in excess of the previous Royal Mail use and is acceptable in terms of highway impact and road safety. The provision of public car parking spaces in the area would have a beneficial effect in meeting parking demand from town centre shoppers and local workers. The requirement for off-site signage to guide drivers is proposed to be addressed via condition.

7.05 **Temporary Planning Permission**

The proposed uses are not in accordance with the allocation of the site in the Adopted Borough-Wide Plan 2000 or the Submitted Local Plan, outlined in section 3.3 of this report. However the proposed uses are being promoted by new owners, MBC and KCC, as a way to financially secure the site as part of a long term regeneration proposal including the wider Maidstone East site. As such, the principle of the temporary uses proposed is acceptable in policy terms.

The planning application is for temporary use of the site for five years. The reasons given for this period are included as Appendix 1. Under section 91 of the Town and Country Planning Act 1990 as amended temporary uses are by default limited to three years, but a greater or shorter length of time is possible where a case is made. I do not consider the proposal prejudices the proposed uses allocated in the Submitted Draft Local Plan. Indeed the temporary uses are designed to allow sufficient time and resources are available to allow a compliant proposal to be worked up. Given the history of the site and the need for comprehensive proposal that includes a masterplanned approach, multiple stakeholders and potential occupiers and consent regimes, it is considered that a five year consent is acceptable in such circumstances.

**Sustainable transport:**

7.06 In terms of electric vehicle charging, the applicant has pointed out that numerous charging points already exist near the site within the KCC campus and I accept that in such circumstances, it is not necessary for the proposal to provide additional charging points.

**7.07 Other Matters**

The proposal will not have a significant effect upon landscape, biodiversity or visual impact. It is considered acceptable in term of design and layout considerations. The proposed temporary uses will benefit the voluntary sector businesses and their customers. Issues of site security are proposed to be covered by condition.

**8.0 CONCLUSIONS**

8.1. I have considered the proposal, in relation to Section 38(6) of the 2004 Act. The starting point is the development plan. As the proposal is for temporary uses and designed to help secure the site while comprehensive redevelopment is secured, it is not considered to conflict with the allocation of the site for permanent uses as specified in the development plan and submitted local plan.

8.2 In accordance with policy guidance in the NPPF, there are three dimensions to sustainable development giving rise to the need for the planning system to perform environmental, economic and social roles. There would be no significant harm to the environment. Economic and social aspects have also been considered. As such, I consider the development would perform acceptably in terms of economic, social and environmental roles required under the NPPF and that judged in the round, as temporary uses for up to five years, it would constitute sustainable development. Any adverse impacts would not significantly and demonstrably outweigh the benefits.

8.3 The development would be acceptable in terms of its impact on the landscape, drainage, biodiversity and highways subject to appropriate planning conditions and obligations. The proposal represents a high quality scheme.

8.4 For all of these reasons, I consider that material considerations indicate that planning permission should be granted.

**9. RECOMMENDATION**

**The head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the imposition of the conditions set out below:**

**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 hereby permitted shall cease before the expiration of five years from the date of this permission.

Reason: in order to avoid prejudicing the long term redevelopment of the site.

3. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons: To prevent pollution of controlled waters and comply with the National Planning Policy Framework.

4. The development hereby permitted shall incorporate measures included lighting to minimise the risk of crime. Prior to occupation details of such measures, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason: In the interest of security, crime prevention and community safety

5. Any heavy goods vehicle access is limited to the vehicle specification of 10 metres long rigid lorry demonstrated on Evans & Langford option C drawing 13527/20.

Reason: In the interests of road safety.

6. Directional signage shall be in place prior to first use of the public car park hereby approved.

Reason: In the interests of road safety and the environment.

## **INFORMATIVES**

As the development involves demolition and / or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.

There are strong suggestions within the submitted information that a future planning application involving the redevelopment of this site and adjacent sites such as the railway station is planned. Detailed contamination investigation documents are likely to be required at that stage, and the above comments relate to application reference 16/507358/FULL only

### **Above ground storage of oils, fuels or chemicals**

Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest.

All fill points, vents, gauges and sight gauge must be located within the secondary containment. The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either

leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW.

## **Appendix One**

### **Submission from Applicant regarding need for 5 year temporary consent.**

Maidstone Borough Council (MBC) and Kent County Council's (KCC) intention is to seek the comprehensive redevelopment of the former Royal Mail Sorting Office site and the adjacent commuter car park owned by Network Rail. Over the last 15 years the private sector has considered a number of schemes covering some or all of the land but have failed to deliver a viable retail led development. Viability and delivery are key issues in the current climate, and need to be carefully blended with the essential delivery of housing, employment, place-making and setting standards in design quality, sustainability and energy efficiency. KCC and MBC do not underestimate the time and resources which may be necessary in attracting a retail occupier(s)/ interest in the current economic climate.

The site has a number of significant challenges including topographical, geotechnical and contamination and constraints including highways and the need to consider sympathetically the nearby Listed Buildings. Considerable work will be needed to identify a viable mixed used development that overcomes these challenges.

Moreover the Maidstone East development will require the consent of Network Rail and the Office of Rail Regulation (ORR) which regulates how Network Rail Infrastructure Limited (Network Rail) disposes of its land through condition 7 of its network licence. This consent process will follow the process to obtain planning consent and as a result the development timetable will be extended further.

Finally Maidstone, like other towns, serve multiple purposes for a wide range of people and organisations and the most effective outcomes of large scale development and regeneration can only be achieved through effective stakeholder engagement and consultation in order that all those who will be affected by any regeneration proposals can understand the objectives, contribute to the solutions and take ownership of the project. The proposed master planning processes and its various workstreams will focus on informing the proposed development from its initial concept, through the various design stages to the final delivery and will not be limited to statutory consultation associated with a planning application. This proposed stakeholder engagement including ward members and County Divisional members, local land owners, the train operating companies, the public, Maidstone Disability Network, bus operators, taxi representatives and other businesses to name but a few will extend the delivery timetable.

All of the above supports the need for a temporary 5 year consent.

### **Indicative Development timescale:**

- Two years to master plan, market and seek occupier demand and a viable scheme

## Planning Committee Report

- Two years to get the relevant consents including planning “Station Change” and License Condition 7 from the ORR
- 1 year to procure and mobilise contractors, so a start on site in year 5.

## **THE MAIDSTONE BOROUGH COUNCIL** **PLANNING COMMITTEE – 8<sup>th</sup> December 2016**

### **APPEAL DECISIONS:**

**1. 15/510306**

Outline application for the erection of 14 Detached and Semi Detached Dwellings with New Access, Garaging, Parking Provision and Other Associated Works; with access and layout to be considered at this stage and all other matters reserved for future consideration

**APPEAL:** Dismissed

Land South Of Orchard End East Of  
Maidstone Road, Sutton Valence, Kent

(Delegated)

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**2. 15/503937**

Use of land for riding motorcycles for 28 days per year.

**APPEAL:** Dismissed

Land Southeast Of Runham Lane, Sandway Road  
Sandway, Kent, ME17 1HT

(Delegated)

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**3. 15/507160**

Lawful Development Certificate (Existing): use of stable for living accommodation to carry out forestry works.

**APPEAL:** Dismissed

Stable, Stede Row, Stede Hill, Harrietsham  
Kent

(Delegated)

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**4. 16/503818**

Erection of rear dormer and conversion of roofspace to form a bedroom with en-suite accommodation.

**APPEAL:** Dismissed

20 Reinden Grove, Downswood, Kent, ME15 8<sup>TH</sup>

(Delegated)

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**5. 16/503500**

Erection of detached 5 bedroom dwelling with associated double garage and parking.

**APPEAL:** Dismissed

Land West Of Claygate, Chartway Street  
Sutton Valence

(Delegated)

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**6. 16/503100**

Change of use of land to residential garden (Curtilage). Removal of existing portable cabins and erection of a detached 2 bedroom annexe

**APPEAL:** Allowed with Conditions

Oaklands , Headcorn Road, Sutton Valence  
ME17 3EL

(Delegated)