

# AGENDA

## PLANNING COMMITTEE MEETING



Date: Thursday 16 March 2017

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 Items withdrawn from the Agenda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 - 23 March 2017

**Continued Over/:**

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**Issued on 8 March 2017**

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*Alison Broom*

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

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|-----|---|-----------|
| 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 23 February 2017   | 1 - 4     |
| 11. | Presentation of Petitions (if any)  |           |
| 12. | Report of the Head of Planning and Development - Deferred Items   | 5         |
| 13. | 16/502993 - Land To West Of 70 Church Street, Boughton Monchelsea, Kent   | 6 - 29    |
| 14. | 16/505311 - 47 Freeman Way, Maidstone, Kent   | 30 - 41   |
| 15. | 16/505966 - Railway Tavern, Station Road, Staplehurst, Kent   | 42 - 52   |
| 16. | 16/507377 - The Gables, Maidstone Road, Sutton Valence, Kent  | 53 - 62   |
| 17. | 16/507491 - 3 Tonbridge Road, Maidstone, Kent   | 63 - 93   |
| 18. | 16/507996 - The White Horse, White Horse Lane, Otham, Kent  | 94 - 98   |
| 19. | 5025/2016/TPO - 164 Ashford Road, Bearsted, Kent  | 99 - 108  |
| 20. | Report of the Head of Planning and Development - S106 Delivery Report   | 109 - 117 |
| 21. | Appeal Decisions  | 118 - 121 |
| 22. | 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, King Street, Maidstone, Kent ME15 6JQ.**

## **MAIDSTONE BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON 23 FEBRUARY 2017**

**Present:** Councillor Perry (Chairman) and Councillors Boughton, Clark, Cox, English, Harwood, Hastie, Hemsley, Munford, Prendergast, Round and Mrs Stockell

**Also Present:** Councillor Naghi

308. **APOLOGIES FOR ABSENCE**

It was noted that apologies for absence had been received from Councillor Powell.

309. **NOTIFICATION OF SUBSTITUTE MEMBERS**

There were no Substitute Members.

310. **NOTIFICATION OF VISITING MEMBERS**

Councillor Naghi indicated his wish to speak on the report of the Head of Planning and Development relating to application 16/507852.

311. **ITEMS WITHDRAWN FROM THE AGENDA**

Item 19 – 15/503288 – Land at Woodcut Farm, Ashford Road, Hollingbourne, Maidstone, Kent

The Principal Planning Officer sought the Committee's agreement to the withdrawal of item 19 relating to application 15/503288 from the agenda. The Principal Planning Officer explained that this application had been refused by the Committee at its meeting held on 30 June 2016. An item had been included on the agenda because it was anticipated that legal advice would be finalised in time to produce an exempt report relating to the appeal which had been lodged against that decision. Since this advice had not been finalised in time, the report was not available.

**RESOLVED:** That agreement be given to the withdrawal of item 19 from the agenda.

312. **URGENT ITEMS**

The Chairman stated that, in his opinion, the update report of the Head of Planning and Development should be taken as an urgent item as it related to an application to be considered at the meeting.

313. 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 16/502179, and intended to speak and vote when it was considered.

314. DISCLOSURES OF LOBBYING

No Members stated that they had been lobbied on the report of the Head of Planning and Development relating to application 12/1209.

The Chairman and Councillors Cox, English and Harwood stated that they had been lobbied on the report of the Head of Planning and Development relating to application 16/502179.

Councillor English stated that he had been lobbied on the report of the Head of Planning and Development relating to application 16/507852.

315. EXEMPT ITEMS

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

316. MINUTES OF THE MEETING HELD ON 2 FEBRUARY ADJOURNED TO 9 FEBRUARY 2017

**RESOLVED:** That the amended version of the Minutes of the meeting held on 2 February adjourned to 9 February 2017 circulated prior to and at the meeting be approved as a correct record and signed.

317. PRESENTATION OF PETITIONS

There were no petitions.

318. DEFERRED ITEMS

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

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

15/504300 - OUTLINE APPLICATION FOR TWO STOREY DETACHED HOUSE WITH ACCESS, LAYOUT, SCALE AND APPEARANCE TO BE CONSIDERED - LAND NORTH OF 61 KNAVES ACRE, HEADCORN, KENT

The Development Manager advised Members that he had nothing further to report in respect of these applications at present.

319. APPEAL DECISIONS

The Committee considered the report of the Head of Planning and Development setting out details of appeal decisions received since the last meeting. The Development Manager advised Members that the appeal against the decision to refuse application 15/509402 (Land at Mount Avenue/Blunden Lane, Yalding) had been allowed. Legal advice was being sought on issues raised by the Inspector in allowing the appeal, and an update would be provided in due course.

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

320. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements on this occasion.

321. 16/507852 - DEMOLISH EXISTING GARAGE AND ERECTION OF TWO-STOREY SIDE EXTENSION - 7 CLAREMONT ROAD, MAIDSTONE, KENT

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

Mrs Welch, for the applicant, and Councillor Naghi (Visiting Member) addressed the meeting.

**RESOLVED:** That permission be granted subject to the conditions set out in the report with the amendment of condition three (materials) to incorporate (in line with paragraph 6.25 of the Residential Extensions SPD relating to Designing in Wildlife Habitats) a swift brick into the eaves of the north facing elevation, the precise wording of the amended condition to be finalised by the Head of Planning and Development acting under delegated powers.

Voting:        12 – For        0 – Against        0 – Abstentions

322. 12/1209 - CHANGE OF USE OF LAND FOR THE STATIONING OF TWO ADDITIONAL MOBILE HOMES AND UTILITY BLOCKS WITH ASSOCIATED HARDSTANDING FOR GYPSY FAMILY - LAND NEXT TO PRIMROSE PADDOCK, STOCKETT LANE, COXHEATH, MAIDSTONE, KENT

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

Councillor Webb addressed the meeting on behalf of Coxheath Parish Council.

**RESOLVED:** That permission be granted subject to the conditions set out in the report.

Voting:        11 – For        0 – Against        1 – Abstention

323. 16/502179 - TWO STOREY FRONT EXTENSION, ROOF EXTENSION TO CREATE A SECOND FLOOR INCLUDING REAR DORMER. EXCAVATE AREA IN FRONT OF PROPERTY TO CREATE PARKING. EXCAVATION WORKS TO THE REAR GARDEN (PART-RETROSPECTIVE) AND ADDITION OF PITCHED ROOF AND ALTERATIONS TO GARAGE/OUTBUILDING (RETROSPECTIVE) - BETHANY, BOXLEY ROAD, WALDESLADE, KENT

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

**RESOLVED:** That permission be granted subject to the conditions set out in the report and additional conditions relating to the incorporation into the development of renewable energy and wildlife niches (in line with paragraph 6.25 of the Residential Extensions SPD relating to Designing in Wildlife Habitats), the precise wording of the additional conditions to be finalised by the Head of Planning and Development acting under delegated powers.

Voting:        11 – For        1 – Against        0 – Abstentions

324. DURATION OF MEETING

6.00 p.m. to 7.10 p.m.

**MAIDSTONE BOROUGH COUNCIL**  
**PLANNING COMMITTEE**  
**16 MARCH 2017**

**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>
<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>  Deferred to enable the Officers to negotiate movement of the signage to locations that are less visually intrusive.	14 January 2016
<u>15/504300 - OUTLINE APPLICATION FOR TWO STOREY DETACHED HOUSE WITH ACCESS, LAYOUT, SCALE AND APPEARANCE TO BE CONSIDERED - LAND NORTH OF 61 KNAVES ACRE, HEADCORN, KENT</u>  Deferred to enable the Officers to investigate the possibility of a Public Right of Way through the site linking to the diverted Public Right of Way outside the site (to the north east) and to assess the implications of this on the ecology/wildlife corridor and on protected species.	9 February 2017

# Agenda Item 13



## REPORT SUMMARY

<b>REFERENCE NO - 16/502993/FULL</b>			
<b>APPLICATION PROPOSAL</b> Demolition of existing buildings and construction of 18 new C2 Extra Care Retirement Homes, Club House, Car Ports, Bin Stores, Landscape Scheme and Access Road. Demolition of garage to rear of 70 Church Street and erection of new oak framed car port to rear garden			
<b>ADDRESS</b> Land to west of 70 Church Street Boughton Monchelsea ME17 4HN			
<b>RECOMMENDATION</b> Approval subject to conditions and S106			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The land occupies a central village location which is considered to have good access to amenities and which is relatively well contained in landscape terms. Whilst the site lies outside the development boundary for the village, the development will deliver a type of accommodation that is required over the plan period by contributing to meeting the needs of the ageing population and specialist care need in a manner which is considered to have a limited landscape impact. The development will be of a traditional design and form which will be set within a landscaped context which includes existing and proposed planting which limits any impact on the wider countryside character. Whilst, it is noted the majority of the previous Cobnut plantation was removed under an exemption to the Tree Preservation Order, there is no legal requirement to replant, and there is no evidence to suggest the previous removal of trees is linked to this application. As such, this matter is not considered sufficient to warrant refusal of the application. The development is considered acceptable in all other regards including ecology, drainage, highways and residential amenity.			
<b>REASON FOR REFERRAL TO COMMITTEE</b> <ul style="list-style-type: none"> <li>Represents a departure from the development plan on account of its location outside the development boundary</li> <li>Contrary to the views of Boughton Monchelsea Parish Council</li> </ul>			
<b>WARD</b> Boughton Monchelsea And Chart Sutton	<b>PARISH/TOWN COUNCIL</b> Boughton Monchelsea	<b>APPLICANT</b> Country House Homes Ltd <b>AGENT</b> Country House Homes Ltd	
<b>DECISION DUE DATE</b> 28/07/16	<b>PUBLICITY EXPIRY DATE</b> 28/07/16	<b>OFFICER SITE VISIT DATE</b> 24.6.2016	
<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>
TPO/09.1997	Blanket TPO order on Nutplatt		
Exemption clearance	Agent confirmed tree removal through clause 14. (1) (a) (vi) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012	n/a	19.1.16

## **MAIN REPORT**

### **1.0 DESCRIPTION OF SITE**

- 1.1 The site was formerly a cobnut plantation which was largely cleared in February/March 2016 and which is now bare ground across over two thirds of the site with an area of cobnut trees remaining to the west of the site. The site borders the village sports field to the south by an established hedgerow which is 3-4 metres in height and the remaining part of the cobnut plantation borders the western part of the site. The site also includes part of the garden of no.70 Church Street which will facilitate the widening of the access road which currently provides access to the site from the south east corner from Church Street. The gardens of the residential properties on Church Street back onto the eastern boundary of the site which is bounded by a hedgerow and a further hedgerow lines along the northern boundary which borders a paddock to the north of the site. The site is relatively flat in topography and due to the boundary hedgerows is relatively well contained from the wider landscape. There are a collection of prefabricated structures including a mobile home which are, it is assumed, left over from the previous plantation use.
- 1.2 The site lies to the west of Church Street and to the north of Heath Road with the remainder of the village to the north and north east. The site occupies a relatively central location within the village as it is located between the village allotments, sports ground and pitches and residential properties. The site has access to pedestrian footpaths which run along the western side of Church Street and connect the site with the local social club, sports pitches, village shop and bus stops on Heath Road which connect to Maidstone and elsewhere within the borough.

### **2.0 PROPOSAL**

- 2.1 The development proposals relate to the construction of 18 C2 extra care units together with a communal club house building, associated car ports, access and parking/turning areas. Each unit will be 2 bedrooms and has been designed to accord with lifetime home/HAPPI standards in order the units are able to adapt to the occupiers needs as their care needs change. The applicant is proposing to restrict occupancy in order the use falls within the Class C2 use class by ensuring occupiers are subject to an initial care needs assessment and the need to sign up to a minimum care package as well as being restricted to persons over 55 years of age. The on-site club house building would be the central base for the on-site management and the site would also provide 24hr care for the occupants.
- 2.2 The scheme has been designed to have a traditional appearance and a low physical profile whilst retaining the existing landscape structure including hedgerows with open space to the development. Further landscaping and ecological enhancements are proposed within the site and to its boundaries and parking and turning spaces will be provided within the central part of the site by way of car ports and parking spaces.
- 2.3 The applicant provided further detail on how the development would operate in relation to securing the care provision and the management of the wider site. The applicant has confirmed the development would be built out by a company who specialise in care/retirement facilities and would be managed by a registered care provider who will take on the care provision relating to the site and a management company would carry out maintenance to the wider site and buildings including rear gardens. The care provider is an experienced care provider, Xtracare Ltd, who has been undertaking a search for a new site for many years in the Maidstone area and

is a local company registered with the Care Quality Commission (CQC). The eligibility of occupiers would be restricted to age and care needs and would involve a criteria selection and assessment by Xtracare to ensure the occupant/purchaser has sufficient care requirements both currently and into the future. The applicant is proposing such a use can be secured by legal agreement.

- 2.4 The application has been amended and further information has been submitted during the application process but this was either minor design alterations to the original plans or further information in respect of care provision, ecology, trees and drainage which sought to clarify points made in the original application submission. This information was subject to consultation with the relevant authorities such as KCC Drainage and ecology and MBC Housing. However, in February 2017, the applicant submitted further landscaping plans to retain the cobnut trees to the west of the site. On the basis the cobnut plantation formed a central part of local concerns, it was considered appropriate to undertake a further round of consultation and further comments have been received on these new documents.

### **3.0 PLANNING CONSTRAINTS**

Outside the adopted development boundary for Boughton Monchelsea  
TPO no.9 1997 in respect of remaining cobnut trees

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

The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Development Plan: Policy ENV28, ENV6, H25, H26  
Emerging Maidstone Local Plan 2011-2031 SP11, SP12, SP17, DM1 DM3, DM12,  
DM13, DM15, DM22, DM27

### **5.0 LOCAL REPRESENTATIONS**

Neighbour consultations were sent out on the 4<sup>th</sup> May 2016 and a site notice was placed at the site on the 8<sup>th</sup> June 2016

The application has attracted 61 responses from members of the public.

The comments (14) made in support of the application can be summarised as;

- Support the Borough's ageing population and meet unmet needs of communities
- Good design
- Low traffic use and suited to area
- Allow people to stay in the village in their communities
- Promote independence and reduce reliance on social care
- Provide jobs in local area through suppliers and medical services
- Low density which is suitable to area

The comments made (47) against the development can be summarised as;

- Increased traffic/congestion/lack of parking and Church Street unsuitable
- Access is unsuitable
- Drainage issues

- Outside village envelope, not in emerging plan and contrary to policy relating to C2 uses
- Loss of plantation
- Adverse impact on views and privacy of adjoining residents
- Existing sheltered housing underused
- Represents normal residential development
- Is surrounded in middle of village and therefore access is poor
- Ecology issues have not been addressed properly
- Disagrees with large village designation, lack of infrastructure, no doctors
- Backland development

Following the consultation exercise in February 2017 further comments<sup>19</sup> have been made in respect of the applications;

Those against the development (18) commented on the following matters;;

- Original comment still stand and revised plans do not overcome original objections
- Pedestrian safety and access
- Infrastructure
- Not suitable for retirement
- Should be agricultural land

Those in support of the development (1) commented on the following matters;

- Former parish resident who states it would allow elderly person to remain in the village and would free up other housing

## 6.0 CONSULTATIONS

**Boughton Monchelsea Parish Council** – Objects to the application on the following grounds;

- Not part of the emerging plans or considered suitable for C2 in SHLAA
- Site is outside village envelope. Emerging Policy DM15 states C2 uses should be contained within village envelopes
- Not a sustainable location due to lack of services or public transport
- Church Street is narrow and unsafe for new access, additional traffic
- Will be visually intrusive and affect amenity of adjoining residents
- Out of character with village and Church Street and backland development
- Effectively dwellinghouses rather than C2 use and no affordable provision

### Further comments

- Original comments and objection still stands
- Poor services in village – not sustainable
- Outside village envelope
- Highway-pedestrian safety

**KCC Highways** – No Objections subject to conditions relating to parking, construction management plan, access plan and surface water

- Agrees with the applicant's lower trip rate outside of peak times
- Acknowledges parked cars on Church Street but points to no injury crashes in last 10 years

**NHS Property Services-** No objections subject to contributions

**Environmental Health-** No objections

**KCC Flood Risk Officer-** No objections subject to conditions

- Agree with recommendations of submitted surface water strategy
- Provide recommendations which should be dealt as part of information submitted for conditions

**Southern Water-** No Objections

**KCC Archaeology-** No Objections subject to conditions requiring further investigation

**Upper Medway IDB-** No objections

**UK Power Networks-** No Objections

**KCC Ecology**

Confirm sufficient information has been provided and suggest conditions in relation to mitigation method statement and enhancements.

Further comments

As site has no ecological constraints, there have no further comment to make

**MBC Landscape/Trees**

Whilst they do not support the application due to loss of the previous Nutplatt, they acknowledge that legal advice has confirmed there is no requirement to replant in this instance and there is no evidence to suggest the Nutplatt was removed for the proposed development. In terms of the detail, they suggest a condition to require details of a arboricultural method statement and a robust landscaping plan which should have a 10 year protection condition applied.

Further comments

Generally happy with the revised landscaping scheme but would like more information on long term management of cobnuts including coppicing programme and translocation of cobnuts.

## **7.0 BACKGROUND PAPERS AND PLANS**

*Application forms*

*Design and Access Statement*

*Existing site plan*

*Proposed site plan*

*1-7 Floorplans and Elevations*

*8-16 Floorplans and Elevations*

*17-18 Floorplans and Elevations*

*Car ports floorplans and Elevations*

*Bin and Garden Store Elevations*

*Landscape and Ecology Enhancement Plan (as amended)*

*Arboricultural Statement and appendices*  
*Tree and Hedgerow Protection Plan*  
*External Lighting Plan*  
*Ecological Appraisal and Bat Surveys*  
*Care Provision Info*  
*Drainage Layout*  
*Flood Risk Assessment and Drainage report*

## **8.0 APPRAISAL**

### **Background**

- 8.1 The site was formerly a Nutplatt plantation that is subject to a Tree Protection Order (TPO No.9 of 1997) and was cleared under an exemption to the legislation following consultation with the council's landscape department in early 2016 with this being complete in March 2016. At this time the landowner advised the council that the clearing was permitted on account of the losses made by the cobnut business and thus they were permitted to be cleared under part (1)(a)(vi) of the Town and Country Planning (Tree Preservation)(England) Regulations 2012. On this basis and having taken legal advice, the council confirmed they could not object to the works. It is understood the clearance works was complete in early March 2016
- 8.2 At the time when the planning application was submitted on the 28<sup>th</sup> April 2016, the site was an area of cleared ground with a remaining area of cobnut trees to the west of the site. Having regard to the limited time between the clearance works and the submission of this application, further legal advice was sought in respect of this matter and whether the tree works were still lawfully permitted under the above act. However, it has been advised that there is insufficient evidence to link the removal of the trees with the intention to redevelop the site. Therefore there is no requirement or power to require any replanting of the trees in accordance with the regulations, to reinstate the plantation or that any further action can be taken in relation to the site. Thus, whilst the removal of the trees is unfortunate, there is no legal recourse to secure replanting and thus the site is for the purposes of this application is an undeveloped site within the centre of the village adjacent to the development boundary and which has to be considered on its own merits.

### **Principle of Development**

- 8.3 The access to the site lies within the development envelope of the village but the main part of the site lies outside but abutting the development boundary for Boughton Monchelsea which is designated by the Maidstone Local Plan 2000. Whilst the context to the site includes adjoining residential development, sports pitches and allotments to its boundary and is also in central village location, the site would be designated as a countryside area in policy terms. Such an area would be subject to policy ENV28 which restricts development in such areas to specific development types which does not include the development such as the application proposals and requires development to preserve or enhance the character of the countryside. Therefore, in locational terms, the development would be as a matter of principle, contrary to ENV28.
- 8.4 The Submission version of the Maidstone Local Plan 2011-2031, hereafter known as the 'emerging plan', has been subject of a recent examination in late 2016 and the Inspectors interim findings were released in December 2016 which on the whole upheld the council's approach to its objectively assessed need and wider policy approach to the future development of the Borough. Thus the plan can be given

significant weight in decision making. In respect of the emerging plan, the site also lies beyond the development boundary in the emerging plan and would also be contrary to the emerging Local Plan in respect of the countryside policy SP17 and those relating to larger villages, Policy SP11 and that relating to Boughton Monchelsea, Policy SP12. This latter policy seeks to focus development within the settlement boundaries. Of relevance to this application is that the examination Inspector considered the status of Boughton Monchelsea as a larger village to be justified in that limited growth could support local services and facilities.

- 8.5 The site (along with land to the north) was previously considered under the council's SHLAA process (HO2-172) and was considered a potentially suitable site in relation to its location and relationship with the wider settlement although it is accepted at this time the cobnut was still in existence and the access point had not been confirmed. However, this site was eventually discounted as part of the local plan process in preference of other sites. However, it is recognised this document is not a policy document but was just an assessment of the site as to whether it was potentially suitability.
- 8.6 The council also consider it can demonstrate a five year housing supply and thus its policies can be considered to be up-to-date. Housing land supply monitoring is undertaken at a base date of 1 April each year. The Council's five-year 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 the past under-supply of dwellings against objectively assessed housing need is delivered in future years; it applies a discount rate for the non-implementation of extant sites; and a 5% buffer is applied. The position is set out in full in the Housing Topic Paper, which demonstrates the Council has **5.12 years'** worth of deliverable housing sites at 1 April 2016 against its objectively assessed need of 18,560 dwellings for the Plan period.
- 8.7 The Inspector issued a report on his 'Interim Findings from the Examination of the Maidstone Borough Local Plan' on 22 December 2016 (examination document reference ED110). In addition to confirming that it is reasonable to apply a 5% buffer to the borough's five-year housing land supply in accordance with paragraph 47 of the NPPF, the Inspector is recommending two key changes to the Council's housing land supply position.
- 8.8 First, the Inspector did not consider that the 5% market signals uplift set out in the SHMA would have the desired effect of boosting housing supply, nor that it was justified, particularly given the overall increase in past building rates that is expected as a result of the Local Plan allocations. Consequently, the borough's objectively assessed housing need is proposed to be reduced by 900 units to 17,660 dwellings for the period 2011 to 2031.
- 8.9 Second, the Inspector recommends the use of a 'Maidstone hybrid' method for the calculation of the borough's five-year housing land supply, which would deliver past under-supply over the next 10 years (as opposed to the next 5 years as set out in the Housing Topic Paper). This would result in a smoother and more realistic rate of delivery of dwellings over the Local Plan period.
- 8.10 The Inspector's interim report proposes additional modifications relating to the deletion or amendment of allocated sites, or to the phasing of allocated sites and broad locations. The report does not identify a need for further housing site allocations. In advance of public consultation on the formal modifications to the Local

Plan, the interim findings have been applied to the borough's 20-year and five-year housing land supply tables which were set out in the Housing Topic Paper. The updated tables (examination document reference ED116) reveal a strengthened five-year supply position as at 1 April 2016, from 5.12 years to 6.11 years. The figures are not definitive because of the need for consultation on modifications in respect of the reduced housing need and proposed amendments to specific allocated sites, but they reaffirm a robust five-year housing land supply position and justify the assumptions being made.

- 8.11 Therefore the council's housing policies are not out-of-date and can be given full weight. Therefore due to the position of the site beyond the development boundary, this application would represent a departure from the development plan.
- 8.12 Whilst the scheme before members is not a care home development or sheltered accommodation, as it will be intrinsically linked to care provision, it is also pertinent to reflect upon the approach of the 2000 plan to meeting the needs of the elderly. Policy H25 of the 2000 plan relates to sheltered housing and whilst such housing does not incorporate care provision it is perhaps the closest to the application scheme in terms of character and type of occupants. This policy states the council will take into account the proximity of the site to public transport, shopping, community and adequate access for residents and doctors. Policy H26 of the 2000 plan refers to nursing and residential care homes and requires a development to provide amenity space, is appropriate to the character of the area and that it is well related to public transport and community facilities. The emerging plan does not contain a policy relating to sheltered or extra care housing with the only policy relating to care or elderly accommodation being policy DM15 which states the council will permit care homes within the boundaries of settlements subject to a set policy criteria.
- 8.13 As the scheme is not technically classified as sheltered housing or a nursing home, it would remain a departure from the development plan but it is useful to reflect upon the approach to similar accommodation, namely the council would use access to local facilities and public transport as key considerations in such applications. Thus the key question is whether there are any material considerations that would justify this departure from the development plan and whether there would be any harm resulting from the development.

### **Need**

- 8.14 The application proposes a specialist type of housing which will be aimed towards to the ageing population and those requiring care and can be considered to represent a type of accommodation known as extra care housing. The occupation restriction of the units to extra care housing is proposed to be secured through the use of an appropriate legal agreement which will restrict occupation to those over 55 years old and those who also commit to a minimum care package which will develop in line with the occupier's health needs. Therefore it is reasonable to consider the scheme separate from traditional housing schemes as the development will deliver a specialist housing type which will be intrinsically linked to the provision of care as well as that of the aging population.
- 8.15 The Strategic Market Housing Assessment (SHMA) recognises a significant need for such accommodation as well as the wider range of benefits of such provision including reducing pressure on social and health services, freeing up larger homes (as the older population typically under occupy their existing homes) and allowing the

opportunity for older people to retain their independence into old age. The need within Maidstone was assessed as part of the Council's Strategic Housing Market Assessment (SHMA) which examined the potential requirement for specialist housing accommodation including those for older people and those with specialist care needs over the plan period. The SHMA states there is a current requirement for specialist housing (including sheltered and extra care) of some 708 units and an additional 2912 units will be needed by 2030 with some 130 homes per annum. This need is made up of market and affordable sheltered accommodation and extra care housing units.

- 8.16 This need can be seen in the context by the projected increase in persons over 55 within the Borough by 24% by 2021 and the projected increase in illnesses among older people living with dementia (up by 105%) and an 84% increase in people with mobility issues. The SHMA then seeks to break down the above need into sheltered housing and extra care and then further into affordable and market need. The updated SHMA 2014 estimates a total need of 483 affordable extra care units over the plan period including a current need of 223 homes. The SHMA also estimates a need for 792 market extra care/sheltered housing by 2030. Therefore it is clear there is a significant unmet need within the Borough for the type of housing need proposed by this application and with the projected increase in the elderly population, the need will more than double over the plan period.
- 8.17 It is pertinent to acknowledge that the council has considered extra care housing with similar type of units at Mote Park under application 10/0748 and at Ledian Farm under 12/2046 which were approved with the requirement for occupiers to commit to a minimum care provision and that the units were age restricted. Furthermore, the extra care units which were approved at Ledian Farm at Leeds, were also located outside the development boundary for Leeds suggesting that sites beyond the development are not in principle unacceptable.
- 8.18 In terms of care provision, the emerging plan considers care provision in terms of bedspaces and in terms of current supply, the Council's Annual Monitoring Report 2016 and the Housing Topic Paper dated May 2016 states that at 1<sup>st</sup> April 2016, the council had approved 389 bed places since 2011. Of this, 73 units have been completed with 316 bed spaces remaining by way of extant planning permissions. These planning permissions can be split into the following;
- Care homes or specialist centres- 260 bed spaces
  - Extra care units- 56 bed spaces

It is a notable point that a number of these schemes have not commenced and are due to expire in the coming year and it is evident that a large number of these are specialist care units for occupiers with particular health conditions and higher dependency patients rather than those units which would deal specifically with the ageing population or the general population. It is therefore clear that there is a significant unmet existing and future need that exists for such accommodation.

- 8.19 In recognising such a level of need, it is necessary to consider how such this need is planned to be met over the coming year or the likelihood of this need being met. This is necessary in order one can determine how much weight should be afforded to this need in the planning balance of this application. However, it is noted that there is no direct policy within the local plan which proactively deals with the issue of care or the elderly population other than that relating to care and nursing homes which is covered by emerging policy DM15. However, from its wording this appears to be focused on traditional care home type development rather than specialist housing

and is largely aimed towards occupiers with a high degree of dependence rather than specialist housing such as extra care or sheltered housing. Even if this policy was considered relevant to the proposals, it is noted this policy does not allocate any particular sites and is a general policy which states such facilities will be permitted within the development boundaries of settlements, including larger villages, if they come forward (subject to a policy criteria). Therefore, there is no current policy mechanism which can deliver this identified need with any certainty and thus the council is solely dependent on windfall sites coming forward within the settlement boundaries to meet the aforementioned significant need.

- 8.20 This identified need set out in the SHMA is recognised by the Council's housing team which will be generated by the significant increase in the elderly population and care requirements. When this need is set against the high degree of uncertainty in this need being met over the plan period, it is considered the contribution of the development in providing such accommodation holds significant weight in this application. This is particularly so as the development will contribute 14 market units and 4 affordable units which will contribute to meeting the existing market and affordable need identified above.

### **Visual Impact**

- 8.21 Due to the housing supply position, ENV28 can be given full weight, which requires development to preserve or enhance the character of the countryside and this is a principle that is consistent with the core principles of the NPPF. Due to the location of the site beyond the development boundary, the site is subject to such policy aims which are also continued under policy SP17 of the emerging plan.
- 8.22 It is considered the site is a relatively well contained location having regard to its mature boundaries, adjoining land uses and relatively central location in the village. The site is adjoined by the playing fields to the south, the allotments to the west and residential properties on Church Street to the east. Whilst the site falls outside the development boundary for the village, the site can reasonably be considered to fall within the village context of Boughton Monchelsea which is defined as a larger village in the local plan. This point was recognised in the SHLAA report whereby the site was considered a potentially suitable site (as part of a larger site) and its location being considered appropriate in relation to the wider settlement pattern.
- 8.23 The site is bounded by a relatively high hedge of between 3 -4 metre in height to its southern boundary which is supplemented by a row of mature trees on the sports field edge. Such screening largely restricts views, particularly in summer, of the site from Heath Road and the playing fields themselves and to the north there is further mature hedgerow boundary to the north although this not as consistent as the southern boundary. The western part of the site is part of the former cobnut plantation that remains from the clearance works in early 2016. The applicant is seeking to provide additional landscaping to strengthen this existing landscape structure, where necessary, through further hedgerow planting and native tree planting and this can be secured by a planning condition. Thus in light of this existing and proposed planting, the site has a relatively contained landscape context which is considered to limit any landscape impact as a result.
- 8.24 In terms of the detail of the development, the built form is restricted to single storey with the use of pitched roofs, with reduces the impact of the building nearest the boundaries which will be relatively low eaves heights of around 2.3 metres. The ridge heights of the buildings range from 4 metres nearest to the southern boundary at its

minimum to around 6 metres in height within the central part of the site. The site is relatively flat both internally within the site and in relation to the adjoining land. Therefore, due to the aforementioned level of existing and proposed planting and this lower profile, views of the development from the sports pitch and from Heath Road, will be limited. These public views towards the site are the principle views but due to the design and context of the site, the built form will largely be unseen with only glimpses of roof tops being visible. The development will retain the established hedgerows and supplement these with further planting and as the new planting scheme matures, it is likely the development will be largely invisible in long and short range views from the south. From the northern paddock, the hedgerow will again be retained and strengthened through new planting which will in time largely mitigate any visual impact and the hedgerow with the rear boundaries of the properties to Church Street will also be retained and strengthened. The retention of part of the nutplatt to the western part of the site provides containment to the site and ensures the site will not be visible from the village allotments which are located to the west of the site. The site is accessed via a long access road which will be widened and landscaped to create an acceptable means of access. This is considered to only afford limited views from Church Street and bearing in mind such views will be from a built context, it is not considered to cause significant harm to the character of the countryside.

- 8.25 Concerns have been raised by local residents and others regarding the loss of the cobnut plantation and thus have argued the impact of this loss has had a significant adverse impact on the character of the area. Whilst, this may be the case and is unfortunate, these trees were removed under a specific legal exemption set out in the TPO regulations and there is no legal recourse for these trees to be replanted or evidence to suggest these were removed to facilitate this development. Further information is provided in the relevant section below. Therefore, the existing context of the site is the context in which such an assessment in relation to countryside impact needs to be made and whilst the TPO status still remains in place, the visual impact of the development must be considered against the current site appearance which is a barren field largely well contained from wider views.
- 8.26 Taking the above into account, it is considered the development will not have a significant adverse impact on the character of the countryside due to its contained location, its existing and proposed level of screening and the single storey scale of the development. Subject to a suitable long term landscaping and management plan, it is considered the development will not cause significant conflict with the aims of the development plan in terms of protecting the character of the countryside including that of ENV28 and SP17 of the emerging plan.

### **Accessibility/Sustainability**

- 8.27 The site lies within the village context of Boughton Monchelsea which is located near to village amenities and residential properties and is within walking distance of the village shop and other amenities such as the social club, the allotments and bus stops on Heath Road. Three GP services are located within 2 km of the site. The settlement of Boughton Monchelsea is defined as a larger village within the emerging local plan which states such settlements are suitable for limited new housing development that will support village facilities and services. The village has a shop, post office, village hall and public transport connections to Maidstone which include 3 services each way between the village and Maidstone. The site is well related to the village in a geographical sense and is considered a sustainable location in access terms. It is notable that the Local Plan Inspector, in his interim report, considered the

status of Boughton Monchelsea as a larger village to be justified. Bearing in mind the type of occupiers that will occupy this development, it is considered such the bus service would provide a suitable alternative to the private car.

- 8.28 There have been concerns raised by local people regarding the lack of Doctors surgeries in the village but the site has 3 doctors surgeries located within 2km which include Mote Medical Centre, Wallis Avenue and Grove Park surgeries and on account of the integral care provision provided for occupiers of these units, it is not considered this would be a factor that should count against the development. The provision of specialist accommodation such as this would allow people to receive care in their homes thus reducing the need to travel and the club house would be used by medical professionals to administer care to the residents alongside care provision within the individual units.
- 8.29 Based on the size of the development, 18 units, it is considered this development would comply with the hierarchical approach to new development within the Borough and would have adequate access to village facilities, healthcare and the social fabric of the community. The development is also considered to accord with paragraph 34 of the NPPF which requires the relationship between travel and development to have regard to other policies within the framework, including rural areas, which refers to the role of new housing in supporting the ongoing vitality of rural communities and local facilities.

### **Highway/Parking**

- 8.30 The development provides some 18 parking spaces for residents and 7 visitor spaces and is accessed via an existing access onto Church Street. KCC Highways have been consulted on the application and have no objections subject to conditions relating to parking, construction management and drainage which are outlined fully in the consultation response. KCC highways consider the use to be low key in term of vehicle trips which would not regularly take place during peak times and therefore it has no objections to the new use. They also recognise the access is an existing access and that there have been no injury crashes on Church Street over the last 10 years. Whilst they acknowledge the presence of parked cars on Church Street, no objection is raised to the use of the access to serve the development although KCC suggest a pedestrian priority junction rather than that shown on the plan. The parking provision meets the standards for both C2 uses as well as residential uses and therefore is also considered to be acceptable in relation to parking provision. Thus subject to the appropriate conditions, including detail of the access, there are no highway issues which fall against the scheme.

### **Trees/Tree Protection Order**

- 8.31 The site is subject to TPO order no.9 1997 which covers the whole site on account of the nutplatt plantation that previously existed on site. However, around  $\frac{3}{4}$  of the plantation was cleared under an exemption contained with clause 14. (1) (a) (vi) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012. On the 18 January 2016, the landowner, via his arboricultural consultant, consulted the council and provided information that the plantation was not viable, was making a loss and therefore made the case that it was justified to be cleared under the above relevant exemption. The landowner presented such evidence and on the basis of the information provided there was no legal basis in which to object to the removal of the

trees. The clearance works were undertaken in February/March 2016. This planning application was submitted towards the end of April 2016 by the applicant and therefore there is no evidence the trees were cleared to make way for the development. The council's legal department have also been consulted and they confirmed that there is no legal recourse to require the trees to be replanted. Therefore the legal status of the site and its future condition is that which exists currently, essentially a cleared site. The trees to the west of the site remain protected by the TPO.

- 8.32 In legal terms, the TPO status remains in place on the site and thus is capable of being a material consideration in this application. However, whilst this is the case, the lack of any legal requirement to replant means such status is considered to hold limited weight in the overall assessment of the application as essentially it is a TPO in name only. The western part of the site which does retain trees remains protected by the TPO. Therefore due to the exemption under the regulations having been engaged by the landowner which permitted the removal of the trees, and the fact there is no legal basis for requiring the replanting of any trees, it is not considered this TPO status would justify the refusal of the application. The council's landscape department have reviewed the application and whilst they do not support the application on the basis of the plantation which previously existed on the site, they acknowledge there is no requirement to replant and advise that a comprehensive landscaping scheme is submitted to compensate with sufficient long term management built in.
- 8.33 The applicant submitted an initial landscaping and ecology plan which involved the removal of further cobnut trees in this area to create open space but on further reflection the applicant has submitted an amended ecology and landscaping plan which seeks to retain this remaining cobnut (with footpaths) to create an area of open space to serve the development. Further planting will take place across the site including new tree and hedgerow planting and soft landscaping within the communal areas to create new habitat and landscape benefits. The applicant is content with the additional maintenance period suggested by MBC Landscape and is proposing the site is managed and maintained by a management company to ensure this proposed landscape framework is maintained into the future.
- 8.34 In terms of the detailed arboricultural information, the council's landscape team have reviewed the submitted arboricultural statement and hedgerow and tree protection plan and the aforementioned landscaping/ecological enhancement plan, including the revised landscaping scheme submitted in February 2017. They state that they are generally happy with the landscaping proposals but require further information on landscape management, they advise that a planning condition should be imposed to require an arboricultural method statement, including for translocation of trees and a management strategy. They also consider there to be sufficient evidence to suggest, with the appropriate protection and approach to construction, that the buildings and proposed development are compatible with existing trees and hedgerows and proposed planting over the course of the development. The landscape team also recommend a condition to secure a comprehensive landscaping scheme and this can be secured by the appropriate planning condition to ensure long term management including methodology and establishment.
- 8.35 Therefore, on the basis of the replacement planting scheme, the legal position in respect of the wider TPO and on the basis of the imposition of the appropriate planning conditions, the development would accord with policy ENV6 which requires important features such as hedgerows and trees to be retained as part of new development and DM3 of the emerging plan which refers to the natural environment.

## Ecology

- 8.36 The application has been subject to a Phase 1 ecology survey which identified potential reptiles to the site boundaries and potential for bat foraging which has been assessed by a further bat survey which showed bat activity on the site. KCC Ecology has reviewed the information and they consider that sufficient information has been submitted to allow a decision to be made. They also recommend a condition is placed to require a suitable mitigation plan to ensure no negative impact is caused to any protected species. KCC Ecology have also reviewed the landscape and enhancement plan and has recommended that a planning condition is imposed to secure these enhancements.
- 8.37 It is considered the site has been subject to an appropriate appraisal of the potential for protected species and there is sufficient certainty any species can be protected over the course of the development. The development proposes a suite of ecological enhancements as part of the scheme in accordance with paragraph 118 of the NPPF and policy DM3 of the emerging plan. It is recommended a planning condition is imposed to require details of the landscape and ecology plan (including long term management and implementation), requirement for sparrow terraces within buildings and wildlife friendly boundary treatments. Whilst the reference from residents are noted in respect of the clearance works earlier in the year and its effects on ecology, the implications of ecology can only be considered in respect of the application and the proposed development not what may have occurred in the past. If there was any previous breach of the relevant Wildlife Acts then that is a criminal matter to which the police should be informed but at the time of writing the council has no evidence that any such breach has occurred.

## Design and Layout

- 8.38 The site will be accessed via the existing access to the south east corner which will be widened by the inclusion of a strip land currently part of the garden to no.70 Church Street. This will be landscaped along the route of this access which will run westwards into the site. A new car port will be constructed to the rear of no.70. Directly in front of the access will be two semi-detached units (plots 17-18) with the main part of the complex laid out along the northern boundary with gardens to the front and rear which will be landscaped with post and rail fencing and planting. At the western end of this complex, the building will continue southwards to the southern boundary, creating a L shape footprint. The remaining part of the cobnut plantation will act as a buffer between these units and the western boundary to the site along with further landscaping along the boundaries including tree planting of native varieties. This western part of the site will be laid out as open space with footpath route through this from the housing units. The communal building is located along the southern boundary amongst further landscaping and number of car ports and parking spaces are located through the development with the communal building (with managers office) located along the southern boundary.
- 8.39 The development incorporates traditional architecture with use of pitched clay tile roofs, weatherboarding and stock brick elevations and timber fenestrations and doors. The development is single storey throughout, with the main complex using a range of gables and roof pitches to create interest within the roofscape of the development and a variation in the building line is achieved by projected and recessed elements will serves to break up the bulk of the complex. The density of the development, whilst a variation to the linear form of Church Street is not so

indifferent to the development to the east of Church Street which are laid out in cul-de-lac arrangements or higher density modern estates. The development would be around 15 dph and when it is considered that allocated sites within the emerging plan require 25 dph it can be said the development would represent an appropriate scale of development within the site in relation to its edge of village location.

8.40 Whilst the units will have small private gardens to sit out in, these will remain open to their boundaries and the frontage to the units will be landscaped and will create an inward facing community that will reflect and reinforce the care aspect of the development. The development will be set out on one level and the relationship between the communal areas and the individual units will enable efficient care provision to be provided and managed. The provision of additional native planting to the boundaries, the southern boundary and to the western open space area will provide a natural context to the development in accordance with ENV6 and DM3 of the emerging plan.

8.41 The individual units will be designed to meet the building for life principles, Lifetime Homes and HAPPI as advocated by the MBC housing officer and would provide 18 x 2 bedroom units which represent adaptable homes which are considered to achieve the balance between independence and the future care need of the occupier including the potential to accommodate a live in carer in future years.

8.42 In summary it is considered the site represents a good standard of design that has taken account of its immediate environs and the wider village and thus will accord with policy DM1, ENV6 and Section 7 of the NPPF.

### **Residential Amenity**

8.43 The site abuts the rear gardens of Church Street which are approximately 25 metres in length and back onto the eastern boundary of the site which currently has a hedgerow of around 1.1m and 1.2 metres with a number of trees along the boundary. As set out above, the development is set over single storey and the nearest plots to the gardens are plots 1 and 2 which have a bathroom window (obscure glazed) and French doors to a bedroom on the elevation facing Church Street but these will at ground floor level. The proposals will include new planting on this boundary and it would be possible to impose a condition to require fencing to prevent views into the adjacent gardens along with further planting to avoid overlooking or a loss of privacy occurring. The length of the adjoining gardens and the single storey nature of the development would also ensure there would be no impact of way of adverse outlook caused by the new built form.

8.44 In terms of the impact of the access road in terms of increased vehicular access on adjacent properties, the development involves the widening of the access road and new landscaping along the boundaries of the access. KCC Highways refers to the relatively low frequency of trips related to such use and quantum of development and it is considered this together with the increased access width, would ensure there would not be an adverse impact on the amenities of the adjoining occupiers.

8.45 In terms of the future occupiers, the occupiers would have a good standard of accommodation with access to garden areas (which would be maintained by a management company) and the inclusion of community facilities would enable a well connected and inclusive community.

### **Flood Risk/Drainage**

- 8.46 The site is located within Flood Zone 1 which is at the lowest risk of flooding and thus would meet the sequential approach of the NPPF in locating development in areas at the lowest risk of flooding. As the development is located on a site larger than 1 hectare and is in excess of 10 units, the applicant submitted a Flood Risk Assessment and Surface Water Management Plan to show the scheme could incorporate SUDS into the scheme. This is proposed to be achieved through the use of soakaways or storage crates depending on the results of ground soakage testing. This information has been reviewed by KCC Drainage and they are generally content with the approach and methodology. They suggest a planning condition to require details of the SUDS scheme which would be based on the requirement to investigate further site condition which would inform the scheme.

### **Affordable Housing/Infrastructure**

- 8.47 As per the policy DM13 of the emerging plan, the development will be required to secure 20% affordable provision which will equate to 4 units within the development. Due to the size of the provision, the housing officer has stated the units would not likely prove attractive to a registered provider but thus advises that the equivalent financial contribution is paid to be put towards provision off-site in lieu of on-site provision. However, it is considered the appropriate approach would be that provision is provided on-site as the preferred approach but flexibility is built into the legal agreement to allow off-site contributions if a registered provider cannot be found post application and this approach would be consistent with emerging policy DM13. It is understood from the housing team that this approach has been used on other applications. The exact amount of the equivalent off-site contribution will be provided in time for the committee. This affordable provision will contribute towards the need of 483 units which are identified within the council's SHMA.
- 8.48 A development of this scale is clearly likely to place extra demands on local services and facilities and it is important to ensure that the development can be assimilated within the local community. As such suitable contributions to make the development acceptable in planning terms can be sought in line with policy CF1 of the Local Plan and the Council's Open Space DPD.
- 8.49 However, any request for contributions needs to be scrutinised, in accordance with Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criterion that sets out that any obligation must meet the following requirements: -

It is:

- (a) necessary to make the development acceptable in planning terms;*
- (b) directly related to the development; and*
- (c) fairly and reasonably related in scale and kind to the development.*

\*And

*A planning obligation ("obligation A") may not constitute a reason for granting planning permission to the extent that —*

- (a) obligation A provides for the funding or provision of an infrastructure project or type of infrastructure; and*
- (b) five or more separate planning obligations that—*

- (i) relate to planning permissions granted for development within the area of the charging authority; and*
- (ii) which provide for the funding or provision of that project, or type of infrastructure have been entered into before the date that obligation A was entered into.*

8.50 \*This section came into force on 6<sup>th</sup> April 2015 and means that planning obligations cannot pool more than 5 obligations of funding towards a single infrastructure project or type of infrastructure (since April 2010).

8.51 The following contributions have been sought:

8.52 The application has also be reviewed by the NHS who request a figure of £15,163.20 to be provided to support one of the three GP Practices in the area including either Mote Medical Centre, Wallis Avenue and Grove Park surgeries

8.53 A legal agreement will be required to secure the above infrastructure and also secure the use of the units to ensure they are strictly related to age and uptake of a minimum care package.

## **9.0 CONCLUSION**

9.1 The site is a cleared area of land which although was part of a wider TPO cobnut plantation, has no requirement to be returned to its former land use. The site occupies a central location within the village which adjoins the sports pitch, allotments and residential development. The site also is considered to be well contained in a landscape perspective with a strong landscape structure and located well in connection with the grain of the village and its facilities.

9.2 The housing provided by this application is proposed on the basis that the occupation is strictly limited in relation to age and which is care related and it is considered the significant current and future need for such accommodation and the lack of provision for meeting such need, lends significant weight to this application. Furthermore, the existing and proposed landscape structure and its well contained location close to village amenities means the site will have limited impact on the wider countryside character. For these reasons, it is considered this need and the lack of landscape harm when taken together is considered to outweigh the in principle objection by reason of its location outside the development boundary.

9.3 Subject to the completion of a suitable worded S106 regarding the occupation of the units and other infrastructure, it is considered the departure from the development plan is justified in this instance and the matters of need and lack of other harm would represent material considerations which would justify the departure from the development plan.

## **10.0 RECOMMENDATION**

**Subject to the prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to provide the following:**

- The provision of 20% affordable housing on site (with option for off-site contributions if a registered provided cannot be secured) in line with DM13

- The restriction of the units to persons of 55 years of age and over and that occupants are subject to care need assessment and are required to commit to a minimum care package to be agreed with the local planning authority
- Contribution of £15,163.20 to be provided to support one of the three GP Practices in the area including either Mote Medical Centre, Wallis Avenue and Grove Park surgeries

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

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. No building works above slab level shall commence until 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 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.

4. Details of a "lighting design strategy for biodiversity" for the site shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development. The strategy shall:

a) Identify those areas/features on site that are particularly sensitive for bats and in which lighting must be designed to minimise disturbance, and;

b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.

c) Include measures to reduce light pollution and spillage.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: In the interest biodiversity protection and visual amenity.

5. Notwithstanding the junction design shown on the submitted plans, development shall not commence until details of a pedestrian priority junction between the proposed access road and the highway have been approved in writing by the Local Planning Authority. The development shall not be occupied until that junction has been constructed in accordance with the approved details.

Reason: In the interests of highway safety.

6. The development shall not be occupied until the parking areas and car ports, shown on the plan 500/KF/003B has been provided and that area shall not thereafter be used for any purpose other than the parking of vehicles for the development hereby approved.

Reason: In the interests of highway safety

7. No development shall take place before a construction method statement for the construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheelcleaning facilities during the demolition, excavation, site preparation and construction stages of the development. The method statement shall also include details of the means of recycling materials, the provision of parking facilities for contractors during all stages of the development (excavation, site preparation and construction), unloading and loading of construction vehicles and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials. The construction works shall be carried out in accordance with the approved method statement

Reason: to maintain highway safety and amenities of adjacent properties during construction )

8. The clubhouse as approved shall only be used for the provision of care or for purposes ancillary to the use of the wider site and extra care units hereby approved

Reason: to prevent harm to the wider highway network and amenities of surrounding occupiers

9. No development above damp proof course level shall take place until details of a scheme of landscaping based on the principles of submitted plan 500/KF/018C and 500/KF 019C, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection during the course of development in the form of a Tree Protection Plan undertaken by an appropriately qualified party in accordance with BS5837:2012 and a programme for the approved scheme's implementation and long term management, shall be submitted to and approved in writing by the Local Planning Authority.

The landscape scheme shall be designed using the principle's established in the Council's adopted Landscape Character Assessment 2012 and shall include details of the repair and retention of existing hedgerows and tree lines within the site;

The implementation and long term management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens. The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details over the period specified;

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

10. The occupation of the development hereby permitted shall not commence until all planting, seeding and turfing 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

11. All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site. Any parts of hedges or hedgerows removed without the Local Planning Authority's prior written consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within ten years following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity.

12. The development shall not commence until a Landscape and Ecological Design and Management Plan, which is based upon the principles set out on plans 500/KF/018C and 500/KF/19C, has been submitted to and been approved in writing by the local planning authority.

The Landscape and Ecological Design and Management Plan shall include the following:

- a) Purpose and conservation objectives for the proposed habitat creation and enhancements;
- b) Detailed design to achieve stated objectives;
- c) Extent and locations of proposed works on appropriate scale plans;
- d) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) Description and evaluation of features to be managed;
- f) Aims and measurable objectives of management;
- g) Appropriate management prescriptions for achieving aims and objectives;
- h) Preparation of a work schedule for the duration of the plan;
- i) Ongoing habitat and species monitoring provision against measurable objectives;
- j) Procedure for the identification, agreement and implementation of contingencies and/or remedial actions where the monitoring results show that the objectives are not being met;
- k) Details of the body/ies or organisation/s responsible for implementation of the plan.
- l) Details of interpretation boards to be incorporated in to the development site to inform residents of the sites management.

The Landscape and Ecological Design and Management Plan shall also include details of the legal and funding mechanism by which the short and long-term implementation of the Management Plan will be secured by the developer with the management body responsible for its delivery. The approved Plan will be implemented in accordance with the approved details.

Reason: To ensure a high quality design, appearance and setting to the development, and to protect and enhance biodiversity.

13. The development shall not commence until (including any demolition, ground works, site clearance) until a Reptile mitigation strategy has been submitted to and approved in writing by the local planning authority. The content of the strategy shall include:
- a) Details of the timings for the establishment of the receptor site and triggers for when translocation can commence
  - b) Identification of ecological impacts, informed by updated ecological surveys where necessary;
  - c) Purpose and ecological objectives for the proposed works;
  - d) Practical measures (both physical measures and sensitive working practices) necessary to achieve stated objectives (may be provided as a set of method statements);
  - e) Extent and location of proposed works, shown on appropriate scale maps and plans;
  - f) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
  - g) Persons responsible for implementing the works, including times when specialist ecologists need to be present on site to oversee works;

The works shall be carried out in accordance with the approved details, unless varied by a European protected species mitigation licence subsequently issued by Natural England. In the interests of securing the maximum benefit for biodiversity, any variation of the agreed mitigation required by Natural England must not result in the reduction of the quality or quantity of mitigation/compensation provided.

Reason: In the interest of ecology and biodiversity enhancement

14. The development shall not commence until details of measures to enhance biodiversity have been submitted to and approved in writing by the Local Planning Authority and shall include the following:
- a) Sparrow terraces within buildings
  - b) Bird and bat boxes throughout the site
  - c) Wildlife friendly gullies

Reason: To protect and enhance biodiversity

15. The development shall not commence until an Arboricultural method statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority. The AMS shall incorporate details appropriate to the construction operations being undertaken and shall include, but not be limited to, a working methodology/phasing for operations with the Root Protection Area (RPA) of any retained tree; consideration of the location and installation of services and drainage; a programme of site monitoring and arboricultural supervision if appropriate; a detailed

schedule of pre-commencement tree works and; a Tree Protection Plan showing the design and location of fencing and/or ground protection necessary to ensure all retained trees can be successfully integrated within the permitted scheme.

No equipment, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority.

Reason: To ensure a satisfactory external appearance to the development.

16. Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:
- i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
  - ii further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure that features of archaeological interest are properly examined and recorded.

17. Development shall not commence until a detailed sustainable surface water drainage strategy been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based on the preliminary strategy prepared by prepared by Country House Developments (April 2016) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of within the curtilage of the site.

Reason: to ensure the proper integration of sustainable urban drainage within the development

18. No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the approved sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
- i) a timetable for its implementation, and
  - ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

19. None of the dwellings hereby permitted shall be occupied until details of the proposed means of foul water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: In the interests of pollution and flood prevention pursuant to the National Planning Policy Framework 2012.

20. The development hereby permitted shall be carried out in accordance with the following drawings;

Site Layout plan 500/KF/003B, Plot 1-7 floorplans 500/KF/004B, Plot 1-7 elevation 500/KF/006B, Plots 8-16 500/KF/005A and 500/KF/007A, Landscape and Enhancement Plans 500/KF/018C and 500/KF/19C, 500/KF/003B, Car ports 500/CM/011A, Clubhouse 500/KF/009C, Bin stores 500/CM/014B, Tree and Hedgerow Protection Plan 500/KF/021, Preliminary Ecological Appraisal and Bat Surveys, Flood risk Assessment, Care Provision information, Design and Access Statement

Reason: For the purposes of clarity.

21.

Case Officer: Ashley Wynn

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 14



## REPORT SUMMARY

<b>REFERENCE NO - 16/505311/FULL</b>		
<b>APPLICATION PROPOSAL</b> Change of Use from a C3 (4 bedroom house) to Sui Generis Use House of Multiple Occupation for 8 flats.		
<b>ADDRESS</b> 47 Freeman Way Maidstone Kent ME15 8AR		
<b>RECOMMENDATION</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>  Given what can be carried out without the consent of the Council under its planning powers the impact of the development in excess of this is considered marginal.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> <b>Cllr Powell has called the application into Committee as a result of concerns regarding parking, footway crossing, drainage grounds and harm to visual amenity and requires the application to be determined by the Planning Committee</b>		
<b>WARD</b> Shepway South	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Mr Daniel Ryan <b>AGENT</b>
<b>DECISION DUE DATE</b> 09/09/16	<b>PUBLICITY EXPIRY DATE</b> 12/08/16	<b>OFFICER SITE VISIT DATE</b> 22/07/16

### 1.0 MAIN REPORT

1.01 This application was deferred by the Planning Committee at its meeting on the 17<sup>th</sup> November 2016 (report attached as **APPENDIX 1**) to enable the following matters to be addressed being:

- Highways impact and usability of the 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 the planning permission;
- Site boundary;
- Disputed facts in the report attached as **APPENDIX 1** in relation to the permitted development position;
- Future residential amenity of the occupiers of the HMO; and
- Status of policy H22 of the adopted Local Plan 2000.

1.02 It was subsequently withdrawn from the Planning Committee meeting on the 17<sup>th</sup> January 2016 to enable assessment of further matters.

### 2.0 Proposal:

2.01 Partly In response to the above a parking layout plan has been submitted showing 4 spaces sited in the front garden area serving the 47 Freeman Way.

### 2.0 CONSULTATIONS

- 2.01 **Kent Highways:** Freeman Way is an unclassified road. Adjacent dwellings have off road parking while road side parking is also available. The road is estimated to be at least 5 metres wide and there have been no injury crashes on Freeman Way or Spencer Way for at least 17 years (source crashmap.co.uk). Have also assessed the submitted parking layout which is acceptable. Based on the above raise **no objection** to the proposed development.
- 2.02 **Housing and Health Officer:** The applicant has been granted an HMO licence under Part 2 of the Housing Act 2004 for up to 8 people in the property. He is aware that the property can be occupied by up to six people and that planning permission is required to enable the property to be occupied by 8 people.
- 2.03 **Southern Water:** No objection but requires an application for a connection to the public foul and surface water sewer to be made by the applicant/ developer.

### 3.0 BACKGROUND PAPERS AND PLANS

- 3.01 The development proposals are shown on site location plans received on the 8<sup>th</sup> and 14 July 2016 and drawing nos:FreemanWay-47-02, 03 and 04 and parking layout plan received on the 23<sup>rd</sup> November 2016.

The application is supported by a letter dated the 8<sup>th</sup> June 2016 and a planning statement.

### 3.0 APPRAISAL

- 3.01 It should be made clear at the outset that the description of the planning application as submitted was for the change of use of the property to an HMO only and not seeking consent for the operational development that had been carried out. The installation of the flank dormer and replacing a garage door with a new wall section and window was work that could be carried out as permitted development as it was undertaken before use of the house as an HMO had commenced. However the description of the application as presented to Members at the Committee meeting on the 17<sup>th</sup> November 2016 incorrectly made reference to that operational development. The revised description therefore removes any reference to operational development. Consideration of the application is therefore restricted to the impact of change of use of the property from an HMO for 6 persons ( which can be carried out as permitted development) to an HMO for 8 persons requiring planning permission which is the subject matter of this planning application. It should also be noted that creation of a vehicle crossover or widening of an access to an unclassified road such as Freeman Way does not require planning permission and would also have been permitted development.

#### **Highways impact and usability of the parking layout;**

- 3.02 Kent Highways have been consulted and are satisfied that taking into account the nature of the local road network, existing parking patterns, absence of accidents in the locality and layout of the proposed parking area that there are no highways or parking objections to the proposal. A plan has been submitted demonstrating that 4 vehicles can park in accordance with standards.
- 3.03 It should also be noted that permitted development entitlements enabling a single family dwelling to be converted to a small HMO brings no requirement to provide any on site parking. As such, while 8 units are being proposed no parking can be required

for 6 units. By providing 4 parking spaces the applicant is in effect making excess provision with a consequential beneficial impact on local on street parking conditions.

**Southern Water impacts;**

- 3.04 Southern Water raises no objection to the proposal but requires an application for a connection to the public foul and surface water sewer to be made by the applicant/ developer.

**Residential amenity of neighbours;**

- 3.05 It can only be reiterated that the house can be already be used as an HMO for 6 persons as permitted development. As such it is considered it would be difficult to differentiate between noise and disturbance in connection with this use and the comings and goings of two additional persons.
- 3.06 Regarding the impact of the external works that have been carried out, as has been made clear in the earlier report attached as **APPENDIX 1** (and will be assessed in more detail later in this report) the work that has been carried out was permitted development and therefore did not fall to be considered by the Council under its planning powers. Conditions imposed by the GPDO on dormers require flank windows to be obscure glazed which will address any loss of privacy concerns due to 1<sup>st</sup> floor flank overlooking.
- 3.07 The remaining key external impact is laying out of the front garden as a parking area. It has been previously recommended to Members that its impact on the street scene will not be significant and this remains the view given the details shown on the detailed parking layout plan that has been submitted.

**Terms of the House in Multiple Occupation (HMO) licence and how the licence fits in with the planning permission;**

- 3.08 The Housing and Health Officer advises the applicant has been granted an HMO licence under Part 2 of the Housing Act 2004 for up to 8 people in the property. Furthermore the applicant is aware that the property can currently only be occupied by up to six people and that planning permission is required to enable the property to be occupied by 8 people.
- 3.09 It should be noted it is possible to grant planning permission for an HMO without an HMO licence first being in place and vice versa. Where planning permission and HMO licence are both required the use cannot commence until approval in connection with both are first in place.

**Site boundary;**

- 3.10 The ownership certificate accompanying the application states that 21 days before the date of the application nobody apart from the applicant was the owner of any part of the land to which the application relates as shown on the red outline plan accompanying the application. In the absence of compelling evidence being submitted to the dispute this the submitted ownership certificate and site plan must therefore be taken at face value.

**Disputed facts in the report attached as APPENDIX 1 in relation to the permitted development position;**

- 3.11 The concern here is the extensions to the property took place **after** the use of building as an HMO had commenced. If this proved to be the case permitted development rights enabling the extensions/external work to be carried out without requiring planning permission from the Council may no longer apply.
- 3.12 The work was not inspected by the Council's own Building Inspectors but independent Inspectors also responsible for ensuring the development complied with the Building Regulations. This body confirms the works described in this application commenced on the 16<sup>th</sup> May 2016. Site photographs taken by the planning case officer on the 22<sup>nd</sup> July 2016 show works in connection with construction of the flank dormer and replacement of the garage door with a section of new wall and a window already largely complete. The applicant confirms first occupation of the building as an HMO commenced in late September 2016. As such it can be reasonably concluded that erection of the flank dormer and installation of the new window took place before use of the dwelling as an HMO commenced.

**Future residential amenity of the occupiers of the HMO;**

- 3.13 The Housing and Health Officer advises an HMO licence has already been granted under Part 2 of the Housing Act 2004 for up to 8 people. As such the size and shape of individual rooms, kitchen/ living area and communal amenity space have already been judged to be of a reasonable standard consistent with the use of the premises as an HMO.

**Status of policy H22 of the adopted Local Plan 2000.**

- 3.14 Policy H22 of the adopted local plan is a material planning consideration and relates to houses in multiple occupation. It states that permission will only be granted if:

(1) THERE WOULD BE NO HARM TO THE AMENITY OF THE INTENDED OCCUPIERS OF THE BUILDING, OR OCCUPIERS OF NEIGHBOURING BUILDINGS NOR TO THE CHARACTER OR APPEARANCE OF THE BUILDING OR LOCALITY; AND

(2) THE PROPERTY IS IN AN AREA WITH A PREDOMINANTLY COMMERCIAL CHARACTER WITH SOME RESIDENTIAL USE; AND

(3) THE PROPERTY HAS ACCEPTABLE ACCESS AND SUFFICIENT CAR PARKING ARRANGEMENTS PROVIDED IN ACCORDANCE WITH THE BOROUGH COUNCIL'S CURRENTLY ADOPTED STANDARDS; AND

(4) THE PROPERTY IS LOCATED WHERE INCREASED TRAFFIC ACTIVITY WOULD NOT BE DETRIMENTAL TO LOCAL AMENITY.

- 3.15 It should be noted the above policy predated changes to permitted development entitlements enabling a dwelling to be used as an HMO for up to 6 persons without planning permission. For the reasons set out above and amplified in the report attached as **APPENDIX 1**, it is considered the impact of two additional persons compared to the change of use that can be carried out as 'permitted development' to use the property as an HMO for 6 persons will not result in any material conflict with the provisions of policy H22 set out above.

**4.0 CONCLUSION**

- 4.01 This remains that given what can be carried out as permitted development i.e. use of the property as an HMO by 6 unrelated persons, the impact of two additional persons is considered marginal. It is therefore considered planning permission should be granted as already recommended.

**5.0 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 vehicle hardstanding hereby approved shall be surfaced in a water permeable material.

Reason: In the interests of the free flow of traffic and highway safety.

3. Details of the size, design and siting of any refuse bin housing shall be submitted for prior approval in writing by the Local Planning Authority and shall be available for use on occupation of the 4<sup>th</sup> bedroom.

Reason: In the interests of amenity.

4. No more than 8 persons shall be resident at the premises at any one time.

Reason: to retain control over the use in the interests of amenity.

5. The development hereby permitted shall be carried out in accordance with the following approved plans: site location plans received on the 8<sup>th</sup> and 14 July 2016 and drawing nos:FreemanWay-47-02, 03 and 04 and parking layout plan received on the 23<sup>rd</sup> November 2016.

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

**INFORMATIVE:**

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

It is the responsibility of the developer to make suitable provision for the disposal of surface water. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.

Due to changes in legislation that came in to force on 1st October 2011 regarding future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Should any sewer be found 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, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application, following receipt of further information, was acceptable.

Case Officer: Graham Parkinson

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 - 16/505311/FULL</b>		
<b>APPLICATION PROPOSAL</b> 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.		
<b>ADDRESS</b> 47 Freeman Way Maidstone Kent ME15 8AR		
<b>RECOMMENDATION</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>  Given what can be carried out without the consent of the Council under its planning powers the impact of the development in excess of this is considered marginal.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> <b>Cllr Powell objects to the proposal on parking, footway crossing, drainage grounds and harm to visual amenity and requires the application to be determined by the Planning Committee</b>		
<b>WARD</b> Shepway South	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Mr Daniel Ryan <b>AGENT</b>
<b>DECISION DUE DATE</b> 09/09/16	<b>PUBLICITY EXPIRY DATE</b> 12/08/16	<b>OFFICER SITE VISIT DATE</b> 22/07/16

**MAIN REPORT****1.0 DESCRIPTION OF SITE**

- 1.01 The application site is occupied by a detached house located on the eastern side of Freeman Way just north of its junction with Spencer Way. The immediate area comprises a mix of mainly detached and semi detached houses falling within the built up area of Maidstone.

**2.0 PROPOSAL**

- 2.01 Consent is being sought to change the use of the property into a house in multiple occupation (HMO) with the property being divided up into 8 separate bedroom units. All rooms have ensuite bathroom and toilet facilities apart from bedroom 3 which has access to bathroom and toilet facilities but which are in a separate module just opposite. Communal cooking and a living room areas are to be provided on the ground floor.
- 2.03 Turning to the external changes that have taken place, the applicant advises that installation of the flank dormer and rooflight have been carried out as 'permitted development' i.e. without the need to seek planning permission from the Council. This work is possible as the property remains a dwellinghouse to which permitted development can be lawfully carried out.

- 2.04 The front garden area will be laid out as parking for 4 cars to compensate for loss of an integral garage which is to be converted into a separate bedroom unit.
- 2.05 The following has also been submitted in support of the application:
- The applicant is part of a national franchise committed to meeting the housing needs of local professionals key workers.
  - A rigorous vetting process will be in place to ensure that tenants meet and maintain high standards.
  - A cleaner and gardener will be employed to ensure that the property is maintained both internally and externally in good condition.
- 2.06 The applicant also notified local residents of the proposal before submitting the application.

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

The National Planning Policy Framework (NPPF)  
 National Planning Practice Guidance (NPPG)  
 Development Plan: H22  
 Submission version of the draft local plan: DM4, DM8

### **4.0 LOCAL REPRESENTATIONS**

- 4.01 Cllr Powell objects to the proposal on parking, footway crossing, drainage grounds and harm to visual amenity and requires the application to be determined by the Planning Committee
- 4.02 A petition has been received with just over 50 signatories objecting to the proposal on the following grounds:
- The loft extension will overlook adjacent properties and create a loss of privacy.
  - The loft extension is visually out of proportion
  - Insufficient parking provision leading to a dangerous situation at the junction of Freeman Way/Garden Close and Spencer Way roads.
- 4.03 10 neighbouring properties were notified of the application – 6 objections have been received that are summarised as follows:
- Concerned about discrepancies in plans.
  - Dormer not in keeping with the character of the area.
  - Additional occupants will overload existing sewer while siting the bin area could be a source of smells to adjoining properties.
  - As only 4 parking spaces are proposed whereas the property is to be converted into 8 units will result in parking conflict while the additional traffic will result in harm to the free flow of traffic and highway safety in the locality.
  - Use as an HMO will appear out of character .
  - Development has gone ahead without planning permission first being obtained.

### **5.0 CONSULTATIONS**

- 5.01 **Housing and Health Officer:** The person in control of the above property has applied for a House in Multiple Occupation License under the Housing Act 2004, Part 2.

## 6.0 BACKGROUND PAPERS AND PLANS

The development proposals are shown on site location plans received on the 8<sup>th</sup> and 14 July 2016 and drawing nos:FreemanWay-47-02, 03 and 04.

The application is supported by a letter dated the 8<sup>th</sup> June 2016 and a planning statement.

## 7.0 APPRAISAL

- 7.01 Members are advised that use of a dwellinghouse as an HMO by not more than 6 residents does not represent a material change of use requiring planning permission as Class L of the GDPO allows the change from a dwellinghouse to a HMO. A HMO can be defined by the relevant government circular as a '**Class C4: Houses in multiple occupation** (3-6 occupants) – in broad terms, the new C4 class covers small shared houses or flats occupied by between 3 and 6 unrelated individuals who share basic amenities. In the circumstances the assessment for this application must turn on whether the impact of two additional residents will have a material harmful impact over that which can be carried out without requiring planning permission from the Council.
- 7.02 In this case it is considered it would be extremely problematic to seek to argue any additional material harm to the character of the area, impact on amenity or erosion to the free flow of traffic or highway safety in the locality when compared with what could be undertaken without planning permission under Class L. A planning condition is proposed to limit the numbers of persons in the property.
- 7.02 In addition though objections have been raised regarding the visual impact of the dormer, this was erected as permitted development without requiring planning permission from the Council as the property was a dwellinghouse at the time of the works. Similarly, the installation of the rooflight and infilling the garage door void and replacing it with brickwork and a window was also be undertaken as permitted development.
- 7.03 The remaining built element i.e. the laying out of the front garden as a parking space only requires planning permission as it appears an impermeable surface is being proposed. However if this was permeable surfacing, again permission would not be required to provide a parking area to the front of the property. In any case its impact on the street scene is considered insignificant and is a common feature seen within many residential areas.

### Other matters

- 7.03 Regarding the capacity of the existing sewer to accommodate the development, in the absence of evidence to support this it is not a matter that can be taken into account in determining this application.
- 7.04 The siting of any the bin storage area has not been shown but given the size of the front garden area it is not anticipated this will result in any harm and is a matter that can be dealt with by condition which is proposed at the end of this report.

- 7.05 Concerns relating to the retrospective nature of the application are noted. However as advised above the external works do not require permission while until 7 or more people occupy the premises the consent of the Council is also not required. The applicant advises he is currently only marketing the property on the basis of being able to rent up to 6 rooms. So far five tenants are in occupation and include one who will be shortly working in a local IT firm while another is currently serving in the army and will shortly be employed by Kent Police. The applicant considers this shows consistency with the tenancy policy set out being that the development will provide high quality, affordable shared accommodation to working professional people such as key workers, graduates.
- 7.06 In connection with privacy concerns, windows to the flank dormer are shown to be obscure glazed and fixed shut and this can be conditioned. The windows shown to the front and rear of the dormer are in elevations already having windows at 1<sup>st</sup> floor level. Given that high level overlooking already exists, additional windows on these elevations will not materially erode existing privacy standards in the locality.

## 8.0 CONCLUSION

- 8.01 Given what can be carried out without the consent of the Council under its planning powers (namely the use of the property as an HMO by 6 unrelated persons) the impact of two additional persons is considered marginal and not sufficient to justify refusing planning permission. It is therefore considered planning permission should be granted as consequence.

## 9.0 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 vehicle hardstanding hereby approved shall be surfaced in a water permeable material.

Reason: In the interests of the free flow of traffic and highway safety.

3. Details of the size, design and siting of any refuse bin housing shall be submitted for prior approval in writing by the Local Planning Authority and shall be available for use on occupation of the 4<sup>th</sup> bedroom.

Reason: In the interests of amenity.

4. No more than 8 persons shall be resident at the premises at any one time.

Reason: to retain control over the use in the interests of amenity.

5. The windows shown to be obscure glazed and fixed shut on drawing no:FreemanWay-47-04 shall be installed with these measures in place before first occupation of the rooms which they serve and maintained as such at all times thereafter.

Reason: To maintain privacy in the interests of amenity.

6. The development hereby permitted shall be carried out in accordance with the following approved plans: site location plans received on the 8<sup>th</sup> and 14 July 2016 and drawing nos:FreemanWay-47-02, 03 and 04.

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

Case Officer: Graham Parkinson

- 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.

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## REPORT SUMMARY

<b>REFERENCE NO - 16/505966/FULL</b>		
<b>APPLICATION PROPOSAL</b> Change of use and conversion of The Railway Tavern to one dwelling; and the erection of a new detached dwelling with parking and landscaping.		
<b>ADDRESS</b> Railway Tavern Station Road Staplehurst TN12 0QH		
<b>RECOMMENDATION</b> Permit		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The public house is not considered to be a valuable local amenity and its loss is not considered significant. The proposed development presents significant benefits in terms of providing a viable use for the listed public house and an improvement to the overall character of the site.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Councillor Brice has requested committee consideration as the issue of the loss of the public house requires committee consideration.		
<b>WARD</b> Staplehurst	<b>PARISH/TOWN COUNCIL</b> Staplehurst	<b>APPLICANT</b> Rectory Lane Limited <b>AGENT</b> Kember Loudon Williams LLP
<b>DECISION DUE DATE</b> 14/09/16	<b>PUBLICITY EXPIRY DATE</b> 03/11/16	<b>OFFICER SITE VISIT DATE</b> 14/10/16 (and previously)
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>		
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>
16/505967/LBC	Conversion of The Railway Tavern to a dwelling and associated works.	Undetermined
13/0440	Listed building consent for single storey rear extension and internal alterations to facilitate a change of use of part of building from A4 use (public house) to create separate A5 use (hot food takeaway).	Permitted
13/0437	Single storey rear extension and change of use of part of building from A4 use (public house) to create separate A5 use (hot food takeaway).	Permitted

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

1.01 The application site is located within the defined village boundary of Staplehurst and at the northern end of the settlement. It is situated off the east side of Station Road (A229) and involves a Grade 2 Listed public house in the southern part with a pub garden behind the building and car park to the north. The public house has been closed for some time and the site fenced off to prevent unauthorised access.

1.02 This is a predominantly residential area with a range of different properties in evidence, mainly of 20th century date, although part of the large industrial estate is located opposite the site off the west side of the main road. To the immediate north of the site is the building and curtilage of the station newsagents; whilst to the rear and south of the site are the rear gardens of houses that front Fishers Road.

1.03 The listed pub has three levels of accommodation although the upper level is essentially in the roofspace. The Railway Tavern consists of a T-shaped building, originally orientated at right angles to the road, which probably dates from the early 17<sup>th</sup> Century. The original building is now almost entirely wrapped by single storey additions of 19<sup>th</sup> and 20<sup>th</sup> Century date. It was probably originally a farmhouse but it was put up for sale in 1842, the year which the railway opened, and was probably converted to a pub soon after to cater for the railway trade (the South Eastern Hotel or Railway Hotel on the corner of Market Street – now converted to flats and known as Dickens Court – opened in 1846 and seems to have been built on the farmhouse's land and may have been a contemporary development to cater for a higher class clientele than the pub).

## **2.0 PROPOSAL**

2.01 In summary the application proposes the conversion of the pub building to a single dwelling; and (following amendments) the erection of a new detached dwelling in the open space to the north of that listed building. The access point to the converted pub would be at the southern end of the site (there is a small integral garage currently in that location) leading to a landscaped parking and turning area for cars on the site frontage. The new house would have its own access drive from Station Road leading to a detached single garage off the south east corner of the house, with a small turning area and landscaped area on the site frontage to that new dwelling. New hardstandings would be of a permeable surface. The rear half of the site would be given over to grassed gardens to both properties, with existing trees on the rear boundaries of the site retained.

2.02 The proposed physical changes for conversion are modest, the main elements being the removal of part of a modern and inappropriate flat-roofed extension on the north end of the building; the reinstatement of walls internally which will partially re-create the original floorplan; and minor changes to fenestration. Materials would generally match existing.

2.03 The new build development involves the erection of a two storey, four-bedroomed detached house of a combination of brickwork, horizontal timber boarding and render under a plain tile roof. The dwelling would feature hipped roofs and a prominent front gable feature to the main road.

## **3.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

MBWLP 2000 Policies: ENV6, H28, R11

MBLP (Regulation 19) Submission 2016 Policies: SP10, DM1, DM2, DM3, DM4, DM18

The Staplehurst Neighbourhood Plan 2016

## **4.0 LOCAL REPRESENTATIONS**

4.01 Staplehurst Parish Council originally stated:

“Councillors wish to see the application REFUSED for the following reasons : whilst the conversion of the Railway Tavern building itself appeared sympathetic (Councillors wished to know the Conservation Officers view), the proposed development of an additional three houses would be over-intensive and unsympathetic to the setting of the Grade II listed

building; there was inadequate parking provision which would cause problems in Station Road and neighbouring streets such as Market Street and Fishers Road where there were already parking restrictions; there were drainage problems in the area relating to a water-course and flooding of the car park, which the application did not recognise; the proximity of the bus stop and parked buses restricted sight-lines, which added to the hazard risk presented by the nearby junctions and fast traffic coming south over the railway bridge. Councillors do not request the application be reported to MBC Planning Committee."

On the amended plans (reducing the proposed three new-build houses to a single detached house) the Parish Council states:

"Councillors regretted the loss of the useful village pub and maintained their recommendation of REFUSAL due to the risk of surface water flooding, the potential consequences of building over the water course and the withdrawal of access to the neighbouring Station Newsagents property. They indicated that were these issues to be addressed they would be prepared to reconsider their position. They also expressed their support for the comment by Kent Highways about the need for adequate parking provision at the front of the building." Followed by:

"Councillors AGREED to make the following additional comments to MBC: (i) the proposed change of use was at variance with NPPF paragraph 70 in that it represented an 'unnecessary loss of valued facilities and services'; (ii) the proposed change of use conflicted with emerging Maidstone Borough Local Plan Policy SP10 paragraph 5: 'the loss of local shops, community facilities and green spaces will be resisted'; (iii) the Railway Tavern was immediately adjacent to the station area identified for commercial development and public realm improvement in the Staplehurst Neighbourhood Plan (Policy GW1) and its presence would complement the envisaged measures."

4.02 A written petition with 60 signatures has been received objecting on the basis that the site floods after heavy or persistent rain. A further written petition with 61 signatures has been received objecting on the basis that the development would deny unrestricted pedestrian and vehicular access to the rear of the property, from Station Road to the gates at the rear of the property. Such access has been available for at least 20 years.

4.03 13 letters of objection have been received from local residents (I have included comments made on the listed building consent application which clearly should relate to the planning application). The summarised grounds of objection are as follows:

a) The loss of the pub should be resisted as it is a valuable local amenity, particularly as the village is experiencing significant growth. The expanded village needs to retain its community facilities. The pub could be a viable business if it was managed properly and the right investment was made. The loss of the pub would represent a loss of employment opportunities.

b) The pub has not been marketed properly. Information provided is misleading and, contrary to statements made in the application, there has been genuine interest from the pub industry in acquiring it as a pub business.

c) Staplehurst does not need this new housing in view of large volume being built elsewhere in the village.

d) The development would deny the rights that have accrued over the years for customers of the newsagents to park on the pub car park. The development would deny access to the newsagent's garage. The proposals should make provision for local residents to park on the redeveloped site.

e) A watercourse runs along the southern boundary of the site. The site floods and this would get worse as a result of the development.

## **5.0 CONSULTATIONS**

5.01 KCC Highways and Transportation points out that this is a sustainable location and that the proposed development would be likely to generate less traffic than a functioning pub use. There is generally no objection subject to conditions but comments are made that a proposed small area of hedge planting in front of the pub conversion should be removed to ensure that two spaces can be provided on that frontage.

5.02 Historic England has no comment.

5.03 KCC Archaeology points out the potential importance of this locality in terms of Roman, Medieval and Post-Medieval remains and recommends that either an additional archaeological assessment be carried out pre-determination or, if deemed more appropriate, conditions be attached to secure that further assessment and to secure a programme of building recording.

5.04 The Upper Medway Internal Drainage Board (UMIDB) has no objection.

5.05 UK Power Networks, Scotia Gas Networks and Southern Water have no objection.

5.06 MIDKENT EHSS has no objection subject to conditions on the issues of contamination and internal noise levels.

5.07 The MBC Conservation Officer has no objection: see detailed discussion below.

5.08 The MBC Landscape Officer has no objection.

## **6.0 APPRAISAL**

### **Principle of Development**

6.01 The application site is located in a village location that is clearly well related to basic services and public transport. Looking at Development Plan Policy and Central Government Guidance, sustainable locations such as this one are the preferred choice for new housing.

6.02 The Council is now able to demonstrate a 5 year supply of housing land but opportunities need to be taken to maintain supply, particularly on previously developed land in sustainable urban and village locations. The emerging Local Plan designates Staplehurst as a rural service centre and therefore appropriate for new housing development.

6.03 The Staplehurst Neighbourhood Plan 2016 contains no specific policies relating to the retention, or otherwise, of the pub but Policy GW1 places the pub at the margins of the railway station area identified for redevelopment and public realm improvement.

### **The Loss of the Public House**

6.04 'Saved' Local Plan Policy R11 states:

*"In considering planning proposals which would involve or require the loss of existing post offices, pharmacies, banks, public houses or class A1 shops selling mainly convenience goods, particularly in villages, consideration will be given to the following:*

- (1) firm evidence that the existing uses are not now viable and are unlikely to become commercially viable; and*
- (2) the impact on the local community and especially on those economically or physically disadvantaged; and*
- (3) the availability of comparable alternative facilities in the village or the local area; and*
- (4) the distance to such facilities and the availability of travel modes other than by private motor vehicle”.*

6.05 Paragraph 70 of the NPPF states that planning policies and decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

6.06 The application is accompanied by a report on the viability of the premises by a specialist in licensed property at James A Baker Chartered Surveyors. He points out that there are approx. ten other public houses within a three mile radius of the site, including The Kings Head in Staplehurst. The report makes the following points that lead to a conclusion that the future of the site as a public house is not viable:

a) This has been a 'wet-led' pub business. Such pubs currently face a challenging market leading to closures.

b) There appears to have been very limited investment up to the point of closure. The premises would require considerable investment to develop a 'food-led' business with potentially limited opportunities to alter the layout given the listed status. Kitchen heights are low and the pub only accommodates 35 dining covers which is low. The size of the upper floors does not offer scope for a guest house/b and b operation. It would not make economic sense to invest in an outlet with such limited trading potential.

c) The premises faces competition from other pubs in the area, notably The Kings Head within Staplehurst which is a traditional pub, better situated in the village centre, and offering an extensive food menu.

No accounting information is available but profits are estimated to have been low and the report concludes that the pub would not be able to trade at a level which would provide an operator with a reasonable profit and be maintained. In supplementary submissions the surveyor points out that comparison with other individual pubs are not helpful as other premises may be better located and present the opportunity for several income streams like, for example, larger dining areas and letting rooms.

6.07 The application is also accompanied a report by Greensand Asset Management which deals principally with the sale, acquisition and estate management of pubs, hotels and other leisure properties in the south east. They advise that previous owners Enterprise Inns had not succeeded in recruiting a lessee for the property and so Greensand were employed to advise on the disposal of the property. From June 2015 to November 2015 (when the current owners bought it) the property was marketed on a freehold and leasehold basis and again from December 2015 to date. No interest was received in terms of running the pub as a going concern, although other interest was expressed in terms of a convenience store use, a children's nursery use and restaurant use, although interest did not progress to offer stage. The conclusion is reached by Greensand that the pub is not viable given the local competition; poor trading levels; and the general changes in the market.

6.08 The pub has not been the subject of an application to this Council as a Community Asset under Section 88 of the Localism Act.

6.09 I consider there is strong evidence to indicate that the pub is not viable, or potentially viable. On the renovation issue raised in the viability reports, whilst a complete rebuild or wholesale alteration may be acceptable to more modern areas of the pub where change would be less sensitive, there may be significant hurdles in terms of enlarging or altering the bar area (that would presumably form the restaurant space) as this is the historic core area of the building. Similarly there would seem to be little latitude in terms of increasing the upstairs accommodation for guest or b & b accommodation.

6.10 Given this background I do not consider that objection should be raised on the basis of the loss of the pub as a community asset. The point has been made that the village is undergoing significant expansion and that the expanded village will need community facilities. The expansion of the village has been well publicised and I must presume that potential new operators were aware of that in considering purchase or taking on a lease. There is also the issue of there being alternative public house facilities in the local area.

### **Visual Impact and Impact on the Listed Building**

6.11 Another important consideration here is that when considering listed building consent applications or any decision on a planning application for development that affects a listed building or its setting, a Local Planning Authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This obligation is found in The Planning (Listed Buildings and Conservation Areas) Act 1990.

6.12 The introduction of new-build housing on the northern portion of the site presents challenges in terms of achieving a design that safeguards the setting of the listed building and the character of the area generally. These issues have been the subject of pre-application advice and discussion during the course of the formal application resulting in amended plans reducing the 'intensity' of the scheme. I agree with the Heritage Statement that the land to the north proposed for development, which currently largely forms the car park, does not make a positive contribution to the setting of the listed building in its current state. This includes the wide access point to the road and the extent of tarmac surfacing that essentially covers the whole gap between the pub and the neighbouring shop. In addition to that, from a historical perspective, there were previously buildings on this part of the site, albeit probably outbuildings to the pub. Given this background, I consider that an infill development between the converted pub and the newsagents is acceptable, particularly given the opportunity to significantly improve the setting of the pub building and the general character of the area.

6.13 The change from the previously proposed terrace of three houses to a single dwelling has been the subject of negotiation and I consider the scale and design detail of the 'new-build' to be appropriate. I do not consider the proposals would have any negative impact on the character of the area which is an area of mixed character, predominantly residential, with a range of different properties in evidence, mainly of 20th century date, and some industrial structures.

6.14 Turning to the impact on the building, I consider that the removal of unsympathetic elements, the various proposed alterations and the introduction of a new viable use for the building would improve its condition and character. I agree with the Conservation Officer who states:

"The proposals for conversion are largely sympathetic and would in many ways be beneficial to the listed building by the removal of at least part of a modern and inappropriate flat-roofed extension and the reinstatement of walls internally which will partially re-create the original

floorplan.” (His concerns over the previously proposed removal of a chimneybreast and chimney in the 19<sup>th</sup> Century northern addition have now been rectified.)

6.15 These environmental improvements would seem to be in accord with the Neighbourhood Plan’s aim to improve the general area around the station and the northern approaches to the village, much of which is dominated by railway/highways infrastructure and extensive areas of vehicle parking space. I consider the proposals represent significant benefits in terms of providing a new use for the listed building; preserving and enhancing its fabric and character; and improving its setting, not least through the removal of extensive areas of hardstanding around the building.

### **Residential Amenity**

6.16 The conversion of the pub and the new-build dwelling are positioned and designed so that there would be no significant loss of outlook, light or privacy to any neighbouring property.

6.17 The pub has the potential to generate a significant level of noise and disturbance to local residents, often at unsociable times of the day. In that respect, residential amenity is likely to improve as a result of the scheme as the dwellings are unlikely to generate the same ‘comings and goings’ from vehicles and pedestrians, noise from amplified music, etc. as the pub.

6.18 The prospective occupiers of the new dwellings would be likely to enjoy at least a reasonable standard of living with each being provided with sizeable private garden areas behind their main frontages. Looking at the comments of the Environmental Health Officer I am satisfied that road noise here is not sufficiently problematical to warrant a condition requiring noise insulation; nor am I convinced that there is a significant likelihood of ground contamination so as to warrant a condition on that issue.

### **Highways**

6.19 There is no substantive objection here from KCC Highways and Transportation. I consider that the revised access arrangements would provide for a safe access to the public highway. There would be on-site parking and turning for 2 cars for each dwelling which I consider adequate for two large dwellings in a sustainable location. I consider the parking and turning arrangements acceptable as shown for the converted pub and I do not consider the loss of the proposed hedging (as suggested by the Highways Officer) to be necessary, particularly given the advantages of properly landscaping this site.

6.20 The pub, if open, could potentially generate a significant volume of traffic and, in my view, the dwellings proposed here would be likely to generate significantly less car traffic than that; and certainly less commercial vehicle visits. Consequently the scheme would not have any negative impact on the safe and free flow of traffic on the public highway or cause congestion on the local highway network.

6.21 The newsagents and others making representations claim the right to park on the premises and that would clearly be denied by the development proposed. The lawful use of that land is as a pub carpark, not a public carpark for those using the shop and local facilities. As I have advised the newsagents, if some form of user-rights have accrued then that is a private legal matter that should be addressed through private legal action not through the planning system. I understand that a temporary agreement was previously in place to allow such parking but that has been terminated. The developers deny such rights now exist and will not make provision in their scheme for any element of shop-related or

public parking space. The benefits of reuse of the listed building and new residential units are considered to outweigh the loss of any informal parking.

### **Landscaping and Ecology**

6.22 No trees on this site are TPO protected. There are small trees/hedging around the margins of parts of the rear of the site which are to be retained. The whole site would be the subject of a detailed landscaping scheme, the indication being that boundary vegetation would be retained and the frontages of the houses would be landscaped as a replacement for the extensive tarmac that impacts on the setting of the building. I consider this acceptable and there are significant landscape benefits in terms of the replacement of the extensive hardstanding areas on this site with soft landscaping.

6.23 As may be expected given the condition of the site, the preliminary ecological appraisal found the site to be of low value. A follow-up bat emergence survey found it unlikely that the buildings support a bat roost but that foraging occurs in the garden. No further survey work is deemed necessary but the use of indigenous species landscaping is encouraged. I consider that further ecological enhancements can be secured by a suitably worded condition.

### **Other Matters**

6.24 Representations raise the issue of localised flooding. The site is not within an identified flood zone, nor have any objections been received from Southern Water or the UMIDB. It seems to me that the removal of hardstandings and replacement with soft landscaping/permeable surfacing would be likely to ease any surface water flooding and I see that the developers have offered to clear out the ditch at the southern edge of the site, despite it being beyond their land ownership. There are no justifiable grounds to object here on flooding grounds.

6.25 Looking at the views of the County Archaeologist, I am satisfied that the required evaluation can be dealt with by condition. The developers have already provided some information on this and I am in consultation with the archaeologist as to its adequacy and the wording of any condition(s).

## **7.0 CONCLUSION**

7.01 Whilst the loss of public houses to the community is generally regrettable, the economic reality is that many are closing, particularly where such pubs are heavily reliant on the sale of liquor products and have limited potential to develop the food side of the business. That is the case here and there is an alternative public house within the village. The scheme is well designed and presents advantages to the listed building and its setting. I therefore recommend approval of the application.

7.02 The related listed building consent application ref. 16/505967/LBC can only be concerned with physical changes to the listed building. Those issues are not the subject of the call to committee nor has any party made objection on those grounds. I therefore intend to determine that listed building consent application under delegated powers.

## **8.0 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:

site location plan and drawing nos. 3487.01, 03, 04 received 20/7/16; and drawing nos. 3487.14, 15, 16 received 10/10/16.

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

(3) Before development commences on the listed building or before works on the new-build house reach damp proof course level (whichever is the sooner) written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted 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.

(4) Before development commences on the listed building or before works on the new-build house reach damp proof course level (whichever is the sooner) a scheme of hard and soft landscaping, using indigenous species, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management shall be submitted to and approved by the Local Planning Authority. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and shall include full details of proposed means of surfacing and boundary treatments;

Reason: No such details have been submitted.

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

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

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

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

(7) No development falling within Schedule 2, Parts 1 and 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) shall take place on the site without the prior written consent of the Local Planning Authority;

Reason: To ensure the character of the site is maintained.

(8) Before development commences on the listed building or before works on the new-build house reach damp proof course level (whichever is the sooner) full details of the external joinery to be used in the construction of the building(s) hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed in accordance with the approved details;

Reason: To ensure a satisfactory appearance to the development.

(9) Before development commences on the listed building or before works on the new-build house reach damp proof course level (whichever is the sooner) details of a scheme for the enhancement of biodiversity on the site (including a timetable for implementation) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods by means such as swift bricks, bat tubes, bat boxes, etc. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter;

Reason: To enhance the ecology of the site.

Case Officer: Geoff Brown

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



**16/507377 The Gables**

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## REPORT SUMMARY

<b>REFERENCE NO - 16/507377/FULL</b>		
<b>APPLICATION PROPOSAL</b> Erection of one detached dwelling with car parking provision, new access.		
<b>ADDRESS</b> The Gables Maidstone Road Sutton Valence Kent ME17 3LS		
<b>RECOMMENDATION</b> - The Head of Planning & Development be given delegated powers to Grant planning permission subject to the expiry of the newspaper advert and no material new issues raised.		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>  The proposal, by virtue of its siting between two existing houses, the relatively sustainable location, the retention of all existing planting/hedging along the A274, the existence of many mature existing trees within the site, the subservient design and the position of the access away from the A274, results in negligible impact on the openness or rural amenities of the countryside thereby, in the particular circumstances of this case, resulting in grounds to override Policy ENV28 and emerging Policy SP17 and grant planning permission.		
<b>REASON FOR REFERRAL TO COMMITTEE</b>  Called in by Sutton Valence Parish Council who have recommended permission is refused. The proposal is also a departure from the development plan.		
<b>WARD</b> Sutton Valence And Langley	<b>PARISH/TOWN COUNCIL</b> Sutton Valence	<b>APPLICANT</b> Mr & Mrs R White <b>AGENT</b> Consilium Town Planning Services Limited
<b>DECISION DUE DATE</b> 15/12/16	<b>PUBLICITY EXPIRY DATE</b> 07/12/16	<b>OFFICER SITE VISIT DATE</b> 16.11.16
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>		

App No	Proposal	Decision	Date
07/2377	Two storey side extension	Approved	11.01.2008
04/2252	Two storey side extension	Refused	24.01.2005
		Appeal Dismissed	17.11.2005
97/0898	Erection of two storey side extension	Refused	31.07.1997
95/0039	Single storey side extension	Approved	15.02.1995
94/1203	Erection of first floor extension to rear elevation and single storey ground floor extension/glazed canopy to side and rear elevations	Approved	27.10.1994
84/1752	Two storey side extension	Approved	01.02.1985
78/1741	Rear extension to form kitchen and shower room	Approved	09.01.1979

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The site lies within a cluster of buildings which splay out from the Five Wents crossroads where the A274 (Maidstone Road) and B2163 meet. There are approximately ten houses, a public house, garage and commercial unit within this

cluster of development.

- 1.2 The Gables is a large detached house within a spacious plot which adjoins the cross roads. The Gables fronts on to the Maidstone Road but has its access off the B2163 (Leeds Road). The property has several outbuildings close to its access with the B2163. Roseman lies to the northeast of The Gables and is a detached single storey bungalow within a very large plot. Ulcombeden is a detached bungalow which lies to the southeast of The Gables. Ulcombeden fronts on to Maidstone Road, has its access of this road and is set back substantially within its plot.
- 1.3 There are two Listed Buildings within the vicinity of the application site being the Public House and Homewell House but neither of these properties directly adjoins the application site.
- 1.4 The application site is formed by combining parts of the gardens of two properties, The Gables and Roseman. Both these properties have irregular, "triangular" shaped plots and the proposal would somewhat regularise these plot shapes and form a new plot adjacent to, and on the southeast side of, The Gables. The proposal would conform to the existing building line of The Gables in relation to Maidstone Road.
- 1.5 Access is proposed via a new access off the B2163 Leeds Road adjacent to the existing access serving Roseman. No new access is proposed off the main A274. New boundary treatments would be established between the properties to delineate the new plots.
- 1.6 There are a number of existing mature specimen trees on the site and an arboricultural report has been provided.
- 1.7 The new property would have a lounge, reception room, large hall, utility, WC, and kitchen/dining room at ground floor, with four bedrooms within the roof space. The roof space would be served by three dormer windows (one to the front elevation and two to the rear), two front facing gable end windows, and two rooflights on the rear elevation serving the stairs and en-suite.
- 1.8 Materials are proposed to be render and face brickwork with grey concrete interlocking tiles. A detached double garage is also proposed to the north of the new dwellinghouse.

## **2.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF) 17, 32, 57 and 58  
National Planning Practice Guidance (NPPG)  
Development Plan: ENV28  
Emerging Local Plan: Draft Policy SP17, DM1 and DM34

## **3.0 LOCAL REPRESENTATIONS**

- 3.1 Parish Council: The Parish Council wish to see this application refused and are prepared to go to Committee. This is unnecessary back garden development and access is too close to the crossroads.
- 3.2 Neighbours: No response

## **4.0 CONSULTATIONS**

- 4.1 KCC Highways: No objection subject to conditions.
- 4.2 KCC Heritage: No objection subject to conditions.
- 4.3 Conservation Officer: I raise no objection on heritage grounds.
- 4.4 Environmental Health: No objections.

## **5.0 BACKGROUND PAPERS AND PLANS**

- Existing and Proposed Block Plan 3729/p02 received on 21.10.16
- Site Plan received on 20.10.16
- Proposed Elevations and Floor Plans 3729/sk02 received on 13.10.16
- Proposed Access Plan 3729/p04 received on 05.12.16
- Arboricultural Impact Assessment and Preliminary Method Statement dated 26.09.16, received on 13.10.16
- Planning Statement received on 13.10.16
- Arboricultural Survey dated 26.09.16, received on 13.10.16
- Design and Access Statement received on 13.10.16

## **6.0 APPRAISAL**

### ***Principle of Development and Policy Background***

- 6.01 The site lies within the open countryside where Saved policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 states:-

*In the countryside planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers, and development will be confined to:*

- (1) That which is reasonably necessary for purposes of agriculture and forestry; or*
  - (2) The winning of minerals; or*
  - (3) Open air recreation and ancillary buildings providing operational uses only; or*
  - (4) The provision of public or institutional uses for which a rural location is justified; or*
  - (5) Such other exceptions as indicated by policies elsewhere in this plan.*
- Proposals should include measures for habitat restoration and creation to ensure that there is no net loss of wildlife resources.*

- 6.02 The proposed development does not fit into any of the exceptions set out in policy ENV28 hence why it will need to be advertised as a departure if approved.
- 6.03 In terms of emerging policies from the submitted version of the Draft Maidstone Local Plan 2016, policy SP17 seeks to protect the countryside from harm and sets out development which will be considered acceptable, again, the current proposal does not fall within any of the prescribed criteria; policy DM1 sets out principles of good design and policy DM34 allows for high quality of design development in the countryside provided certain criterion are met.
- 6.04 Paragraph 17 of the NPPF requires planning to “take account of the different roles and character of different areas... recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities.”

- 6.05 Paragraphs 57 of the NPPF attaches great importance to the design of the built environment and considers it key to sustainable development. It is indivisible from good planning and should contribute positively towards making places better for people.
- 6.06 Paragraph 58 of the NPPF states that developments should function well and add to the overall quality of an area, establish a strong sense of place, optimise the potential of the site to accommodate development, respond to local character and history, create safe and accessible environments and be visually attractive as a result of good architecture and appropriate landscaping.

***Visual Impact and Impact on Character and Appearance***

- 6.07 It is acknowledged that the site lies outside any defined settlement boundary and accordingly fails to comply with Policy ENV28 and emerging Policy SP17. However, the main aim as identified in ENV28, is to protect the countryside from harm to the character and appearance of the area or the amenities of surrounding occupiers. The proposal should therefore be assessed on the basis of whether actual harm to the character and appearance of the area or impact on neighbours can be identified.
- 6.08 In the circumstances of this application, the proposal would not open the site up to the Maidstone Road as access is proposed via the Leeds Road, and therefore the existing tree and hedgerow lined boundary along the Maidstone Road boundary would remain. Due to the low level design of the bungalow, being 6.1m to ridge and set back within the site by between 11m and 13m from the Maidstone Road boundary, the proposed dwelling would have an extremely limited impact on the streetscene, being barely discernible from the main highway. The siting of the proposed dwelling between The Gables and Ulcombeden would also mean that the proposal is not encroaching in to the open countryside but merely making use of two large gardens within an existing hamlet. It is my view that should permission be granted the new dwelling would not read as being out of context with the existing pattern of development. Due to the size of the existing plots serving The Gables and Rosmann each property would still retain a good sized plot and the new plot created would also be of a good size resulting in a development which cannot be regarded to be overdevelopment of the site in my view.
- 6.09 It is for these reasons that the proposal is not considered to give rise to harm to the character and appearance of the area. In the absence of harm I am of the view that material considerations exist to override the exceptions set out within adopted Policy ENV28 as the main thrust of the policy would be met, as would the aims of draft Policy SP17 which also seeks to prevent harm.
- 6.10 The site lies between Warmlake and the Sutton Road end of Maidstone where there are good bus links to Maidstone and Headcorn and occupiers could access the services at Sutton Valance on foot. For these reasons future occupiers would not be totally reliant on the private motorcar. This assessment accords with that of recent Inspectors on nearby sites where housing has recently been allowed, notably 'Homewell House' opposite the site from February 2017.
- 6.11 In addition to the above, the design of the dwelling and the proposed double garage, in terms of their scale, form, aesthetic and materials would also be in keeping with the locality thereby respecting the site and its surroundings. For these reasons the proposal would accord with Paragraphs 17, 57 and 58 of the NPPF and Emerging Policies DM1 and DM34 in relation to design and visual amenity.

### ***Residential Amenity***

- 6.12 The proposed dwelling would be located and orientated in such a way that the development would not give rise to loss of privacy to either The Gables, Rosemann or Ulcombeden and generous separation distances would remain flank to rear between the proposal and Ulcombeden, being 35m in this case. No first floor flank windows or roof windows are proposed and, accordingly the proposal would not result in loss of privacy to The Gables or Ulcombeden. Again, the separation distances flank-to-flank between the proposal and The Gables would be 8m which is a generous distance ensuring no loss of outlook would arise. The rear elevation of the proposal would be sited 20m away from the front corner of Ulcombeden and would have oblique views from the proposed bedroom four however these would be of the front garden area of the neighbour and the rear (private amenity area) would remain unaffected. Whilst the applicant has annotated this window to be obscured glazed I do not consider it to be necessary due to the separation distances and the outlook from the window.
- 6.13 I therefore am of the view that the proposed dwelling would not give rise to harm to residential amenity thereby complying with the neighbour amenity requirements of Adopted Policy ENV28 and emerging Policy DM1 in turn the proposal would accord with Paragraph 17 of the NPPF.

### ***Highways***

- 6.14 The proposed new access would be located directly south of the existing access serving Rosmann, being off the Leeds Road. KCC Highways have assessed the proposed access and raise no objection on highway safety as the site would accommodate suitable levels of parking and turning space. For these reasons I am of the view that the proposal would accord with Paragraph 32 of the NPPF and criteria ix of Draft Policy DM1 of the emerging Local Plan.

### ***Landscaping***

- 6.15 The application has been accompanied by an Arboricultural Survey, Impact Assessment and Preliminary Method Statement prepared by PJC Consultancy. There are two Cat A trees, several Cat B trees and several Cat C in the vicinity of the application site. It is proposed that T1-4, G5, T6-8 be removed to allow for the access drive and garage to be constructed. All other trees would remain. Details of root protection areas, method of tree fencing and a temporary area of ground protection around the Root Protection Area for T10 are proposed in full. The trees to be removed are T1 – Lawson Cypress, T2 – English Oak, T3 – English Oak, T4 – Sycamore, G5 - Lawson Cypress, T6 – Sweet Chestnut, T7 – Sweet Chestnut and T8 – Ash. It should be noted that these are all Cat B and Cat C trees. The main trees along the Maidstone Road frontage would remain, which includes a Cat A English Oak and a Cat A Scots Pine within the garden of The Gables.
- 6.16 The arboricultural survey, removal plan, root protection zones and tree protection measures are all considered to be acceptable and would ensure that the main trees on the site, and those within the highest amenity value to the public domain, are retained and protected for the life of the build. Provided a landscaping scheme is provided by condition and that no pedestrian access is provided with the landscaping along the Maidstone Road, I am of the view that the proposal would be appropriate in terms of trees and future landscaping.

### ***Other Matters***

- 6.17 The site lies within an area of archaeological protection and a watching brief has been recommended by KCC Heritage. I agree with the recommended condition which will adequately address the matter of below ground archaeology. The development has no effects on the setting of the listed buildings to the west and northwest due to the distance an intervening development.

## **7.0 CONCLUSION**

- 7.1 In light of the above considerations, whilst the site falls within the countryside, due to the particular circumstances of the site, the retention of the Maidstone Road frontage landscaping and trees, the subservient nature of the design, and the conformity with the existing building line and pattern of development,; the proposal has been found to not result in an unacceptable level of harm to the character or appearance of the area. Similarly, the proposal has been designed to respect the amenity of neighbouring properties, respect and protect the significant trees on the site, provides a safe access with ample on-site parking, turning and garaging, and is at a relatively sustainable location. In addition, the overall design of the new dwelling is considered to be appropriate for the site in terms of siting, scale, layout and materiality. These circumstances specific to this application are considered sufficient grounds to depart from policy ENV28 in respect of the types of developments listed under this policy, and emerging Policy SP17 of the Draft MLP; and accords with paragraphs 17, 32, 57 and 58 of the NPPF and policies DM1 and DM34 of the Draft MLP. As such permission is recommended subject to the following conditions.

- 8.0 RECOMMENDATION** – The Head of Planning & Development be given delegated powers to grant planning permission subject to the expiry of the newspaper advert and no material new issues raised, and subject to the following conditions:

### **CONDITIONS:**

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

Reason: To comply with the requirements 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:

Existing and Proposed Block Plan 3729/p02 received on 21.10.16, Site Plan received on 20.10.16, Proposed Elevations and Floor Plans 3729/sk02 received on 13.10.16, Proposed Access Plan 3729/p04 received on 05.12.16, Arboricultural Impact Assessment and Preliminary Method Statement dated 26.09.16, received on 13.10.16, Arboricultural Survey dated 26.09.16, received on 13.10.16.

Reason: To clarify which plans have been approved.

3. The development shall not commence above slab level until written details and samples of the materials to be used in the construction of the external surfaces of the building(s) 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.

4. The development shall not commence above slab level until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

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

5. Prior to the commencement of development above slab 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.

6. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them.

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

7. The approved details of the access shall be completed before the commencement of the use of the land or buildings hereby permitted

Reason: In the interests of road safety.

8. Any gates at the vehicular access to the application site must be set back a minimum of 5m metres from the back edge of the footway or highway boundary.

Reason: In the interests of highway safety.

9. No retained tree as shown on drawing number PJC/4149/16B contained within the Arboricultural Impact Assessment and Preliminary Method Statement received on 13.10.16 shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. If any retained tree is removed, uprooted or destroyed or dies, a replacement tree shall be planted and that tree shall be of such size and species, and shall be planted at such time and in a position to be agreed with the local planning authority, as may be specified in writing by the local planning authority;

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

10. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection as detailed within the Arboricultural Impact Assessment and Preliminary Method Statement received on

13.10.16 except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

Reason: In the interests of arboricultural amenity

11. No pedestrian access shall be formed within the existing landscaping/hedge along the boundary of the site with Maidstone Road unless express permission has been given by the Local Planning Authority.

Reason: In the interests of the character and appearance of the streetscene.

12. The development shall not commence above slab level until a plan has been submitted to and approved by the Local Planning Authority which details the location of the existing mature conifer hedge between The Gables and Rosmann. The identified hedge shall be retained on the site in perpetuity unless permission is granted for its removal by the Local Planning Authority. . If any part of the hedge is removed, uprooted or destroyed or dies, a replacement section of hedge shall be planted and that hedge shall be of such size and species, and shall be planted at such time and in a position to be agreed with the local planning authority, as may be specified in writing by the local planning authority;

Reason: In the interests of visual and residential amenity.

13. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

14. Prior to the occupation of the building hereby permitted, a minimum of one electric vehicle charging point shall be installed upon or within the approved garage building. The charging point shall be maintained and retained in perpetuity.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with paragraph 35 of the NPPF.

15. The development shall not commence above slab level until details for a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the dwellinghouse by means such as swift bricks, bat tubes or bricks. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

Reason: To protect and enhance the ecology and biodiversity on the site in the future.

16. No development shall take place above slab level until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed. It shall include a planting specification, a programme of implementation and a 5 year management plan.

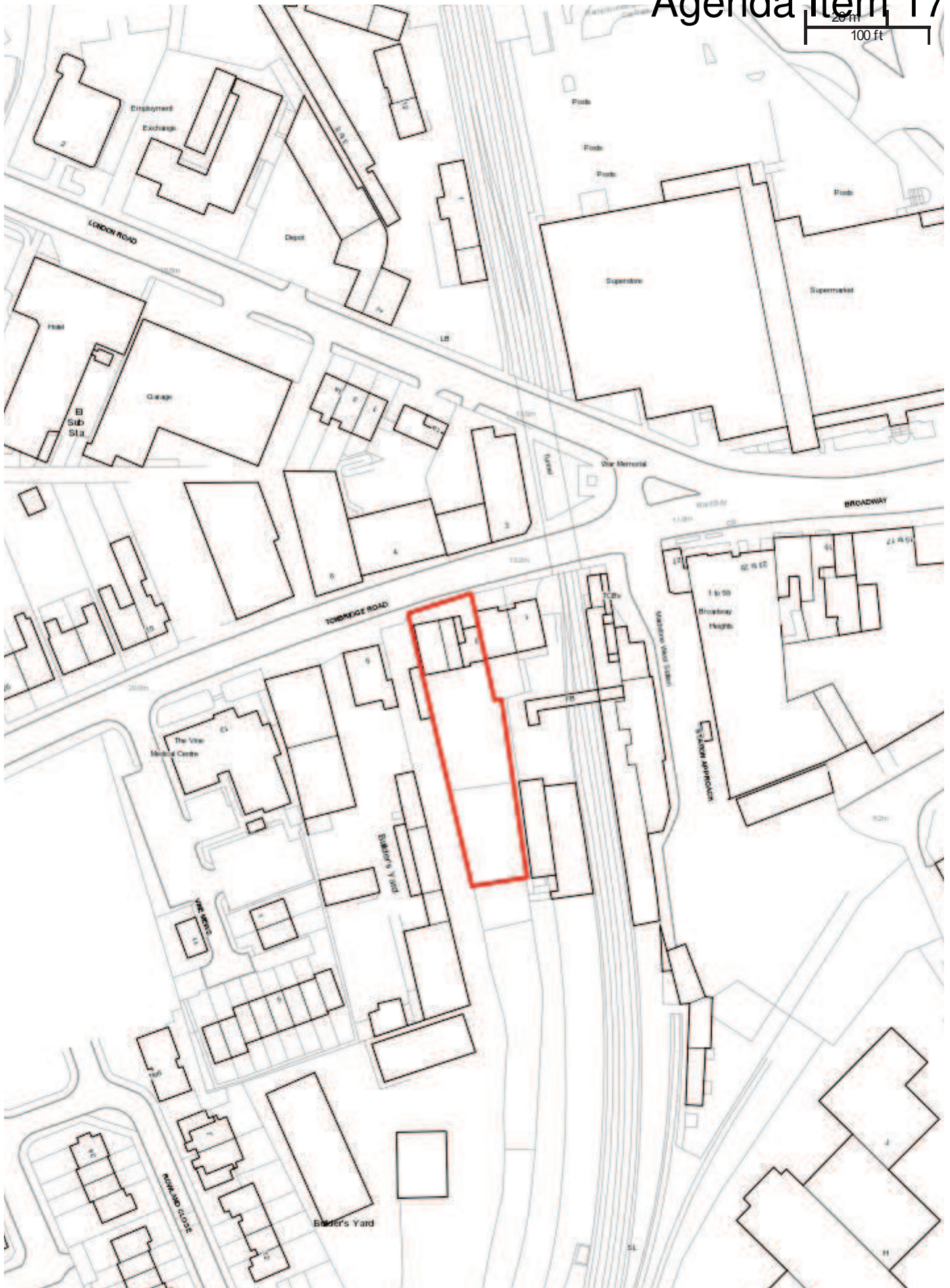
Reason: In the interests of visual amenity and landscape impact.

17. All planting, seeding and turfing specified in the approved landscape details shall be completed no later than the first planting season following occupation. 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 five 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: In the interests of visual amenity.

Case Officer: Lucy Harvey

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



16/507491 3 Tonbridge Road

Scale: 1:1250

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## REPORT SUMMARY

16 March 2017

<b>REFERENCE NO - 16/507491/FULL</b>		
<b>APPLICATION PROPOSAL</b> Demolition of the existing building and erection of 19 no. apartments		
<b>ADDRESS</b> 3 Tonbridge Road, Maidstone, Kent, ME16 8RL		
<b>RECOMMENDATION</b> GRANT PLANNING PERMISSION SUBJECT TO PLANNING CONDITIONS		
<b>REASON FOR REFERRAL TO COMMITTEE</b> <ul style="list-style-type: none"> <li>• Call in from Councillor Paul Harper and Councillor Keith Adkinson on the grounds that the proposal will result in the loss of employment land, that the proposal represents overdevelopment of the site and in relation to the associated issues traffic movement onto Tonbridge road outside of office hours.</li> <li>• The proposal represents a departure from the adopted development plan.</li> </ul>		
<b>WARD</b> Fant	<b>PARISH/TOWN COUNCIL</b> N/A	<b>APPLICANT</b> Tonbridge Rd Development Ltd <b>AGENT</b> Go Planning Ltd
<b>DECISION DUE DATE</b> 01/02/17	<b>PUBLICITY EXPIRY DATE</b> 30/01/14	<b>OFFICER SITE VISIT DATE</b> 28/11/2016

### RELEVANT PLANNING HISTORY (Inc. relevant history on adjoining sites):

- Application site at 3 Tonbridge Road  
16/508704/PNOCLA Prior approval given on the 10 February 2017 for the change of use of an office to 7 no. residential units after considering transport and highways impacts; contamination risks; flooding risks and impact of noise from commercial premises on the intended occupiers of the development.
- 16/505584/FULL Application withdrawn on the 4 October 2016 following advice from officers for the demolition of the existing building and erection of 21 no. apartments.
- 16/501842/PNOCLA Determination that prior approval was not required on the 23 June 2016 for the change of use of a building from office use to provide 9 No. apartments after considering transport and highways impacts of the development, contamination risks on the site and flooding risks on the site. (This decision relates to the semi-detached building that is not part of the current application site).
- 16/501674/FULL Permission granted on the 9 May 2016 for proposed external changes consisting of, additional dormer to rear elevation, additional dormer to side elevation, removal of front door at ground and basement level to front elevation. (This decision relates to the semi-detached building that is not part of the current application site).
- MA/PN/14/0001 Determined that prior approval not required on the 18 February 2014 in respect of the change of use office building to up to 9 self-contained flats
- 09/1827 Permission refused on the 28 January 2001 for the demolition of existing office block and erection of part five storey part six storey building comprising 14 no. two-bedroom apartments with associated parking. Permission refused for the following reasons:

- 1) *The proposed development lies within an area designated as being for B1 uses only. As such, the proposal for the provision of housing, with no clear demonstration that the viability of the continued use of the site has been fully explored, and is proved to be unsuitable for this purpose, fails to comply with Policy ED2 (xxvi) of the Maidstone Borough Wide Local Plan 2000.*
  - 2) *The proposed building, by virtue of its scale, and exacerbated by its poor quality and unarticulated design would fail to respond positively to the existing form of development within the locality, and would be a dominant and obtrusive feature within the context of the site (which is an elevated site, and highly visible from long distance views) and the wider area. Furthermore the layout of the proposed development would include a significant level of open hardstanding for car parking provision, and an insufficient level of landscaping which would fail to provide a decent outlook to the future occupiers of the units, and would provide an inadequate setting for a building of this scale, thereby proving contrary to PPS1: Design, the Kent Design Guide and Policy BE1 of the South East Plan 2009.*
  - 3) *In the absence of any proposed contributions towards the provision of off-site public open space (in-lieu of provision on-site) and community and primary health care facilities to offset the additional demand and need likely to be generated by the development, to permit the development would be contrary to the provisions of Policy OS1 of the Council's adopted Open Space DPD December 2006, Policy CF1 of the Maidstone Wide Borough Plan 2000, and Policy S6 of the South East Plan 2009.*
- 93/1395 Permission granted on the 18 November 1993 for the change of use from offices to premises for education provision within use class D1 as amended and validated by drawing received 22 October 1993.
- Units 4 & 5, Corbens Business Centre, 3A Tonbridge Road (to the south east and rear of the application site). (NB: This land is included within the red line application site boundary for the approval under 15/510179/OUT – see history for 5 Tonbridge Road below)
- 15/510179/OUT Outline planning permission (all matters reserved) granted on the 23 December 2016 (committee resolution 4 August 2016) for redevelopment with up to 65 dwellings and associated vehicular and pedestrian access, car and cycle parking, street and external lighting, main services, bin stores and other ancillary development.
  - 07/1637 Permission granted 1 October 2007 for the demolition of existing commercial buildings and redevelopment to provide for replacement storage and distribution premises with ancillary offices trade counter and parking
  - 04/0267 Permission refused 6 April 2004 for the extension of existing warehouse building for use for purpose within class B8. *The proposed development, due to its size and proximity to the site boundary, would result in overshadowing of the adjacent residential property 16 Rowland Close and its rear garden area and would have an overbearing impact upon that property resulting in an unacceptable loss of amenity to occupants of the dwelling, contrary to policy ENV2 of the Maidstone Borough-Wide Local Plan 2000 and policy ENV15 of the Kent Structure Plan 1996.*
  - 03/1774 Permission refused 7 January 2004 for a change of use to storage and servicing of taxis and passenger carrying vehicles with ancillary offices and the installation of a second new window. Permission refused for the following reasons: *The proposed change of use to the storage and servicing of taxis and passenger*

*carrying vehicles would be likely to generate an unacceptable level of noise and lead to a worsening of air quality to the detriment of occupiers of surrounding residential properties. As such the proposal is contrary to policy ENV15 of the Kent Structure Plan 1996, policies QL1 and FP5 of the Kent and Medway Structure Plan: Deposit Plan Sept 2003 and policies ENV1, ENV2 and ENV4 of the Maidstone Borough-Wide Local Plan 2000*

- 02/1298 Permission granted 10 December 2002 for the demolition of existing buildings (3 no.) and the erection of 2 no. industrial units for use class B1c/B8 of 234 square metres each (units 1 and 2); use of unit 3 (existing) for use class B1c/B8 use; use of area to east of access drive for open storage in association with adjoining plant hire premises.

#### 5 Tonbridge Road

- 15/510179/OUT Outline planning permission (All matters reserved) granted on the 23 December 2016 (committee resolution 4 August 2016) for redevelopment with up to 65 dwellings and associated vehicular and pedestrian access, car and cycle parking, street and external lighting, main services, bin stores and other ancillary development.
- 07/1637 Permission granted 1 October 2007 for the demolition of existing commercial buildings and redevelopment to provide for replacement storage and distribution premises with ancillary offices trade counter and parking.
- 15/503951/DEMREQ Determined that prior approval was required 16 June 2015 in respect of the application for prior notification of proposed demolition of a single storey building divided into 2 no retail units, a separate 2 storey shop with office above, range of single storey outbuildings. *The decision reason was "The application is lacking in a satisfactory scheme of restoration, with the proposed stockpiling of crushed materials to a potential height of 7m causing particular concern for the visual amenities of the locality. In the absence of any certainty as to how long the site would remain in this condition, the Local Planning Authority is of the opinion that prior approval for this element of the works is required".*
- 11/0648 Permission granted 27 June 2011 for alterations to elevations and change of use of vacant storage building to A1 retail associated with use of 5 Tonbridge Road and external works including cladding and replacement windows.
- 01/1641 Permission refused 11 December 2001 for the conversion of first floor from offices to 1 no. flat. Permission was refused for the following reasons (1) The proposed change of use would result in the loss of commercial floorspace in a designated area of existing economic activity, contrary to Policy ED2 of the Maidstone Borough-Wide Local Plan 2000 and Policy ED1 of the Kent Structure Plan 1996. (2) Due to the close proximity of the proposed habitable rooms to the main road, the proposed accommodation would not provide a satisfactory standard of residential amenity, contrary to Policies ENV2, ENV4 and H23 of the Maidstone Borough-Wide Local Plan 2000 and Policy H2 of the Kent Structure Plan 1996.

#### 5A Tonbridge Road (Solicitors office at first floor above fireplace shop)

(NB: This land is included within the red line application site boundary for the approval under 15/510179/OUT – see history for 5 Tonbridge Road above)

- 87/0252 Permission granted 10 July 1987 for the change of use from first floor residential flat to office accommodation.

5, 7 & 9 Tonbridge Road

(NB: This land is included within the red line application site boundary for the approval under 15/510179/OUT – see history for 5 Tonbridge Road above)

- 15/510179/OUT Outline planning permission (All matters reserved) granted on the 23 December 2016 (committee resolution 4 August 2016) for redevelopment with up to 65 dwellings and associated vehicular and pedestrian access, car and cycle parking, street and external lighting, main services, bin stores and other ancillary development.
- 07/1637 Permission granted 1 October 2007 for the demolition of existing commercial buildings and redevelopment to provide for replacement storage and distribution premises with ancillary offices trade counter and parking.
- 87/1195 Permission granted 1 December 1987 for the erection of building to provide a builders merchants showroom with associated wholesale and retail use.
- 81/0403 Outline permission granted 10 May 1981 for the erection of storage and warehouse buildings and admin offices. Existing site and buildings used as building merchants, storage and showrooms.
- 75/0398 Permission granted 18/06/75 for a fireplace slabbing shop, toilet and office.

## **MAIN REPORT**

### **1.0 DESCRIPTION OF SITE**

- 1.01 The application site is located on the south side of Tonbridge Road covering an area of 0.77 hectares. The site is located on the gyratory section of Tonbridge Road with two lanes of one way traffic travelling past the site frontage (east to west). This section of road forms part of the A20 with the A26 (Tonbridge Road) starting further to the west. A pelican pedestrian crossing is located 20 metres to the east of the site.
- 1.02 The site lies to the west of Maidstone West Railway Station. The front part of the site is separated from the railway station by a pair of semi-detached Victorian properties, with the rear part of the application site directly adjoining the railway station. The ground level on the application site is significantly higher than the railway station, with this rise in ground level continuing to the west of the application site along Tonbridge Road.
- 1.03 The area surrounding the application site is mixed in terms of the character and scale of existing buildings and the range of land uses. A semi-detached pair of Victorian buildings to the east of the site has floor space on five levels, including roof space and semi basement. Beyond the entrance to the railway station is a six storey building providing retail use at ground floor with residential on the upper floors (Broadway Heights – 58 flats 05/1719).
- 1.04 To west of the site, 5 to 9 Tonbridge Road has an existing vehicular access adjoining the boundary with the application site with this site occupied by a mixture of retail and other commercial uses. Buildings fronting Tonbridge Road on this adjoining site are in retail use, including a fireplace shop (two storey) and a golf shop. A taxi firm uses the centre of this adjoining site for storage and repairs with a distribution company on the lower section and the extreme south of the site in use as a vehicle garage.

- 1.05 The site at 5 to 9 Tonbridge Road benefits from outline permission for development with up to 65 dwellings (committee resolution at 4 August 2016 meeting). Further to the east is the Vines Medical Practice (three storey) with residential properties to the rear. On the opposite side of Tonbridge Road is an office building with a substantial mansard roof (Vaughan Chambers) providing four floors (including roof space) with an adjoining single storey building on the corner providing a cycle shop.
- 1.06 The application site is currently occupied by a three storey red brick building with a part flat, part sloping tiled roof. The building on the application site and the attached semi-detached Victorian building are currently both known as 3 Tonbridge Road, however the adjoining semi-detached building is now in separate ownership and it does not form part of the current planning application.
- 1.07 The vacant brick building on the application site was previously in office use (planning use class B1/A2). The building was previously occupied by Berry and Berry Solicitors who it appears vacated the building following a merger in 2012 (now Berry and Lamberts Solicitors). At ground floor level the building has a covered vehicular access from Tonbridge Road to a rear parking area with a reception area and office area of 65 square metres. The first and second floors of the building provide a further 290 square metres of office space. The site is not located in a conservation area, and the nearest listed buildings are approximately 100 metres from the site. There are no protected trees or landscape designations either on, or adjacent to the application site.

## 2.0 PROPOSAL

- 2.1 The proposal is for the demolition of the existing office building and the construction of a part three, part four storey residential building. The proposed building has a linear footprint with a block fronting Tonbridge Road and then extending towards the rear of the site.
- 2.2 The ground floor of the building provides two residential flats at the front of the site set behind areas of amenity space. At the rear of the site the ground floor provides integral refuse storage and cycle parking space (19 spaces) and 13 covered car parking spaces. A further 5 open car parking spaces (total of 18 off street car parking spaces) are located adjacent to the rear site boundary. The building retains and reuses the existing vehicular access on to Tonbridge Road located next to the eastern boundary.

Table 1: Flat sizes and location

Floor / no bedrooms	Units	One bedroom	Two bedroom	Total
Ground floor	1,2	2		2
First Floor	3,4,5,12,13,18	3	3	6
Second Floor	6,7,8,14,15,19	3	3	6
Third Floor	9,10,11,16,17	2	3	5
<b>Total</b>		<b>10</b>	<b>9</b>	<b>19</b>

- 2.3 The building is arranged around three staircase cores providing access to the accommodation on the upper floors of the building. The development provides 19 flats with the location of these flats set out in the above table. All of the proposed flats (mix of one and two bedroom units) are dual aspect as a minimum, with units to the front and rear elevations provided with balconies.

### 3.0 POLICY AND OTHER CONSIDERATIONS

#### 3.01 Maidstone Borough-Wide Local Plan 2000:

Policy ENV6: Landscaping, Surfacing and Boundary Treatment

Policy ENV7: Riverside Zone of Special Townscape Importance (Adjacent to, eastern boundary)

Policy T1: Transport strategy

Policy T2: Public Transport Preference Measures

Policy T3: Public Transport for Substantial Developments

Policy T7: Safeguarding Railway Lines

Policy T13: Parking Standards

Policy T23: Need for Highway/Public Transport Improvements

ED2 (xxiii): Retention of Employment sites

Policy CF1: Seeking New Community Facilities

#### 3.02 Supplementary Planning Documents:

- Affordable Housing Development Plan Document (2006),
- Open Space Development Plan Document (2006)
- Kent Design Guide Review: Interim Guidance Note 3: Residential Parking

#### 3.03 The National Planning Policy Framework (NPPF)

The National Planning Policy Framework is a key material consideration, particularly with regard to housing land supply.

3.04 Paragraph 47 of the NPPF states that Councils should: *“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”*.

3.05 Furthermore, paragraph 49 of the NPPF is clear that relevant policies for the supply of housing *“should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”*.

3.06 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was commissioned jointly with its housing market area partners: Ashford and Tonbridge & 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.

3.07 The Maidstone Borough Local Plan was submitted to the Secretary of State for examination on 20 May 2016, and the Plan allocates housing sites considered to be in the most appropriate locations for the borough to meet its objectively assessed needs. The Housing Topic Paper, which was submitted with the Local Plan, demonstrates that the Council has a five-year supply of deliverable housing sites in

accordance with paragraph 47 of the NPPF. The independent examination into the Local Plan commenced on 4 October 2016, and the closing session for the hearings was held on 24 January 2017. The examination itself will close following further public consultation on modifications to the Local Plan and receipt of the Inspector's final report. Adoption of the Plan is expected in summer 2017.

- 3.08 Housing land supply monitoring is undertaken at a base date of 1 April each year. The Council's five-year 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 the past under-supply of dwellings against objectively assessed housing need is delivered in future years; it applies a discount rate for the non-implementation of extant sites; and a 5% buffer is applied. The position is set out in full in the Housing Topic Paper, which demonstrates the Council has 5.12 years' worth of deliverable housing sites at 1 April 2016 against its objectively assessed need of 18,560 dwellings for the Plan period.
- 3.09 The Inspector issued a report on his 'Interim Findings from the Examination of the Maidstone Borough Local Plan' on 22 December 2016 (examination document reference ED110). In addition to confirming that it is reasonable to apply a 5% buffer to the borough's five-year housing land supply in accordance with paragraph 47 of the NPPF, the Inspector is recommending two key changes to the Council's housing land supply position.
- 3.10 First, the Inspector did not consider that the 5% market signals uplift set out in the SHMA would have the desired effect of boosting housing supply, nor that it was justified, particularly given the overall increase in past building rates that is expected as a result of the Local Plan allocations. Consequently, the borough's objectively assessed housing need is proposed to be reduced by 900 units to 17,660 dwellings for the period 2011 to 2031.
- 3.11 Second, the Inspector recommends the use of a 'Maidstone hybrid' method for the calculation of the borough's five-year housing land supply, which would deliver past under-supply over the next 10 years (as opposed to the next 5 years as set out in the Housing Topic Paper). This would result in a smoother and more realistic rate of delivery of dwellings over the Local Plan period.
- 3.12 The Inspector's interim report proposes additional modifications relating to the deletion or amendment of allocated sites, or to the phasing of allocated sites and broad locations. The report does not identify a need for further housing site allocations. In advance of public consultation on the formal modifications to the Local Plan, the interim findings have been applied to the borough's 20-year and five-year housing land supply tables which were set out in the Housing Topic Paper. The updated tables (examination document reference ED116) reveal a strengthened five-year supply position as at 1 April 2016, from 5.12 years to 6.11 years. The figures are not definitive because of the need for consultation on modifications in respect of the reduced housing need and proposed amendments to specific allocated sites, but they reaffirm a robust five-year housing land supply position and justify the assumptions being made. A full five-year housing land supply update will be undertaken through the annual housing information audit to produce the 1 April 2017 position.
- 3.13 In this context the council can demonstrate five year land supply and when assessed against paragraph 49 of the NPPF relevant policies for the supply of housing are considered up to date and should be given full weight in decision making.

3.14 National Planning Practice Guidance (NPPG)

Advice on the following is relevant air quality; climate change; community infrastructure levy; design; noise; renewable and low carbon energy; travel plans, transport assessments and statements; use of planning conditions and viability

3.15 Maidstone Borough Council draft Local Plan (Submission Version):

Policy H1:	Housing allocations – H1 (16) Slencrest House, 3 Tonbridge Road,
Policy DM1:	Principles of good design
Policy DM2:	Sustainable design
Policy DM4:	Development of brownfield land
Policy DM5:	Air quality
Policy DM11:	Housing mix
Policy DM12:	Density of housing development
Policy DM13:	Affordable housing
Policy DM22:	Open space and recreation
Policy DM23:	Community facilities
Policy DM24:	Sustainable transport
Policy DM25:	Public transport
Policy DM27:	Parking standards
Policy ID1:	Infrastructure Delivery

**4.0 LOCAL REPRESENTATIONS**

4.01 The submitted planning application was publicised by means of a site notice, a press notice ('major' development) and individual consultation letters sent to neighbouring addresses.

4.02 As a result of this consultation a single objection has been received from the owner of the adjacent site at 5 Tonbridge Road (15/510179/OUT outline approval for 65 dwellings) the objection made in three letters is on the following grounds:

- The proposal is an overdevelopment of the site due to the number of residential units (9 units above the draft allocation) and the scale of the building;
- The main access road is less than 4 metres wide in places and the car parking layout is cramped;
- The refuse storage area is too far away from the main collection point on Tonbridge Road;
- The bay window on the western ground floor elevation is less than a metre from the boundary;
- The development does not provide the 7 metre setback that was required for the development of the neighbouring site at 5 Tonbridge Road.
- The proposed building located close to the western site boundary will have an adverse impact on a proposed new development on the adjoining site (outline 15/510179/OUT) in terms of daylight and sunlight;
- The use of 'directional windows' is noted, however there will still be overlooking from stairwells and the "...the apartments (living room and bedroom windows) on the Tonbridge Road frontage."
- The development at 3 Tonbridge Road (19 units) will have a significant adverse impact on the future residents of the proposed flatted block (38 flats) that is part of the outline approval at 5 Tonbridge Road (this approval that includes houses at the rear is for a total of up to 65 units);
- The current proposal is considered an overdevelopment of 3 Tonbridge Road and if approved this will result in the underdevelopment of 5 Tonbridge Road (draft allocation of up to 60 dwellings) as part of a future reserved matters application.

- A daylight and sunlight has not been carried out for this development and this is required to fully assess impact.

## **5.0 CONSULTATION**

### Kent County Council Community Services

- 5.01 No objection subject to planning obligations to mitigate the additional pressure on local services.

- 5.02 The County Council has assessed the potential impact of this proposal on the delivery of its community services. The County Council is of the opinion that the development will place additional demand on the delivery of its services and this will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution. Potential obligations have been considered against the Community Infrastructure Levy (CIL) Regulations part 122 and 123.

- **Primary Education**

- 5.03 Whilst Kent County Council Education Authority can demonstrate a forecast lack of provision which will require school expansions, due to the Government pooling restrictions the County Council can now not collect primary contributions from every development, only those creating the largest amount of demand.

- **Secondary School Provision**

- 5.04 Whilst Kent County Council Education Authority can demonstrate a forecast lack of provision which will require school expansions, due to the Government pooling restrictions the County Council can now not collect secondary contributions from every development, only those creating the largest amount of demand.

- **Libraries**

- 5.05 KCC are the statutory library authority. The library authority's statutory duty in the Public Libraries and Museums Act 1964 is to provide 'a comprehensive and efficient service'. The Local Government Act 1972 also requires KCC to take proper care of its libraries and archives. Bookstock in Maidstone Borough at 1119 items per 1000 population is below the County average of 1134 and both the England and total UK figures of 1399 and 1492 respectively.

- 5.06 To mitigate the impact of this development, the County Council will need to provide additional library books to meet the additional demand to borrow library books which will be generated by the people residing in these Dwellings. The County Council therefore requests £48.02 per household (Appendix 1) to address the direct impact of this development, and the additional stock will be made available locally as and when the monies are received.

- **Superfast Fibre Optic Broadband**

- 5.07 A planning condition is recommended that seeks the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 100mb) connections to multi point destinations.

### NHS (West Kent Clinical Commissioning Group)

- 5.08 No objection subject to a planning obligation to mitigate the additional pressure on local services.

### Kent County Council Local Highway Authority

- 5.09 No objection subject to conditions relating to submission and approval of construction phase arrangements (including construction management plan relating to loading

and unloading, parking, discharge of water on to the highway and wheel washing) and provision and retention of facilities for the completed development (car parking, cycle parking, servicing and turning areas) and an informative providing advice on separate highways approvals.

KCC Archaeology

- 5.10 No objection subject to a planning condition attached to any approval securing the implementation of field evaluations works in accordance with a specification and written timetable and any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable.

Maidstone Borough Council Environmental Health

- 5.11 No objection subject to planning conditions and informatives relating to a contaminated land watching brief, implementation of the recommendations of the noise exposure assessment, hours of working, details of any proposed air conditioning/ventilation equipment, an air quality assessment and mitigation, promotion of sustainable travel options, control of noise and asbestos and storage of oils and chemicals.

Maidstone Borough Council Landscape Officer

- 5.12 No objection subject to planning conditions attached to any approval requiring the submission of details of detailed landscape proposals (including implementation details, a long term management plan and new planting on the Tonbridge Road frontage).

Maidstone Borough Council Housing Services

- 5.13 The original viability appraisal indicated that providing any affordable units would not be possible but this contradicted the fact that MHS were looking to do 11 shared ownership units on the site (52% of the total) but no affordable rent provision.
- 5.14 Housing Services would struggle to support such a scheme as the need for 1 and 2 bed affordable rented properties in the town centre remains high and a scheme providing no affordable rented units would go against the Councils adopted and emerging policies.
- 5.15 The current adopted policy is for 40% of the units to be for affordable housing with a 60/40% split between affordable rent / shared ownership tenure. This would equate to a scheme of 8 units with 5 for affordable rent and 3 for shared ownership. Therefore, we would ideally be looking at this site providing a minimum of 5 affordable units.

UK Power Networks

- 5.16 No objection

Crime Prevention Design Advisor

- 5.17 The applicant is advised to contact the Crime Prevention Design Advisor to discuss measures to that can be incorporated within the development to minimise the risk of crime.

Scotia Gas Networks

- 5.18 No objection. The applicant is advised to contact Scotia Gas Networks before carrying out any works in the vicinity of the Scotia Gas Network.

Southern Water

- 5.19 No objection subject to planning conditions and informatives attached to any planning approval requiring details of a sustainable urban drainage system to be submitted (including long term management), details of the proposed means of foul and surface water sewerage disposal and highlighting the requirement for a formal application to connect to the public sewerage system; that detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding and for the applicant to contact Southern Water to discuss the location of new trees and soakaways and protection of existing infrastructure.

**6.0 BACKGROUND PAPERS AND PLANS**

- 6.01 The development proposals are shown on drawing numbers 15-671-001 (Location plan); 15-671-002B (Site Plan) rec 06.02.2017; 15-671-010B (Ground floor plan) rec 16.12.2016; 15-671-011B (First floor plan) rec 16.12.2016; 15-671-012B (Second floor plan) rec 16.12.2016; 15-671-013B (Third floor plan) rec 16.12.2016; 15-671-015 (Rear and side elevations) rec 06.02.2017; 15-671-016 (East elevation) rec 06.02.2017; 15-671-018A (Sections) rec 06.02.2017 and 15-671-019 Section 2 rec 06.02.2017.
- 6.02 The application is supported by a Transport Assessment (Journey Transport Planning); Visual impact assessment; Design and Access Statement; Noise Exposure Assessment by Clement Acoustics ref 11182-NEA-02

**7.0 APPRAISAL**

- 7.01 The main planning considerations include assessing the loss of the existing building and commercial use, the design and appearance of the proposed building; assessing the potential impact of the proposed building on the amenities of neighbouring occupiers including loss of daylight, sunlight, outlook and privacy, assessing the standard of the proposed residential accommodation and assessing the potential impact on the local highway network.

Loss of the existing employment use and existing building on the application site.

- 7.02 Policy ED2 of the adopted Local Plan recommends the retention of Class B1 (office) uses on sites located on the south side of Tonbridge Road (xxiii) that include the application site. Policy ED2 advises *"Planning permission will not be granted to redevelop or use vacant business... sites or premises for non-employment purposes unless the retention of the site or premises for employment use has been explored fully without success"*.
- 7.03 Policy ED2 applies to land to the west of Maidstone West Railway Station including 1 to 5 Tonbridge Road and the former Maidstone BC Council Offices at 13 Tonbridge Road). Since the adoption of the Local Plan in 2000 the site at 13 Tonbridge Road has been redeveloped to provide a health use (Use Class D1 - Vine Medical Centre) fronting Tonbridge Road and 10 dwellings to the south of the site (11/1078). In August 2016 members gave outline approval for the redevelopment of the site at 5 Tonbridge Road that currently provide commercial uses to provide residential accommodation (15/510179/OUT).
- 7.04 Although it has been vacant for some time, the existing building on the application site previously provided an office use which was linked to the adjoining semi-detached Victorian property. This adjoining building is not on the application site and is now in separate ownership. This adjoining property benefits from an extant

permission for the conversion of the office floor space to residential (9 flats) through the prior approval system (16/501842/PNOCLA).

- 7.05 After considering the limited matters that legislation allows to be assessed (transport and highways impacts; contamination risks; flooding risks and impact of noise from commercial premises on the intended occupiers of the development) prior approval was given on the 10 February 2017 for the conversion of the office floor space to provide 7 residential units (16/508704/PNOCLA).
- 7.06 It is highlighted that the loss of the existing building at 3 Tonbridge Road and the office land use has also been considered and accepted as part of the emerging local plan process. As a result the application site and the adjoining land at 5 Tonbridge Road are both allocated sites for housing within the draft Local Plan (Submission version) that was considered at the recent examination in public.
- 7.07 The existing building on the application site constructed of red brick and a tiled roof is considered to be of no particular architectural merit or historical significance. There is no objection raised to the loss of the existing building with the current application providing an opportunity to replace 'poor design with better design' (NPPF para 9).
- 7.08 The NPPF core principles set out that the development of brownfield land should be encouraged; with the guidance encouraging the *"...effective use of land by reusing land that has been previously development (brownfield land), provided that it is not of high environmental value"*. Policy DM4 of the emerging Local Plan states that *"Proposals for development on previously developed land (brownfield land) in Maidstone urban area....that make effective and efficient use of land and which meet the following criteria will be permitted: The site is not of high environmental value; ...and the density of new housing proposals reflects the character and appearance of individual localities...."*.
- 7.09 In conclusion the protection sought by policy ED2 of the adopted plan has been significantly undermined in this town centre location by changes in demand, expectations and legislation changes with the introduction of the prior approval system. The prevailing character of the application site and its surroundings have significantly altered since the local plan was adopted in 2000.
- 7.10 The emerging Local Plan having been through the examination in public now carries significant weight in decision making. The council's future aspirations for the application site (and 5 and 6 Tonbridge Road) are set out in the specific site allocations within the emerging Local Plan. The application site is on brownfield land; it is not of high environmental value and is in a sustainable location. The allocation for housing on the application site and the background set out above represent a significant material consideration that justifies the loss of this vacant office building and a departure from policy ED2 of the Local Plan.

Design, layout, appearance and density

- 7.11 Policy DM 1 of the emerging plan states that proposals which would create high quality design will be permitted. Proposals should respond positively to and where possible enhance the character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation, and site coverage - incorporating a high quality modern design approach.
- 7.12 The housing site allocation H1(16) in the emerging plan states that the council will seek the following: The brick Victorian building at 3 Tonbridge Road will be retained to maintain its relationship with no 1 Tonbridge Road and to preserve the street

scene. The design of any development will reflect the exposed location of the site on the slopes of the Medway Valley in a prominent position overlooking the town centre and will be subject to the results and recommendations of a visual impact assessment that addresses the potential impact of any development from College Road and the All Saints area including the Lockmeadow footbridge. The eastern/south eastern elevation shall be well articulated given the exposed location of the site. Development proposals will be of a high standard of design and sustainability incorporating the use of vernacular materials. A high density scheme will be developed reflecting that the site is in a town centre location. As set out below it is considered that the development is in accordance with the merging plan.

- 7.13 In line with the draft allocation in the emerging local plan for the application site and the adjacent site at 5 Tonbridge Road both land owners have been encouraged by officers to collaborate with ideally one development proposal coming forward for both 3 and 5 Tonbridge Road. The suggestion of a single access road to access both developments has also been explored. Unfortunately this collaboration has not been possible and the council is required to consider the current application on individual merits.
- 7.14 The character and appearance of Tonbridge Road varies significantly as you travel away from the town centre and Maidstone West Railway Station. Recent development such as the Vine Medical Centre has changed the character of the area and planned development and the housing allocations are likely to change this character further. Development in the immediate vicinity of the site is between 2-4 storeys on the frontage, with higher 6 storey development further eastwards towards the town centre at Broadway Heights.
- 7.15 The design and appearance of the proposed building has been guided by advice provided as part of the earlier withdrawn planning application, including consideration of the earlier proposal by the council's design surgery. The housing allocation in the emerging plan includes, and seeks the retention of the adjacent semi-detached Victorian property and this has been achieved. The proposed removal of the existing link at first floor will improve the appearance of this retained building located outside the current application site. At the front of the site the proposed building will have a similar bulk and scale to the existing building on the site.
- 7.16 The front block of the revised proposal includes references to the adjacent Victorian property; including the two bays to the front elevation and the proposed fenestration design and proportions. In relation to building scale, whilst there are taller existing and proposed buildings (potentially a 6 storey building at 5 Tonbridge Road) in the locality, the building proposed has sought to reflect the roof eaves and ridge height of the adjacent retained Victorian building.
- 7.17 There are a variety of different building facing materials in the local area including red brick (Vaughan Chambers) stone cladding (6 Tonbridge Road), red brick and render (8 Tonbridge Road) and buff brick (1 Tonbridge Road). The new building will be constructed with a buff facing brick, with vertical cladding at third floor level. At the rear of the building the ground floor and the front staircase core will be in a blue/grey facing brick, with the other two staircase cores in vertical cladding to match the third floor. This choice of facing materials is considered appropriate in this location, reflecting the modern design approach and in accordance with the housing allocation.
- 7.18 Following the views expressed by members during the consideration of the outline proposal for the adjacent site at 5 Tonbridge Road, the main front elevation of the revised proposal has been set back by 7 metres from the front Tonbridge Road

boundary. The two bays to the front elevation are set back 5 metres from the front boundary (as highlighted in the consultation response from the owner of 5 Tonbridge Road). This layout is considered acceptable in terms of the site context providing a step forward to the adjacent semi-detached Victorian property that is set back 3.5 metres from the Tonbridge Road pavement.

- 7.19 The design of the proposed development has considered the exposed location of the application site on the slopes of the Medway Valley in this prominent position overlooking the town centre (plan allocation point 2). In support of the planning application context photographs have been provided from the B&Q car park in Hart Street and three locations on the opposite side of the Medway Valley in College Road. The proposed building, that is the same height as the adjacent building steps down (from four storey to three storey) at the rear of the site, will be seen in the context of taller buildings on higher land to the north. The design, scale and appearance of the building is considered acceptable in these views.
- 7.20 The footprint and extent of the proposed building reflects the linear shape of the application site. The proposed design has provided interest and rhythm to the side and rear elevations of the building (east, west and south) through fenestration, the balconies, different facing materials and the three staircase cores. It is considered that the building meets the aspirations set out in the draft housing allocation (point 3).
- 7.21 Policy DM 12 of the emerging plan advises that all new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area. Subject to this overriding consideration, within and close to the town centre new residential development will be expected to achieve net densities of between 45 and 170 dwellings per hectare. The draft housing seeks 'a high density scheme' that reflects this town centre location specifying a "...development of approximately 10 dwellings at an average density of 67 dwellings per hectare".
- 7.22 The application site covers an area of 0.12 hectares with the proposal providing 19 residential dwellings which amounts to a residential density of 158 dwellings per hectare.
- 7.23 It is accepted that the proposed residential density is higher than the precise density figure specified in the draft housing allocation; however it is in line with the aspiration for a high density development within the allocation, and is within the density range set out in policy DM12. Maidstone West Railway Station entrance is 60 metres from the application site and with the other facilities available in this town centre location, the site is in a highly sustainable location and the proposed density is considered acceptable in this context.
- 7.24 The density of the proposal has been raised in the objection received from the owner of the adjacent site. The objection states that the 'overdevelopment' of the application site will lead to an 'underdevelopment' of the site at 5 Tonbridge Road. The draft allocation of the adjacent site at 5 Tonbridge Road in the emerging plan is for up to 60 dwellings. The original outline application for this adjacent site sought 83 dwellings; however this was reduced following negotiation to up to 65 dwellings (5 units above the draft allocation).
- 7.25 As advised in the officer's committee report, the submitted indicative plans for 5 Tonbridge Road show a flatted block at the front of the neighbouring site which is 6 storeys high and provides 41 flats. Whilst it is highlighted that the current application site is narrower, by comparison the currently proposed building is four storeys and

provides 19 flats. It is considered that both proposed buildings are compatible in terms of design and appearance and as discussed can provide a good standard of accommodation.

- 7.26 It is not considered that the proposed development represents an overdevelopment of the application site and the following sections of the site consider other relevant matters such as daylight, sunlight and privacy.

Impact of the proposed building on the amenities of neighbouring occupiers

- 7.27 Policy DM1 advises that development should respect the amenities of occupiers of neighbouring properties and uses by ensuring that development does not result in excessive noise, activity or vehicular movements, overlooking or visual intrusion. The policy states that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties. The core principles set out in the NPPF state that planning should *'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.'*
- 7.28 The semi-detached building to the east of the site (also 3 Tonbridge Road) is currently vacant office floor space but it benefits from prior approval to convert to residential (16/501842/PNOCLA). With the south facing orientation of the rear elevation and the separation distance of 4 metres increasing to 5 metres towards the rear it is considered that the new building is acceptable in relation to the impact on sunlight and daylight provision to this building.
- 7.29 At the rear of this neighbouring property is a small external area at ground level which is 2 metres below ground level on the application site. The immediately adjacent windows on the proposed building serve a staircase core and with the retaining wall and the separation from the boundary the proposed building is considered acceptable in relation to privacy and overlooking.
- 7.30 The land to the west of the application site at 5 Tonbridge Road is currently occupied by a mixture of commercial uses, including a fireplace shop and offices on the Tonbridge Road frontage. A rear vehicular access to the rear currently runs along the boundary with the application site. This neighbouring site is on higher ground reflecting the general change in ground level when travelling west away from the town centre.
- 7.31 Outline permission has been approved for the redevelopment of this neighbouring site (15/510179/OUT committee resolution in August 2016) with redevelopment with up to 65 dwellings and associated vehicular and pedestrian access, car and cycle parking, street and external lighting, main services, bin stores and other ancillary development. The lower ground floor (level 1) of the neighbouring building is likely to provide servicing and access functions with habitable room windows (single aspect units) and balconies provided at levels 2-6 (ground to fourth floor) facing towards the current application site.
- 7.32 A distance of 8 metres currently separates the side elevation of the building on the application site (that benefits from prior approval to convert to residential) from the side elevation of the existing commercial building on the neighbouring site at 5 Tonbridge Road. A distance of between 10 and 12.6 metres will separate the two proposed new buildings. The two proposed and opposing side elevations look over a new street formed by a two lane, vehicular access road on the site at 5 Tonbridge Road. As part of the current application, the design of the building provides dual aspect residential units. This layout has allowed the majority of main habitable room

windows to be located on the east and south building elevations facing away from 5 Tonbridge Road.

- 7.33 The design of the west elevation currently proposed has considered the building proposed as part of the outline approval and the subsequent request for pre application advice. The majority of windows on the elevation facing 5 Tonbridge Road are to non-habitable floor space and will be fitted with obscured glass. A planning condition is recommended to ensure that these non-habitable room windows, the staircase windows and the secondary bedroom windows in units 18 and 19 on this west elevation are fitted with obscured glass.
- 7.34 Where main bedroom windows are proposed (9 flats) on the rear section of this west elevation, the building has been designed with angled directional windows. These windows will continue to provide outlook for future occupants but will also restrict views to a 45 degree angle and as a result restrict any overlooking of the adjacent building.
- 7.35 The consultation response from the neighbouring land owner has highlighted the bay windows linked to the units at the front of the site and to the west facing elevation (units 1, 3, 6 and 9). These windows to bedrooms and secondary living room windows look towards bedrooms and balconies on the proposed neighbouring building. With the separation distance and the semi-public nature of the road between the buildings this relationship is considered acceptable.
- 7.36 The objection from the neighbouring land owner has stated that a full BRE sunlight and daylight assessment should have been submitted with the current application. A full BRE daylight and sunlight was not necessary as part of the current planning application. This assessment was based on the commercial land uses present on adjoining sites.
- 7.37 Outline approval has been given with all matters reserved for the development of 5 Tonbridge Road. Using the indicative outline plans and draft detailed plans supplied by the adjoining landowner (and whilst less detailed than a full BRE assessment) the applicant has assessed the potential impact of the currently proposed development on sunlight and daylight. This assessment has considered the layout of the proposed building on the adjoining site including non-habitable servicing areas at lower ground floor level and two units on the relevant side of the building at ground floor level. This shows the relationship will be acceptable having regard to daylight and sunlight matters. Overall it is considered that the relationship between the buildings is acceptable and there would be acceptable amenity for occupants of both developments.
- 7.38 In summary it is considered that the proposed development with suitable planning conditions will respect the amenities of occupiers of existing neighbouring buildings and occupiers of the building proposed as part of the outline approval. The development will not result in excessive noise, activity or vehicular movements, overlooking or visual intrusion, and will not result in an unacceptable loss of privacy or light enjoyed by current or future occupiers of nearby buildings and land.

Standard of accommodation

- 7.39 Policy DM1 advises that development should provide adequate residential amenities for future occupiers by ensuring that development does not result in excessive noise, air pollution, activity or vehicular movements, overlooking or visual intrusion. The proposed layout of the development provides as a minimum dual aspect units and a

good standard of residential accommodation overall with adequate daylight, sunlight and privacy provision to all of the proposed flats.

Air quality

- 7.40 Paragraph 124 of the NPPF states *'Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.'* Policy DM5 of the emerging local plan sets out that *'Proposals located close to identified air quality exceedance areas as defined through the Local Air Quality management process will require a full Air Quality Impact Assessment in line with national and local guidance'* The housing site allocation H1 (16) in the emerging plan states that the council will seek appropriate air quality mitigation measures to be agreed with the council will be implemented as part of the development.

- 7.41 The application site is within an Air Quality Management Area (AQMA) that covers the whole of Maidstone town centre. This area that has been identified as having poor air quality due to the nature of road networks and traffic movements.

- 7.42 The environmental health team have considered the application in relation to the potential impact on air quality and not raised any objection subject to a number of planning conditions. These conditions require an air quality assessment to be carried out along with measures to secure air quality emissions reductions. The air quality assessment should address the possible "canyon" effects on air pollution, particularly in conjunction with the steep gradient of the hill and the gyratory one way system. Further planning conditions should require the preparation of a Travel Plan and the installation of electric vehicle charging points on the site to promote sustainable travel options.

Noise

- 7.43 Paragraph 123 of the NPPF sets out *'Planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through conditions; recognise that development will often create some noise...'* The housing site allocation H1 (16) in the emerging plan states that the development will be subject to a noise survey to determine any necessary attenuation measures in respect of its town centre location and the adjacent railway.

- 7.44 The location of the development on a busy road and the proximity of the railway line both have the potential to cause nuisance to future occupiers. A noise exposure assessment by Clement Acoustics ref 11182-NEA-02 (dated May 2016) was submitted in support of the planning application. A planning condition is recommended to secure all of the mitigation that is outlined in this report. In order to protect future residents of the apartment blocks from internally generated noise, an informative is recommended highlighting approved document E of the Building Regulations 2010.

- 7.45 Informatives are recommended that seek to minimise disturbance to adjoining buildings during the demolition and construction phase. An informative is recommended to highlight the need to comply with separate legislation covering the surveying and removal of any asbestos that is found by a licensed contractor.

Flooding and drainage

- 7.46 The site is not in a location recorded by the Environment Agency as being prone to fluvial flooding, and no objection is raised on the grounds of fluvial flood risk. In relation to surface water flooding pre-commencement conditions are recommended

seeking the submission of details of a sustainable surface water drainage scheme, and implementation of the approved details.

- 7.47 Southern Water raise no objection subject to planning conditions and informatives attached to any planning approval. The conditions requiring details of a sustainable urban drainage system to be submitted (including long term management) for approval. Details of the proposed means of foul and surface water sewerage disposal would also be required.
- 7.48 Informatives are recommended highlighting the requirement for a formal application to connect to the public sewerage system; and that detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system. The applicant is advised to contact Southern Water to discuss the location of new trees and soakaways and the protection of existing infrastructure.

Ground contamination

- 7.49 The housing site allocation H1 (16) in the emerging plan states that development will be subject to the results and recommendations of a land contamination survey. Whilst the application site land is not known to be contaminated, there may be contamination present due to the previous commercial land use and ground works could disturb any contamination that is present. In these circumstances the environmental health team recommend a planning condition, be attached to any planning permission that will require a contaminated land watching brief.

Impact on the local highway network including traffic and parking.

- 7.50 The application site is in a sustainable location. The site is in close proximity to Maidstone West Train station, with a footpath link along Tonbridge Road. The town centre is within walking distance and other everyday services (including a doctors, schools and parks) are all within a short distance of the site. Bus stops are located along Tonbridge Road and these provide access to the town centre, local hospital, and other nearby towns. In order to promote sustainable transport choices planning conditions are recommended seeking various measures including a travel plan and electric vehicle charging points
- 7.51 The proposal will utilise the existing vehicular access in to Tonbridge Road with the function of this access improved by the proposed increase in the set back of the building. The application satisfactorily demonstrates that safe access can be provided onto Tonbridge Road. A planning condition is recommended to confirm the position of the electronically operated gates; with the pedestrian footfall these gates require a set back of at least 7 metres from the edge of the carriageway. The proposed access to and within the site has been considered by the local highways authority and no objection has been raised.
- 7.52 A Transport Assessment has been submitted in support of the planning application. After assessment of the application the highways officer has concluded that trip generation resulting from the proposal would not result in a severe impact in the context of the NPPF.
- 7.53 The site currently has car parking to the rear and previously operated as a solicitors office. The proposal includes car parking (18 spaces) which is appropriate for this central location where other forms of transport are readily available. The proposal also includes 19 cycle parking spaces in an appropriate location on the site. The proposed car parking provision and layout has been considered by the local highways authority and no objection has been raised.

- 7.54 The proposed servicing arrangements for the development including the size and location of the refuse storage area are considered acceptable. The refuse storage and collection arrangements have been considered by the local highways authority and no objection has been raised.
- 7.55 With the nature of this location the applicant is advised to give careful thought to construction phase arrangements including vehicle unloading/loading, measures to prevent surface water discharge, operative parking and wheel washing. A planning condition is recommended requesting the submission and approval of these details prior to work commencing.

Trees, landscaping, and ecology

- 7.56 The housing site allocation H1(16) in the emerging plan states that *development proposals should be designed to take into account the results of a detailed arboricultural survey, tree constraints plan and tree retention/protection plans.*
- 7.57 The existing site has limited existing tree planting, landscaping or ecology capability with the site predominantly occupied by buildings or hard surfacing. There is some overgrown planting along the southwest boundary with other trees on the boundary to the west of site with 5 Tonbridge Road.
- 7.58 The proposed development allows for the appearance of the site to be enhanced with improvements in relation to tree planting, landscaping and ecology. The submitted proposal has been considered by the council's landscape officer who has no objection to the development subject to planning conditions requiring the submission and implementation of a landscaping scheme. It is recommended that planning conditions secure swift bricks and bat boxes, tubes or tiles within the new building.

Archaeology

- 7.59 The housing site allocation H1(16) in the emerging plan states that *development proposals are designed to take into account the results of a detailed Heritage Impact Assessment that addresses the archaeological implications arising from the development and in particular the adjacent Roman cemetery site.*
- 7.60 The site of the application lies close to, or contains, a Roman cemetery and there is potential for Roman remains. In view of this, there have been some targeted archaeological investigations and some specialist assessment of the archaeological potential and the extent of previous works on site but it seems that details of existing ground disturbance is still not clear. After considering the submitted proposal KCC archaeology have not raised any objection to the proposal subject to a planning condition requiring *archaeological field evaluation works in accordance with a specification and written timetable.*

**Planning obligations**

Kent County Council

- 7.61 Kent County Council has assessed the potential impact of this proposal on the delivery of its community services and has provided the following assessment:
- Primary Education
- 7.62 Kent County Council Education Authority can demonstrate a forecast lack of provision which will require school expansions, however due to pooling restrictions contributions towards a specific infrastructure project or type of infrastructure are restricted to up to four different planning applications.

- Secondary School Provision
- 7.63 Kent County Council Education Authority can demonstrate a forecast lack of provision which will require school expansions, however due to pooling restrictions contributions towards a specific infrastructure project or type of infrastructure are restricted to up to four different planning applications.
- Libraries
- 7.64 Kent County Council is the statutory library authority. The library authority's statutory duty in the Public Libraries and Museums Act 1964 is to provide 'a comprehensive and efficient service'. The Local Government Act 1972 also requires Kent County Council to take proper care of its libraries and archives. Bookstock in Maidstone Borough at 1119 items per 1000 population is below the County average of 1134 and both the England and total UK figures of 1399 and 1492 respectively.
- 7.65 To mitigate the impact of this development, Kent County Council will need to provide additional library books to meet the additional demand to borrow library books which will be generated by the people residing in the proposed development. Kent County Council therefore requests £48.02 per household to address the direct impact of this development, and the additional stock will be made available locally as and when the monies are received.
- Provision of broadband
- 7.66 Kent County Council have requested that a planning condition be attached to an approval requiring broadband infrastructure. It is considered that this condition would not meet the relevant planning condition tests.
- NHS West Kent Clinical Commissioning Group
- 7.67 As of 1 April 2016, NHS West Kent Clinical Commissioning Group (CCG) took on responsibility for the delegated co-commissioning of primary care services in West Kent. We are now the body which will requests Section 106 and Community Infrastructure Levy health care contributions on behalf of NHS England South (South East).
- 7.68 Inevitably any increase in the local population has an impact on provision of health care and NHS West Kent CCG would seek to apply this s106 contribution to meet theses extra demands placed upon primary and community health service and to meet the needs of this population. In terms of this particular application, a need has been identified for contributions to support the delivery of investments highlighted within the Primary Care Development Strategy and Estates Framework. These improvements to the primary care and out of hospital infrastructure will enable support for the registrations of the new population with a local practice, in addition to the commissioning and delivery of health services to all.
- 7.69 The proposed development noted above is expected to result in a need to invest in the primary care premises at The Vine Medical Centre (0.1mile). This contribution will be directly related to supporting improvements within primary care by way of extension, refurbishment and/or upgrade to services in order to provide the required additional capacity through the delivery of the primary care hub and cluster model as set out in the primary care development strategy.
- 7.70 NHS West Kent CCG will continue to use the same NHS WEST Kent formulae for calculating s106 contributions for which have been used for some time and are calculated as fair and reasonable. Where the application identifies unit sizes to

calculate predicted occupancy multiplied by £360 per person the following predicted occupancy rates will be used: 1 bed unit @ 1.4 persons and 2 bed unit @ 2 persons.

- 7.71 NHS West Kent CCG will not apply for contributions if the units are identified for affordable/social housing. NHS West Kent CCG therefore seeks a healthcare contribution of £11,520, plus support for our legal costs in connection with securing this contribution. This figure has been calculated as the cost per person needed to enhance healthcare needs within the NHS services.

Community Infrastructure Levy Regulations and planning policy

- 7.72 Policy ID1 of the emerging Local Plan relates to infrastructure delivery. In the event of competing demands for developer contributions towards infrastructure the Council's hierarchy of prioritisation set out in policy ID1 is: affordable housing, transport, open space, public realm, health, education, social services, utilities, libraries and emergency services.
- 7.73 Policy CF1 of the adopted Local Plan states: *'Residential development which would generate a need for new community facilities or for which spare capacity in such facilities does not exist, will not be permitted unless the provision of new, extended or improved facilities (or a contribution towards such provision) is secured by planning conditions or by planning obligations.'*
- 7.74 The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests: The requests must be 1. Necessary, 2. Related to the development, and 3. Reasonably related in scale and kind.
- 7.75 In addition since 6th April 2015, section 123 of the CIL Regulations places a restriction on the number of different obligations (calculated back to April 2010) that relate to the funding or provision of an infrastructure project or type of infrastructure, ("the pooling restriction"). As such, the scope of contributions that can be requested in respect of new development is restricted. Affordable housing is excluded from this restriction.
- 7.76 The CIL 122 and 123 tests have been applied in the context of this planning application and the above planning obligations were found to be compliant with the Community Infrastructure Levy Regulations 2010 (Regulation 122). The planning obligations in the context of this planning application have been assessed against and were found to be compliant with the Community Infrastructure Levy Regulations 2010 (Regulation 123). With the proposed obligations also in line with adopted and emerging the provision of these contributions by way of an appropriate legal mechanism is considered acceptable.

Affordable housing and development viability

- 7.77 The NPPF (Chapter 6) supports the delivery of a wide choice of high quality homes, this includes at paragraphs 47 and 50 the provision of affordable housing. The council's adopted Affordable Housing Development Plan Document (DPD) sets out at policy AH1 the requirement for affordable housing. This requirement relates to housing sites or mixed-use development sites of either 15 units or more, or 0.5 hectare or greater. The current adopted policy is for 40% of the units to be for affordable housing with a 60/40% split between affordable rent / shared ownership tenure. In the context of the current proposal this would equate to 8 affordable units with 5 for affordable rent and 3 for shared ownership.

- 7.78 Paragraph 2.14 of the DPD sets out 'the Council is aware that there may be circumstances whereby 40% affordable housing will not be viable if the Councils is expecting a full range of other planning obligations, such as contributions towards open space, highways, education, health, public art, etc.
- 7.79 In such cases, the Council will priorities requirements, but the onus will lie with the developer to prove to the Borough council's satisfaction why a site cannot economically sustain the provision of 40% affordable housing'. Policy AH1 states 'The Council will seek to negotiate that a minimum of 40% of the total number of dwellings to be provided shall be affordable housing to meet the identified housing need, unless the council is satisfied of the exceptional circumstances that demonstrate that only a lesser proportion can be provided'.
- 7.80 The current planning application is accompanied by viability report that concludes that the submitted development cannot support any affordable housing provision or other planning obligations whilst remaining financially viable. This viability report has been independently reviewed by a third party on behalf of the council.
- 7.81 The review has agreed with the applicant's assessment and has concluded that it would not be possible for the viable development of the application site whilst providing affordable housing or other planning obligations. In order to allow the site to come forward as part of a financially viable development it is not recommended that any planning obligations or affordable housing

## **8.0 CONCLUSION**

- 8.01 The proposal would result in the loss of land currently designated in the adopted local plan for employment use (Use Class B1 office), however the council have approved a number of residential developments in similar locations. In addition the council's aspiration for the site set out in the draft Local Plan is for the site to provide residential use and is a draft allocation under Policy H1(16). In this context the loss of the office use on the site and the provision of residential accommodation is acceptable.
- 8.02 The existing vacant building makes little contribution to the character of the area and the removal of this building and the first floor link to the adjoining is supported. The current application provides an opportunity to bring this site back into beneficial use and to make more efficient use of the land that is available in this highly sustainable location.
- 8.03 In line with the draft allocation for the application site and the adjacent site at 5 Tonbridge Road both land owners have been encouraged by officers to collaborate with ideally one development proposal coming forward for both 3 and 5 Tonbridge Road. The suggestion of a single access road to access both developments has also been explored. Unfortunately this collaboration has not been possible and the council is required to consider the current application on its own individual merits.
- 8.04 The design, appearance, scale and proportions of the proposed building satisfactorily address the Tonbridge Road streetscene and both existing and proposed adjacent development. The proposed building is acceptable in terms of impact on the amenities of existing and future neighbouring occupiers including loss of daylight, sunlight, outlook and privacy. The proposal will provide a good standard of the residential accommodation including in relation to noise and air quality. The development utilising the existing access and with adequate car parking and serving arrangements is acceptable in relation to the local highway network.

## 9.0 RECOMMENDATION

### GRANT PLANNING PERMISSION SUBJECT TO PLANNING CONDITIONS

#### 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: 15-671-001 (Location plan); 15-671-002B (Site Plan) rec 06.02.2017; 15-671-010B (Ground floor plan) rec 16.12.2016; 15-671-011B (First floor plan) rec 16.12.2016; 15-671-012B (Second floor plan) rec 16.12.2016; 15-671-013B (Third floor plan) rec 16.12.2016; 15-671-015 (Rear and side elevations) rec 06.02.2017; 15-671-016 (East elevation) rec 06.02.2017; 15-671-018A (Sections) rec 06.02.2017 and 15-671-019 Section 2 rec 06.02.2017. Transport Assessment (Journey Transport Planning); Visual impact assessment; Design and Access Statement; Noise Exposure Assessment by Clement Acoustics ref 11182-NEA-02  
Reason For the avoidance of doubt and in the interests of proper planning.
- (3) Prior to the commencement of development details of the proposed slab levels of the buildings and the existing site levels shall 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. These details shall include details any proposed re-grading, cross-sections and retaining walls.  
Reason: In order to secure a satisfactory form of development having regard to the topography of the site. Details are required prior to commencement of development to ensure that no unnecessary altering of levels takes place to accommodate the scheme.
- (4) Prior to the commencement of development details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved shall have been 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. Details are required prior to development to ensure the methods are integral to the design and to ensure that all options (including ground source heat pumps) are available.
- (5) Prior to the commencement of development the following shall have been submitted to and approved in writing by the Local Planning Authority a) details of archaeological field evaluation works in accordance with a specification and written timetable, b) following from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable.  
Reason: To ensure that features of archaeological interest are properly examined and recorded. Details are required prior to commencement of

development to ensure that works do not damage items of archaeological value that may be present.

- (6) Prior to the commencement of development written evidence shall be submitted to and approved in writing by the Local Planning Authority to demonstrate how the development will fully meet the recommendations of the submitted acoustic report (carried out by Clement Acoustics, ref 11182-NEA-02 (dated May 2016)) with approved measures in place prior to first occupation of the relevant residential unit and retained as such thereafter.  
Reason: To protect residential amenity. Details are required prior to commencement as the measures necessary may need to be integral to the design of the development.
- (7) Prior to the commencement of development an air quality assessment shall be carried out by a competent person in accordance with current guidelines and best practice with the written assessment report submitted to and approved in writing by the Local Planning Authority. The report shall contain a) 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 future occupiers of this development. b) An assessment of the effect that the development will have on the air quality of the surrounding area and any scheme necessary for the mitigation of poor air quality arising from the development. c) Consider the possible “canyon” effects on air pollution, particularly in conjunction with the steep gradient of the hill and gyratory the one way system. Any scheme of mitigation set out in the subsequently approved report shall be implemented prior to the first occupation of the building and retained thereafter.  
Reason: To protect air quality and the amenity of future residents. Details are required prior to development commencing to ensure that the maximum range of mitigation measures are available.
- (8) Prior to the commencement of development a report shall be submitted to and approved in writing by the Local Planning Authority including a calculation of pollutant emissions costs from the vehicular traffic generated by the development, (utilising the most recent DEFRA Emissions Factor Toolkit and the latest DEFRA IGCB Air Quality Damage Costs for the pollutants considered). The report should include identification of the additional vehicular trip rates generated by the proposal (from the Transport Assessment); the emissions calculated for the pollutants of concern (NO<sub>x</sub> and PM<sub>10</sub>) [from the Emissions Factor Toolkit] and the air quality damage costs calculation for the specific pollutant emissions (from DEFRA IGCB). The result should be totalled for a five year period to enable mitigation implementation. The calculation is summarised as: Road Transport Emission Increase = Summation [Estimated trip rate for 5 years X Emission rate per 10 km per vehicle type X Damage Costs]. The pollution damage costs will determine the level of mitigation/compensation required to negate the impacts of the development on local air quality.  
Reason: To protect air quality and the amenity of future residents. Details are required prior to development commencing to ensure that the maximum range of mitigation measures are available.
- (9) Prior to the commencement of development a construction management plan shall be submitted to approved in writing by the Local Planning Authority. The plan shall include a) details of washing facilities to prevent construction vehicles carrying mud on to the public highway, b) details of arrangements for

loading/unloading and turning, c) details of parking facilities for site personnel and site visitors d) Measures to minimise the production of dust on the site; e) Measures to minimise the noise (including vibration) generation; f) Measures to manage the production of waste and to maximise the re-use of materials g) Measures to minimise the potential for pollution of groundwater and surface water and prevent surface water discharge on to the public highway; h) The location and design of the site office and storage compounds and i) arrangements for public consultation and liaison during the construction works. The approved facilities and arrangements shall be provided prior to construction work commencing and maintained for the duration of the construction works.

Reason: To maintain highway safety and to protect the amenities of local residents. Details are required prior to commencement as potential impact will arise from the point of commencement.

- (10) Prior to the commencement of development details of a sustainable surface water drainage scheme shall have been submitted to and approved in writing by the Local Planning Authority. The surface water scheme should be compliant with the Non-Statutory Technical Standards for Sustainable Drainage (March 2015) and shall include measures to prevent discharge of surface water onto the highway. The scheme should specify responsibilities for the implementation of the SUDS scheme; specify a timetable for implementation; provide a management and maintenance plan for the lifetime of the development; including arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. There shall be no provision for infiltration of surface water into the ground unless it has been demonstrated that there will be no risk to controlled waters. The scheme shall be implemented in accordance with the approved details prior to first occupation of any dwelling and maintained as such thereafter.

Reason: To prevent flooding by the ensuring the satisfactory storage and disposal of surface water from the site. Details are required prior to commencement to maximise the options that are available to achieve a sustainable drainage system. Infiltration of surface water into contaminated ground has the potential to impact on surface water quality and pose unacceptable risks to controlled waters.

- (11) Prior to the commencement of development details of the proposed means of foul and surface water disposal shall have been submitted to, and approved in writing by, the Local Planning Authority with the approved measures in place prior to occupation and retained permanently thereafter.

Reason: To avoid pollution of the surrounding area. Details are required prior to commencement as groundworks will reduce the options available.

- (12) Prior to the commencement of development a scheme for the enhancement of biodiversity shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include the location and design of swift bricks and bat boxes, tubes or tiles and take account of any protected species that have been identified on the site, shall include the enhancement of biodiversity through integrated methods into the design and appearance of the dwellings and in addition shall have regard to the enhancement of biodiversity generally. It shall be implemented in accordance with the approved proposals prior to first occupation of dwellings in any phase or sub-phase and shall be maintained in perpetuity.

Reason: To protect and enhance biodiversity. This information is required prior to commencement of development as works have the potential to harm any protected species present.

- (13) Prior to the development reaching damp proof course level, written details and samples of all facing materials and external surfacing materials (including undercroft parking) of the development hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed using the approved materials unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and a high quality of design.

- (14) Prior to first occupation of any residential unit, fencing, walling, railings and other boundary treatments (including provision of gaps under boundary fencing to facilitate ecological networks) shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority and the approved boundary treatments shall be maintained as such thereafter.

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

- (15) Prior to first occupation of any residential unit, facilities for the storage of domestic refuse shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority and the approved boundary treatments shall be maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to safeguard the amenities of future occupiers.

- (16) Prior to first occupation of any residential unit, a closure report shall be submitted to and approved in writing by the Local Planning Authority. The closure report shall include a) details of any post remediation sampling and analysis, b) documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean. c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development in any phase or sub-phase can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- (17) If during construction/demolition works evidence of potential contamination is encountered, all works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed in accordance with the agreed plan.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development

can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- (18) Prior to first occupation of any residential unit, the proposed bathroom, toilet, and staircase windows and the secondary bedroom windows located on the west (side) building elevation shall be fitted with obscured glass with the obscured glass retained permanently thereafter.  
Reason: In order to prevent amenity and prevent overlooking and loss of privacy.
- (19) Prior to first occupation of the relevant residential dwellings electric vehicle “rapid charge” points (of 22kW or faster) and charge points for low-emission plug-in vehicles shall be installed and ready for use in accordance with details that have previously been submitted to and approved by the Local Planning Authority with these facilities retained in accordance with these details thereafter.  
Reason: In the interests of sustainability, to support reductions in air pollution, to provide for low emission vehicles and to reduce the carbon footprint.
- (20) Prior to first occupation of any residential dwellings hereby approved a detailed Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority with the agreed measures implemented within three months of first occupation and retained. Thereafter. The Travel Plan should include the following: a) objectives and targets, b) Measures to promote and facilitate public transport use, walking and cycling. c) Promotion of practises/facilities that reduce the need for travel. d) Monitoring and review mechanisms. e) Travel Plan co-ordinators and associated support. f) Details of a welcome pack for all new residents including local travel information, g) Marketing. h) Timetable for the implementation of each element.  
Reason: In order to promote sustainable travel choices and to help reduce air pollution.
- (21) Prior to first occupation of any residential dwellings hereby approved management arrangements for the communal areas of the site and access roads shall be in place that are in accordance with a plan that has previously been submitted to and approved in writing by the Local Planning Authority. With these arrangements retained thereafter. The plan should include a) The areas within the scope of the management plan and the maintenance requirements of these; b) Method and works schedule for maintaining communal areas and estate roads; c) Details of the parking control measures to be implemented within the site; d) Details on the enforcement of parking control measures; e) The setting up of an appropriate management body; f) The legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery; and g) Ongoing monitoring of implementation of the plan.  
Reason: To protect the amenity of future residents and the character and appearance of the development.
- (22) Prior to first occupation of any residential dwellings hereby approved the cycle parking, car parking and internal access arrangements shown on the approved plans shall be provided, surfaced and drained in accordance with the approved details and shall be retained permanently for the use of the occupiers of, and visitors to, the premises. Thereafter, no permanent development, whether or not permitted by Town and Country Planning (General Permitted Development)

Order 2015 (or subsequent revision), shall be carried out on the land so shown or in such a position as to preclude vehicular access to parking areas.

Reason: Development without provision of adequate access and parking is likely to lead to inconvenience to other road users and be detrimental to amenity.

- (23) Prior to first occupation of any of the residential dwellings hereby approved the vehicle access from Tonbridge Road (A26) shall be laid out in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The details shall include details of suitable driver visibility splays and measures to ensure their retention, and confirmation of the position of the electronically operated gates (require a minimum set back of 7 metres from back edge of the pavement); with the approved measures retained permanently thereafter.

Reason: In the interests of highway safety including in relation to the high pedestrian footfall in Tonbridge Road.

- (24) Prior to first occupation of any of the residential dwellings hereby approved landscaping shall be in place that is in accordance with a landscaping scheme that has previously been submitted to and approved in writing by the Local Planning Authority. The scheme shall include on a plan, full details of the size, species, spacing, quantities and location of proposed plants, together with any hard surfacing, means of enclosure, and indications of all existing trees, hedges and any other features to be retained, and measures for their protection during the course of development. Any part of the approved landscaping scheme that is dead, dying or diseased within 5 years of planting shall be replaced with similar species of a size to be agreed in writing beforehand with the Local Planning Authority.

Reason: In the interests of visual amenity an appropriate standard of accommodation.

- (25) Prior to first occupation of any of the residential dwellings hereby approved details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used shall be submitted to and approved in writing by the Local Planning Authority. The details shall show 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, it shall be retained in accordance with the approved details and no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority.

Reason: In order to protect the amenities of neighbouring occupiers and future residents of this development.

- (26) Prior to first occupation of any of the residential dwellings hereby approved details of any external lighting to be placed or erected within the site shall have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include details of measures to shield and direct light from the light sources so as to prevent light pollution and in order to minimise any impact upon ecology. The development shall be carried out in accordance with the approved details and maintained as such permanently thereafter.

Reason: To prevent light pollution in the interests of the character, amenity and biodiversity of the area.

**INFORMATIVES**

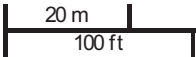
- (1) The applicant is reminded of the requirements of approved document E of the Building Regulations 2010 in terms of protecting future residents of the apartment blocks from internally generated noise.
- (2) The applicant is advised that detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.
- (3) The applicant is reminded of the requirement for a formal application to connect to the public sewerage system.
- (4) The applicant is advised to contact Southern Water for further advice including in relation to protecting infrastructure during construction works, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).
- (5) The applicant is advised of their responsibility to ensure, that before the development hereby approved is commenced, that all necessary highway approvals and consents are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action by the Highway Authority.
- (6) The applicant is advised that a formal application to Southern Water is required for connection to the public sewerage system in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the 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).
- (7) The applicant is advised that due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the site. 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, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).
- (8) The applicant is advised of the Mid Kent Environmental Code of Development Practice and it is recommended that no demolition/construction activities 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.
- (9) The applicant is advised that any facilities used for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume of the tanks.
- (10) The applicant is advised that adequate and suitable measures should be in place to minimise release 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.
- (11) The applicant is advised that any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.
- (12) The applicant is advised that the lighting scheme provided in accordance with the planning condition should adhere to the following advice from the Bat

Conservation Trust and Institution of Lighting Engineers. Bats and Lighting in the UK.

Case Officer: Tony Ryan

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



## REPORT SUMMARY

<b>REFERENCE NO - 16/507996/FULL</b>		
<b>APPLICATION PROPOSAL</b> Raising of roof with insertion of 3 dormer windows, 2 roof lights and alterations to fenestration to provide additional living space		
<b>ADDRESS</b> The White Horse White Horse Lane Otham ME15 8RG		
<b>RECOMMENDATION – APPROVE</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The proposal will not harm the rural character of the area, is considered acceptable in size design and siting terms, will not harm the character of the public house building and will not result in any material harm to the outlook or amenity of houses overlooking or abutting the site.		
<b>REASON FOR REFERRAL TO COMMITTEE</b>  Contrary to the views of Otham Parish Council		
<b>WARD</b> Downswood And Otham	<b>PARISH/TOWN COUNCIL</b> Otham	<b>APPLICANT</b> Mrs C Small <b>AGENT</b> E P Architects Ltd
<b>DECISION DUE DATE</b> 16/01/17	<b>PUBLICITY EXPIRY DATE</b> 22/12/16	<b>OFFICER SITE VISIT DATE</b> 30/11/16

## MAIN REPORT

### 1.0 SITE DESCRIPTION

- 1.01 The site is occupied by a prominent public house and car park sited at the western end of an isolated and triangular area of housing known Three Tees sited a short distance the south of and laying outside the Otham Conservation Area (CA). The small housing enclave of Three Tees is sited in open countryside not subject to any specific landscape designation.

### 2.0 RELEVANT PLANNING HISTORY:

- 2.01 14/0302: Demolition of existing storage building and erection of bed and breakfast unit (4 bedrooms) in connection with public house –A- 07.04.14

## PROPOSAL

- 3.01 The proposal is intended to provide two additional bedrooms as accommodation for the landlord and his family. The proposal has the following key elements to it.
- Raising the roof ridge of the building by just under 1.5 metres and raising height of chimney
  - Installation of 3 equally spaced dormers on west facing roof slope and two rooflights on east facing roof slope.

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

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Adopted Local Plan: ENV28

Submission version of the draft local plan (draft local plan): SP17, DM1, DM3, DM34

#### **5.0 LOCAL REPRESENTATIONS**

5.01 18 neighbouring properties notified – no representations received.

#### **6.0 CONSULTATIONS**

6.01 **Otham Parish Council** : Objects on the following grounds:

- The impact of the proposed building on the surrounding area is unreasonable due to its mass, size and density.
- Inappropriate to replace the existing grey, slate roof with red/brown plain tiles.
- The building is very recognisable in the village as a white building with a grey roof. It is not fitting to make a major colour change, particularly to a building which sits in such an open, prominent position.
- Currently no 3 storey buildings in the vicinity.
- Have not received, clarification regarding the insertion of 3 windows in the west elevation (The attic floor plan only shows two windows, one in each bedroom).

**7.0 BACKGROUND PAPERS AND PLANS**1: Drawing nos: 571.P.400 revA and 1571.E.02 rev B.

#### **8.0 APPRAISAL**

8.01 Three Tees is an isolated housing development lying outside any settlement and sited within open countryside. The proposal is therefore subject to the provisions of policy ENV28 of the adopted local plan and policy SP17 of the draft local plan. Policy SP17 essentially reflects the key provisions of policy ENV28.

8.02 In policy terms Three Tees is identified as lying within open countryside. However given it is a relatively densely area of housing its character is more that of a hamlet or village. The White Horse public house (PH) lies at the western extremity of the Three Tees hamlet and is visually more related to the hamlet rather than the open countryside to the south.

8.03 Given this, it is considered the proposal will have no material impact on the character and setting of the adjoining countryside contrary to the provisions of policies ENV28 or SP17. The key considerations are therefore whether the proposal meets the design provisions of policy DM34 of the draft local plan (amended to policy DM30 in the Local Plan Inspectors interim assessment). Policy DM34, relating to design principles in the countryside, states, amongst other things, that:

*Where an extension or alteration to an existing building is proposed, it would be of a scale which relates sympathetically to the existing building and the rural area; respect local building styles and materials; have no significant adverse impact on the form, appearance or setting of the building, and would respect the architectural and historic integrity of any adjoining building or group of buildings of which it forms part.*

**Design considerations:**

- 8.04 The PH occupies a prominent position in the street scene with mid to long range views to its from houses overlooking the site on the opposite side of White Horse Lane to the north and abutting the site to the east. It is considered that raising the ridge height as proposed will reflect the existing roof profile while given the steeply sloping nature of the proposed will also minimise the impression of any increased bulk.
- 8.05 The three dormer windows proposed on the west facing elevation will be prominent when entering Three Tees in a west to east direction. However it is considered the proposed dormers, due to their scale, proportions and design are in keeping with and reflect character of the existing building.
- 8.06 The remaining external expression of the development is the two rooflights proposed in the east facing roofslope. However it is considered these are minor and unobtrusive elements adding little to the overall impact of the development.
- 8.07 Regarding use of materials, concerns relating to the use of red /brown plain tiles are noted. However it not considered, given the variety of materials in the immediate locality, there is any objection to reroofing the building in the materials proposed.
- 8.08 As such it is considered the proposal is acceptable in design terms meeting the provisions of the NPPF and policy DM34 of the draft local plan.

**Heritage considerations:**

- 8.09 The PH is separated by existing housing and a intervening open space from having any material impact on the character and setting of the Otham CA to the north. Regarding the heritage status of the PH, given its age, appearance and function it could be considered to be a non designated heritage asset (NDHA). However for the reasons set out in the design considerations above it is considered the proposal respects the character and appearance of the PH in accordance with the heritage provisions of the NPPF and policy DM3 of the draft local plan.

**Amenity considerations:**

- 8.10 As the proposal is (a) considered acceptable in its size, design and siting impacts along (b) the separation distance from nearby houses and (c) that only residential accommodation is proposed, the outlook or amenity of nearby houses will not be materially affected.

**Highways:**

- 8.11 The nature of the proposal is unlikely to generate any additional traffic or parking and as such no objection is identified to the proposal on highway grounds.

**Other matters:**

- 8.12 The Parish Council are concerned regarding the insertion of three windows in the west elevation whereas the attic floor plan only shows two windows, one in each bedroom. The submitted plans show a pair of casement windows serving each bedroom but also an additional single window either side of the internal partition which appears externally as a pair of casement windows. This accounts for the three windows shown on this elevation.

## **9.0 CONCLUSION**

- 9.01 The proposal will not harm the rural character of the area, is considered acceptable in size design and siting terms, has no material impact on the NDHA and will not result in any material harm to the outlook or amenity of houses overlooking or abutting the site. It is therefore recommended that planning permission is granted for the proposed development.

## **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 shall be carried out in accordance with the external materials specified on drawing 1571.P.400 rev A.

Reason: In the interests of visual amenity.

3. The development hereby permitted shall be carried out in accordance with the following approved plans being drawing nos: 571.P.400 revA and 1571.E.02 rev B.

Reason: In the interests of amenity.

### **Note to Applicant**

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was acceptable as submitted.

Case Officer: Graham Parkinson

- 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.

**Maidstone Borough Council  
PLANNING COMMITTEE**

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

**The Maidstone Borough Council  
TREE PRESERVATION ORDER NO 5025/2016/TPO**

**164 Ashford Road, Bearsted, Kent, ME14 4NB**

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## **EXECUTIVE SUMMARY**

**This report seeks the permission of the Planning Committee to Confirm without modification Tree Preservation Order No 5025/2016/TPO.**

## **FOR DECISION**

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## **RELEVANT PLANNING HISTORY**

The Maidstone Borough Council Tree Preservation Order No. 5012/2016/TPO 164 Ashford Road, Bearsted, Kent ME14 4NB. Made as a provisional Order on 17/03/2016, protecting trees on the site under an Area designation. Allowed to lapse without confirmation and remade as Tree Preservation Order No 5025/2016/TPO following survey identifying specific trees and groups of trees.

16/506795/FULL Demolition of 164 Ashford Road and associated garaging and erection of a replacement dwelling and garage/ car barn, together with alterations to the access road to create new private vehicular access to serve 162 and 162A Ashford Road. Pending decision.

## **SUMMARY TPO INFORMATION**

<b>TPO Served (Date):</b>	<b>TPO Expiry Date</b>
<b>23 September 2016</b>	<b>23 March 2017</b>
<b>Served on:</b>	
<b>Owners and adjoining neighbours</b>	
<b>Copied to:</b>	
GIS Team MKIP Parish/Town Council Land Charges Team KCC Planning Applications Unit	

## **OBJECTIONS AND CONSULTATIONS**

No objections to the making of this TPO were received. However, an objection to the making of the original area Order was received from one of the owners of the site. The objection is summarised below:

- Concern that it is necessary to apply this TPO to a domestic garden under restoration.
- The boundary fence at the south western end had been breached and was in disrepair to the point that it was being used as a local refuse tip. Neighbours to the northwest had been tipping garden and other waste over the fence into the garden.
- A lack of maintenance in the garden had allowed antisocial activities in the summer months.
- The garden has been substantially cleared of dead trees and scrub with good trees left, although there are still areas that need clearing e.g. inside the old tennis court. A number of trees are suspect and a tree surgeon will be employed to advise.
- Several trees near the boundary may need to be removed for health and safety of neighbours and visitors to the property.

## **APPRAISAL**

The site at 164 Ashford Road contains a vacant house in a large plot containing many mature trees. Felling of trees and some site clearance took place in March 2016, leading to calls for the Council to protect the trees on the site. The whole site, but excluding trees on the access drive was protected under TPO No.5012/2016/TPO, as an Area designation on 17 March 2016 and this was served on the owner on site by officers.

Government guidance recommends that Area Tree Preservation Orders should be used as an emergency measure and not confirmed. TPO No. 5012/2016/TPO was therefore allowed to lapse at the end of the six month provisional period. Landscape Officers visited the site and surveyed the trees present, identifying trees as individuals and groups. TPO No. 5025/2016/TPO was made following the survey, protecting those trees that Officers considered worthy of long term retention, including additional trees on the driveway that were not included in the original Order.

Planning application 16/506795/FULL proposes to demolish the existing buildings on the site and to construct a replacement dwelling and garage. The proposal is still under consideration and undergoing revisions to the original layout in response to negotiation between officers and the applicant. The revisions have included repositioning the proposed garage and dwelling further from the retained trees.

Although no objections have been received in direct response to the making of this Order, the owner made a representation objecting to the making of the original area TPO. Other representations were also received from neighbouring properties, raising issues such as inaccuracies in the plotting of the original area Order and suggesting additional trees in need of protection. These issues were considered and addressed in the making of the current Order.

The activity on the site over the last 12 months has also generated significant local interest and concern at the loss of trees that has already taken place. It is therefore considered appropriate that Planning Committee decide whether or not the current TPO should be confirmed.

The objection by the owner raised some issues unrelated to the TPO, but also claims that the tree removals that had already taken place were necessary on safety grounds. Officers have been unable to confirm this, as much of the evidence had been cleared before site visits were undertaken. It was evident that the front part of the site around the existing house had been cleared and that the clearance had involved the felling of a number of large, mature trees.

The owner also expressed an intention to cooperate with the Council and does not consider that a TPO is necessary to achieve this.

At this time, the future of the trees on the site remains unclear. The planning application suggests that the intention is to build a single replacement dwelling, but remains undetermined at the time of this report. If planning permission is subsequently granted, this could provide some reassurance on the retention of trees through the use of conditions, but this would be limited in time to up to ten years. The current owners indicate an intention to retain healthy trees, but future owners may not share the same view.

On balance, it is considered that the trees on the site, which are large, mature specimens visible from public viewpoints and make a significant contribution to local landscape character and amenity, should continue to benefit from ongoing protection by a TPO. This will ensure that the Council retains a measure of control over the future management of the trees. The TPO will not prevent owners from undertaking works that are necessary to remove an immediate risk. It will also not prevent the proposed development, as any planning consent granted would override the TPO where it affects specific trees; this receives due consideration in the planning process. Ongoing protection by a TPO will also ensure that the sylvan character of the site is retained and appropriately managed in the long term.

## **RECOMMENDED**

That Tree Preservation Order No.5025/2016/TPO is confirmed without modification.

**Contact Officer:** Nick Gallavin

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**Head of Planning Services**

**Appendices:**  
**Plan and schedule for 5025/2016/TPO**

102

**Dated 23 September 2016**

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**Town and Country Planning Act 1990**

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**The Maidstone Borough Council**

**TREE PRESERVATION ORDER No. 5025/2016/TPO**

**164 Ashford Road, Bearsted, Kent, ME14 4NB**

**Town and Country Planning Act 1990**

**The Maidstone Borough Council**

**The Tree Preservation Order No. 5025/2016/TPO**

**164 Ashford Road, Bearsted, Kent ME14 4NB**

The Maidstone Borough Council in exercise of the powers conferred on them by Section 198 of the Town and Country Planning Act 1990 make the following Order –

**Citation**

1. This Order may be cited as the Maidstone Borough Council Tree Preservation Order No. 5025/2016/TPO 164 Ashford Road, Bearsted, Kent ME14 4NB

**Interpretation**

2. (1) In this Order “the authority” means Maidstone Borough Council
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

**Effect**

3. (1) Subject to Article 4, this Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of Section 198 (power to make tree preservation orders) or subsection (1) of Section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in Regulation 14, no person shall –
- (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

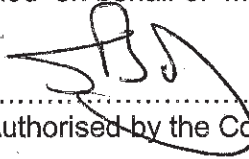
any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with Regulations 16 and 17, or of the Secretary of State in accordance with Regulation 23, and, where such consent is given subject to conditions; in accordance with those conditions.

**Application to trees to be planted pursuant to a condition**

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of Section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 23<sup>rd</sup> day of September 2016

Signed on behalf of Maidstone Borough Council

A handwritten signature in black ink, appearing to be 'SBS', is written over a horizontal dotted line.

<<Authorised by the Council to sign in that behalf>>



## SCHEDULE

## Specification of trees

**Trees specified individually (encircled in black on the map)**

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Yew	West of entrance drive
T2	Yew	East of entrance drive
T3	Beech	West of entrance drive
T4	Beech	West boundary
T5	Larch	West boundary
T6	Silver Birch	West side of site
T7	Oak	West side of site
T8	Larch	Centre of site
T9	Pine	Centre of site
T10	Pine	Centre of site
T11	Ash	Centre of site
T12	Ash	Centre of site
T13	Ash Twin stemmed	Centre of site
T14	Oak	South part of site
T15	Pine	South part of site
T16	Field Maple 4 Stemmed	South part of site
T17	Ash Coppiced	South part of site
T18	Ash	South part of site
T19	Ash	South part of site
T20	Ash 3 Stemmed	South part of site

**Trees specified by reference to an area (within a dotted black line on the map)**

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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None

**Groups of trees (within a broken black line on the map)**

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
G1	Consisting of 3 Larch (Order excludes 1 dead Larch)	West side of site
G2	Consisting of 2 Pine and 1 Ash	West side of site
G3	Consisting of 2 coppiced Ash	West side of site
G4	Consisting of 2 Ash (one 4 stemmed and one 2 stemmed)	South part of site
G5	Consisting of 3 Ash (northernmost stem excluded from Order)	South boundary
G6	Consisting of 5 Ash	East boundary
G7	Consisting of 2 Ash	East boundary
G8	Consisting of 2 Ash	East boundary
G9	Consisting of 2 Norway Spruce	South part of site
G10	Consisting of 2 Oak, 2 Larch	East boundary
G11	Consisting of 3 Larch, 2 Pine, 1 Douglas Fir	East boundary
G12	Consisting of Pine, 3 Larch, 1 Oak	Northeast part of site
G13	Consisting of 3 Oak, 1 Ash, 1 False Acacia	North part of site
G14	Consisting of 1 Larch, 4 Ash	North part of site

**Woodlands (within a continuous black line on the map)**

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
W1	Various Including Ash, Cherry Plum, Hawthorn, Goat Willow, Apple	East boundary



PLANNING COMMITTEE 16th MARCH 2017

S.106 CONTRIBUTIONS SECURED & HELD (DECEMBER 2016) TOWARDS:

PUBLIC OPEN SPACE AND RECREATION	£2, 005, 289.29
TOWN CENTRE	£101,453
CAR PARK WORKS	£21,199.60
CYCLE STORE	£15,095.60
WILDLIFE	£823.48
COMMUNITY FACILITY	£ 174,298.25
*HEALTHCARE	£ 927,129.50

\*The Healthcare Sums are collected on behalf of NHS England and held by Maidstone until the appropriate project is identified and monies requested by NHS England for release

Traffic Light Analysis	Less than 2 years to spend	3-5 years to spend	No spend by date or 6 years + to spend
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Spent 2016

<u>S106</u>	PUBLIC OPEN SPACE & RECREATION	AMOUNT SPENT TO DATE	PROJECT DELIVERY	PROJECT STATUS	SPEND BY DATE
	HELD AT DECEMBER 2016				
St.Faith's Lane Bearsted  MA/04/1608	00.00	6663.01	Spent on improvements to public open spaces in Bearsted - Payment to BPC		Spent
Land at Ware Street Bearsted MA/01/1297	00.00	£59, 275.55	Spent Play Area Improvement Scheme - towards Peveral Drive		Spent
Land at Maidstone Car Park Site, Brenchley Gardens (Waterside – Fairmeadow) High St MA/05/0211	00.00	£30,027.15	Spent on toilets at Brenchley Gardens		Closed
Land East of Ecclestone Road, Tovil South MA/05/0279	00.00	£31,064	towards multi-sport facility at South Park		Closed
Wallis Yard (All Saints) Fant MA/04/0951	00.00	£59,267	Spent on Woodbridge Drive rocky outcrop repairs; Fant Wildlife Area; Law Courts shrub beds and rebuild steps		Closed
Beaconsfield Road (Cartem Site) South MA/05/0335	00.00	£44,474.96	Spent on off site POS drainage works at Woodbridge Drive & resurfacing play area at Bridge Mill Way		Closed
Railway Hotel – Broadway Fant MA/05/1719	00.00	£9719.40	Spent towards the war memorial works		Closed
Former Ophthalmic Hospital High Street MA/06/0093	00.00	£3,647	Towards Trinity Park signage		Closed
Parkwood Tavern Parkwood MA/07/1344	00.00	£40,950	Parkwood Skate Park		Closed
Land at Oakwood Park Heath MA/07/2328	00.00	£31,500	Spent on Gatland Lane Park Play Area Improvement Scheme		Closed
Threeways Depot, Headcorn MA/06/0389	00.00	£71,515.07	Spent by Headcorn Parish Council towards Days Green Play Area/Hoggs Bridge Green		Closed
59 Wheeler Street/Sherway Close Headcorn MA/06/1940	00.00	£22,503.18	Spent towards the refurbishment upgrading and improvement at Days Green and Hoggs Bridge Recreational grounds		Closed
Former BP Garage 531 Tonbridge Road Fant MA/12/0825	00.00	£22,443.50	Spent towards Play Area Improvement Scheme At Gatland Lane		Closed
Land at Northland & Groom Way Harrietsham and Lenham MA/12/1777	00.00	£17,593.39	Spent by Lenham Parish Council towards the refurbishment and upgrade of play equipment at ham Lane playpark and Cherry Estate Park		Closed

S106	PUBLIC OPEN SPACE & RECREATION HELD AT DECEMBER 2016	AMOUNT SPENT TO DATE	PROJECT DELIVERY	PROJECT STATUS	SPEND BY DATE
Sandling Place North MA/03/0886	£30,000	00.00	£5k to be used to improve Sandling Allotment infrastructure (paths, roadways, boundary fencing, etc.) £5k to be used for James Street Allotments wall repairs. Brookbank Play Area £10k for improvements to play area or open space. Penenden Heath £10k - Interpretation of site	To commence 2017/18	No date
Westree Works - Hart Street Fant MA/05/0492	£67,162.49	00.00	£50k towards Mote Park Play Area Improvements. £17k towards improvements to River Park Infrastructure including Whatman Park	To commence 2017/18	No date
Land at 390-408 Loose Road South MA/06/0273	£15,530	00.00	Towards Fencing at South Park	To commence 2017/18	October 2019
Convent of Mercy Park Wood MA/06/1044	£6,412.51	00.00	Towards Parkwood Recreation Ground pathway works	To commence 2017/18	No date
Furfield Quarry Boughton Monchelsea MA/01/1904	£34,000	00.00	Parkwood Recreation Ground pathway, access improvements and interpretation	To commence 2017/18	September 2022
Fintonaugh House North MA/05/1101	£12,076	00.00	Penenden Heath Play Area improvements	to be included in Play Improvement Project	December 2023
Former Leonard Gould Factory Loose MA/04/1363	£530	00.00	Towards repairs or signage at King George playing fields	For Loose PC	June 2020
22-27 High Street & 1-9 Pudding Lane High Street MA/06/2134	£48,029	00.00	£48,029 Towards Whatman Skate Park	to be included in Play Improvement Project	No date
46 Sittingbourne Road East MA/08/0108	£22,050	00.00	Foley Park infrastructure improvements. £14332.50 Ashhurst Road Tree Planting and infrastructure improvements £7717.5	To commence 2018-21	June 2021
Former Trebor Basset Site Maidstone MA/02/0820	£71,532.80	00.00	£45k already used to improve riverside access. Remainder to be used on other riverside improvements in town centre	To commence 2018-22	No date
58-64 Sittingbourne Road East MA/09/0996	£17,325	00.00	Penenden Heath Play Area Improvements	to be included in Play Improvement Project	No date
Senacre College Site Parkwood MA/10/1413 & 0846	£300,000	00.00	Proposal to improve access and quality of Mote Park from Shepway (School Lane and York Roped and Claygate), improvements to Shepway Green. Improvements to access and safety of Senacre Wood. Projects to be agreed. Hampshire Drive Allotment Community Project, Wooley Road open space, Somerset Road open space and other local projects	Spend on each project to be agreed To commence 2018-22	April 2022
115 Tonbridge Road Fant MA/08/2323	£13,912.81	00.00	Improvements to boundary walls at Rocky Hill Allotments.	To commence 2017	February 2018

S106	PUBLIC OPEN SPACE & RECREATION HELD AT DECEMBER 2016	AMOUNT SPENT TO DATE	PROJECT DELIVERY	PROJECT STATUS	SPEND BY DATE
Cedarwood, Queens Road Bridge MA/07/0415	£15,326.16	00.00	to be used to surface car park at Giddyhorne lane Open Space	To commence 2018-22	November 2022
Parisfield Headcorn MA/07/0629	£18,900	00.00	Towards Staplehurst PC for the enhancement & provision of outdoor/ amenity space facilities within the parish of Staplehurst in particular Surrenden Road play area	Staplehurst PC have obtained quotes for work to Surrenden Field and money is due to be released	November 2017
Ecclestone Road, Tovil South MA/10/1478	£55,214.38	00.00	Improvements to riverside footpath and to Bridgemill Way open space including Play area and infrastructure.	To commence 2017/18	No date
27 Hartnup Street Fant MA/06/0767	£17,325	00.00	For improvements to Fant Allotments, Wildlife site and Roseholm open space.	To commence 2018-22	No date
Astley Road (Kent Music School) High Street MA/10/0594	£39,554.79	00.00	£19,554 towards Mote path way. £10k for Len Valley NR Interpretation and infrastructure. £10k to improve access link between Mote Park and Town Centre via river Len Green Corridor	To commence 2017/18	December 2022
Land at Depot Site George Street High Street MA/12/0590	£52,030.75	00.00	Towards the enhancement and repair and renewal at Collis Millenium Green	To be transferred to Collis Millenium Green Trust	February 2023
Hadlow College - Oakwood Park Heath MA/10/0485	£80,556.18	00.00	Towards Open Space	Project to be agreed in 2017	No date
13 Tonbridge Road Fant MA/11/1078	£16,092.61	00.00	Clare Park Play Area	To be included in Play Improvement Project	July 2023
Land to rear of 125 Tonbridge Road Fant MA/12/0381	£3,349.54	00.00	Rocky Hill Allotment wall repairs	In Progress	November 2018
Former Car Sale Site – Ashford Road Harrietsham and Lenham MA/11/2154	£12,032.75	£3,717.25	Towards Glebefield Play Area	£3,717.25 Spent by Harrietsham Parish Council towards repairs of play equipment at Glebefield Play Area	September 2019
The Willows, Church Green, Marden and Yalding MA/10/0562	£16,770.60	00.00	Cockpits Play Area improvements	To Marden Parish Council to be included in Play Improvement Project	November 2020
Former Rose PH, Farleigh Hill, Tovil South MA/12/0367	£22,306.31	00.00	£ 13383.77 improvements to play equipment and access to Woodbridge Drive play area and £8922.52 required tree works along the footpath at Hudsons Quarry	To commence 2018/22	February 2024
Hayle Place (Hayle Mill Road) South MA/11/0580	£167,049.08	00.00	£100,000 Towards Fencing and £67,000 on the new parking with pathway on Armstrong Road at South Park	To commence 2017/19	November 2019
Oliver Road, Staplehurst MA/12/2106	£40,502.03	00.00	Towards provision of allotments and outdoor sports facilities and for improving, enhancing and replacing the play area equipment at Surrenden Road play area	To Staplehurst Parish Council	May 2025

S106	PUBLIC OPEN SPACE & RECREATION HELD AT DECEMBER 2016	AMOUNT SPENT TO DATE	PROJECT DELIVERY	PROJECT STATUS	SPEND BY DATE
Westree Court, Rowland Close Fant MA/13/0718	£57,602.87	00.00	£15,000 to be used on each site at Cornwallis Park, Clare Park, Whatman Park and Mote Park to improve infrastructure (paths, boundaries, planting, interpretation, bins, play improvements, etc.)	To commence 2018-22	May 2025
Oakapple Lane and Hermitage Lane Heath 14/500412/FULL	£108,675.00	00.00	Infrastructure improvements (paths, boundaries, planting, interpretation, bins, play improvements, etc.) at Barming Heath, St Andrews Park and Tarragon Road open spaces.	To commence 2018-22	June 2022
22-26 Tonbridge Road Bridge MA/13/0941	£60,096.09	00.00	£34,667 towards Clare Park Play Area & £20,000 towards Cornwallis Park play areas and £5429.09 towards infrastructure at Clare Park and Cornwallis Park	To commence 2018-22	November 2025
Land at Buckland Hill Bridge MA/13/1213	£102,922.11	00.00	£35,000 to set up Buckland Hill local wildlife area including fencing, interpretation, works to trees, etc., including allotments. £67,922 Improvements to Whatman and River Park in town centre infrastructure (paths, boundaries, planting, interpretation, bins, play improvements, etc.)	To commence 2017/18	January 2021
Land at North Sutton Rd, Otham(Imperial Park) Park Wood MA/13/0951	£134,545.19	00.00	Project imminent following greenspaces audit.	To commence 2018-20	January 2021
Land off Marigold Way (Wyatt Grove) Heath MA/12/1749	£64,449.20	00.00	Sum divided up towards Tarragon Road, St Andrews Park, Barming Heath, Oakwood Hospital closed cemetery for repairing, improving and enhancing existing	To commence 2018-22	February 2026
Land to north of Lenham Rd, Headcorn 14/505162/FULL	£30,350.77	00.00	Towards the Refurbishment of Hoggs Bridge Green Play Area	To commence 2018-22	February 2026
Russell Hotel 136 Boxley Road North 14/500997/FULL	£23,217.36	00.00	Towards Penenden Heath History Garden currently underway	In Progress	No date
MAP Depot Site, Marden Marden and Yalding MA/13/0115	£89,150.51	00.00	Towards the cost of upgrading Marden Playing Fields and Cockpits in Marden	To Marden Parish Council	June 2025
Bridge Nursery, London Road Allington 14/501209/FULL	£57,245.45	00.00	£27,000 Towards Midley Close Play Area Improvements Funding £30,245 to be used for Allington Open space infrastructure improvements (paths, boundaries, interpretation, planting, interpretation, bins, and play improvements.)	To commence 2018-22	August 2026

S106	PUBLIC OPEN SPACE & RECREATION	AMOUNT SPENT TO DATE	PROJECT DELIVERY	PROJECT STATUS	SPEND BY DATE
	HELD AT DECEMBER 2016				
Eyhorne Street, Hollingbourne North Downs MA/14/0475	£22,050.00	00.00	Open Space Provision for the maintenance, replacement and renewal of existing play equipment and outdoor sports facilities and/or installation of new facilities at Hollingbourne Recreation Ground and Cardwell Play Area	To commence 2018-22	May 2026
The Coppice (Land adjacent to Bicknor Farm) Sutton Road Park Wood MA/13/1523	£40,513.95	00.00	Towards cost of improvements, refurbishment and replacement of facilities (inc pavilions, play equipment and play areas, ground works and facilities) at Senacre Recreation Ground or Parkwood Recreation Ground	To commence 2018-20 Project to be agreed following greenspaces audit	October 2021
43-51 Lower Stone Street (Miller House) High Street 15/510396/FULL	£18,900	00.00	Improvements, maintenance and/or enhancement of the natural and semi-natural areas and amenity green space at Archbishops Palace, Maidstone and/or improvements and/or maintenance of natural and semi-natural area at Mill Pond Maidstone or such other improvement refurbishment enhancement renewal and/or maintenance of such other green space amenity and/or play areas within a one (1) mile radius of the Development	To commence 2018-22	No date

**Other Sums**

S106	TOWN CENTRE CONTRIBUTION HELD AT DECEMBER 2016	AMOUNT SPENT TO DATE	PROJECT DELIVERY WHAT MONEY TO BE SPENT ON TO DATE	PROJECT STATUS	SPEND BY DATE
Next Store - Eclipse Park East MA/12/2314	£101,453	£ 40,000	£140,453 To be allocated to the Council's Maidstone Town Team for projects to improve the vitality of Maidstone Town Centre.	Spent on Town Team activities – primarily events run by the Events Group, but also In Bloom last year for example. With the formation of One Maidstone, the Town Team funding was specifically ring-fenced to fund activities that used to be carried out by Town Team	December 2018

S106	CAR PARK CONTRIBUTION HELD AT DECEMBER 2016	AMOUNT SPENT TO DATE	PROJECT DELIVERY WHAT MONEY TO BE SPENT ON TO DATE	PROJECT STATUS	Spend By Date
Victoria Court: 17-21 Ashford Road Maidstone MA/94/0156	£21,199.60	00.00	Towards Lockmeadow Car Park Lighting	To be spent 2017/18	No date

S106	CYCLE STORE CONTRIBUTION HELD AT DECEMBER 2016	AMOUNT SPENT TO DATE	PROJECT DELIVERY WHAT MONEY TO BE SPENT ON TO DATE	PROJECT STATUS	SPEND BY DATE
MAP Depot Site, Marden Marden and Yalding MA/13/0115	£15,095.60	00.00	Towards provision of cycle stores at Marden rail Station, Library and Post Office	To Network Rail and Kent County Council towards cycle racks	July 2024

S106	WILDLIFE HELD AT DECEMBER 2016	AMOUNT SPENT TO DATE	PROJECT DELIVERY WHAT MONEY SPENT ON TO DATE	PROJECT STATUS	SPEND BY DATE
The Hollies, Hook Lane Harrietsham and Lenham MA/11/0592	£823.48	00.00	towards management of receptor sites identified for the translocation of any relevant wildlife from the site	Kent Wildlife Trust and Natural England to advise on identified area	November 2024

S106	COMMUNITY FACILITIES HELD AT DECEMBER 2016	AMOUNT SPENT TO DATE	PROJECT DELIVERY WHAT MONEY SPENT ON TO DATE	PROJECT STATUS	SPEND BY DATE
Springfield Development, Moncktons Lane Maidstone MA/01/1356	£ 72,833.05	£3,078	Springfield Park community feasibility study - £3078 towards consultant appointment with residue towards Community Facility if built	Study to begin 2017	No date
Springfield Park Royal Engineers Road North 15/506426/MOD106	£101,465.20	00.00	Part-Paid towards the provision of the Community Facility- a community meeting facility and crèche area to be provided within the ground floor of the retail unit of the development or such other community facility which directly serves the occupants of the development	Only part-paid	September 2026

**Healthcare Sums**

S106	Healthcare Sums Held (December 2016)	Spend By Date
Astley Road (Kent Music School) Hastings Road (High Street) 10/0594	£21,240 improve existing healthcare facilities to the surgery sited at King Street	Dec 2017
Rear of 48-54 Buckland Road (Bridge) 07/2477	£15,120 towards provision of primary healthcare services or facilities within a 3 mile radius of the land	March 2019
115 Tonbridge Road (Fant) 08/2323	£5,980 Towards the provision of facilities Within one mile radius	February 2018
Land adj 27 Hartnup St (Fant) 06/0767	£9,900 Towards facilities in Maidstone Borough	No date
The Hollies, Land at Hook Lane (Harrietsham) 11/0592	£56,099.17 Upgrade/ improve doctors surgery in Harrietsham to serve development	November 2024
13 Tonbridge Road (Fant) 11/1078 & 12/0774 DOV	£11,444.04 Towards Vine Medical Centre	July 2020
Land at James Whatman Way 09/0863	£ 81,370 Use within a 5 mile radius	August 2019
Land to rear of 125 Tonbridge Road (Fant) 12/0381	£3,177.28 within one mile radius of the site	November 2018
Former Car Sales Site, Ashford Road (Harrietsham) 11/2154	£10,080 upgrading facilities at Glebe/ Sutton Valance/ Cobtree/ New Grove Green Medical Centres/ surgery	September 2019
Land at Hillbeck Res Home, (Bearsted) 12/1012	£5,850.03 For upgrading and improving up to 3 local surgeries known as Bearstead Medical Practice, Downswood Surgery and Grove Green Surgery, all within 2 miles of the Property	No date
The MAP Depot Site, Goudhurst Road, Marden 13/0115	£27,321.58 Towards expansion works at Marden Medical Practice	June 2025
Hayle Place Hayle Mill Road 11/0580	£50,728.81 within a two mile radius of the land	November 2019
Land at Oliver Road (Staplehurst) 12/2106	£38,001.60 Towards new healthcare services and facilities within the Parishes of Staplehurst and Marden	March 2025
Former BP Garage 531 Tonbridge Road 12/0825	£12,078.67 Towards the provision of primary healthcare services and facilities within a five mile radius of the land	March 2020

S106	Healthcare Sums Held (December 2016)	Spend By Date
The Old School 92A Melville Road (High Street) 11/2108	£3,544.18 Towards all or any of the medical centres; Marsham St, St Lukes, Holland Rd, Brewer St and Grove Park	June 2025
Buckland Hill, Maidstone MA/13/1213	£24,260.21 For primary healthcare services & facilities within the Borough primarily to support the delivery of investments to surgeries at St Andrews Road (Blackthorn), Allington Park and College Road Maidstone	January 2021
Land at Northland and Groom Way, Old Ashford Road, Lenham MA/12/1777	£9,139.42 Towards the cost of healthcare services	No Date
Land at Langley Park, Sutton Road 13/1149	£106,200 (50%) Towards improvements to health care provision within the locality of the development	November 2025
Land North Sutton Road, (Imperial Park) Maidstone 13/0951	£133,919.17 For extension, refurbishment and/or upgrade at the 4 doctors surgeries at Wallis Avenue, Orchard Langley, The Mote and Cobtree	January 2026
Land off Marigold Way, Maidstone MA/12/1749	£26,516.24 Towards improvements to existing and new healthcare services and facilities (including upgrading and improving the doctors surgeries which will serve the development within a two mile radius of the site) anticipated the nearby Blackthorn and College surgeries will get first attention	February 2023
Mote House Retirement Village Mote Park MA/10/0748	£38,110.96 Towards Northumberland Road and Shepway Surgery	No Date
Former Russell Hotel 136 Boxley Road, Maidstone (North) MA/14/500997/FULL	£12,407.27 St Lukes/ Brewer Street/ Marsham Street/Grove Green Surgeries/The College Practice/ Lockmeadow Clinic/Allington Park Surgery/ Allington Clinic	No Date
Eyhorne Street, Hollingbourne MA/14/0475	£20,880 Toward extension, refurbishment and/or upgrade of Orchard Surgery Langley, Glebe Surgery Harrietsham, Yeomans Lane Surgery Bearstead	May 2021
Bridge Nursery, London Road 14/501209/FULL	£113,650.80 Towards improvements (refurbishment and reconfiguration ) of Aylesford Medical Practice	August 2026
Springfield Park, Royal Engineers Road, Maidstone (North)  15/506426/ MOD106	£15,507.69 (1 <sup>st</sup> Instalment) Health Trust Contribution towards provision of investment into primary health care facilities and infrastructure at Bower Mount Surgery, Allington Park Surgery, The College Practice and Albion Place Surgery	September 2026
The Coppice (Land at Bicknor Farm) Sutton Road MA/13/1523	£74,602.38 Towards improvements by way of extension, refurbishment and/or upgrade at the doctors surgeries sited at Wallis Avenue, Orchard Langley, The Mote and Cobtree surgeries	October 2021

# Agenda Item 21

## **THE MAIDSTONE BOROUGH COUNCIL** **PLANNING COMMITTEE – 16<sup>th</sup> March 2017**

### **APPEAL DECISIONS:**

**1. 16/500159**

Erection of 10 detached dwellings including ancillary works with alterations to highway access onto Ware Street.

**APPEAL:** Dismissed

Land North Of Apple Tree House  
Ware Street, Weaving, Kent, ME14 5LA

(Delegated)

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**2. 16/506876**

Loft extension with rear balcony and front dormer. Erection of a single storey side and one and a half storey rear extension. Alterations to fenestration. (Resubmission of 16/503246/FULL)

**APPEAL:** Dismissed

12 Downs View Road, Maidstone  
Kent, ME14 2JD

(Delegated)

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**3. 15/505012**

Two storey rear extension and conversion of roof space into 14 self contained flats comprising of 10 x 2 bedrooms, 3 x 1 bedrooms and 1 x 3 bedrooms

**APPEAL:** Dismissed

Mulberry House, 16 Northumberland Road  
Maidstone, Kent

(Delegated)

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**4. 16/506030**

Erection of an apartment block comprising 9 no apartments.

**APPEAL:** Dismissed

1 Marsham Street, Maidstone  
Kent, ME14 1EW

(Delegated)

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**5. 15/506552**

Erection of a detached two storey, two bedroom dwelling with associated changes to fenestration and external appearance.

**APPEAL:** Allowed

Land Rear Of 22 Albert Street, Maidstone  
Kent, ME14 2RN

(Committee)

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**6. 16/505888**

Removal of existing roof and dormers to rear, creation of first floor with replacement roof with the insertion of a rooflight and creation of rear balcony.

**APPEAL:** Allowed

Chalfont, Maidstone Road, Staplehurst  
Kent

(Delegated)

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**7. 16/500805**

TPO application to 1no.Beech Tree – Fell

**APPEAL:** Dismissed

46 Roseleigh Avenue, Maidstone  
Kent, ME16 0AS

(Delegated)

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**8. 16/505789**

Erection of a new dwelling with associated garden and works to existing dwelling to realign entrance door.

**APPEAL:** Allowed

49 Western Road, Maidstone ,Kent, ME16 8NE

(Delegated)

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**9. 16/505114**

Erection of 3 no. detached dwellings, associated parking, access and landscaping on the land to the south of Homewell House as shown on

drawing nos. 16-106-TS06 Rev A, DS/1802/02, DS/1802/1, DS/1802b; received on 15.06.2016.

**APPEAL:** Dismissed

Homewell House, Norton Road, Sutton Valence,  
Kent, ME17 3LS

(Delegated)

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**10. 15/508298**

Outline application with all matters reserved for the construction of 5no. dwellings with associated parking, access and landscaping works on the land to the south of Shangri-La, Horseshoes Lane, Langley

**APPEAL:** Dismissed & Application for award of costs is Refused

Shangri La, Horseshoes Lane, Langley  
Kent, ME17 3NA

(Committee)

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**11. 16/504388**

Outline application to use the redundant parking and garden area at the rear of 75/75a College Road for the erection of two detached 3 bedroomed houses with parking and gardens to suit (with all matters reserved).

**APPEAL:** Dismissed & Application for award of costs is Refused

75 College Road, Maidstone, Kent, ME15 6TF

(Delegated)

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**12. 16/505452**

Development of 2no. dwellings

**APPEAL:** Dismissed & Application for award of costs is Refused

The Bungalow, Rose Lane, Lenham Heath  
Kent, ME17 2JP

(Delegated)

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**13. 15/507195**

Retrospective application for replacement of gypsy mobile home with one single storey detached dwelling.

**APPEAL:** Dismissed

Mobile Home At Orchard Drive, Chartway Street  
Sutton Valence, Kent, ME17 3JB

(Delegated)

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**14. 15/502112**

Change of use of part of ground floor (ancillary retail storage) together with conversion of warehouse to provide 14 residential units (5 x 1 bed and 9 x 2 bed flats)

**APPEAL:** Dismissed

11 Week Street (And Warehouse To Rose Yard)  
Maidstone, Kent, ME14 1QW

(Delegated)

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**15. 15/509461**

Demolition of the existing concrete garages and erection of 4 x two bedroom dwellings.

**APPEAL:** Dismissed

Garages R/o 48 Grecian Street, Maidstone  
Kent, ME14 2TS

(Committee)

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