

PLANNING COMMITTEE MEETING

Date: Thursday 23 March 2023
Time: 6.00 p.m.
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Brindle, Cox, English, Harwood, Holmes, Kimmance, McKenna, Munford (Vice-Chairman), Perry, Spooner (Chairman), Trzebinski, D Wilkinson and Young

The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.

AGENDA

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 Items withdrawn from the Agenda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 - 30 March 2023
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 16 February 2023 1 - 8
11. Minutes of the meeting held on 23 February 2023 9 - 11
12. Presentation of Petitions (if any)
13. Deferred Items 12 - 13
14. 22/505347/FULL - 143 Hockers Lane, Thurnham, Kent 14 - 23

Issued on Wednesday 15 March 2023

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

15.	22/505747/FULL - Springwood Road Nurses Accommodation, Springwood Road, Barming, Kent	24 - 33
16.	22/505903/FULL - The Homestead, Gravelly Bottom Road, Kingswood, Kent	34 - 43
17.	23/500212/FULL - 2 Trapham Road, Maidstone, Kent	44 - 50
18.	5013/2022/TPO - 1-39 Queensgate, Maidstone, Kent	51 - 57
19.	22/502529/TPOA - Holtye Cottage, Headcorn Road, Staplehurst, Kent	58 - 71
20.	Appeal Decisions	72 - 74

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 reports on the agenda, please refer to the public access pages on the Maidstone Borough Council website. Background documents are available for inspection; please follow this link: <https://pa.midkent.gov.uk/online-applications/>

PUBLIC SPEAKING AND ALTERNATIVE FORMATS

In order to speak at the meeting, please call 01622 602899 or email committee@maidstone.gov.uk by 4 p.m. on Wednesday 22 March 2023. You will need to tell us which agenda item you wish to speak on. Please note that slots will be allocated for each application on a first come, first served basis.

If you require this information in an alternative format please contact us, call 01622 602899 or email committee@maidstone.gov.uk

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MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 16 FEBRUARY 2023

Present:

Committee Members:	Councillor Spooner (Chairman) and Councillors Brindle, Cox, English, Harwood, Holmes, McKenna, Munford, Perry, Trzebinski, D Wilkinson and Young
Visiting Members:	Councillors Coates and Russell

202. APOLOGIES FOR ABSENCE

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

203. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

204. NOTIFICATION OF VISITING MEMBERS

Councillor Coates indicated his wish to speak on the reports of the Head of Development Management relating to applications:

22/505206/FULL – 14 Charles Street, Maidstone, Kent

22/505414/FULL – 2 Charlton Street, Maidstone, Kent

22/503535/FULL – 101 Milton Street, Maidstone, Kent

Councillor Russell indicated her wish to speak on the report of the Head of Development Management relating to application 22/503088/FULL – White Hart, Claygate, Marden, Kent.

205. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

206. URGENT ITEMS

The Chairman said that he intended to take the update report of the Head of Development Management and the verbal updates as urgent items as they contained further information relating to the applications to be considered at the meeting.

207. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Munford said that, with regard to the report of the Head of Development Management relating to application 20/501427/OUT – Land to Rear of Kent Police Training School, off St Saviour's Road, Maidstone, Kent, he was the

Chairman of Boughton Monchelsea Parish Council. However, he had not participated in the Parish Council's discussions on the application and intended to speak and vote when it was considered.

208. DISCLOSURES OF LOBBYING

The following disclosures of lobbying were noted:

11.	20/501427/OUT - Land to Rear of Kent Police Training School, off St Saviour's Road, Maidstone, Kent	Councillors English and Munford
12.	19/503995/EIFUL - Land at Old Ham Lane, Lenham, Maidstone, Kent	Councillors English, Harwood and Munford
13.	22/502738/FULL - Upper Little Boy Court, Boy Court Lane, Headcorn, Kent	Councillors Brindle, Cox, Harwood, Holmes, McKenna, Munford, Perry, Spooner, Trzebinski, D Wilkinson and Young
14.	22/501909/FULL - 3 Quarter Paddocks, Bletchenden, Road, Headcorn, Kent	Councillors English and Perry
15.	22/505834/FULL - Land to the West of Rose Cottage, Charlton Lane, West Farleigh, Kent	Councillors Brindle, English, Harwood, Holmes, McKenna, Munford, Trzebinski, D Wilkinson and Young
16.	22/505206/FULL - 14 Charles Street, Maidstone, Kent	Councillors English, Harwood and D Wilkinson
17.	22/505414/FULL - 2 Charlton Street, Maidstone, Kent	Councillors English, Harwood, Munford and D Wilkinson
18.	22/503088/FULL - White Hart, Claygate, Marden, Kent	No lobbying
19.	22/503535/FULL - 101 Milton Street, Maidstone, Kent	Councillors English, Harwood, Munford and D Wilkinson
20.	22/505382/FULL - Woodview, Lenham Road, Kingswood, Kent	Councillors Brindle, Cox, English, Harwood, Holmes, McKenna, Munford, Spooner, Trzebinski, D Wilkinson and Young
21.	22/504241/FULL - Oakhurst, Stilebridge Lane, Marden, Tonbridge, Kent	Councillors Cox, English, Harwood and Munford

209. EXEMPT ITEMS

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

210. MINUTES OF THE MEETING HELD ON 19 JANUARY 2023

RESOLVED: That the Minutes of the meeting held on 19 January 2023 be approved as a correct record and signed.

211. PRESENTATION OF PETITIONS

There were no petitions.

212. 20/501427/OUT - OUTLINE PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 76 NO. DWELLINGS (ALL MATTERS RESERVED EXCEPT ACCESS) - LAND TO REAR OF KENT POLICE TRAINING SCHOOL OFF ST SAVIOUR'S ROAD, MAIDSTONE, KENT

The Committee considered the report of the Head of Development Management.

In introducing the report, the Principal Planning Officer advised the Committee that since publication of the agenda, there had been significant progress and the S106 agreement had been agreed in draft. Progress had been made towards completing the agreement which would allow the decision notice to be issued within the currently agreed extension of time. The recommendation remained unchanged.

RESOLVED:

1. That the Head of Development Management be given delegated powers to grant permission subject to the prior completion of a legal agreement (including the Head of Development Management being able to settle or amend any necessary terms of the legal agreement in line with the matters set out in the recommendation and as resolved by the Planning Committee) with the Heads of Terms and the imposition of the conditions and informatives as resolved by the Planning Committee at its meeting held on 26 May 2022.

OR

2. That if the legal agreement is not completed before 23 March 2023, the Head of Development Management be given delegated powers to refuse permission for the reasons set out in the report.

Voting: 12 – For 0 – Against 0 – Abstentions

213. 19/503995/EIFUL - ERECTION OF 136 RESIDENTIAL DWELLINGS TOGETHER WITH ACCESS, PARKING, DRAINAGE, LANDSCAPING AND ASSOCIATED WORKS - LAND AT OLD HAM LANE, LENHAM, MAIDSTONE, KENT

The Committee considered the report of the Head of Development Management.

In introducing the application, the Principal Planning Officer advised the Committee that Lenham Parish Council had now withdrawn its objection raised previously. The applicant had expressed concern about the requirement for 20% biodiversity net gain and would prefer the national requirement which was to achieve at least 10% biodiversity net gain. The Officers had advised that the requirement reflected the emerging Local Plan policy for 20% biodiversity net gain.

RESOLVED: That subject to:

- A. The prior completion of a legal agreement in such terms as the Head of Legal Partnership may advise to secure the Heads of Terms set out in the report and the prior payment of monitoring fees of £3,060; and
- B. The conditions and informatives set out in the report, the Head of Development Management be given delegated powers to grant permission and to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 12 – For 0 – Against 0 - Abstentions

214. 22/504241/FULL - SECTION 73 APPLICATION FOR VARIATION OF CONDITION 3 AND CONDITION 21 PURSUANT TO 19/500271/FULL FOR THE CHANGE OF USE OF LAND FOR THE STATIONING OF 18 HOLIDAY CARAVANS WITH ASSOCIATED WORKS INCLUDING LAYING OF HARD STANDING AND BIN STORE - OAKHURST, STILEBRIDGE LANE, MARDEN, TONBRIDGE, KENT

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

RESOLVED:

- 1. That permission be granted subject to the conditions and informative set out in the report as amended by the urgent update report.
- 2. That the Head of Development Management be given delegated powers to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 11 – For 0 – Against 1 – Abstention

215. 22/505382/FULL - DEMOLITION OF AN EXISTING BUNGALOW AND ERECTION OF 2 NO. DETACHED FOUR BEDROOM DWELLINGS WITH ASSOCIATED LANDSCAPING - WOODVIEW, LENHAM ROAD, KINGSWOOD, KENT

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

In introducing the application, the Senior Planning Officer updated Members on a further representation received earlier during the day.

Councillor Robinson of Ulcombe Parish Council and Mr Court, agent for the applicant, addressed the meeting.

RESOLVED: That permission be refused for the reasons set out in the report and the additional reason set out in the urgent update report together with the informative set out in the report.

Voting: 11 – For 1 – Against 0 – Abstentions

216. 22/502738/FULL - ERECTION OF A TWO STOREY SIDE AND REAR EXTENSION WITH DETACHED GARAGE (RE-SUBMISSION-21/504328/FULL) - UPPER LITTLE BOY COURT, BOY COURT LANE, HEADCORN, KENT

The Committee considered the report of the Head of Development Management.

Mr Davies, an objector, Councillor Robinson of Ulcombe Parish Council, and Ms Beeken, agent for the applicant, addressed the meeting.

RESOLVED:

1. That permission be granted subject to the conditions and informatives set out in the report, with the amendment of condition 8 (Tree Planting) to ensure that the planting scheme is viable in the long term. This to include consideration, in consultation with the Council's Landscape Team, of the size, quantity and location of the trees, appropriate soil preparation and aftercare.
2. That the Head of Development Management be given delegated powers to add, settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.
3. That a Tree Preservation Order be made to protect the trees once in place.

Voting: 11 – For 1 – Against 0 – Abstentions

217. 22/501909/FULL - RETROSPECTIVE APPLICATION FOR STATIONING OF 2 NO. STATIC CARAVANS ON AN EXISTING GYPSY SITE - 3 QUARTER PADDOCKS, BLETCHENDEN, ROAD, HEADCORN, KENT

The Committee considered the report of the Head of Development Management.

Mr Jones addressed the meeting on behalf of the applicant.

RESOLVED:

1. That permission be granted subject to the conditions set out in the report with the strengthening of condition 10 (Landscaping) to secure planting (in consultation with the Landscape Team) which is characteristic of the area and provides screening and helps with infiltration when combined with a SUDS scheme based on existing or created landforms.
2. That the Head of Development Management be given delegated powers to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 12 – For 0 – Against 0 – Abstentions

218. 22/505834/FULL - DEMOLITION OF EXISTING STABLES AND SHED AND ERECTION OF DETACHED DWELLING WITH ASSOCIATED PARKING (RE-SUBMISSION OF 22/503191/FULL) - LAND TO THE WEST OF ROSE COTTAGE, CHARLTON LANE, WEST FARLEIGH, KENT

The Committee considered the report of the Head of Development Management.

Councillor Scott of West Farleigh Parish Council and Ms Cushing, the applicant, addressed the meeting.

RESOLVED: That permission be refused for the reasons set out in the report with the addition of the informative set out in the report.

Voting: 6 – For 2 – Against 4 – Abstentions

219. 22/505206/FULL - CHANGE OF USE FROM CLASS C4 6 BEDROOM HMO TO SUI-GENERIS 8 BEDROOM HMO TO INCLUDE ERECTION OF A SINGLE STOREY REAR EXTENSION AND LOFT CONVERSION WITH A REAR DORMER AND 1 NO. FRONT ROOFLIGHT (RE-SUBMISSION OF 22/503713/FULL) - 14 CHARLES STREET, MAIDSTONE, KENT

The Committee considered the report of the Head of Development Management.

In introducing the application, the Development Management Team Leader advised the Committee that if Members were minded to grant permission, she wished to add a further condition requiring the side windows to be obscure glazed.

Miss Kirkman, an objector, and Councillor Coates, Visiting Member, addressed the meeting.

RESOLVED:

1. That consideration of this application be deferred for (a) further information from Kent County Council about the highways, parking and sustainability issues, including cycle parking, and (b) details of the arrangements for storage, screening and collection of refuse bins. The application is to be looked at as a whole upon receipt of this information.
2. That the Officers be requested to liaise with the Waste Management/Cleansing teams regarding an appropriate solution to refuse storage and collection in connection with HMOs.

Voting: 12 – For 0 – Against 0 – Abstentions

220. 22/505414/FULL - ERECTION OF AN ATTACHED TWO-BEDROOM DWELLING - 2 CHARLTON STREET, MAIDSTONE, KENT

The Committee considered the report of the Head of Development Management.

The Democratic Services Officer read out a statement on behalf of Mr Garrett, an objector, who was unable to be present at the meeting.

Mr Court, agent for the applicant, and Councillor Coates, Visiting Member, addressed the meeting.

During the discussion, it was pointed out that reference was made in the report to the site being in Charles Street, not Charlton Street, and this should be corrected.

RESOLVED: That consideration of this application be deferred for (a) further information from Kent County Council about the highways, parking and

sustainability issues, including cycle parking, and (b) details of the arrangements for storage, screening and collection of refuse bins. The application is to be looked at as a whole upon receipt of this information.

Voting: 12 – For 0 – Against 0 – Abstentions

221. 22/503535/FULL - CONVERSION OF EXISTING FOUR STOREY DWELLING INTO 3 NO. SELF CONTAINED FLATS, INCORPORATING A SINGLE STOREY GROUND FLOOR PITCHED ROOF SIDE EXTENSION AND SINGLE STOREY LOWER GROUND FLOOR FLAT ROOF REAR EXTENSION, AND NEW PEDESTRIAN ACCESS WITHIN BOUNDARY WALL - 101 MILTON STREET, MAIDSTONE, KENT

The Committee considered the report of the Head of Development Management.

Mr Barry, an objector, and Councillor Coates, Visiting Member, addressed the meeting.

RESOLVED: That consideration of this application be deferred for (a) further information from Kent County Council about the highways, parking and sustainability issues, including cycle parking, and (b) details of the arrangements for storage, screening and collection of refuse bins. The application is to be looked at as a whole upon receipt of this information.

Voting: 11 – For 0 – Against 0 – Abstentions

Note: Councillor English left the meeting during consideration of this application. He returned shortly afterwards and did not participate further in the discussion and voting on the proposal.

222. 22/503088/FULL - ERECTION OF 2 PAIRS OF SEMI-DETACHED DWELLINGS WITH PARKING AND TURNING AREA, ASSOCIATED HARD/SOFT LANDSCAPING AND LANDSCAPE/BIODIVERSITY IMPROVEMENTS. (REVISION TO 21/504492/FULL) - WHITE HART, CLAYGATE, MARDEN, KENT

The Committee considered the report of the Head of Development Management.

In introducing the application, the Senior Planning Officer wished to clarify that although reference was made in the Highways section of the report to three bedroomed properties, the development comprised four bedroomed properties which required two car parking spaces each and these were provided.

Councillor Highwood of Collier Street Parish Council, Mr McKay, agent for the applicant, and Councillor Russell, Visiting Member, addressed the meeting.

RESOLVED:

1. That permission be granted subject to the conditions and informative set out in the report, with:

The amendment of condition 2 (Approved Plans) to refer to the application for planning permission form and the date;

The strengthening of condition 6 (Hard and Soft Landscaping) to require (a) the planting of Crab Apple trees in front of the houses and (b) the extension

of the period of the landscape management plan from five to ten years due to the countryside setting and to provide a buffer between the development and the road; and

The amendment of condition 7 (Landscaping Implementation) to extend the replacement period from five to ten years.

2. That the Head of Development Management be given delegated powers to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 8 – For 0 – Against 4 – Abstentions

223. POLICY REVIEW

Arising from consideration of various applications earlier in the meeting, the Committee:

RESOLVED: That arrangements be made for the Chairman and Vice-Chairman to engage with the Lead Member for Planning and Infrastructure on options to deal with issues of parking and residential amenity, including bins.

Voting: 12 – For 0 – Against 0 - Abstentions

224. APPEAL DECISIONS

The Committee considered the report of the Head of Development Management setting out details of appeal decisions received since the last meeting.

The Head of Development Management advised the Committee that the Officers were considering challenging the decision of the Planning Inspector to allow the appeal against the decision taken under delegated powers to refuse application 21/504975/OUT (Outline application for the erection of up to 4 no. detached dwellings and creation of new vehicular and pedestrian access (Access and Layout being sought) on land adjacent to West View, Maidstone Road, Staplehurst).

RESOLVED: That the report be noted.

225. DURATION OF MEETING

6.00 p.m. to 10.10 p.m.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 23 FEBRUARY 2023

Present:

Committee Members:	Councillor Spooner (Chairman) and Councillors Brindle, Cox, English, Harwood, Holmes, Kimmance, McKenna, Munford, Perry, Rose, Russell and Young
Visiting Members:	Councillors J and T Sams

226. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Trzebinski and D Wilkinson.

227. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Rose for Councillor D Wilkinson
Councillor Russell for Councillor Trzebinski

228. NOTIFICATION OF VISITING MEMBERS

Councillors J and T Sams indicated their wish to speak on application 21/502369/FULL – Pilgrims Retreat, Hogbarn Lane, Harrietsham, Maidstone, Kent.

229. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

230. URGENT ITEMS

The Chairman said that he intended to take the update report and verbal updates as urgent items as they contained further information relating to the applications to be considered at the meeting.

231. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Holmes entered the meeting at the start of this item (6.05 p.m.).

There were no disclosures by Members or Officers.

232. DISCLOSURES OF LOBBYING

All Members except Councillor Harwood indicated that they had been lobbied on agenda item 10 - Pilgrims Retreat, Hogbarn Lane, Harrietsham Maidstone, Kent.

233. EXEMPT ITEMS

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

234. PRESENTATION OF PETITIONS

There were no petitions.

235. 21/502369/FULL AND 21/500786/FULL - PILGRIMS RETREAT, HOGBARN LANE, HARRIETSHAM, MAIDSTONE, KENT

The Committee considered the report and the urgent update report of the Head of Development Management covering applications 21/502369/FULL and 21/500786/FULL.

Prior to the introduction of the report by the Head of Development Management, the Senior Planning Officer advised the Committee that paragraphs 8.07 and 8.08 referred to paragraphs 102 and 103 of the NPPF. This was incorrect and should be amended to refer to paragraphs 104 and 105 instead. Two further representations had been received from residents of Pilgrims Retreat, both wishing to see the applications approved.

Application 21/502369/FULL - Retrospective change of use of land to a caravan site, including the siting of 84(no) residential caravans.

The Democratic Services Officer read out a statement on behalf of Harrietsham Parish Council covering applications 21/502369/FULL and 21/500786/FULL.

Mr Green addressed the meeting on behalf of the applicant on applications 21/502369/FULL and 21/500786/FULL.

Before making their representations on application 22/502369/FULL, Councillor T Sams said that he and Councillor J Sams lived next to the site. They did not believe that they had Other Significant Interests, but, for transparency, they would speak and then leave the meeting.

RESOLVED: That permission be refused for the reasons set out in the report as amended by the urgent update report.

Voting: 12 – For 0 – Against 1 – Abstention

21/500786/FULL - Retrospective application for material change of use of land for use as caravan site including engineering works to create ditch to south of site

Mr Cussen addressed the meeting on behalf of the applicant referring also to application 21/502369/FULL.

RESOLVED: That permission be refused for the reason set out in the report.

Voting: 13 – For 0 – Against 0 Abstentions

236. DURATION OF MEETING

6.02 p.m. to 6.51 p.m.

Agenda Item 13

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

23 MARCH 2023

REPORT OF THE HEAD OF DEVELOPMENT MANAGEMENT

DEFERRED ITEMS

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

APPLICATION	DATE DEFERRED
<p><u>22/505206/FULL - CHANGE OF USE FROM CLASS C4 6 BEDROOM HMO TO SUI-GENERIS 8 BEDROOM HMO TO INCLUDE ERECTION OF A SINGLE STOREY REAR EXTENSION AND LOFT CONVERSION WITH A REAR DORMER AND 1 NO. FRONT ROOFLIGHT (RE-SUBMISSION OF 22/503713/FULL) - 14 CHARLES STREET, MAIDSTONE, KENT</u></p> <p>Deferred for (a) further information from Kent County Council about the highways, parking and sustainability issues, including cycle parking, and (b) details of the arrangements for storage, screening and collection of refuse bins. The application is to be looked at as a whole upon receipt of this information.</p>	16 February 2023
<p><u>22/505414/FULL - ERECTION OF AN ATTACHED TWO-BEDROOM DWELLING - 2 CHARLTON STREET, MAIDSTONE, KENT</u></p> <p>Deferred for (a) further information from Kent County Council about the highways, parking and sustainability issues, including cycle parking, and (b) details of the arrangements for storage, screening and collection of refuse bins. The application is to be looked at as a whole upon receipt of this information.</p>	16 February 2023
<p><u>22/503535/FULL - CONVERSION OF EXISTING FOUR STOREY DWELLING INTO 3 NO. SELF CONTAINED FLATS, INCORPORATING A SINGLE STOREY GROUND FLOOR PITCHED ROOF SIDE EXTENSION AND SINGLE STOREY LOWER GROUND FLOOR FLAT ROOF REAR EXTENSION, AND NEW PEDESTRIAN ACCESS WITHIN BOUNDARY WALL - 101 MILTON STREET, MAIDSTONE, KENT</u></p>	16 February 2023

<p>Deferred for (a) further information from Kent County Council about the highways, parking and sustainability issues, including cycle parking, and (b) details of the arrangements for storage, screening and collection of refuse bins. The application is to be looked at as a whole upon receipt of this information.</p>	
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Agenda Item 14



Ordnance Survey - data derived from OS Premium

22/505347/FULL 143 Hockers Lane, Thurnham, Kent, ME14 5JY

Scale: 1:1250

Printed on: 10/3/2023 at 8:22 AM by JoannaW

REPORT SUMMARY

REFERENCE NO: - 22/505347/FULL		
APPLICATION PROPOSAL: Demolition of existing rear extension and erection of single storey side and rear extensions with first floor balcony above (Revision to Planning Application ref: 22/501459/FULL)		
ADDRESS: 143 Hockers Lane Thurnham Kent ME14 5JY		
RECOMMENDATION: GRANT – subject to the planning conditions set out in Section 8.0 of the report.		
SUMMARY OF REASONS FOR RECOMMENDATION: For the reasons set out above it is considered that the proposed single storey side/rear extension would be acceptable and would not cause significant visual harm, harm to neighbouring amenity nor would it be unacceptable in terms of any other material planning considerations. The proposed developments are considered to be in accordance with current policy and guidance.		
REASON FOR REFERRAL TO COMMITTEE: The recommendation is contrary to the views of Thurnham Parish Council who have requested the application be presented to the Planning Committee.		
WARD: Detling And Thurnham	PARISH/TOWN COUNCIL: Thurnham	APPLICANT: Mrs Emily Hale AGENT: EK Planning Ltd
CASE OFFICER: Chloe Berkhauer-Smith	VALIDATION DATE: 09/11/22	DECISION DUE DATE: 07/04/23 (EOT)
ADVERTISED AS A DEPARTURE: NO		

Relevant Planning History

22/501459/FULL : Demolition of existing rear extension and erection of a single storey side and rear extensions with first floor balcony above. Refused 19.05.2022

87/1639 : Garage. Approved 26.01.1988

80/0476 : Conservatory at rear. Approved 02.05.1980

80/0268 : Single storey rear extension to approved cloakroom, as amended by the agent in blue on the submitted plan on 12/3/80 Approved 02.04.1980

79/0195 : First floor extension to provide 2 bedrooms and single storey rear extension to form washroom. Approved 02.05.1979

76/0680 : Single storey side extension. Approved 27.08.1976

MAIN REPORT

1. DESCRIPTION OF SITE

1.01 The application relates to a detached, two-storey property located outside the settlement boundaries, within the Parish of Thurnham, Maidstone. The existing materials of the dwelling comprise of tiles for the roof, rough cast render for the walls and uPVC for the windows and doors.

1.02 The property is a residential dwelling, and the site is not situated within a conservation area, or an area of outstanding natural beauty. Additionally, there are no restrictions on the permitted development rights to extend or alter the dwelling house.

2. PROPOSAL

2.01 The proposal is for the demolition of existing rear extension and erection of single storey side and rear extensions.

Single-Storey Rear/Side Extension

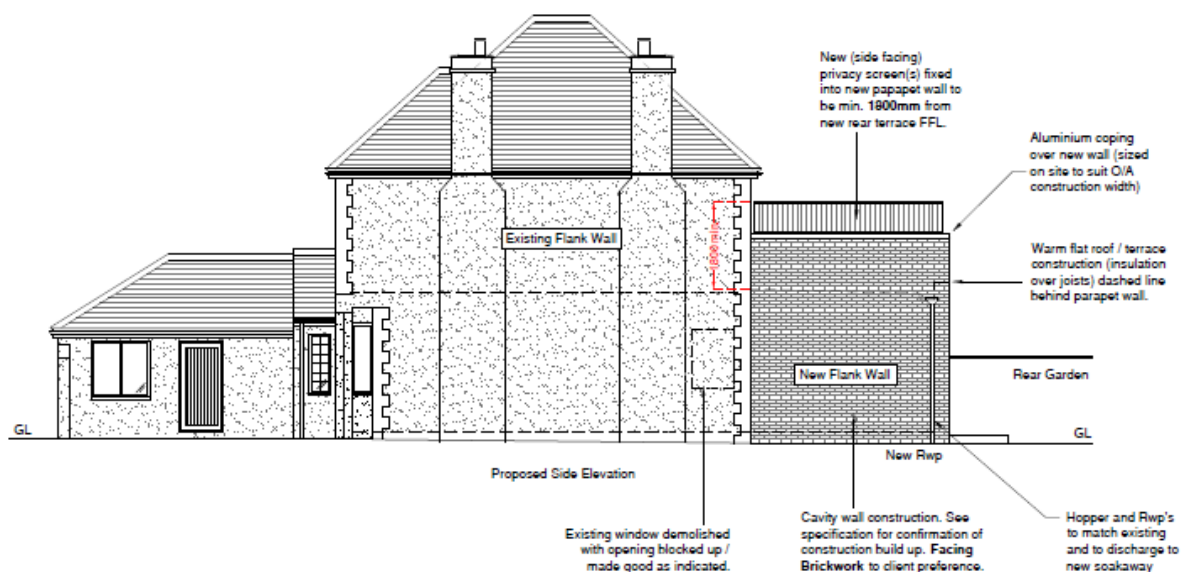
2.02 The proposed single storey rear extension would have an approximate width of 8.6m, a depth of 3.4m on the north-east side elevation and a depth of 4m on the south-west side elevation. It would have a part flat roof at the rear and part mono-pitched roof to the side. The flat roof would have an approximate eaves height of 3.3m. The proposed mono-pitched roof would have an approximate eaves height of 2.9m and a ridge height of 3.9m.

2.03 The application follows a previous refusal (reference 22/501459/FULL). The previous reason for refusal is as follows:

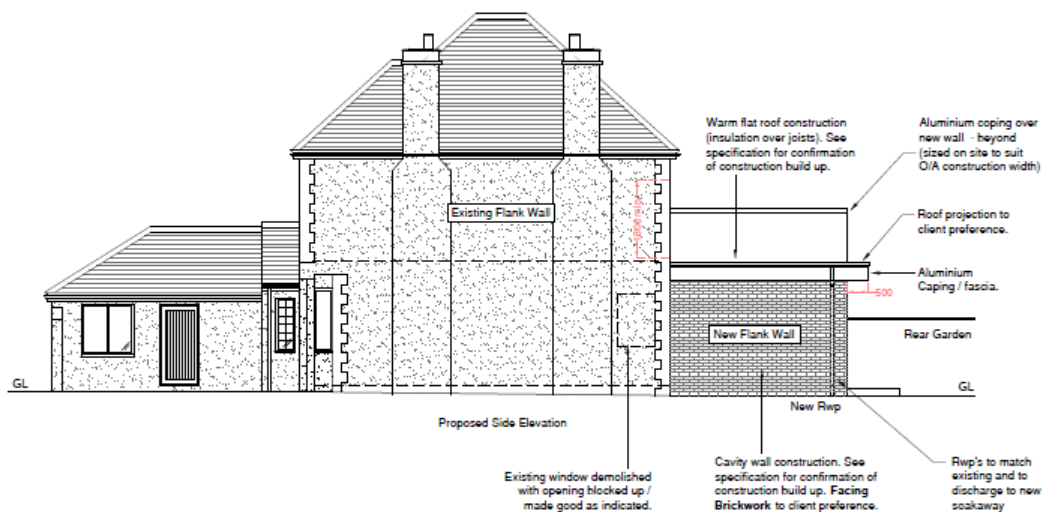
(1) The proposed extension, by reason of its depth, height, siting, scale and proximity of the extension to the boundary would result in an unneighbourly form of development by reason of having an overbearing impact on the amenity/garden space of the occupiers of No.145 Hockers Lane's. To permit the proposal would therefore be contrary to the National Planning Policy Framework 2021, Policy DM1 of the Maidstone Borough Local Plan 2017 and the design guidance set out in the Council's adopted Residential Extensions Supplementary Planning Document.

2.04 This application has removed the proposed balcony from the scheme which consequently has reduced the height of the brick wall and removed the privacy screening above. Extract comparison plans are shown below, indicating the elevation facing towards 145 Hockers Lane.

Previously refused scheme



Proposed



3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2011-2031): DM1, DM30 and DM32

Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 22): LPRSP15, LPRQ&D4 and LPRSP9

The National Planning Policy Framework (NPPF):

National Planning Practice Guidance (NPPG):

Supplementary Planning Documents: Maidstone Local Development Framework: Residential Extensions SPD

4. LOCAL REPRESENTATIONS

Local Residents: No representations have been received from local residents.

5. CONSULTATIONS

Thurnham Parish Council

5.01 Object to this application for the following reasons:

- Overdevelopment of the site
- Design out of keeping with the area
- The proposals would be intrusive to the neighbouring properties
- We would therefore wish to see this application refused

6. APPRAISAL

The key issues are:

- Site background/Principles of Development/Policy Context

- Visual Impact
- Residential Amenity
- Parking/Highway Safety
- Other Matters

Site Background/Principle of Development/Policy Context

- 6.01 This application follows a refused application. This application seeks to resolve the reason for refusal by removing the proposed balcony from the scheme and consequently reducing the height of the brick wall along the boundary with No.145 Hockers Lane and removing the proposed privacy screening above.
- 6.02 The application site is located in the countryside, as defined in the Local Plan, Policy DM32 of the local plan allows for residential extensions provided that:
- i). The proposal is well designed and is sympathetically related to the existing dwelling without overwhelming or destroying the original form of the existing dwelling;
 - ii) The proposal would result in a development which individually or cumulatively is visually acceptable in the countryside;
 - iii) The proposal would not create a separate dwelling or one of a scale or type of accommodation that is capable of being used as a separate dwelling; and
 - iv) Proposals for the construction of new or replacement outbuildings (e.g. garages) should be subservient in scale, location and design to the host dwelling and cumulatively with the existing dwelling remain visually acceptable in the countryside
- 6.03 Policy DM1 (ii) in terms of design refers to developments responding positively to the local character of the area, with regard being paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage. DM1 (iv) re-iterates consideration to be paid to adjoining neighbouring amenity.
- 6.04 Policy DM30 refers to design principles in the countryside, where development is proposed in the countryside the design principles set out in this policy must be met. DM30 (v) states:
- 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*
- 6.05 The Residential Extensions SPD in relation to this proposal sets out the following:
- An extension should be modest in size, subservient to the original dwelling and should not overwhelm or destroy its original form.*
- An extension should cause no adverse impact on the character or openness of the countryside*
- Windows, roof terraces, balconies (including Juliet balconies) and verandas in an extension should not directly overlook the windows or private amenity space of any adjoining dwelling where this would result in an unreasonable loss of privacy*

An extension should respect the amenities of adjoining properties in respect of daylight and sunlight and maintain an acceptable outlook from a neighbouring property.

- 6.06 The residential extensions SPD in relation to extension within the countryside sets out that any proposed extensions should not adversely impact on the form and character of the original building or the character of the countryside. Additionally, the SPD states where an extension is acceptable in principle, its form should be well proportioned and present a satisfactory composition with the house. The roof shape is critical to creating a successful built form. The SPD in relation to screening also sets out that existing mature screening can help assimilate a modest extension into the rural landscape. The SPD also states:

In considering an extension to a residential dwelling in the countryside, the Local Planning Authority would normally judge an application as modest or limited in size if, in itself and cumulatively with previous extensions, it would result in an increase of no more than 50% in the volume of the dwelling. Proposed new garages and outbuildings within 5 metres of the existing dwelling will be calculated as part of this volume. The gross volume will be ascertained by external measurement taken above ground level and include the volume of the roof. (Para 5.18)

- 6.07 The principle of extensions to existing dwellings within the countryside can be acceptable, provided that the material planning considerations discussed below would be acceptable.

Visual Impact

- 6.08 The application property is set back from the road with a large parking and amenity area in front of the dwelling. The application site is within the open countryside as defined by the Local Plan, but does form part of linear development along Hockers Lane and is approximately 100m north of the urban settlement boundary.
- 6.09 The proposed extension would be located at the rear of the property and therefore would not be visible along Hockers Lane or from any public views.
- 6.10 The scale of the proposed extension is considered to be subservient to the original property. The depth of the proposed extension is in line with the guidance set out within the Residential Extensions SPD. The proposed flat roof is not in keeping with the roof form of the main dwelling, however considering the single storey nature of the proposal and that it would not be visible from any public views as it is situated at the rear of the property, it is considered on balance, that the proposed single storey rear/side extension would not detrimentally impact the character and appearance of the host dwelling.
- 6.11 The proposed materials would consist of reclaimed stock bricks for the walls, zinc for the roof, and aluminium for the windows and doors. The proposed materials would not match the materials used in the existing property, however considering the proposal is located at the rear of the property, not visible from any public views, it is considered that this would not harm the overall character of the host dwelling.
- 6.12 Concerns have been raised by the Parish Council that the proposal would result in overdevelopment of the site. The dwelling has been extended previously by a first floor extension to the side, single storey rear and side extensions, together with an attached extension to the front of the dwelling (to provide a garage). The proposal would replace an existing single storey rear extension and enlarge the footprint of the extension. The depth of the resultant extension is proposed to be approximately 4m and single storey which is not considered unacceptable in terms of the impact on the host dwelling or the wider countryside. The extension would be to the rear, would not dominate the site nor appear as out of character. The

resultant dwelling as proposed to be extended would not result in the overdevelopment of the site.

Residential Amenity

6.13 Parish Council concerns have been raised that the proposal would be intrusive to the neighbouring properties. The scheme has been amended to remove the proposed balcony, it is now considered that the proposal would not result in harm due to a loss of privacy or overlooking to neighbouring properties, nor would any other significant harm result to neighbouring amenity as discussed below.

6.14 No.141 Hockers Lane

No.141 is the neighbouring property to the north-east of the site. The proposed extension would be approximately 0.2m from the boundary with No.141 and the boundary treatment consist of close-boarded fencing. No.141 is situated approximately 1.6m from the boundary. Considering the roof pitch would slope away from the boundary with No.141, the single storey nature of the proposal and the existing boundary treatment, it is considered that the proposed extension would not adversely affect the residential amenity of No.141 by causing a loss of light or overshadowing.

The proposed extension would not incorporate any new windows on the north-east side elevation, other than a roof light. However, given the roof light would be situated above 1.7m from finish floor level, it is considered that no loss of privacy or overlooking would result. The proposed windows on the rear elevation would look across the rear garden and therefore any views toward No.141 would be oblique, and considering they would be located at ground floor level and considering the existing boundary treatment, they would not impact the residential amenity of No.141 by causing a loss of privacy or overlooking.

6.15 No.145 Hockers Lane

No.145 is the neighbouring property to the south-west of the application site. The proposed extension would be approximately 0.3m from the boundary with No.145. The boundary treatment consists of tall close-boarded fencing. The single storey rear extension has a maximum height of 3m which is in line with the guidance set out within the Residential Extensions SPD. Considering this, the orientation of the site and the existing boundary treatment, it is considered that the proposed extension would not adversely affect the residential amenity of No.145 by causing a loss of light or overshadowing.

There are no windows proposed on the south-west side elevation and the windows proposed on the rear elevation would look across the rear garden and therefore any views toward No.145 would be oblique, and considering they would be located at ground floor level and considering the existing boundary treatment, it is considered that the proposal would not result in a loss of privacy or overlooking towards No.145.

6.16 Overall

The proposals would not result in a significant harm to neighbouring residential amenity that would warrant a refusal. It would be appropriate to secure a condition to restrict the use of the flat roof such that it would not be used as a balcony, veranda or similar, to protect future amenity from overlooking or loss of privacy.

Parking/Highway Safety

- 6.17 The existing parking provisions at the site would remain and the proposal does not add any additional bedrooms to the property. It is therefore considered that the proposal would not impact upon parking at the site or the wider highway network.

Other Matters

- 6.18 Biodiversity/Ecological Enhancements: Due to the nature and relative scale of the development and the existing residential use of the site, it is not considered that any ecological surveys were required.

Policy DM1 of the Local Plan sets out, at point viii, that proposals should '*protect and enhance any on-site biodiversity and geodiversity features where appropriate, or provide mitigation.*' This is in line with the NPPF and advice in the Residential Extensions SPD. Consequently, it is considered that a condition should be attached requiring biodiversity enhancement measures are provided integral to the proposed extensions and within the curtilage of the dwellinghouse.

- 6.19 Renewables: The NPPF, Local Plan and residential extensions SPD all seek to promote the use of renewables and energy/water efficient buildings. The proposals by their nature are fairly modest, such that it would unreasonable or inappropriate to seek to secure such measures for an extension to the dwelling, due to the minimal increase in footprint proposed. However, energy efficiency can be secured through construction or water efficient for use of measures such as water butts, as such to secure such measure a condition is considered reasonable to ensure that the development incorporates appropriate measures.

PUBLIC SECTOR EQUALITY DUTY

- 6.20 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

7. CONCLUSION

- 7.01 For the reasons set out above it is considered that the proposed single storey side/rear extension would be acceptable and would not cause significant visual harm, harm to neighbouring amenity nor would it be unacceptable in terms of any other material planning considerations. The proposed developments are considered to be in accordance with current policy and guidance.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions

with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

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.Plans

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Proposed Ground Floor Plan – Drawing No. 1310 - 04 Rev A – Received 09/11/2022
Proposed Site and Block Plan – Drawing No. 1310-010 – Received 25/01/2023
Proposed Elevations – Drawing No. 1310-03 Rev B – Received 25/01/2023
Proposed First Floor Plan – Drawing No. 1310-05 Rev B – Received 25/01/2023
Reason: To clarify which plans have been approved.
- 3) The materials to be used in the development hereby approved shall be as indicated on the approved plans unless otherwise approved.
Reason: To ensure a satisfactory appearance to the development
- 4) The extension/s hereby approved shall not commence above slab level until details of a scheme for the enhancement of biodiversity on the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through methods into the design and appearance of the extension by means such as swift bricks, bat tubes or bee bricks, and through the provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgehog corridors. The development shall be implemented in accordance with the approved details prior to first use of the extension/s and all features shall be retained and maintained thereafter.
Reason: To enhance the ecology and biodiversity on the site in the future.
- 5) The development shall not commence above slab level until details of how the proposal hereby approved shall be constructed to secure the optimum energy and water efficiency of the extension/building have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first use and retained and maintained thereafter; The details shall demonstrate that consideration has been given to incorporating small scale renewable energy generation options have been considered first and shall only be discounted for reasons of amenity, sensitivity of the environment or economies of scale, installing new energy efficient products, such as insulation, energy efficient boilers, low energy lighting shall be considered as a secondary option if the use of renewables has been demonstrated to not be appropriate.
Reason: To ensure an energy efficient form of development.
- 6) The flat roof area of single storey rear extension hereby permitted shall not be used as a veranda, balcony, roof garden or similar amenity area. Furthermore, no balustrades, railings or other means of enclosure shall be erected and access to this flat roof area shall be restricted solely for the purpose of future maintenance of the extension/dwelling and for no other purpose.
Reason : To protect neighbouring amenity

INFORMATIVES

- 1) It is the responsibility of the developer to ensure, before the development hereby approved is commenced, that approval under the Building Regulations (where required) and any other necessary approvals have been obtained, and that the

details shown on the plans hereby approved agree in every aspect with those approved under such legislation.

- 2) The grant of this permission does not convey any rights of encroachment over the boundary with the adjacent property in terms of foundations, eaves, guttering or external cladding, and any persons wishing to implement this permission should satisfy themselves fully in this respect. Regard should also be had to the provisions of the Neighbour Encroachment and Party Wall Act 1995 which may apply to the project.

Case Officer: Chloe Berkhauer-Smith

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 15



Ordnance Survey - data derived from OS Premium

22/505747/FULL Springwood Road Nurses Accommodation, Springwood Road, Barming, Kent Scale: 1:1250

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REPORT SUMMARY

REFERENCE NO: - 22/505747/FULL		
APPLICATION PROPOSAL: Section 73 - Application for variation of conditions 4 (to remove the requirement for solar PV panels) and 9 (to reduce the number of electric vehicle charging points from ten to four) pursuant to 22/501405/FULL for - Change of use from 4 blocks of residential nurses accommodation to 3 no. blocks comprising of 18 X 5 bed HMO units and 1 no. block comprising of 8 X 3 bedroom residential units.		
ADDRESS: Springwood Road Nurses Accommodation, Springwood Road, Barming, ME16 9NX		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to the planning conditions: (with amendment of condition 4 and condition 9 deleted)		
SUMMARY OF REASONS FOR RECOMMENDATION FOR APPROVAL: No solar photovoltaic panels are included as part of the change of use application and officers find this acceptable for the reasons set out in this report at paragraphs 5.03 to 5.08 below. The applicant is proposing the list of energy efficient measures in the report at paragraph 5.11. <ul style="list-style-type: none"> Action - Amend condition 4 (energy efficiency) as follows: "<i>Prior to first occupation of the development hereby approved the energy efficiency measures set out in the DHA letter dated 23 September 2022 shall be in place and all features shall be maintained thereafter. Reason: To ensure an energy efficient form of development</i>". <p>The provision of electric vehicle charging points and the thresholds for when they are required passed from the planning system to Building Regulations in June 2022. In this context the provision of electric vehicle charging points is not a planning consideration and a planning condition requiring installation of charging points fails 3 of the six statutory tests for planning conditions ('necessary', 'relevant to planning', and 'reasonable')</p> <ul style="list-style-type: none"> Action - Delete condition 9 (electric vehicle charging points) as from June 2022 provision of electric vehicle charging points are now provided under Building Regulations. <p><i>(NB: the package of energy efficiency measures provided by the applicant includes 4 electric vehicle charging points. This offer by the applicant does not impact on the conclusions reached above on a standalone condition)</i></p>		
REASON FOR REFERRAL TO COMMITTEE: Call in from Cllr Ashleigh Kimmance and Cllr Peter Homes as the application relates to conditions that were amended by the planning committee.		
WARD: Heath	PARISH: N/A	APPLICANT Jedi Developments Ltd AGENT: DHA Planning Ltd
CASE OFFICER: Tony Ryan	VALIDATION DATE: 12/02/22	DECISION DUE DATE: 31/03/2023 (EOT)
ADVERTISED AS A DEPARTURE: No		

1.0 BACKGROUND, PROPOSAL AND RELEVANT PLANNING HISTORY

1.01 At the committee meeting on the 20 October 2022 members considered and resolved to approve the planning application under reference 22/501405/FULL (decision issued 28.10.2022). This application was for Springwood Road Nurses Accommodation, Springwood Road, Barming, ME16 9NX.

1.02 The proposal involves the change of use of the 4 existing blocks of HMO residential nurses accommodation (currently providing 114 HMO rooms) as follows:

- 90 open market HMO rooms (arranged across three residential blocks in 18 five room HMO clusters with each cluster having a separate front door) and
- 8 three bedroom residential flats (total of 24 bedrooms in the fourth block).
- No physical internal building changes.
- Only external changes are new ground floor patio doors (requested by officers during initial application to provide improved access to external amenity areas).
- 23 off street car parking spaces (Retention of 21 existing with 2 proposed additional)

1.03 Relevant extract from the minutes of the committee meeting on the 20 October 2022 is:

"...That permission be granted subject to the conditions set out in the report with:

The amendment of condition 4 (Energy Efficiency Measures) to expand on Members' additional expectations in terms of the installation of solar PV panels within the development unless it is demonstrated that it is not physically possible to do so and cavity wall insulation; and

The amendment of condition 9 (EV Charging) to require a minimum of 10 operational electric vehicle charging points; the siting to ensure that every parking bay has access to a charging point..."

1.04 An application for the removal or variation of planning conditions (s73) can be used to change or remove conditions which have been previously imposed. The Local Planning Authority can either

- grant the s73 permission unconditionally or
- grant subject to different conditions, or
- or can refuse the s73 application if they decide that the original conditions should continue.

1.05 Whatever the result of the s73 application, the original planning permission will remain and can be implemented as normal if the applicant chooses to. The applicant also has the right of appeal against the original conditions and this appeal can be submitted to the planning inspectorate up to 28 April 2023.

1.06 The current s73 application seeks to vary condition 4 (energy efficiency) and condition 9 (electric vehicle charging points) to remove the amendments that the planning committee made to these conditions.

2.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan policies SS1, SP1, SP19, SP20, DM1, DM2, DM3, DM6, DM8, DM9, DM11, DM21, DM23.

- Supplementary Planning Guidance: Affordable housing
- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 22) dated October 2021. - The Regulation 22 draft is a material consideration however weight is currently limited, as it is the subject of an examination in public that commenced on the 6 September 2022 (hearings currently adjourned until 15 May when stage 2 hearings commence). The relevant policies in the draft plan are as follows:

LPRSP10:Housing
LPRSP10(A):Housing mix
LPRSP12:Sustainable transport
LPRSP14:The environment
LPRSS1:Maidstone borough spatial strategy
LPRSP9:Development in the countryside
LPRSP14A:Natural environment
LPRSP14(C):Climate change
LPRSP15:Principles of good design
LPRTRA2:Assessing the transport impacts of development
PRTRA4:Parking
LPRQ&D 1:Sustainable design
LPRQ&D 2:External lighting
LPRQ&D 6:Technical standards

3.0 LOCAL REPRESENTATIONS

3.01 No response from neighbour consultation

Cllr Ashleigh Kimmance

3.02 Would like to call this application in as it needs to be decided at committee.

Cllr Peter Homes

3.03 Would like to call this application in if officers are minded to approve as the application relates to conditions that were added by the committee.

4.0 CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report when considered necessary)

KCC Highways

4.01 No objections, recommend standard infomatives.

Kent Police

4.02 No objection. Suggest security measures if PV panels are installed.

KCC Local Lead Flood Authority.

4.03 No objection as proposal considered low risk.

KCC Minerals Team

4.04 No objection

5.0 APPRAISAL

- 5.01 The key planning considerations are:
- Condition 4 energy efficiency
 - Adopted LP policy DM2: Sustainable design
 - Local Plan Review policy LPRP14(C): Climate Change
 - Statutory tests for the imposition of planning conditions
 - Condition 9 EV charging and Approved Document 'S' Building Regulations

Condition 4 energy efficiency

- 5.02 The amended condition 4 on the decision notice is as follows (current application seeks to remove the underlined text).

"Prior to first occupation of the development hereby approved the energy efficiency measures set out in the DHA letter dated 23 September 2022 shall be in place.

Unless it can be adequately demonstrated in writing that they are not physically capable of being provided, the development should additionally, include the installation of solar PV panels (to provide at least 10% of total annual energy requirements of the development) and cavity wall insulation both provided prior to first occupation of the approved development.

All features shall be maintained thereafter for the lifetime of the development. Reason: To ensure an energy efficient form of development".

Adopted LP policy DM2 and Approved Document Part L

- 5.03 Policy DM2 of the adopted Local Plan states that all new homes will be expected to meet the strengthened on site energy performance standards in Approved Document Part L of the Building Regulations.
- 5.04 Building Regulations Part L1b covers renovations to existing buildings. The requirements of part L1b only apply in certain circumstances such as major renovation (major renovation defined as replacing more than a quarter of the building's surface area).
- 5.05 The current proposal does not involve any change to the internal layout, does not include the use of additional internal space and does not include building extensions.
- 5.06 Other than the new patio doors (that were requested by officers to improve the standard of the accommodation) there are no physical building changes. In this context it is understood that the proposal is not covered by Part L of the Building Regulations.
- 5.07 The only adopted policy that considers renewable energy is LP DM2, and this policy defers to the relevant thresholds and requirements of Part L of the Building Regulations. Building Regulation applications are submitted and considered outside the planning system and a condition requiring compliance with the Part L would fail the necessary and reasonableness statutory planning condition tests.
- 5.08 The applicant advises that *the cost associated with installation and maintenance and the solar panels and cavity wall installation "...in the context of the minor alterations to the building, would be disproportionate to the proposed development".* Officers agree with these conclusions and advise that there is no policy requirement to provide onsite renewable energy or cavity wall installation.

Local Plan Review policy LPRP14(C)

5.09 Whilst not adopted and as a result currently carrying little weight, policy LPRP14(C) of the Local Plan Review states:

- at point 4 of policy LPRP14(C) "...the Council will...support the provision of renewable energy infrastructure within new development". (Officer comment: note text refers to 'support' rather than 'require' renewable energy infrastructure).
- at point 8 of policy LPRP14(C) in contrast states "...the Council will...require new development involving the creation of new dwellings...to plan for and respond to the impacts of climate change..."

5.10 In relation to point 4 of LPRP14(C) and the 'support' for renewable energy infrastructure the applicant has advised "*...it is acknowledged that the installation of PVs would provide sustainability benefits, however the cost associated with installation and maintenance, in the context of the minor alterations to the building, would be disproportionate to the proposed development*". In addition, the appellant advises that a requirement for cavity wall insulation "*... would have a significant financial impact on the scheme, which would be disproportionate to the proposed development*".

5.11 Whilst the policy LPRP14(C) currently carries little weight, the appellant in seeking "...to plan for and respond to the impacts of climate change..." (point 8 policy LPRP14(C)) is proposing the following list of energy efficiency measures:

- LED lighting to be provided throughout the buildings including externally.
- 400mm loft insulation to be installed inside all roofs.
- Individual thermostatic controls to the buildings heating to be installed.
- The provision of all electric 'A' rated appliances / white goods to the units.
- The fitting of flow restrictors on all showers & taps to limit the use of hot water and thus the energy required for its generation.
- Water harvesting (water butt), recycling rain water for external maintenance.
- 4 x EV charging points.

Statutory tests for imposition of planning conditions

5.12 The six statutory tests for the imposition of planning conditions are set out in NPPG guidance (Paragraph: 003 Reference ID: 21a-003-20190723) and paragraph 56 of the current (2021) version of the NPPF. These six statutory tests require planning conditions to be 'necessary', 'relevant to planning', 'enforceable', 'precise' and 'reasonable in all other aspects'.

5.13 The current proposal does not include any additional floorspace and does not include any changes to internal layout. The only physical building changes being the new patio doors.

5.14 The legislative minimum threshold for energy performance standards are Part L of the Building Regulations and the setting of these thresholds would have accounted for the financial burden on developers. In the context of the above information condition 4 as drafted fails to meet the statutory test of being 'necessary' and due to the financial burden on the project fails the 'reasonable in all other aspects' test.

Condition 9 EV charging and Building Regulations Approved Document 'S'

5.15 The amended condition 9 on the decision notice is as follows: "*Prior to first occupation of the development hereby approved a minimum of ten operational electric vehicle charging points for low-emission plugin vehicles shall be installed*

and ready for the use of the new occupant with the electric vehicle charging point thereafter retained and maintained operational as such for that purpose. The siting of the electric vehicle charging points shall ensure that every parking space has access to a charging point. Reason: To promote to promote sustainable travel choices and the reduction of CO2 emissions through use of low emissions vehicles”.

- 5.16 Building Regulations Approved Document 'S' took effect from 15 June 2022 and covers the infrastructure for charging electric vehicles. This forms part of the government's push toward the adoption of electric vehicles, the gradual removal of petrol and diesel powered vehicles by 2030 and the general reduction in carbon production.
- 5.17 Approved Document 'S' took the provision of electric vehicle charging points out of the planning system. The thresholds for when electric vehicle charging points are required and when there are required, how many are required are now covered under Building Regulations. In this context condition 4 fails to meet the statutory tests in terms of the condition being 'necessary', 'relevant to planning' and 'enforceable'.

Public Sector Equality Duty

- 5.18 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

6.0 CONCLUSION

- 6.01 Amend condition 4 (energy efficiency) as follows: "*Prior to first occupation of the development hereby approved the energy efficiency measures set out in the DHA letter dated 23 September 2022 shall be in place and all features shall be maintained thereafter. Reason: To ensure an energy efficient form of development”.*
- 6.02 Delete condition 9 (electric vehicle charging points) as provision of electric vehicle charging points are now provided under Building Regulations.

RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions: (with amendment of condition 4 and condition 9 deleted)

- 1) Commencement: The development hereby permitted shall be begun before 28.10.2025.
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) Plans: The development hereby approved shall be carried out in accordance with the following approved plans and documents:
 - Site Plan Existing drawing 21.208-01
 - Rowan House existing 21.208-10
 - Birch House existing 21.208-11
 - Chestnut House existing 21.208-12
 - Hawthorn House existing 21.208-13

 - Site Plan Proposed drawing 21.208-001 T5 (received 06.10.2022)
 - Rowan House proposed Floor Plans 21.208-200 P2 (received 06.10.2022)
 - Birch House proposed Floor Plans 21.208-201 P2 (received 06.10.2022)

- Chestnut House proposed Floor Plans 21.208-202 P2 (received 06.10.2022)
- Hawthorn House proposed Floor Plans 21.208-203 P2 (received 06.10.2022)
- Rowan House proposed Elevations 21.208-300 (received 06.10.2022)
- Birch House proposed Elevations 21.208-301 (received 06.10.2022)
- Chestnut House proposed Elevations 21.208-302 (received 06.10.2022)
- Hawthorn House proposed Elevations 21.208-303 (received 06.10.2022)
- Rowan House Area Comparison
- Birch House Area Comparison
- Chestnut House Area Comparison
- Hawthorn House Area Comparison
- Vehicle Swept Path Analysis 11.4 Refuse 16675-T-01-P1

- DHA Letter dated 23.09.2022
- DHA Covering letter and Design and Access Statement

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3) Biodiversity: Prior to first occupation of the development hereby approved details of a scheme for the enhancement of biodiversity on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through means such as swift bricks, bat tubes or bee bricks, and through provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgehog corridors. The development shall be implemented in accordance with the approved details prior to first occupation of the development hereby approved and all features shall be maintained thereafter. Reason: To enhance the ecology and biodiversity on the site.
- 4) Energy Efficiency: Prior to first occupation of the development hereby approved the energy efficiency measures set out in the DHA letter dated 23 September 2022 shall be in place and all features shall be maintained thereafter. Reason: To ensure an energy efficient form of development.
- 5) Landscaping details: Prior to first occupation of the development hereby approved a soft landscaping scheme (designed using the principle's established in the Council's adopted Landscape Character Assessment 2012) shall be submitted to and approved in writing by the local planning authority. The soft landscaping scheme shall include the following:
- a) Indications of all existing hedgerows on the land, and confirmation of those to be retained,
 - b) A planting schedule using indigenous species (including location, planting species, spacing, maturity and size). Only non-plastic guards shall be used for the new trees and hedgerows.
 - c) A programme for the approved scheme's implementation and long term management, including long term design objectives, management responsibilities and a maintenance schedule for the landscaped areas.
- Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development
- 6) Landscaping implementation: All planting, seeding and turfing specified in the approved landscape scheme shall be completed by the end of the first planting season (October to February) following first occupation of the dwelling hereby approved. The approved long term management details shall be carried out with the approved details and any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, 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.

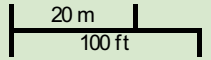
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

- 7) Boundary treatment: Prior to first occupation of the development hereby approved details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority (to include gaps at ground level in the boundaries to allow the passage of wildlife) and the development shall be carried out in accordance with the approved details before the first occupation of the buildings and 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 for the passage of wildlife.
- 8) Provision of garden areas Prior to first occupation of the development hereby approved the hedging shown on drawing 21.202-001 T5 shall be provided (including hedging to protect the ground floor windows) and shall be maintained for the lifetime of the development. Reason: In the interests of landscape and amenity.
- 9) Car Parking Management Plan Prior to the first occupation of the dwelling hereby approved a car parking management plan shall be submitted to and approved in writing by the local planning authority. The plan should include arrangements for the management of the car parking area, the electric vehicle charging points and the allocation of spaces. Reason: In the interests of amenity and highway safety.
- 10) Bin and cycle storage: Prior to the first occupation of the dwelling hereby approved, facilities for
 - (a) the storage and screening of refuse bins,
 - (b) the collection of refuse bins, and
 - (c) secure bicycle storageshall be in place that are in accordance with details that have previously been submitted to and approved by the Local Planning Authority. These details will be maintained as such thereafter. Reason: To ensure a satisfactory appearance to the development
- 11) Parking, turning and access: Prior to the first occupation of the dwelling hereby approved the approved parking, turning and access details shall be completed and shall thereafter be retained. 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 their operation. Reason: Development without adequate parking, turning and access provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.
- 12) External lighting: Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter. Reason: In the interests of amenity.
- 13) Removal of permitted development: Notwithstanding the provisions of the Town and Country Planning General Permitted Development (Amendment) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development within Schedule 2, Part 1, Classes A, B, C, D, E and

F; and Schedule 2, Part 2, Class A, to that Order shall be carried out. Reason: To ensure a satisfactory appearance to the development.

- 14) Site Management Plan: Prior to the first occupation of the dwelling hereby approved a site management plan shall be submitted to and approved in writing by the local planning authority. The plan should include arrangements for the upkeep and maintenance of the open areas of the site and details of a complaints procedure and management contact. Reason: In the interests of amenity.
- 15) Car Parking Management Plan: Prior to the first occupation of the dwelling hereby approved a car parking management plan shall be submitted to and approved in writing by the local planning authority. The plan should include arrangements for the management of the car parking area, the electric vehicle charging points and the allocation of spaces. Reason: In the interests of amenity and highway safety.

Agenda Item 16



Ordnance Survey - data derived from OS Premium

REPORT SUMMARY

REFERENCE NO: 22/505903/FULL		
APPLICATION PROPOSAL: Renewal of planning permission 20/500416/FULL for demolition of existing fire damaged building and erection of replacement commercial/industrial building for Classes E (g-i, ii and iii), B2 and B8 uses.		
ADDRESS: The Homestead, Gravelly Bottom Road, Kingswood, Kent, ME17 3NU		
RECOMMENDATION: APPROVE subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The development is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
REASON FOR REFERRAL TO COMMITTEE: Broomfield and Kingswood Parish Council have requested application is considered by Planning Committee if officers are minded to approve application. This request is made for the reasons outlined in the consultation section below.		
WARD: Leeds	PARISH: Broomfield & Kingswood	APPLICANT: Mr R. Schroeder AGENT: DHA Planning
CASE OFFICER: Kate Altieri	VALIDATION DATE: 20/12/22	DECISION DUE: 27/03/23
ADVERTISED AS A DEPARTURE: NO		

RELEVANT PLANNING HISTORY

Application site

- 20/505978 – Prior Notification (Class ZA) for demolition of light industrial/commercial building and erection of 3-storey block of 24 flats – Prior approval refused (dismissed at appeal).
- 20/502163 – Details for conditions: 2 (materials); 4 (biodiversity method statement); and 5[part 1] (contamination) for 20/500416 - Approved
- 20/500416 – Demolition of building and replacement building for B1, B2 & B8 use - Approved
- MA/93/0867 - Change of use from B1/B2 to storage of motor vehicles (B8) – Refused
- MA/87/0582 - Part use (east side) of farm building for fence manufacturing – Approved
- MA/86/1123 – Part use (west side) of farm building for fence manufacturing – Approved

1.0 DESCRIPTION OF SITE

1.01 The proposal site is on the northern side of Gravelly Bottom Road, some 700m to the west of the junction with Broomfield Road. A Christmas tree farm is to the front of the site; other industrial buildings are to the rear; and there are residential properties within the locality. For the purposes of the Local Plan the proposal site is within the designated countryside. The site also falls within a KCC Minerals Safeguarding Area and an Area of Archaeological Potential.

2.0 BACKGROUND INFORMATION

2.01 The original building had permission to manufacture and store fencing and garden sheds under MA/86/1123 and MA/87/0582, as pointed out in the Officer's report for MA/93/0867 (despite the description for this proposal stating 'change of use from B1/B2'). There appears to be no other planning history for this building after this. The agent has also confirmed the following:

- Building to immediate north of site has been used by variety of small businesses for past 30yrs and is currently used by: Motor Vehicle Parts Supplier; Ashford Utilities (storage use); and 2 other small separate storage businesses.
- Before the fire, the previous building on site was used by CLJ Carpentry (wooding working use) and by Ace Products for the manufacture and repair of marquees. Following the fire, CLJ Carpentry and Ace Products had to find alternative sites.
- Before this, the building was originally used by MP Sheds (manufacture of sheds) and thereafter by a number of small businesses since late 1980's through to present time. It is understood that the building was occupied by Ace Products for approximately 25yrs and by CLJ Carpentry for 5yrs.
- At this stage, future occupiers of building are unknown, but it's likely building will provide space for 3 or 4 small businesses.

3.0 PROPOSAL

- 3.01 The application is described as: *Renewal of 20/500416 for demolition of existing fire damaged building and erection of replacement commercial/industrial building for Classes E (g-i, ii and iii), B2 and B8 uses.*
- 3.02 The original building measured some 600m² in floor area. Please note here that the Planning Inspector, under a dismissed appeal relating to 20/505978, was not satisfied that the remains on the site constituted a building for the purpose of the appeal.
- 3.03 The new building would measure some 48m by 21m in footprint (946m²); and it would stand some 6.7m in height from its ridge to ground level, and some 4m in height from its eaves. The elevations of the new building will be clad in metal profile sheeting coloured Vandyke Brown; and the roof will be covered in fibre cement sheeting coloured natural grey, as approved under 20/502163. The existing boundary hedgerows and trees will be retained; and additional native tree planting is proposed along the southern boundary (18 trees: comprising 6 Beech, 6 Field Maple and 6 Oak of Select Standard size).
- 3.04 The operating hours will also remain as follows (as approved under 20/500416): 07:00 to 19:00 Monday-Friday; 07:00 to 13:00 Saturdays; and not at any time on Sundays.
- 3.05 The proposal is effectively the same as that approved under 20/500416 (new building for B1, B2 & B8 use). Please note that this permission expires at the end of March 2023.
- 3.06 For reference the proposed uses include:

Classes E(g)

- i - Offices to carry out any operational or administrative functions,*
- ii - Research and development of products or processes, or*
- iii - Industrial processes,*

being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Class B2 – General industrial: Use for industrial process other than one falling within class E(g) (previously Class B1) (excluding incineration purposes, chemical treatment or landfill or hazardous waste)

Class B8 – Storage and distribution

4.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Local Plan (2017): SP17, SP21, DM1, DM2, DM5, DM8, DM30, DM37
- Landscape Character Assessment (2012 amended July 2013) & Capacity Study (2015)
- National Planning Policy Framework (2021) & National Planning Practice Guidance
- Kent Minerals & Waste LP (2013-30) as amended by Early Partial Review (2020)
- Regulation 22 Local Plan

Maidstone Local Plan

- 4.01 The application site is within the designated countryside. Local Plan policy SP17 states that new development will not be permitted unless it accords with other policies in this Plan and it will not result in harm to the character and appearance of the area. Furthermore, other policies in the Local Plan seek for new development in the countryside to (inter alia): Respect the amenity local residents; to be acceptable in highway safety, heritage and arboricultural terms; to protect and enhance any on-site biodiversity features where appropriate, or provides sufficient mitigation measures; and to be acceptable in flood risk terms.
- 4.02 Local Plan policy DM5 relates to development on brownfield land; policy SS1 also seeks to support small scale employment opportunities in appropriate locations for the sake of the rural economy; and policies SP21 and DM37 seek to support the expansion of existing businesses in rural areas (subject to certain criteria).

Landscape Character Assessment

- 4.03 The Maidstone Landscape Character Assessment identifies the application site as falling within the Greensand Orchards and Mixed Farmlands: Kingswood Plateau Landscape Character Area (Area 31). The landscape guidelines for this area is to '*CONSERVE & REINFORCE*'. Within the Council's Landscape Capacity Study, the overall landscape sensitivity is assessed as having a moderate overall landscape sensitivity and to have '*scope for change with certain constraints*'.

NPPF

- 4.04 The NPPF is clear that good design is a key aspect of sustainable development and that permission should be refused for development that is not well designed, with section 12 of the NPPF referring to '*achieving well-designed places*'. Paragraph 174 of the NPPF also states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside; and paragraph 84 seeks to help support a prosperous rural economy. Section 16 relates to the historic environment.

Regulation 22 Local Plan

- 4.05 This is a material consideration, but limited weight is attached to the document because of the stage it has reached, having not yet been the subject of full public examination. Stage 2 hearings commence 15th May 2023. This said, here is a list of some of the emerging policies that are relevant to this proposal: LPRS9 (Development in countryside); LPRSP11 (Economic development); LPRSP12 (Sustainable transport); LPRSP14 (Environment); LPRSP14(A) (Natural environment); LPRSP15 (Design); LPRSS1 (Spatial strategy); LPRHOU1 (Brownfield Land); LPRCD6 (Expansion of existing businesses in rural areas); LPRTRA2 (Assessing transport impacts); LPRTRA4 (Parking); LPRQ&D1 (Sustainable design); LPRQ&D2 (External lighting); and LPRQ&D4 (Design principles in countryside).

5.0 LOCAL REPRESENTATIONS

- 5.01 **Local Residents:** No representations have been received.

6.0 CONSULTATIONS

(Please note summaries of consultation responses are set out below with responses discussed in more detail in main report where considered necessary)

- 6.01 **Broomfield & Kingswood Parish Council:** Object and wish for application to be reported to Planning Committee if officers are minded to recommend approval. Concerns are, in summary:

1. Uses are broad and do not give Parish great deal of factual evidence to proposal.
2. Concerned overall area of building is considerably larger than predecessor.
3. There is a possibility there will be increased (and large) traffic - Gravelly Bottom Rd is narrow with overhanging cables causing problems of passage.
4. Local roads have already been damaged by large agricultural vehicles. Proposal will cause potential unnecessary increased damage for other road users and increase in local authority repair expenses.
5. Highways comments not to hand so it is not possible to agree or disagree with KCC.
6. Village is residential in nature, surrounded by agricultural land – Proposal doesn't accord with area.
7. No mention has been made of potential noise/light pollution – Parish have grave concerns about this.
8. Building Regs offers dimensions for Fire Service access/turning - Have concerns this cannot be achieved.

- 6.02 **KCC Highways:** Raise no objection (see main report).
- 6.03 **Environmental Protection Team:** Raises no objection to application (see main report).
- 6.04 **KCC Biodiversity Officer:** Satisfied sufficient info has been submitted (see main report).
- 6.05 **KCC Archaeology Officer:** No representations have been received and so it is therefore assumed that they have no objection to the proposal and also require no further information.

7.0 APPRAISAL

7.01 The key issues for consideration relate to:

- Impact upon character and appearance of area;
- Residential amenity;
- Highway safety implications;
- Biodiversity implications; and
- Other considerations.

7.02 The details of the submission will now be considered.

Impact upon character and appearance of area

7.03 This submission is effectively a resubmission of permission 20/500416. As considered before, it is established that the proposal would have a larger footprint than the original building; and it is assumed that the new building would be taller than what was there. However, the proposal building would be set back from Gravelly Bottom Road (and public footpath KH303) by more than 90m; it would be of a similar simple design and appearance to the building previously on the site; it would be partly screened by existing built form, well-established planting and the Christmas tree farm to the south of the site; and the proposal would be more than 450m away from any public footpath to the north of the site, and more than 240m from public footpath to the east. Furthermore, the proposed native landscaping (to be secured by condition) will provide more permanent screening to further soften the appearance of the development. The choice of external materials is also considered appropriate, and were as approved under 20/502163.

7.04 There is general Local Plan policy support for such a development, and as was considered under 20/500416, the proposal would be of a scale appropriate for its location that would be satisfactorily integrated into the local landscape. As such, the proposal would not result in an unacceptable loss in the amenity of the area and it would not cause unacceptable harm to the character and landscape of the countryside hereabouts.

Residential amenity

7.05 The proposal building, given its location, would not have an adverse impact upon the amenity of any local resident in terms of privacy, light and outlook. The proposal would replace a previous commercial building, and as accepted under 20/500416, its increase in floor area and uses would not cause unacceptable harm when compared to what was previously on site; the proposal would have use of an existing access that continues to serve other existing commercial buildings; and the hours of operation can be controlled by way of condition.

7.06 The Environmental Protection Team have raised no objection to the proposal but have commented that there is the potential for noise disturbance to nearby residential properties due to the unknown uses of the site going forward. With this considered, they have recommended a condition to restrict the level of noise emissions from the site. Such a condition is considered reasonable in the interests of residential amenity and it shown to be imposed to any permission. The recommended noise management plan is not considered necessary to make this application acceptable in planning terms, as other recommended conditions control the impacts of the proposal and any potential future complaints in terms of noise should be dealt with under environmental protection legislation.

7.07 The Environmental Protection Team have also commented that there is the potential for odour/fumes/dust disturbance to nearby residential properties and have recommended a condition to require details of measures to be taken to deal with the emission of dust, odours or vapours arising from the site. Such residential amenity concerns would only reasonably apply to any use falling within a B2 Use Class and not Use Classes E (g-i, ii and iii) nor B8 uses.

7.08 With all considered, it remains the view that the proposal would also not have an unacceptable impact upon local residents in terms of general noise and disturbance.

Highway safety implications

- 7.09 Paragraph 111 of the revised NPPF states: *Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*
- 7.10 As previously assessed under 20/500416, the original building on the site was previously used by three small businesses (car parts supplier; house clearance business; and utility contractor) where approximately six persons were employed. It is suggested that based on the small-scale nature of the use and the size of the original building, it generated around 10 vehicle movements per day. The submission then suggests that the proposal building (some 346m² larger in floor area) would result in approximately 5 additional trips (totalling 15 movements per day). The proposal will continue to use the site's existing vehicle access.
- 7.11 The Highways Authority previously raised no objection under 20/500416, and they have also raised no objection to this current application. In summary, they comment:

Discussion: This a renewal of a planning permission KCC were previously consulted on in Feb 2020.

Access: Applicant is not seeking creation of new vehicular or pedestrian access to site. Current access is direct onto Gravelly Bottom Rd. This is a narrow, unclassified road with appropriate vehicle weight restrictions, with exception for access. Speed limit is unrestricted, at 60mph. Personal Injury Collision Record for access is good, showing no incidents recorded in most recent 5yr period.

Trip Generation: Applicant has sought to evidence expected trip generation from site. It is accepted site has a previous use, as site for 3 small businesses, who combined employed approx. 6 persons. Application has estimated trips current use will generate based on small-scale nature and associated size of building (600m²), concluding approx. 10 movements per day.

Proposal, providing a replacement building, will increase size to 946m², and it is estimated this will result in approx. 5 additional trips. It is therefore expected the site will generate a total of 15 trips per day. It is agreed that although this is an increase of 50%, numbers are still small and therefore proposal will not result in a severe impact on surrounding highway network.

Sustainable Transport: Site provides limited provision for pedestrians/cyclists with no formal footways or recognised cycle routes within vicinity. Access to public bus services can be found around 800m from site.

Parking: Is assessed against guidance in Kent & Medway Structure Plan (2006) SPG4; and layout plan shows onsite parking provision for both staff vehicles and goods/delivery vehicles. Building dimensions equate to a floorspace of approx. 1000m² and there would be a range of uses. On review, proposed provision of 9 staff parking spaces, 3 spaces for goods vehicles and cycle parking is sufficient; and spaces are appropriately located, providing independent access and sufficient manoeuvrability for vehicles.

- 7.12 The recommended condition to ensure the retention of the onsite parking areas is considered reasonably necessary. However, recommended conditions relating to the construction of the proposal are not considered necessary to make the development acceptable in planning terms.
- 7.13 With KCC's specialist comments considered, it remains the view that the proposal would not cause a danger to the safe and free flow of traffic on the local highway network, in accordance with policy DM37. As such, the proposal would not have a severe impact upon the local road network and the proposal would be acceptable in highway safety terms.

Biodiversity implications

- 7.14 The submission includes a Preliminary Ecological Appraisal (PEA) and a Biodiversity Method Statement that were submitted under 20/502163. The KCC Biodiversity Officer has reviewed the submission and has commented as follows (in summary):

In light of previous permission being extant and after re-reviewing application, we're satisfied with conclusions of original ecology report (despite it being out of date in alignment with current guidance). The methods set out in Biodiversity Method Statement should be sufficient for dealing with protected species if they are present now. Original conditions all look good so you can re-use them if you wish. You may wish to add condition that secures enhancements suggested in PEA.

7.15 With the specialist advice considered, it is agreed that no further ecological information is required prior to the determination of this application, and a suitable condition is recommended to ensure that the proposal is carried out in accordance with the submitted Biodiversity Method Statement. Furthermore and in accordance with the recommendations of the submitted PEA, a minimum of one bat box and one bird box shall be installed on the approved building prior to its first use. These enhancements together with the proposed native landscaping are considered to be in line with the aims of Local Plan policy DM3 and the NPPF that seek to incorporate biodiversity improvements.

Other considerations

7.16 The Environmental Protection Team has raised no objection in terms of contamination; air quality; lighting; accumulations; asbestos; sewage; radon; private water supplies; waste and construction. This is subject to a contamination condition (as previously imposed), given that there has been a fire on the site of the previous commercial building and there is the potential for land contamination. The agent has not objected to the imposition of this pre-commencement condition. Furthermore, external lighting can be controlled by condition in the interests of amenity.

7.17 The site is in Flood Zone 1 and no objection is raised to the proposal in terms of flood risk; and surface water drainage will be disposed of via soakaway and this is considered acceptable. The agent has confirmed that the proposal will not include any foul drainage and so a condition requiring details of this is not necessary.

7.18 External lighting can be dealt with by way of an appropriate condition, to safeguard both visual and residential amenity; and to ensure a sustainable and energy efficient form of development, the proposal building is expected to achieve a minimum BREEAM rating of at least 'very good'.

7.19 The site does fall within a KCC Minerals Safeguarding Area. However, no previous objections have been made on this matter and the proposal is considered to be minor works in terms of Kent Minerals & Waste Local Plan, and therefore acceptable.

7.20 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010, and it is considered that the development would not undermine the objectives of the Duty.

7.21 The development is CIL liable. The Council adopted a Community Infrastructure Levy in October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time if planning permission is granted or shortly after. The proposal is not EIA development.

8.0 CONCLUSION

8.01 The proposal is considered to be acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. A recommendation of approval is therefore made on this basis.

9.0 RECOMMENDATION

9.01 **GRANT PLANNING PERMISSION** subject to the following conditions with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

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 approved shall only be used for the purposes within Use Class E(g-i, ii and iii) of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 and shall not be used for any other uses within Class E; and Classes B2 and B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), and for no other purpose permitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any statutory instrument revoking and re-enacting those Orders with or without modification) or otherwise.

Reason: Alternative uses of the approved building could cause adverse harm to the character, appearance and functioning of the surrounding area and/or the enjoyment of their properties by adjoining residential occupiers.

3. Prior to the commencement of any use on the site falling within Class B2 use of the Town and Country Planning (Use Classes) Order 1987 (as amended), details of mitigation measures to be taken to deal with the emissions of dust, odours or vapours arising from it shall be submitted to and approved in writing by the local planning authority. Any equipment, plant or process that is necessary as part of the mitigation measures shall be in place prior to the commencement of the use and it shall be operated and retained in compliance with the approved scheme thereafter.

Reason: In the interests of residential amenity.

4. The submission is accompanied by a Preliminary Risk Assessment (by Phlorum, dated April 2020). Subsequent to this, the development hereby permitted shall not commence until the following components of a scheme to deal with the risks associated with contamination of the site have been submitted to and approved in writing by the local planning authority:

- (i) A site investigation, based on the submitted Preliminary Risk Assessment, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site; and
- (ii) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (i). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority.

Reason: In the interests of public health.

5. Prior to the first use of the building hereby approved, a Closure Report shall be submitted to and approved in writing by the local planning authority. The closure report shall include full verification details as set out in the approved remediation method statement. This should include details of any post remediation sampling and analysis, together with 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.

Reason: In the interests of public health.

6. The development hereby approved shall be constructed using the external materials detailed in section 7.5 of the submitted Planning Design and Access Statement, and the finish of the building shall be maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development.

7. The development hereby approved shall be carried out in accordance with the submitted landscaping scheme to be planted along the south-western boundary of the site. This shall include the planting of a minimum of 18 new trees (comprising of Beech, Field Maple and Pedunculate/English Oak of Selected Standard size. All planting in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner. Any trees or plants

which, within ten years from the first occupation of a property, 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.

Reason: To ensure a satisfactory appearance to the development and in the interests of ecological enhancement.

8. The development hereby approved shall be carried out in accordance with the submitted Biodiversity Method Statement (by Phlorum: May 2020); and a minimum of one bat box and one bird box shall be attached to the approved building prior to its first use, in accordance with the recommendations set out in the submitted Preliminary Ecological Appraisal (by Phlorum: April 2020), and these ecological enhancements shall be maintained as such thereafter.

Reason: In the interests of ecological enhancement.

9. No activity in connection with the use hereby permitted (including deliveries being taken or dispatched) shall be carried out outside the hours of 07:00 to 19:00 Monday-Friday; 07:00 to 13:00 Saturdays; and not at any time on Sundays.

Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers.

10. No external lighting, whether temporary or permanent, shall be placed or erected within the site unless details are submitted to and approved in writing by the local planning authority. Any details to be submitted shall be in accordance with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2011 (and any subsequent revisions), and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.

Reason: To safeguard the character and appearance of the countryside and in the interests of residential amenity.

11. The rating level of noise emitted from any proposed plant and equipment to be installed on the site at any time (determined using the guidance of the current version of BS:4142 for rating and assessing industrial and commercial sound), shall be 5dB below the existing measured background noise level LA90, T.

Reason: In the interests of residential amenity.

12. The building hereby permitted shall achieve a minimum BREEAM rating of at least 'very good' and within 12 months of the first use of the building, a final certificate shall be submitted to the local planning authority certifying that a BREEAM rating of at least Very Good has been achieved.

Reason: To ensure a sustainable and energy efficient form of development.

13. The vehicle parking area, as shown on the submitted plans, shall be available for use prior to the first use of the development hereby approved and shall be permanently retained for such use and not used for any other purpose thereafter.

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

14. The bicycle parking area (for a minimum of six bicycles), as shown on the submitted plans, shall be available for use prior to the first use of the development hereby approved and shall be permanently retained for such use and not used for any other purpose thereafter.

Reason: In the interest of sustainable development.

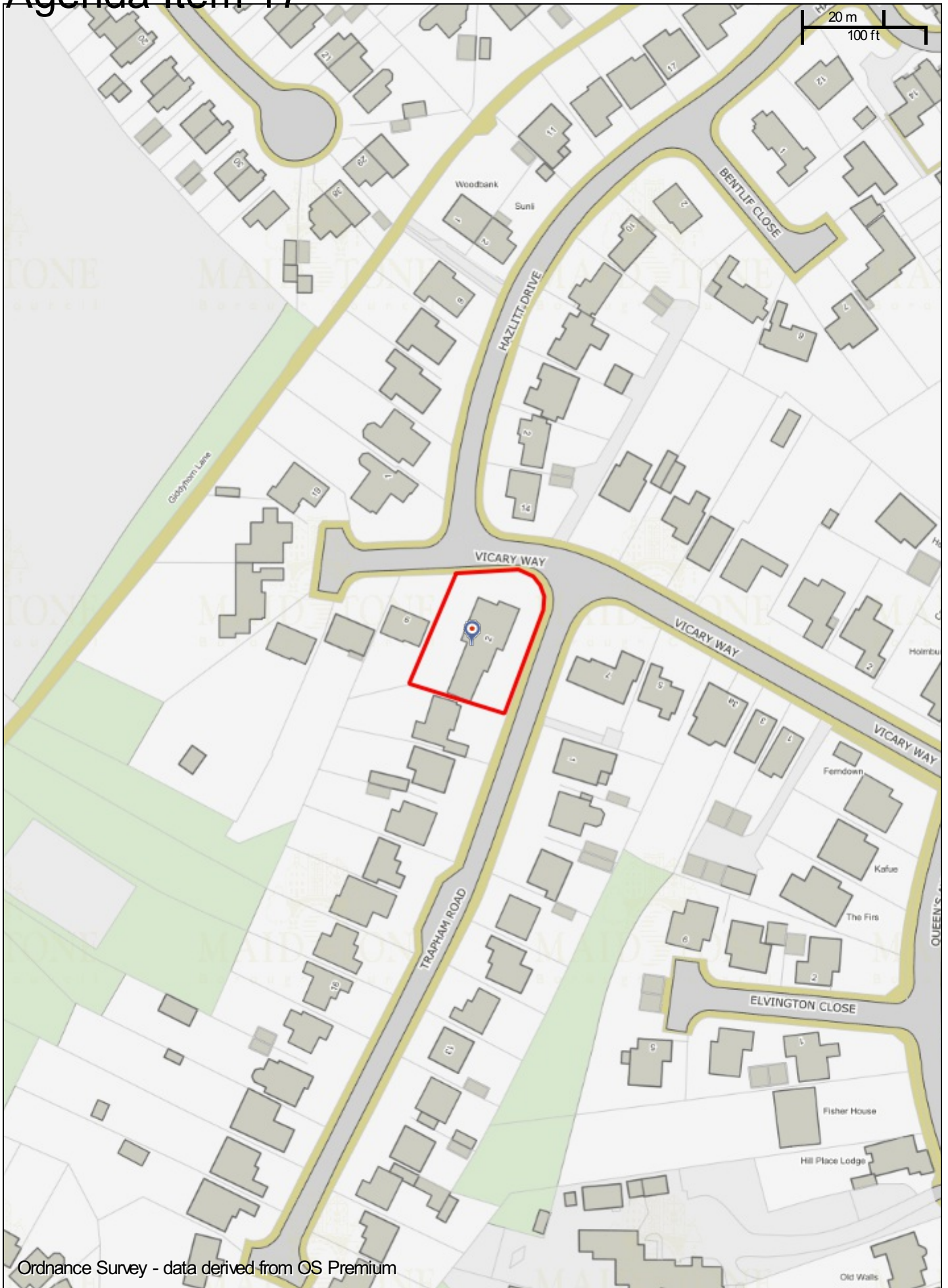
15. The development hereby permitted shall be carried out in accordance with the following approved plans: DHA/12814/01; 02; 03 Rev A; 04; and 05.

Reason For the avoidance of doubt and in the interests of proper planning.

Informative(s):

1. The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.
2. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Information about how to clarify the highway boundary can be found at:
<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highwayboundary-enquiries>

Agenda Item 17



Ordnance Survey - data derived from OS Premium

23/500212/FULL 2 Trapham Road, Maidstone, Kent, ME16 0EL

Scale: 1:1250

Printed on: 10/3/2023 at 8:51 AM by JoannaW

REPORT SUMMARY

REFERENCE NO: 23/500212/FULL		
APPLICATION PROPOSAL: Change of use of existing dwellinghouse into 10 bedroom HMO including installation of solar panels, electric vehicle charging point and associated parking.		
ADDRESS: 2 Trapham Road Maidstone Kent ME16 0EL		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The development is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
REASON FOR REFERRAL TO COMMITTEE: Councillor Jeffery and Councillor Cannon have both requested the application is considered by Planning Committee if officers are minded to recommend approval. These requests are made for the reasons outlined in the consultation section below.		
WARD: Bridge	PARISH COUNCIL: N/A	APPLICANT: RND Estates Ltd AGENT: Mr Fowler
CASE OFFICER: Kate Altieri	VALIDATED ON: 16/01/23	DECISION DUE: 27/03/23
ADVERTISED AS A DEPARTURE: NO		

RELEVANT PLANNING HISTORY

- 14/0165 - Single storey front/side & single storey/part 2-storey side/rear extensions - Approved

1.0 SITE DESCRIPTION

1.01 2 Trapham Road is a relatively large detached property located on a corner plot, with Vicary Way running past its northern boundary. Trapham Road is characterised by relatively large detached houses of differing design and with off-street parking. The neighbouring streets of Vicary Way, Hazlitt Drive and Bently Close, are also largely characterised by detached dwellings with off-street parking. The block of flats and the terraced properties at the north-eastern end of Hazlitt Drive also have parking areas; and again the majority of the properties on Queens Avenue are detached with off-street parking. For the purposes of Local Plan the proposal site is within the defined urban area of Maidstone; and the site is within Flood Zone 1.

2.0 PROPOSAL

- 2.01 The proposal is described as: *Change of use of existing dwellinghouse into 10 bedroom HMO including installation of solar panels, electric vehicle charging point and associated parking.*
- 2.02 The existing property is a 5-bed detached dwelling. Apart from the addition of solar panels, the building's external appearance will remain unaltered. Refuse storage is shown to the northern side of the building; there is off-street parking for four cars; the double garage is shown to be used as a store/utility room and for bicycle parking (10 spaces); and one new freestanding electric vehicle charging point is shown.

3.0 POLICY AND OTHER CONSIDERATIONS

- Local Plan (2017): SS1, SP1, SP19, SP23, DM1, DM2, DM3, DM5, DM6, DM8, DM9, DM21, DM23
- National Planning Policy Framework (2021) & National Planning Practice Guidance
- Regulation 22 Local Plan

Local Plan

- 3.01 As the largest and most sustainable location, the urban area (as defined in the Local Plan) should be the focus for new residential development, provided it accords with relevant Local Plan policies. Local Plan policy SP19 sets out how the Council will seek to ensure the delivery of sustainable mixed communities across new housing developments and within existing housing areas throughout the borough. Paragraph 1 of policy SP19 also states: *In considering proposals for new housing development, the council will seek a sustainable range of house sizes, types and tenures.....that reflect the needs of those living in Maidstone Borough now and in years to come.*

- 3.02 Subject to certain criteria, Local Plan policy DM9 allows for the conversion of dwellings to houses in multiple occupation, and this will be discussed further on in the report. Paragraphs 6.54 and 6.55 state (in summary):

6.54 Conversion of larger residential properties to...HMOs aids provision of accommodation for smaller households & contributes towards mix and choice of homes, advocated by NPPF....Council wishes to ensure new residential units are attractive, high quality places to live, which respond positively to local area.

- 3.03 HMOs also aid the provision of accommodation for smaller households and contributes towards a mix and choice of homes, provided such developments are attractive, high quality places to live that respond positively to the local area.

NPPF

- 3.04 The NPPF is clear that good design is a key aspect of sustainable development and that permission should be refused for development that is not well designed, with section 12 referring to 'achieving well-designed places'.

Regulation 22 Local Plan

- 3.05 This document is a material consideration, but limited weight is attached to it because of the stage it has reached, having not yet been the subject of full public examination. Stage 2 hearings commence on 15th May 2023. This said, here is a list of emerging policies that are relevant to this proposal: LPRS2 (Urban area); LPRSP10 (Housing); LPRSP10(A) (Housing mix); LPRSP14 (Environment); LPRSP14(A) (Natural environment); LPRSP15 (Design); LPRSS1 (Spatial strategy); LPRTRA4 (Parking); LPRHOU2 (Residential conversions in built-up area); LPRQ&D1 (Sustainable design); and LPRQ&D2 (External lighting).

4.0 LOCAL REPRESENTATIONS

- 4.01 **Local Residents:** 63 representations received raising concerns over: Highway safety/parking provision; use out of character and not appropriate for this area; residential amenity including general noise and disturbance; will attract anti-social behaviour; work has commenced without planning permission; inadequate refuse arrangements; proposal will exacerbate doctor/dentist waiting times in area; fire regulations; poor standard of living accommodation; loss of property value; impact upon utilities; and it will set a precedent for future development.
- 4.02 **Helen Grant MP:** Submitted a neighbour representation and commented that it summarises many of the concerns of local residents.

5.0 CONSULTATIONS

(Please note summaries of consultation responses are set out below with responses discussed in more detail in main report where considered necessary)

- 5.01 **Councillor Jeffery:** Wishes to see the application reported to Planning Committee if Officers are minded to recommend approval for following (summarised) reasons:

Given contentious nature of this application as evidenced by comments submitted and contact from residents to me, can this be called in to Planning Committee.

- 5.02 **Councillor Cannon:** Wishes to see the application reported to Planning Committee if Officers are minded to recommend approval for following (summarised) reasons:

Proposal is clearly not in keeping with area, it would have detrimental effect on amenity of local residents and does not appear to comply with policies DM1 and DM9.

- 5.03 **Environmental Protection Team:** Neither supports nor objects to application.
- 5.04 **KCC Highways:** Proposal does not meet criteria to warrant their involvement.
- 5.05 **MBC Health & Housing Team:** Confirms a HMO licence is likely to be granted.

6.0 APPRAISAL

6.01 The main assessment of the proposal will follow the criteria within Local Plan policy DM9, and then other matters will be considered.

Assessment against Local Plan policy DM9

- **Scale, height, form, appearance and siting of proposal would fit unobtrusively with existing building where retained and character of the streetscene and/or its context**

6.02 The proposal does not include any external alterations or extensions to the building or surrounding land, except for the installation of solar panels. It is not unusual for residential properties to have such a feature on the roof (that could also be possible under permitted development rights). Furthermore, the bin storage is shown to be placed behind existing garden fencing, out of public view. On this basis, it is considered that the proposal would not harmfully alter the appearance of the existing building and it would therefore retain the character of the streetscene.

- **Traditional boundary treatment of area would be retained and, where feasible, reinforced**

6.03 The frontage to the property is partly landscaped and partly of block paving, with a dwarf wall running around most of the site boundary. The side/rear of the site is also enclosed by existing close boarded fencing, behind which is where the bins are shown to be stored. The proposal is not altering the site's existing boundary treatment.

- **Privacy/daylight/sunlight/maintenance of pleasant outlook of residents is safeguarded**

Neighbouring occupants

6.04 Given the nature of the proposal, it would not have an adverse impact upon any local resident when trying to enjoy their own property, in terms of light and outlook; and the internal changes would not have an unacceptable impact upon any neighbouring property in terms of privacy, when compared to the current situation and given surrounding land levels. It is also noted that the property is detached and the use of the building would remain residential; the existing parking area onsite is not being altered; there is already on-street parking movements in the locality. The Environmental Protection Team comment that there may be noise concerns with occupants using the garden, particularly in the summer time. However, there is no evidence to suggest that this would result in unacceptable harm to residential amenity and the Environmental Protection Team have not actually raised an objection on this matter. On this basis, no objection is raised to the proposal in terms of general noise and disturbance from associated comings and goings from the site. The adopted Local Plan policy doesn't deal with this form of intensification.

Future occupants

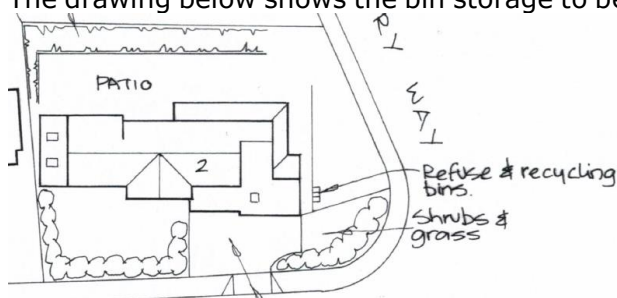
6.05 It is considered overall that future occupants of the site would benefit from acceptable living conditions, in terms of privacy, light and outlook. Whilst the Environmental Protection Team comment that bedrooms above the kitchen may result in conflict, they confirm this is not a matter for which they can request further details on. Furthermore, the Council's Housing & Community Services Team have their own legislative requirements under the Housing Act 2004; and a HMO licence would carry its own conditions to ensure the wellbeing of the occupants of the building including in relation to amenity and health and safety. The Council also has adopted minimum room size standards for HMOs and this would be assessed when the HMO licence application is made; and to further ensure the acceptable living conditions for future occupants of the building, a condition is recommended to restrict the number of households in this HMO. Please note that subject to a full assessment of any licence application, the Council's Health and Housing Team confirm that a HMO licence is likely to be granted for the proposal. There is no adopted supplementary guidance that deals with ensuring that kitchens are not above bedrooms etc so an argument to counter this would have to be made on poor design but this is an internal layout matter.

- **Sufficient parking provided in curtilage without diminishing character of streetscene**
- 6.06 The proposal site has four onsite car parking spaces, and as previously set out above, the proposal is not changing the level of existing hardsurfacing and therefore would not diminish the existing character of the streetscene in this respect. The issue of parking provision will be discussed further on in the report.
- **Intensified use of building and its curtilage would not significantly harm appearance of building or character and amenity of surrounding area**
- 6.07 As set out above, the proposal would not involve any external alterations to the site that would significantly harm the character and appearance of the surrounding area. In terms of the intensified use of the site, the main issue relates to parking/highway safety.
- 6.08 The site is in a sustainable location, close to Maidstone town centre and its amenities/services and public transport links, with local bus stops within walking distance; and the proposal shows the provision of secure bicycle parking for each household. Whilst the Council's adopted parking standards do not specifically relate to HMO's, it is considered reasonable to compare such a use to 1-bed flats for the purposes of parking provision. For a suburban location, the parking standards require a minimum of 1 space per flat, and using this the proposal would be six onsite parking spaces short. However, the surrounding streets have unrestricted on-street parking and so there is the opportunity to park on the street; and given that the majority of the properties in the area have their own off-street parking, it is considered difficult to argue that the proposal would have an unacceptable impact upon the amenity of local residents in this respect. Furthermore, it is evident that vehicles currently park on surrounding streets and it would be difficult to argue that the potential for additional parked cars in the area would again diminish the character of streetscene to an objectionable level. On review of crashmap.co.uk, there have also been no reported highway accidents on Trapham Road, Vicary Way (including the junction with Queens Avenue), Hazlitt Drive and Bentlif Close. On this basis no objection is raised in terms of highway safety; and there is no evidence to suggest that the residual cumulative impacts on the road network would be severe.

Other considerations

- 6.09 There is unlikely to be any protected species on the site and so no further details are required in this respect prior to the determination of this application. Notwithstanding this, one of the principles of the NPPF (para 180) is that: *Opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.* The proposal does show the provision of three bird boxes to the rear boundary fence and two log piles within the existing shrub bed. It would also be possible to provide a bat or bird box onto the main building. A suitable condition is recommended to secure proportionate biodiversity enhancements on the site.
- 6.10 The submission shows the installation of solar panels. In accordance with Local Plan policy and in the interests of sustainability and air quality, a suitable condition will be imposed to secure this detail. There are no arboricultural concerns with the submission. The site is in Flood Zone 1; surface water will be disposed of by way of soakaway; and no change is being made to the footprint of the building nor the hardstanding. With this considered, no objections are raised to the proposal in terms of flood risk. Furthermore, no objections are raised to the proposal in terms of foul sewage disposal, and no further details are required. The Environmental Protection Team have also raised no objection to the proposal in terms of land contamination; air quality; and lighting.

6.11 The drawing below shows the bin storage to be hidden behind the existing close boarded fencing:



6.12 As can be seen, there is sufficient room within the site for associated bins to be stored and hidden from public view, and no objection is raised on this matter. It is also noted that through the HMO licence, a condition is added that states: *The licence holder must ensure that sufficient bins or other suitable receptacles are provided that are adequate for the requirements of each household occupying the premises for the storage of refuse and litter pending their disposal. The licence holder must also make such further arrangements for the disposal of refuse and litter from the premises as may be necessary, having regard to any service for such disposal provided by the Council.*

6.13 The Ward Councillors and neighbour representations received in relation to this application have been considered in this assessment. Please note here that potential antisocial/criminal behaviour would be a matter for the police to deal with if necessary; and as part of the HMO occupation licence conditions, the licence holder is required to take reasonable steps to prevent occurrences of anti-social behaviour. Furthermore, a HMO is not required to provide financial contributions towards community infrastructure, and in any case there is no evidence to prove that the proposal would place unacceptable pressure on local amenities/services; the potential loss of property value is not a material planning consideration; the approval of this application would not set a precedent for similar development in the area, as each application should be considered on its own merits at the time; and there is an open Planning Enforcement investigation on this site that is being held in abeyance until this application has been determined.

6.14 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the proposal would not undermine the objectives of the Duty.

7.0 CONCLUSION

7.01 For the reasons set out above, the proposal would be in accordance with Local Plan policy DM9; and it would be acceptable with regard to all the other relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. A recommendation of approval of the application is therefore made on this basis.

8.0 **RECOMMENDATION:** GRANT PLANNING PERMISSION subject to the following conditions with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

(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 plans: site location plan; 22/939/01; 02; 03; and 05.

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) The development hereby approved shall have no more than 10 separate households occupying the building at any one time.

Reason: To protect the amenity of future occupants.

- (4) Prior to the first occupation of the development hereby approved, the log piles and the bird boxes shall be in place (as shown on the submitted plans), and a bird or bat box/tube shall also be installed onto the building (at main eaves height). These features shall be maintained as such thereafter.

Reason: In the interests of biodiversity enhancement.

- (5) The secured bicycle parking, for a minimum of ten bicycles (as shown on the submitted plans), shall be completed and fully useable prior to the occupation of the development hereby approved and shall be maintained as such thereafter.

Reason: In the interests of sustainable development.

- (6) The existing vehicle parking area to the front of the building (within the application site), shall be permanently retained for parking thereafter and not used for any other purpose.

Reason: To retain onsite parking provision.

- (7) The solar panels, as shown on the submitted plans, shall be installed and operational prior to first occupation of the development hereby approved and shall be maintained as such thereafter.

Reason: To ensure an energy efficient form of development.

- (8) No external lighting, whether temporary or permanent, shall be placed or erected within the site unless details are submitted to and approved in writing by the local planning authority. Any details to be submitted shall be in accordance with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005 (and any subsequent revisions), and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.

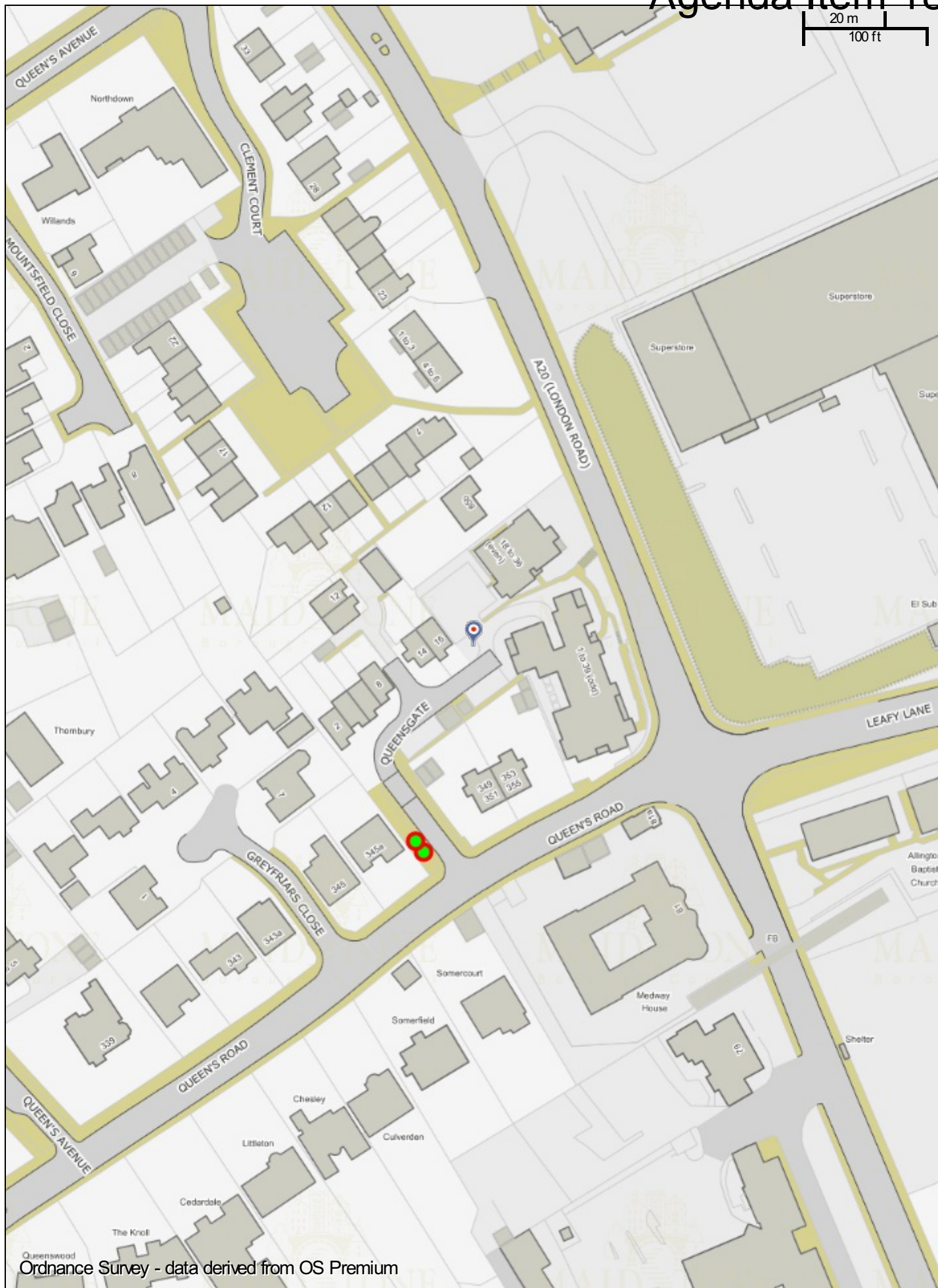
Reason: In the interest of residential amenity.

Informative(s):

- (1) The applicant is reminded that works may require separate approval under the Building Acts and they are advised to contact the Council's Building Control Section at building@maidstone.gov.uk or 01622 602701.
- (2) The applicant advised to refer to the Mid Kent Environmental Code of Development Practice, as broad compliance with this document is expect. Further details can be found at: <https://tunbridgewells.gov.uk/environmental-code-of-development-practice>

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

20 m
100 ft



Ordnance Survey - data derived from OS Premium

5013/2022/TPO 1-39 Queensgate, Maidstone, Kent, ME16 0FB

Scale: 1:1250
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Printed on: 10/3/2023 at 9:00 AM by JoannaW

REPORT SUMMARY

CASE REFERENCE: 5013/2022/TPO	
ADDRESS: 1-39 Queensgate, Maidstone, Kent ME16 0FB	
RECOMMENDATION: CONFIRM Tree Preservation Order No. 5013/2022/TPO as per the attached Order.	
SUMMARY OF REASONS FOR RECOMMENDATION: The Council considers that the tree or trees contribute to amenity and local landscape character, and it is expedient to make a Tree Preservation Order (TPO).	
REASON FOR REFERRAL TO COMMITTEE: The Council received 1no. objection within the statutory 28-day objection period.	
PARISH: Bridge	WARD: Bridge
CASE OFFICER: Phil Gower	SITE VISIT DATE: 03/10/2022
PROVISIONAL TPO MADE: 14/10/2022	PROVISIONAL TPO EXPIRY: 14/04/2023
PROVISIONAL TPO SERVED: 14/10/2022	TPO OBJECTION EXPIRY: 11/11/2022

RELEVANT PLANNING HISTORY

Planning:

22/505315/TPOA – TPO Application to Reduce and Reshape Ten Hornbeam Trees. Trees are various sizes from 7m-9m in height and 4m-5m in radial spread. The proposed works are to reduce all trees, all round by approximately 1-2 m this will leave finishing heights of approximately 6m from ground level and a finished spread of approximately 3.5m. – **Approved Lesser Works – 12/01/2023**

MAIN REPORT

1. INTRODUCTION AND BACKGROUND

- 1.01 A TPO application was received for works to 10no. Hornbeams located along the front boundary of Queensgate adjacent to the A20 (London Road) and the reduction of a small cherry tree located in front of No. 12. Queensgate.
- 1.02 The works had been applied for under TPO No. 24 of 1972 which is an old "Area TPO" which only protects trees which were present at the time of their making. Very few of the trees now located on site are old enough that they would have been covered by this Order (including the trees subject to the application).

- 1.03 In light of the amenity value of the trees which were assessed to be worthy of protection, the Council made the provisional Tree Preservation Order (TPO) No 5013/2022/TPO.

2. DESCRIPTION OF TREES

- 2.01 There are five individual trees and two groups subject to this Order
T1 – Sycamore
T2 – Lime
T3 – Honey Locust
T4/T5 – Sweet Gum
G1 – 2no. Beech
G2 – 10no. Hornbeam
- 2.02 The trees are in various locations, as seen in the attached TPO plan.
- 2.03 All the trees contained within the TPO schedule and plan are considered to be in good health and suitable for protection, as demonstrated by the standard industry amenity assessment (TEMPO) that was carried out at the time of making the TPO.

3. OBJECTIONS AND REPRESENTATIONS

- 3.01 The Council received one objection during the statutory 28-day objection period. This was received from No. 14 Queensgate and has been summarised below.

Objection Summary:

- 3.02 The objection was in relation to T5 – Sweet Gum (on the Schedule) which is currently described as "Located between the front of 14 and 16 Queensgate."
- 3.03 The resident of No. 14 says that the tree is located on the property of No. 16 Queensgate, and so wishes the wording to be changed to reflect this.

Council's Response:

- 3.04 When making a TPO, a schedule of the trees to be contained within that TPO must be made. Part of this schedule includes a written description of the 'situation' of the trees.
- 3.05 This description should help identify the tree and its location, especially in cases where the schedule and plan have been separated.
- 3.06 It is considered that the current description used best describes this tree's location and that changing it to 'front of 16 Queensgate' only could be misleading.
- 3.07 It is important to mention that this description is in no way an indication of tree ownership or responsibility and that the confirmation of this Order without modification will not alter any duty the resident of No. 14 Queensgate may or may not have in relation to this tree.

4. CONCLUSION AND RECOMMENDATION

- 4.01 The proposed confirmation of the TPO is considered necessary to protect the trees mentioned within the schedule and shown in the plan.
- 4.02 The objection received does not relate to the making of the Order itself but rather to the description of the situation of one tree. The confirmation of this Order does not pose any change in duty or responsibility to the tree.
- 4.03 It is therefore recommended that the Tree Preservation Order **No. 5013/2022/TPO** is **CONFIRMED WITHOUT MODIFICATION**.

Case Officer: Phil Gower

Date: 14/02/2023

Note: Tree Officer assessments are based on the condition of the trees on the day of inspection. Whilst every effort is made to ensure that the assessments are accurate, it should be noted that the considerations necessary for determining applications/notifications may be able to be made off-site and, in any case, no climbing or internal inspections or excavations of the root areas have been undertaken. As such, these comments should not be considered an indication of safety.

Tree Preservation Order

Town and Country Planning Act 1990

The Tree Preservation Order No.5013/2022/TPO

Queensgate Maidstone Kent ME16 0FB

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 **Maidstone Borough Council** Tree Preservation Order No. **5013/2022/TPO – Queensgate Maidstone Kent ME16 0FB**

Interpretation

- 2.— (1) In this Order “the authority” means the **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, uprooting, 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 14th day of October 2022

R. L. Jarman

.....
Authorised Officer to sign in that behalf
Rob Jarman
Head of Development Management

SCHEDULE

Specification of trees

5013/2022/TPO

Queensgate Maidstone Kent ME16 0FB

Trees specified individually

(encircled in black on the map)

Reference on map	Description	Situation
T1	Sycamore	Located at the entrance to Queensgate adjacent to 349/351 Queens Road.
T2	Lime	Located at the entrance to Queensgate adjacent to 345A, Queens Road.
T3	Honey Locust	Located adjacent to the rear corner boundary of 349/351 Queens Road.
T4	Sweet Gum	Located front of 8 Queensgate
T5	Sweet Gum	Located between the front of 14 and 16 Queensgate

Trees specified by reference to an area

(within a dotted black line on the map)

Reference on map	Description	Situation
NONE		

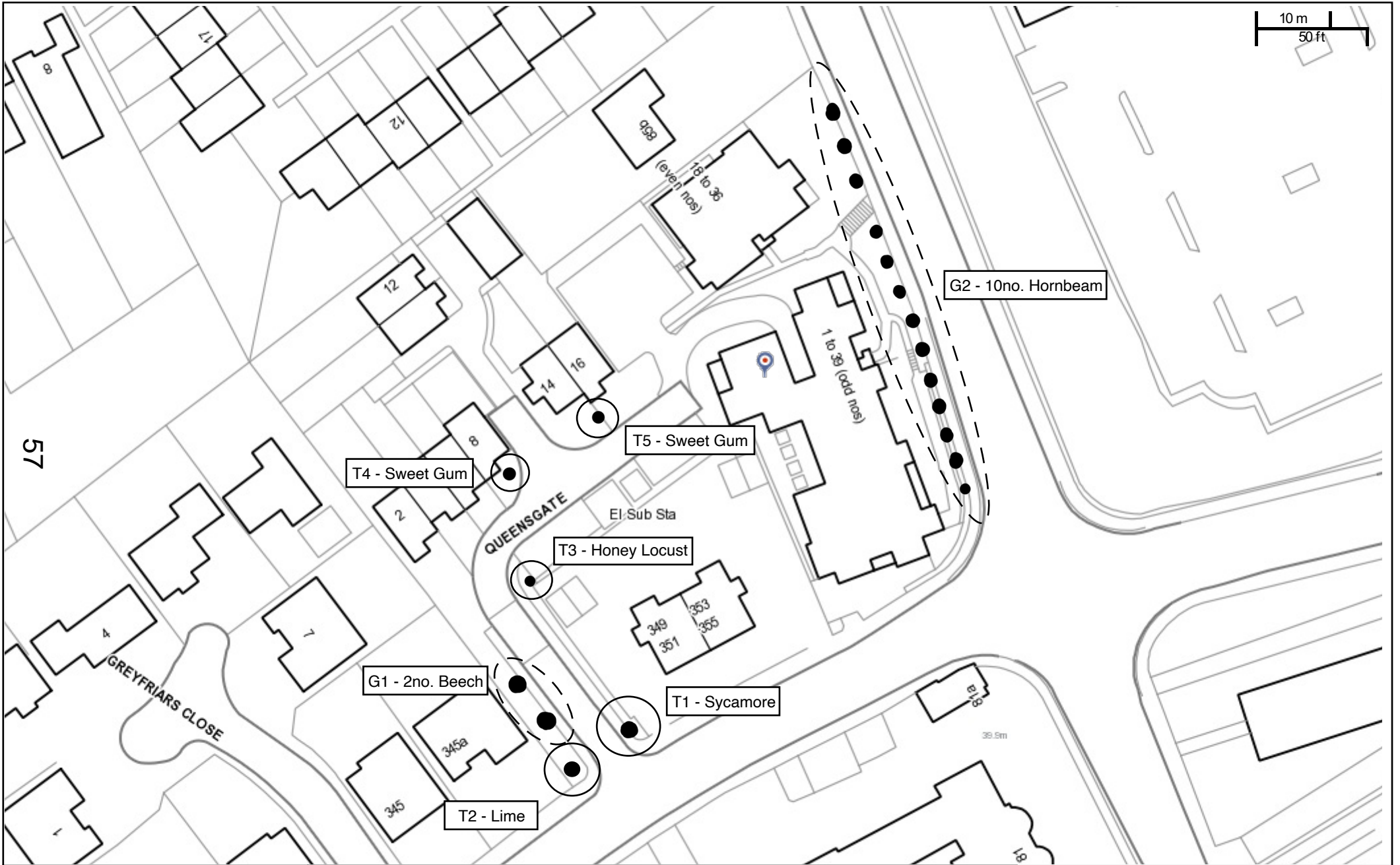
Groups of trees

(within a broken black line on the map)

Reference on map	Description (including number of trees of each species in the group)	Situation
G1	2 No. Beech	Located within Queensgate but adjacent to 345A Queens Road
G2	10 No. Hornbeams	Located along the front boundary of Queensgate adjacent to London Road (A20)

Woodlands within a continuous black line on the map)

Reference on map	Description	Situation
NONE		

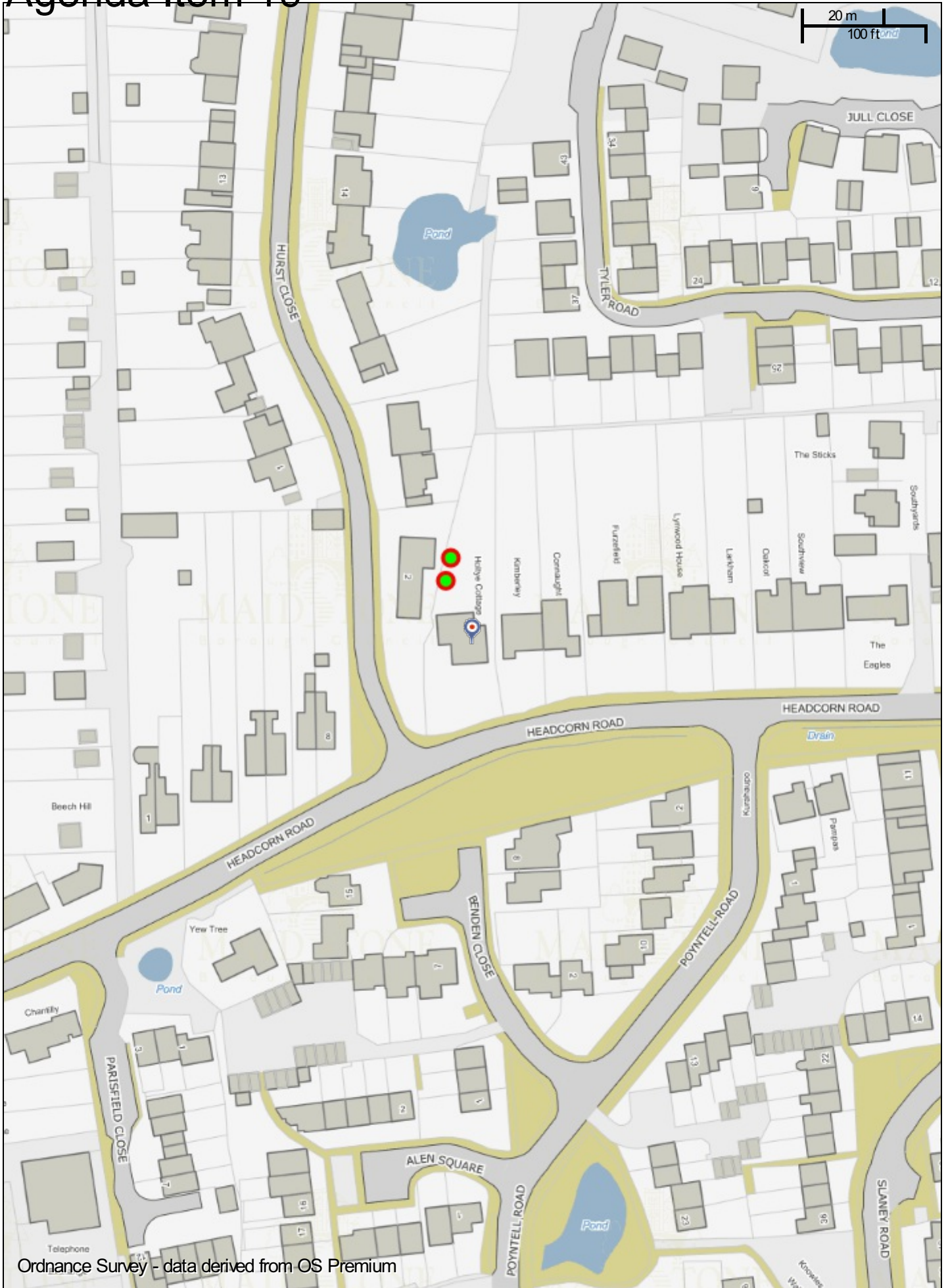


5013/2022/TPO
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The Maidstone Borough Council
Tree Preservation Order No. 5013/2022/TPO
 Queensgate, Maidstone, Kent, ME16 0FB

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Agenda Item 19

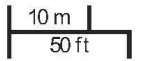


Ordnance Survey - data derived from OS Premium

22/502529/TPOA Holtys Cottage, Headcorn Road, Staplehurst, Kent, TN12 0BU

Scale: 1:1250

Printed on: 10/3/2023 at 8:55 AM by JoannaW



Holtye Cottage, Staplehurst

Scale: 1:1000

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REPORT SUMMARY

CASE REFERENCE: 22/502529/TPOA		
ADDRESS: 'Holtye Cottage', Headcorn Road, Staplehurst TN12 0BU		
PROPOSAL: TPO application to reduce one Oak to 9.0m in height and reduce lateral branch system by 1.0m to 1.5m balancing the crown. Remove re-growth triennially; remove one Oak (fell) to near ground level. Owner to physically remove any regrowth (no chemical treatment due to translocation risk).		
RECOMMENDATION: Permit – subject to CONDITIONS and INFORMATIVES		
SUMMARY OF REASONS FOR RECOMMENDATION: On the evidence submitted, the proposed works are considered necessary arboricultural operations for the mitigation of subsidence.		
REASON FOR REFERRAL TO COMMITTEE: Cllr John Perry has requested the application be taken to committee due to the sensitivity and complexity of the proposal and its reasons		
PARISH: Staplehurst	WARD: Staplehurst	
APPLICANT: Crawford and Company	AGENT: MWA Arboriculture Ltd	
CASE OFFICER: Paul Hegley	SITE VISIT DATE: 06/07/22 & 02/02/23	
DATE VALID: 18/05/22	CONSULTATION EXPIRY: 14/06/22	DECISION DUE: 13/07/22

MAIN REPORT

1. DESCRIPTION OF TREES

1.01 The two Oak trees subject to this application are growing within the rear garden of 'Holtye Cottage' which is a detached property situated to the north of Headcorn Road at the junction with Hurst Close. However, the applicant and property affected by the two trees lives at no 2 Hurst Close which flanks the western boundary of Holtye Cottage.

2. PROPOSAL

2.01 The works proposed are as follows:

2.02 T2 – English Oak:

- Reduce to 9 metres in height and reduce lateral branch system by 1 to 1.5 metres, balancing the crown.
- Remove re-growth triennially.

2.02 T3 – English Oak:

- Remove (fell) to near ground level. Owner to physically remove any regrowth (no chemical treatment due to translocation risk).

3. REASONS FOR WORK

3.01 The above trees are considered to be responsible for root induced clay shrinkage subsidence damage to the neighbouring property of 2 Hurst Close, Staplehurst which adjoins the western boundary of Holtye Cottage.

4. PLANNING CONSTRAINTS

4.01 Tree preservation Order no. 14 of 1997, Oak trees designated as individuals T2 & T3

5. POLICY CONSIDERATIONS

Government Policy:

- 5.01 National Planning Policy Framework (2021)
- 5.02 Planning Practice Guidance Tree Preservation Orders and trees in conservation areas, March 2014.
- 5.03 The Town and Country Planning (Tree Preservation)(England) Regulations 2012

Compensation:

5.04 A refusal of consent to carry out works on trees subject to a Tree Preservation Order can potentially result in a claim for compensation for loss or damage arising within 12 months of the date of refusal.

6. LOCAL REPRESENTATION

6.01 The owner of the trees at Holtye Cottage strongly objects to the proposal made by the applicant and wishes to express that they have never experienced subsidence issues despite being just as close to the tree as the applicant.

6.02 The daughter of the tree owner also objects to the applicant's proposal, but also adds that she feels that the applicant's building alterations (extension) could be the cause of the movement.

7. CONSULTATIONS

7.01 Staplehurst Parish Council expresses concern over the loss of a healthy mature Oak.

8. BACKGROUND PAPERS & PLANS

8.01 Arboricultural report

8.02 Level monitoring survey/Results

8.03 Site investigation report

8.04 Technical report

8.05 Reasons for the works and remedial work costings.

8.06 Root Barrier costings

9. APPRAISAL

9.01 Oak T2 on application form (T3 in TPO).

Contribution to public visual amenity:

Good – clearly visible to the public

Condition:

Good – no significant defects noted

Useful life expectancy:

Very Long - with an estimated remaining life expectancy of at least 40 Years

9.02 Oak T3 on application form (T2 in TPO).

Contribution to public visual amenity:

Good – clearly visible to the public

Condition:

Good – no significant defects noted

Useful life expectancy:

Very Long - with an estimated remaining life expectancy of at least 40 Years

10. CONSIDERATIONS

- 10.01 At the time of inspection both Oak trees revealed no significant defects to suggest they are either unhealthy or unsafe. Both trees are of early mature size and clearly visible from surrounding public roads and as such are considered to contribute positively and significantly to the mature and verdant landscape of the area and to its character and appearance.
- 10.02 The proposed felling of one of the Oak trees and reduction of the other Oak would erode the mature and verdant landscape of the area by a marked degree and would thus give rise to significant harm to its character and appearance. Consequently, the justification needs to be robust.
- 10.03 The evidence provided by the applicant indicates that the damage being caused to their property 2 Hurst Close' is attributed to soil desiccation causing a downward rotational movement of the central rear elevation of the property. This movement has resulted in visible open cracks (up to 10mm wide) both inside and outside the property as replicated in the photos below, taken from the submitted technical report by Crawford Ltd.



Crack above rear door.



Crack on rear wall.

- 10.04 In structural terms the damage falls into Category 3 of Table 1, Building Research Establishment5 Digest 251, which describes it as "**moderate**".

Category 0	"negligible"	< 0.1mm
Category 1	"very slight"	0.1 - 1mm
Category 2	"slight"	>1 but < 5mm
Category 3	"moderate"	>5 but < 15mm
Category 4	"severe"	>15 but < 25mm
Category 5	"very severe"	>25 mm

Extract from Table 1, B.R.E. Digest 251
Classification of damage based on crack widths.

10.05 In cases where it is suspected that trees may be the primary cause of the damage there are three pieces of evidence which are essential, these are:

1. Evidence of soil desiccation
2. Proof of seasonal movement
3. Live roots have been found underneath the foundations.

10.06 In this case the submitted site investigation report by Auger Site Investigations Ltd confirms the depth of the house foundations in the area of damage to be 1m, with the underlying subsoil made of Weald Clay that has a high plastic index of 50% or above and suffers volumetric changes in relation to its moisture content. The results of the soil testing appear to indicate a change in moisture content through desiccation and root samples taken during the ground investigations confirms the presence of live Oak roots to a depth of 3m (as seen in the extract below taken from the root sample results from Richardsons Botanical Identifications).

Root ID

The samples you sent in relation to the above have been examined. Their structures were referable as follows:

TH1, 1.0m		
3 no.	Examined root: QUERCUS (Oak).	Alive, recently*.
TH1, 1.5m		
1 no.	Examined root: most referable to QUERCUS (Oak). This was a very IMMATURE sample.	Alive, recently*.
BH1, 1.0m		
2 no.	Examined root: QUERCUS (Oak).	Alive, recently*.
BH1, 1.5m		
2 no.	Examined root: although attempted, it was unfortunately too THIN and decayed to identify.	Dead*.
BH1, 3.0m		
1 no.	Examined root: as above, also too POOR in condition to identify with confidence.	Dead*.

10.07 The property has been monitored at regular intervals since 2020 and the most recent set of crack monitoring and leveling results are attached to this report at Appendix A. These results show the movement of the building to be confined to the central rear elevation of the property in the area that shows the most visible cracking as shown in the photos at section 10.01 above. The results would also indicate a pattern of seasonal movement consistent with the drying and rehydrating of the underlying clay subsoil soil.

10.08 Taking the above site investigations into consideration the submitted results would appear to confirm soil desiccation, seasonal movement and the presence of live Oak roots below the foundations to implicate the subject trees as a contributable cause of the subsidence damage to 2 Hurst Close, Staplehurst. Therefore, it would be difficult to defend the retention of the Oak tree at an appeal, so on balance the proposed works are justified.

10.09 In terms of compensation as previously detailed in section 5.04 a refusal of consent to carry out the works on the trees can potentially result in a claim for compensation for loss or damage arising within 12 months of the date of refusal. Only damage caused by the tree roots after the date of deemed refusal would be relevant except in so far as it could be evidenced that the refusal had necessitated more costly

works than would have been needed if consent were given. In this case, the applicant has confirmed that the projected costs for repairs to the property if consent for the tree works is permitted is estimated to be 9k, compared with alternative estimated mitigation costs of 75K for underpinning and 42k for the installation of a root barrier. Consequently, there could be potential claims for costs of 66K should consent for the works be refused.

- 10.10 In any event, as the applicant is not the owner of the subject trees consent from the tree owner will be required before commencing any works permitted by the council.

11. CONCLUSIONS

- 11.01 In light of the evidence submitted with this application the proposed works are considered necessary arboricultural practice to help mitigate subsidence related damage to the property of 2 Hurst Close and are therefore considered acceptable on arboricultural grounds.

12. RECOMMENDATION

GRANT CONSENT- Subject to the following CONDITIONS / REASONS and INFORMATIVES.

- (1) All works hereby permitted shall be carried out in accordance with the provisions of the current edition of BS 3998 by a competent person;

Reason: To ensure the work complies with good arboricultural practice to safeguard the longevity, amenity and nature conservation value of the tree/s and its/their contribution to the character and appearance of the local area

- (2) The re-growth resulting from the permitted reduction works on T2 - Oak, shall be carried out no more frequently than once every 3 years, until the tree no longer exists.

Reason: To allow multiple operations and to remove the two-year time limit on consents, in accordance with section 17(2)(d) of The Town and Country Planning (Tree Preservation)(England) Regulations 2012.

- (3) One replacement Silver Birch (*Betula pendula*) shall be planted on or near the land on which the tree/s stood during the planting season (October to February) in which the tree work hereby permitted is substantially completed or, if the work is undertaken outside of this period, the season immediately following, except where an alternative proposal has been submitted to and approved in writing by the local planning authority one month prior to the end of the relevant planting season. The replacement tree/s shall be of not less than Nursery standard size (8-10cm girth, 2.75-3m height), conforming to the specifications of the current edition of BS 3936, planted in accordance with the current edition of BS 4428 and maintained until securely rooted and able to thrive with minimal intervention;

Reason: To safeguard the amenity and nature conservation value of the tree/s that has/have been removed and to maintain and enhance the character and appearance of the local area

- (4) Any tree planted in accordance with the conditions attached to this permission, or in replacement for such a tree, which within a period of five years from the date

of the planting is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, shall, in the same location, be replaced during the next planting season (October to February) by another tree of the same species and size as that originally planted, except where an alternative proposal has been submitted to and approved in writing by the local planning authority prior to that planting season;

Reason: To safeguard the amenity and nature conservation value of the tree/s that has/have been removed and to maintain and enhance the character and appearance of the local area

INFORMATIVES

- (1) The Council's decision does not override the need to obtain the tree owner's consent for works beyond your boundary.
- (2) Works to trees could result in disturbance to wild animals, plants and important wildlife sites protected by law. Therefore, the works hereby permitted should be carried out in a manner and at such times to avoid disturbance. Further advice can be sought from Natural England and/or Kent Wildlife Trust.
- (3) The material generated from the tree work hereby permitted should be disposed of, or processed as necessary, to leave the site in a safe and tidy condition following each phase/ completion of the work.
- (4) The Council's decision does not override the need to seek appropriate professional advice to avoid any potential adverse impacts (such as heave) before commencing permitted tree work.

Case Officer: Paul Hegley **Date:** 7th March 2023

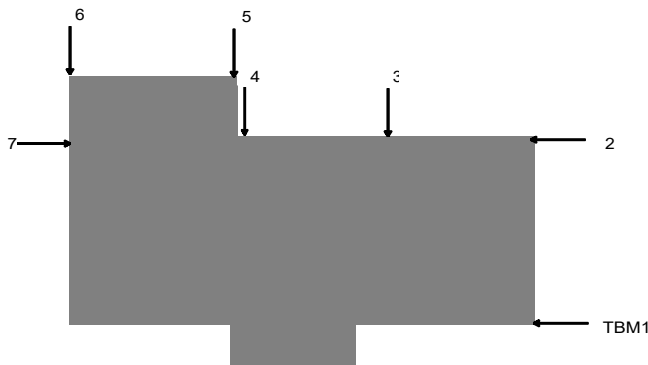
NB – For full details of all papers submitted with this application, please refer to the relevant Public Access Pages on the Council's website.

APPENDIX A – Crack Monitoring and Levelling Results

LEVEL MONITORING - RELATIVE SURVEY READINGS

Provider Details		Client Details			Risk Address	
Name:	Knight Associates Ltd	Insurance Co.:	Axa		Occupier:	
Our Ref:	SU1904933	Client Name:	Crawford		Address:	
		Technical Mgr:	D Knight		Address:	
		Email:			Town:	
		Client Ref:			County:	
		Address:	National Subsidence Unit		Post Code:	
		Address:	4th Floor 30 St Pauls Square		Tel Home:	
		Town:	Birmingham		Tel Work:	
		County:			Mobile:	
		Post Code:	B3 1QZ		Other:	
		Other Email:	subsidence.monitoring@crawco.co.uk		Other:	

		Target Date:													
		Reading Date:		9/11/20	18/1/21	17/3/21	24/5/21	28/7/21	2/10/21	17/11/21	19/1/22	20/6/22	23/8/22	20/2/23	
		Issue Date:		10/11/20	19/1/21	18/3/21	25/5/21	29/7/21	4/10/21	18/11/21	20/1/22	20/6/22	24/8/22	21/2/23	
Row No.	Point Name	X Co-ordinate	Y Co-ordinate	1	2	3	4	5	6	7	8	9	10	11	12
1	TBM1	0.00	0.00	10.0000	10.0000	10.0000	10.0000	10.0000	10.0000	10.0000	10.0000	10.0000	10.0000	10.0000	
2	2	0.00	5.20	9.7620	9.7620	9.7630	9.7630	9.7630	9.7620	9.7630	9.7620	9.7620	9.7610	9.7620	
3	3	-6.00	5.20	9.7120	9.7150	9.7160	9.7170	9.7180	9.7180	9.7180	9.7190	9.7190	9.7090	9.7160	
4	4	-12.00	5.20	9.7400	9.7460	9.7510	9.7500	9.7520	9.7510	9.7520	9.7530	9.7510	9.7320	9.7480	
5	5	-12.00	8.00	9.6800	9.6870	9.6920	9.6920	9.6920	9.6930	9.6930	9.6940	9.6930	9.6750	9.6890	
6	6	-19.00	8.00	9.4340	9.4360	9.4380	9.4370	9.4380	9.4390	9.4380	9.4390	9.4370	9.4340	9.4370	
7	7	-19.00	5.20	9.5490	9.5510	9.5520	9.5530	9.5530	9.5530	9.5530	9.5530	9.5530	9.5490	9.5510	
8		-19.00	0.00												
9		0.00	0.00												
10															
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FRONT.

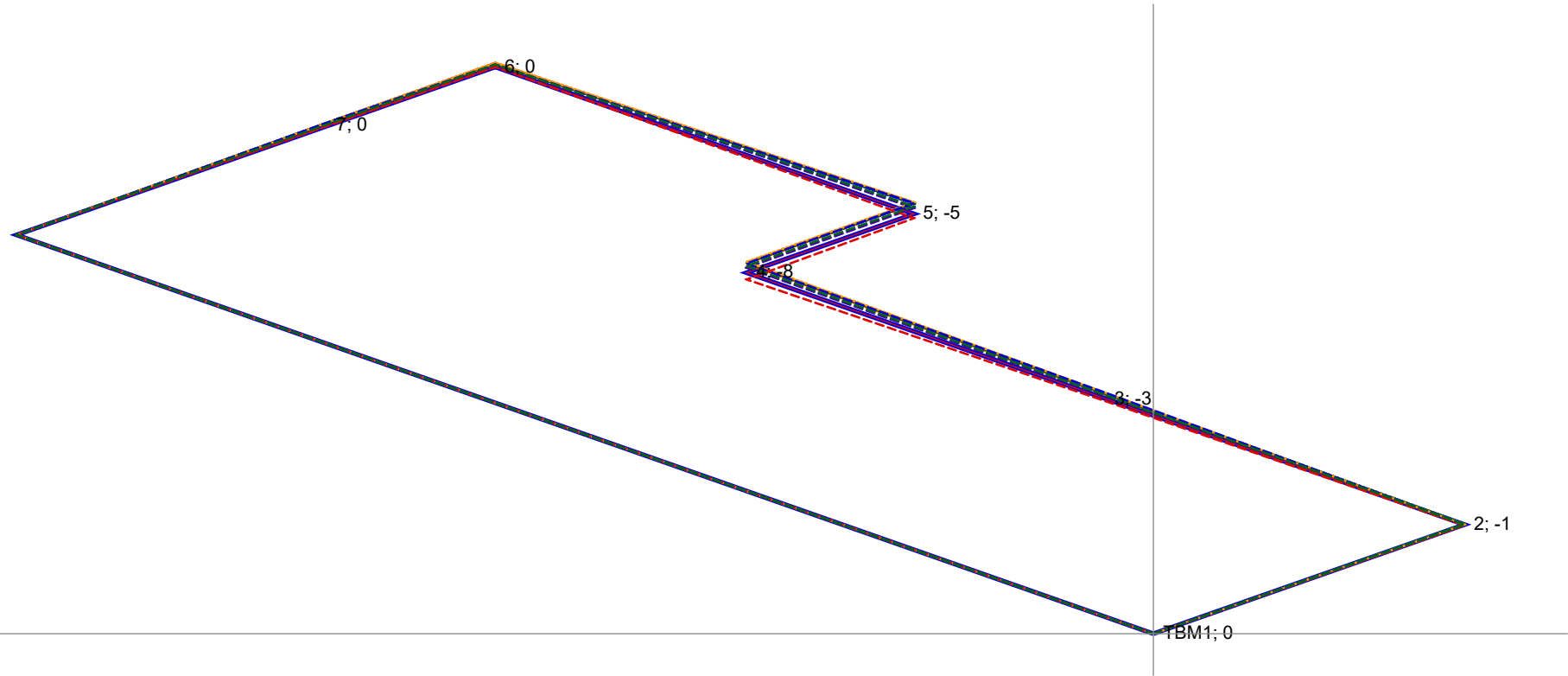
- 20/02/23 Readings taken.
- A common brickcourse could not be followed, subsequently relative data only.
- No further readings are planned

LEVEL MONITORING - RELATIVE MOVEMENT SKETCH

Client: Crawford

Client Ref: 0

69



— Datum Reading	— Reading 1 (9/11/20)	- - - Reading 2 (18/1/21)	— Reading 3 (17/3/21)	— Reading 4 (24/5/21)
- - - Reading 5 (28/7/21)	- - - Reading 6 (2/10/21)	- - - Reading 7 (17/11/21)	- - - Reading 8 (19/1/22)	- - - Reading 9 (20/6/22)
- - - Reading 10 (23/8/22)	- - - Reading 11 (20/2/23)	- - - Reading 12 (0/1/00)		

Notes:
Vertical distorted scale 1: 20

Point labels give level difference of last reading from original datum in mm.

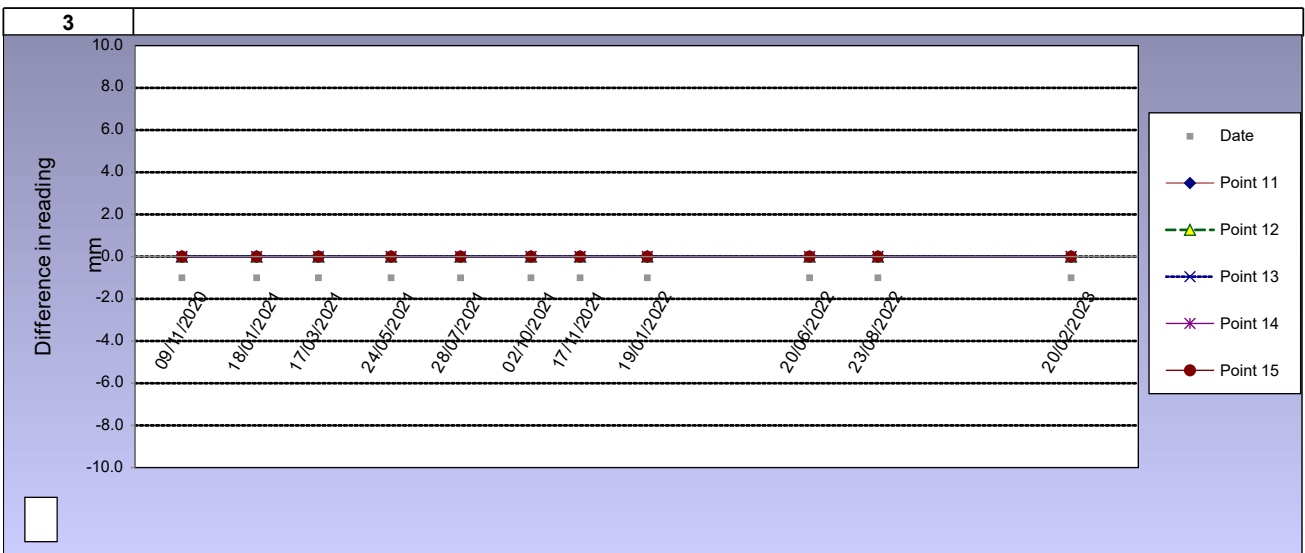
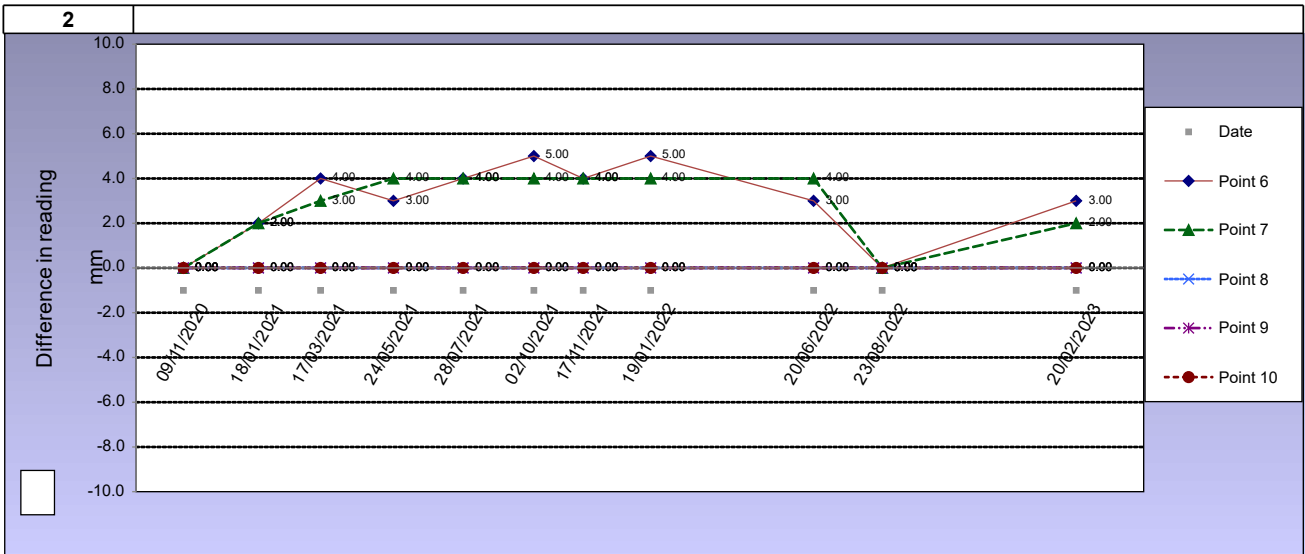
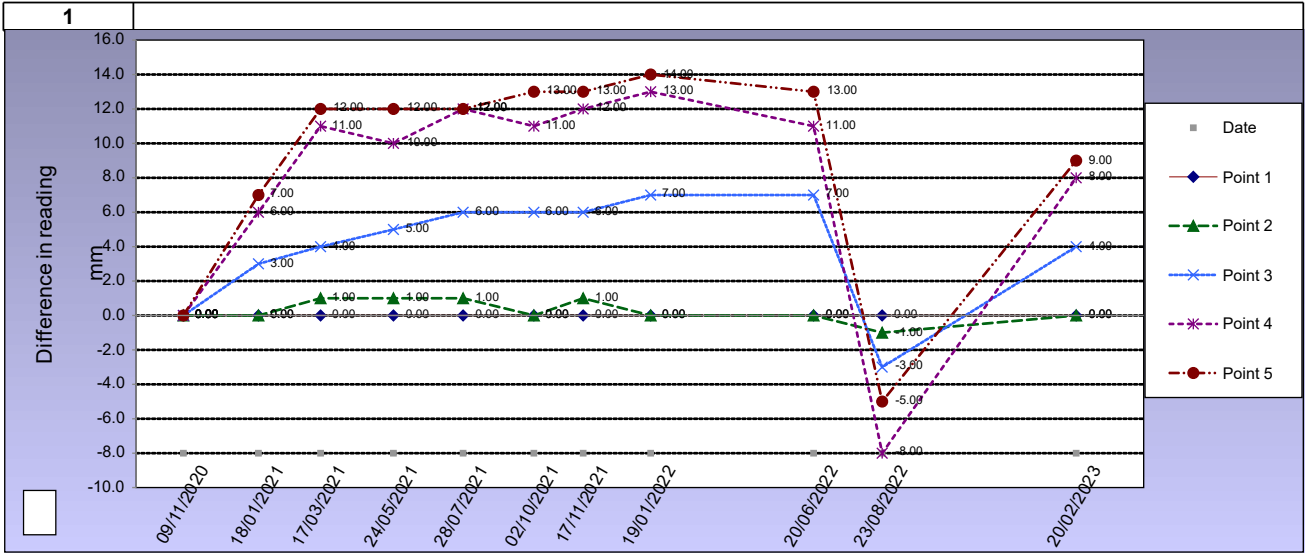
LEVEL MONITORING - RELATIVE SURVEY READINGS

Client: Crawford

Client Ref: 0

0

Chart Scale 1:1000



Standard Comments for selection in Readings and Sketch Worksheets
User may edit these as appropriate

Standard Comments	
No Comment	
Standard Comment 1	A further visit is due in
Standard Comment 2	No further readings are planned
Standard Comment 3	The Insured requested an update.
Standard Comment 4	Points fitted and readings taken.
Standard Comment 5	

Standard Bullet
•

Agenda Item 20

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 23rd MARCH 2023**

APPEAL DECISIONS:

- 1. 22/502139/FULL** Erection of new mansard roof to provide a bedroom and en-suite within loft space, including 2no. front dormers and alterations to fenestration.

APPEAL: DISMISSED

27 South Street
Barming
Kent
ME16 9EX

(Delegated)

- 2. 22/501002/OUT** Outline application (with all matters reserved except for access) for the demolition of existing residential properties and other buildings and erection of up to 109 residential dwellings including affordable housing with the provision of vehicular, cycle and pedestrian access onto Ashford Road (A20) alongside public open spaces, sustainable drainage systems, landscaping, infrastructure and earthworks.

APPEAL: DISMISSED

Land At Firwood Lodge And Jays View
Ashford Road
Harrietsham
Kent
ME17 1BL

(Delegated)

- 3. 21/504013/LAWPRO** Lawful Development Certificate for a proposed single storey rear extension.

APPEAL: ALLOWED

37 Forestdale Road
Boxley
Chatham
Kent
ME5 9NB

(Delegated)

4. 21/506383/FULL

Part retrospective application for the change of use of land to garden land with retention of summer house.

APPEAL: DISMISSED

Dunrovin
17 Charlesford Avenue
Kingswood
Maidstone
Kent
ME17 3PE

(Delegated)

5. 22/501707/PNMA

Prior notification for the change of use from Commercial, Business and Service (Use Class E) to bedroom for existing residential dwelling (Use Class C3). For its prior approval to: Transport impacts of the development, particularly to ensure safe site access
Contamination risks in relation to the building;
Flooding risks in relation to the building;
Impacts of noise from commercial premises on the intended occupiers of the development;
Where the building is located in a conservation area, and the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area; The provision of adequate natural light in all habitable rooms of the dwellinghouses; The impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix

of such uses; and where the development involves the loss of services provided by a registered nursery, or a health centre maintained under section 2 or 3 of the National Health Service Act; The impact on the local provision of the type of services lost.

APPEAL: ALLOWED

Post Office
Headcorn Road
Grafty Green
Maidstone
Kent
ME17 2AN

(Delegated)
