

3. The Site:

- 3.1 The site is located within the settlement confines of Platt, on the north side of Maidstone Road. Residential properties lie immediately to the rear (north) and to the west of the site. A field lies to the east of the site, although this contains the site of the approved new Memorial Hall and the site of the approved new Platt School.

4. Planning History: (selected)

TM/92/10248/FUL Grant with conditions 29 May 1992

Change of use of whole site to B1 use including building presently covered by condition precluding such use. Alterations to fenestration.

TM/98/00747/FL Grant With Conditions 24 July 1998

extension to workshop and provision of additional car parking spaces

TM/06/03611/FL Application Withdrawn 13 August 2008

Conversion of former mill into 2 dwellings and the erection of a 2-storey house, block of garages with 2 studio flats above and block of 4 townhouses including access thereto and parking and refuse storage facilities, following demolition of existing workshops

TM/08/02501/FL Refused 30 October 2008
Appeal allowed 08 June 2009

Erection of single storey machine shop as an extension to the existing "mill", a two storey building with car parking and archive storage above and a terrace of 4 no. 2 1/2 storey 3 bedroom houses following demolition of existing workshop and outbuildings, including parking

5. Consultees:

- 5.1 PC: The PC objections remain the same as those stated concerning the previous planning application TM/08/03189/FL, namely:

- Size of the catslide roof (the parking storage building)
- Inadequate parking
- Increase in trips generated
- No significant improvement in appearance as required by policy CP 13.

- 5.2 KCC (Highways): Using SPG4, KVPS 2006 as a reasonable guide the additional 40sq m of floor area (light industrial) could attract 1 additional off street parking space i.e. @ 1 per 35sq m. However, the number of staff does not change from

the previous application. The inspector in the previous appeal said that there would be a significant reduction in off street parking for the B1 element but the remainder still met the requirements of KVPS 2006. He stated that 'IF overspill parking did occur, I do not consider that it would be likely to be on such a scale as to result in undue highway hazards or inconvenience'. With the staff numbers remaining the same, the proposed off street parking remaining the same, the parking standards being maxima and the applicant not being asked to provide any more parking than he himself considers sufficient I don't consider that there is likely to be a demonstrable difference in highway issues.

- 5.3 DHH: Environmental Protection: No objection subject to the imposition of conditions imposed by the inspector in relation to application TM/08/02501/FL.

Contaminated Land: My comments relating to application TM/08/02501/FL still stand. The submitted desktop study and walkover survey are fit for the purpose of determining this application. A condition regarding a site investigation and remediation strategies is recommended.

- 5.4 Private Reps (including an Art8 Site Notice): 18/0X/0S/1R. One response has been received raising the following objections:

- Our objections echo those for the previous application, which are:
- The archives building would harm visual amenity having the appearance of a barracks block.
- We would prefer the dwellings to be two storey rather than 2 and a half storeys
- Inadequate parking for the development.

6. Determining Issues:

- 6.1 As has been stated in section 1 of this report, the proposed dwellings and the proposed parking/storage building remain the same as the scheme approved on appeal under ref. TM/08/02501/FL. My report will, therefore, chiefly, focus on how this proposal differs from the approved scheme. The main issues for consideration are, therefore, the impact of the proposed larger extension to the mill building upon highway safety, visual and residential amenity. The Inspector's decision on the previous proposal is a material consideration of significant weight. Whilst subsequent decisions need not slavishly adhere to those made previously, it would be necessary to show a real and substantial change in relevant circumstances if principles previously established were to be departed from.
- 6.2 In terms of floor space, the revised extension would add an area measuring 2.2m wide by 19 m in length along the rear of the approved extension. This would add an additional 42 sq metres of floor space to the mill building. In terms of car

parking, this additional amount of light industrial floor space would require a maximum of one additional car parking space to be provided. No additional car parking is shown to be provided.

- 6.3 Kent Highways has referred to the Inspector's decision regarding application TM/08/02501/FL and specifically his comments concerning the issue of any overspill car parking that may occur as a result of that proposal. The Inspector stated that if car parking was to take place on public roads in the locality, then, in his opinion, this would be...

"unlikely to be on such a scale as to result in undue hazard or inconvenience"

- 6.4 Whilst the current proposal could theoretically attract a requirement for the maximum of 1 additional car parking space within the site, Kent Highways does not consider that the current scheme would be demonstrably different in terms of highway safety issues to the previously approved scheme.
- 6.5 It must also be remembered that Government guidance contained within PPG 13 (Transport) that was relevant at the time that the previous application was determined is still relevant to the current proposal. At paragraphs 51 and 52 of this PPG it is stated that parking standards should be expressed as a maximum and that developers should not be required to provide more car parking spaces than they themselves wish other than in exceptional circumstances.
- 6.6 In light of the above, I do not consider that the proposed development would be demonstrably or significantly different in its impact on highway safety from the previously approved scheme.
- 6.7 The extension to the building would have a similar general form and appearance to that of the approved extension to the mill building. It would extend further back from the existing building by an additional 2 metres (apart from the small section at the western end) and would incorporate a roof of a shallower pitch than the approved scheme. It is proposed to use the same palette of materials (matching brick work, matching cladding and slate roof tiles). Given the location of the proposed extension, behind the existing mill building, I do not consider that it would appear visually intrusive in the street scene. It would also be of a form and design that is in keeping with the existing building. There would be no appreciable difference in the impact on the outlook and residential amenities of the existing dwellings to the rear of the site, nor those now proposed, compared to the approved scheme. Consequently, in the light of the previous Inspector's decision I consider that this element of the proposed development complies with Policy CP 24 of the TMBCS which requires proposals to respect their site and surroundings in terms of scale, layout, character and appearance.
- 6.8 With regard to the fire escape, the form and design of this sits comfortably with the industrial building it would serve and, being located on the rear elevation of the building, would not be visually prominent in the street scene. From the doorway

and landing leading from the first floor level of the building, it would be possible to see over the roof of the proposed extension and into the front garden of the neighbouring residential property "Mashie Niblick". However, as the private garden area of this property would not be overlooked from the fire escape, I do not consider that it would cause an unacceptable loss of privacy to this property.

6.9 Turning now to the remaining issues raised by the PC and the local resident. Concern has been expressed with regard to the size, form and design of the storage/parking building that would be located along the Maidstone Road frontage of the site and the height of the terrace of four dwellings. However, as I have explained earlier in this report, the position, form and design of these buildings are no different from those shown on the approved drawings that were the subject of planning permission ref. TM/08/02501/FL. Circumstances have not changed to any significant degree since that decision was made in June 2009 that could in my opinion, justifiably lead to a different conclusion to that of the Inspector concerning these elements of the proposed development. Furthermore the planning permission granted by the Inspector under ref. TM/08/02510/FL is extant and could be implemented before 9 June 2012 whatever the outcome of the current application.

6.10 In light of the above, I recommend that planning permission be granted for this development, but subject to conditions that are in a similar vein to those imposed by the Inspector upon planning permission ref. TM/08/02501/FL.

7. Recommendation:

7.1 **Grant Planning Permission** as detailed by: Letter dated 21.12.2009, Other NOISE LEVEL TIME HISTORY dated 21.12.2009, Location Plan 06.08.10 dated 21.12.2009, Design and Access Statement dated 21.12.2009, Other GLOSSARY OF ACOUSTIC TERMS dated 21.12.2009, Desk Study Assessment dated 21.12.2009, Noise Assessment dated 21.12.2009, Planning Statement dated 21.12.2009, Floor Plans And Elevations 06.08.05 A dated 21.12.2009, Floor Plan 06.08.21 A dated 21.12.2009, Floor Plans And Elevations 06.08.22 E dated 21.12.2009, Floor Plan 06.08.23 dated 21.12.2009, Elevations 06.08.24 dated 21.12.2009, Elevations 06.08.25 dated 21.12.2009, Site Layout 06.08.26 A dated 21.12.2009, subject to the following:

Conditions / Reasons

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

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2. No development shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality.

3. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

4. Before any of the dwellings hereby approved are occupied, all windows at, or above first floor level on the west elevation shall be fitted with obscure glazing and any opening lights top hung. The windows shall be retained as installed thereafter.

Reason: To minimise the effect of overlooking onto adjoining property.

5. The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

6. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or dormer windows other than those expressly authorised by this permission shall be constructed in the west elevation of any of the dwellings hereby approved.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy of adjoining property.

7. The construction of the extension to the commercial building shall not commence until an acoustic assessment is carried out in accordance with BS 4142 concerning noise breakout from this building and the details of the assessment have been submitted to and approved by the Local Planning Authority. Any mitigation measures required shall be carried out in strict accordance with the approved details before the extension is brought into use and shall be retained as installed thereafter.

Reason: To ensure that the development does not harm the amenity of adjacent residential properties.

8. No development shall take place until details of sound insulation measures for the dwellings recommended in the 'Planning Noise Assessment - 06/2051/R1' hereby approved have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure the development does not harm the amenity of adjacent residential properties.

9. None of the dwelling houses hereby permitted shall be occupied until the external shell of the parking/storage building has been completed.

Reason: Development without the provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking

10. No development shall take place until a site investigation has been carried out as recommended at paragraph 8.2 of the 'Phase 1 Desk Study and Walkover Study' dated December 2007 (hereby approved). The results of the site investigation shall be made available to the local planning authority. If any source of contamination is identified during the site investigation, no development shall take place until a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted, has been submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before the development begins. If, during the course of development, any contamination is found which has not been identified in the site investigation, then additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

Reason: To ensure that the development complies with the approved details in the interests of protection of the environment and harm to human health.

Informative:

1. The applicant is advised that any asbestos found within the buildings to be demolished will need to be removed by a suitably qualified contractor. For further advice concerning this matter, the applicant is advised to contact the Health and Safety Executive.

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