

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 9 JUNE 2005

PRESENT: Councillor Lusty (Chairman) and
Councillors Ash, D'Souza, English, Greer, Harwood,
Luxton, Mrs Marshall, Moriarty, Nelson-Gracie,
Mrs Stockell and Thick

Also Present: Councillors Bradshaw, Hooper, Moss and
M Stevens

REFERRED MATTER

32. **MEMBERSHIP OF THE LOCAL DEVELOPMENT DOCUMENT
ADVISORY GROUP**

The Head of Corporate Services reported that, at the last meeting, the Committee had agreed to recommend to the Council that the membership of the Local Development Document Advisory Group be increased to eleven to enable more Members of the Planning Committee to be represented. This would ensure that the Planning Committee had a full and effective input into the production of the Local Development Framework. However, to achieve the desired political balance of 5 Conservative, 4 Liberal Democrat, 2 Labour and 1 Independent, a membership of twelve was required.

RECOMMENDED:

- (i) That the membership of the Local Development Document Advisory Group be increased to twelve with the following allocation of seats to enable more Members of the Planning Committee to be represented:-
- Conservative - 5
Liberal Democrat - 4
Labour - 2
Independent - 1
- (ii) That the wishes of the Group Leaders with regard to the appointments to the Group and Substitutes be accepted.

THE MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

30 JUNE 2005

REPORT OF DIRECTOR OF DEVELOPMENT SERVICES

INDEX OF PLANNING APPLICATIONS

SECTION B – DEVELOPMENT CONTROL

BACKGROUND DOCUMENTS: The background documents for the items are to be found on the respective planning files for each application and on those applications referred to in the history section of each report.

ITEM REFERENCE PROPOSAL/RECOMMENDATION PAGE

1.	MA/04/1995/N	Change of use and conversion of Charlton Court from school to dwelling plus extensions for garaging and ancillary accommodation, swimming pool and changing rooms, erection of 4 no. dwellings and a replacement dwelling with access and parking, conversion of The Coach House from part dwelling and storage to dwelling, refurbishment of Charlton Court Cottage and provision of landscaping, including the restoration of period gardens. CHARLTON COURT, EAST SUTTON HILL, EAST SUTTON APPROVE/GRANTED WITH CONDITIONS	
2.	MA/04/2355/N	Erection of a first floor side extension and loft conversion. 2, HARROW COURT, STOCKBURY, SITTINGBOURNE REFUSE	
3.	MA/05/0117/S	Retrospective application for the change of use of land to form extension to existing outdoor plant display and sales. WARMLAKE NURSERY, NORTH STREET, SUTTON VALENCE APPROVE/GRANT WITH CONDITIONS	

APPLICATION: MA/04/1995 Date: 20 October 2004 Received: 2 March 2005

APPLICANT: Mr & Mrs Fern & Charlton Court Ltd.

LOCATION: CHARLTON COURT, EAST SUTTON HILL, EAST SUTTON,
MAIDSTONE, ME173DG

PROPOSAL: Change of use and conversion of Charlton Court from school to dwelling plus extensions for garaging and ancillary accommodation, swimming pool and changing rooms, erection of 4 no. dwellings and a replacement dwelling with access and parking, conversion of The Coach House from part dwelling and storage to dwelling, refurbishment of Charlton Court Cottage and provision of landscaping, including the restoration of period gardens as shown on drawing numbers, DHA/4768/01, 16335A/100, 200-204, 300, 400-405, 500-502, 600, 700, 800, 900-901, Historic Landscape Report, Landscape Statement & drawing nos. 0852/03 & 04 and planning statement received on 22/10/2004 and as amended by Development appraisal regarding enabling development received 30/12/2004, Phase 1 Habitat Survey received 02/03/2005 and additional supporting information for enabling development contained in letter from David Hicken Associates dated 07/04/2005 received 11/04/2005.

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

- it is contrary to views expressed by the Parish Council
- it is a departure from the Development Plan
- Councillor Thick has requested it be reported for the reason set out in the report

POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV5 ENV9 ENV10 ENV12 ENV18 ENV28
ENV34 ENV39 ENV40 ENV49

Kent Structure Plan 1996: ENV1 ENV4 ENV7 ENV18 ENV19

Kent & Medway Structure Plan Deposit Plan September 2003: E1 ES QL8 QL9

Village Design Statement: Not applicable

Government Policy: PPS1 PPS7 PPG15

HISTORY

MA/04/1994: An application for listed building consent for demolition of existing school buildings, alterations to Charlton Court and alterations and extensions to Charlton Court Coach House CONSENT GRANTED 15/12/2004.

CONSULTATIONS

EAST SUTTON PARISH COUNCIL: The Parish Council has no strong objections to the proposals but is aware that this considerable development will have an impact on the Parish as a whole. If permission is granted careful management of traffic movements will be needed as already the applicant's lorries are breaking down verges. These should be reinstated. Traffic should be routed from the A274 and East Sutton Road at the Ridge Golf Course and not via Charlton Lane. Additional passing bays should be provided on East Sutton Hill. The new dwellings are located in a prominent position and their impact on the wider landscape should be carefully considered.

ENGLISH HERITAGE: Have commented that there needs to be a case put forward for the enabling development that is in line with the advice in their document 'A Policy Statement and Practical Guide to Assessment for Enabling Development and the Conservation of Heritage Assets.' Having received such a document the decision should be taken locally in accordance with local advice and policies as English Heritage have no direct statutory involvement because the building is Grade II. It is stated that advice given at the time of sale of the property was that the case for enabling development would need to be fully justified it being by no means clear that a compelling case could be made.

Additional comments: Following receipt of additional enabling development justification English Heritage have no further comments to make and are happy that the decisions can be taken at local level.

ENGLISH NATURE: Originally commented that is no consideration of the ecological aspects of the application and that a habitat assessment should be conducted prior to any decision being made.

Following receipt of the ecological assessment English Nature have advised that further assessment of bats and other species in the site should be undertaken prior to the commencement of any development to include implementation of mitigation measures as appropriate.

KENT WILDLIFE TRUST: Originally objected that there is no consideration of the ecological aspects of the application and that a habitat assessment should be conducted prior to any decision being made.

Following receipt of the ecological assessment the Trust have advised that they have withdrawn their objection subject to conditions requiring further Bat, Great Crested Newt, Reptile and breeding bird surveys being undertaken prior to the commencement of any development to include implementation of mitigation measures as appropriate.

KENT COUNTY COUNCIL HERITAGE CONSERVATION: Consider that due to the extensive groundworks involved and the age and history of the property and

surrounding development that a programme of archaeological work should be imposed on any permission.

A specification for the programme of archaeological work has subsequently been submitted and agreed with KCC Heritage Conservation.

ENVIRONMENT AGENCY: No objections subject to advice regarding the possible need to obtain consent under the Land Drainage Act 1991. The applicant should also ensure that the existing drainage system is well maintained and able to cope with any additional flows resulting from the development.

SOUTHERN WATER: Does not wish to comment.

KENT FIRE AND RESCUE SERVICE: Have commented that the layout is satisfactory subject to details of an override to the entry system/barrier being provided.

Officer comment: This is a matter dealt with under the Building Regulations

REPRESENTATIONS

Cllr Thick has requested the application be reported to Planning Committee for the following reasons:

- This is a sizeable development in a rural location with an impact on a neighbouring listed building.

The Weald of Kent Preservation Society has no objections to the works to the main house the Cottage and The Stables subject to careful consideration of materials and detailing. They wish to see the four new dwellings refused however, on the grounds that a new hamlet would be created. One or Two dwellings on the site of the former school buildings should only be allowed.

A number of letters from three local residents have been received. Objections have been raised on the following (summarised) grounds.

- Concerns to ensure that the swimming pool and leisure facilities are only for private use.
- The 4 houses are proposed to restore the gardens to their former glory, but no public access is proposed. The cost of the 4 dwellings exceeds the cost of garden restoration.
- It is agreed that the existing classrooms are an eyesore but they should not be replaced with additions that are not in keeping with the listed building.
- The scale of the development is excessive and should be scaled down.
- The development would be detrimental to the setting and character of Parsonage Farm opposite the site also a Listed Building.
- Unacceptable loss of trees.
- Noise disturbance and loss of privacy.

DISABLED CONSIDERATIONS: None specific however, the new dwellings comply with Part M of the Building Regulations.

HIGHWAY CONSIDERATIONS:

EXISTING HIGHWAY SITUATION:

This site is located on a classified "C" road in a rural location within the parish of East Sutton.

VEHICULAR ACCESS:

There is an existing vehicle access from a classified road with no amendments proposed although the visibility splays are not shown on the application drawings. However given that the existing access use to serve the school within the curtilage it is considered that this acceptable to accommodate the proposed development.

The gates should be deleted from the scheme should it be adopted, and if not adopted they should be set back from the edge of the road by 6m in accordance with Kent Design and subject to this there are no objections. This would also to apply to the gated access to the individual dwellings should the highway be adopted.

PARKING:

The applicant has proposed double garages for the five proposed dwellings and new garages for The Coach House and The Cottage, which meets the parking requirement from the VPS. There is sufficient space within the curtilage of each dwelling to accommodate turning movements and consequently there are no objections on highway grounds.

HIGHWAY IMPLICATIONS:

The expected traffic generation will be in the region of 64 movements per day which given the previous traffic generation of the site as a school is not considered to be significant and consequently there are no objections on highway grounds.

The applicant has provided details of the swept paths of a refuse vehicle entering, turning and exiting the site, if the applicant does not propose to accommodate this type of vehicle then a suitable alternative arrangement for refuse should be provided.

NO OBJECTIONS – subject to a condition for the provision of refuse vehicle movements/refuse store facilities, and the following informative;

- The proposed development site, consisting of more than 5 No. dwellings, is likely to be the subject of a "Section 38" Agreement (under the Highways Act 1980) between the Developer and the Council. It should be designed and constructed in accordance with the 'Kent Design' and all other appropriate highways-related document. Notwithstanding any Planning consent, it will be the subject of the Council's Technical Assessment and full Safety Audit, as per the requirements of the 'Kent Design' Guide and all other appropriate highways-related guidelines.

CONSIDERATIONS

Site location and description

Charlton Court is located on the East side of East Sutton Hill/Road some 350m south of its junction with Church Lane. The existing listed building and outbuildings were until recently in use, as a special needs school. The headmaster lived on the site in a detached dwelling that still remains and which was not restricted to staff occupation by condition when erected. There are two other existing dwellings within the site.

Charlton Court main house dates from 1612 and according to the list description was not finished. There were some restoration works and additions in the mid 19th Century. When the premises commenced use as an educational establishment in the 1950s, large and very unsympathetic additions were added to the north and east side of the main house. These are not included within the list description. There is a walled garden located to the east of the house, which has lost much of its original form and planting. Formal gardens also previously existed to the south of the main house in the area currently used as tennis courts

The Coach House (formerly stables) is also listed Grade II in its own right. This is located to the north of the main house.

Access to the site is via a single entrance off East Sutton Road opposite Parsonage Farm. This serves the entire site.

The site is located on the scarp slope of the Greensand Ridge and has commanding views of The Weald to the south. As a consequence there is a pronounced fall southwards across the site, with the main house being located on a small plateau with parkland dropping away in front of it.

The house and outbuildings are set in a mature landscaped setting, which extends to the field areas south of the buildings.

The site and associated land are located in the open countryside outside a defined settlement and are located within the Greensand Ridge Special Landscape Area as defined under Policy ENV34 of the Maidstone Borough-wide Local Plan 2000.

Proposals

This is a full planning application for the change of use and conversion of Charlton Court from a school to a single dwelling plus extensions for garaging and ancillary accommodation, swimming pool and changing rooms. The erection of 4 no. new dwellings and a replacement dwelling with access and parking, the conversion of The Coach House from part dwelling and storage to dwelling, the refurbishment of Charlton Court Cottage and the provision of landscaping, including the restoration of the period gardens.

It is proposed to demolish the unsightly 1950s additions to the main house, to reinstate a projecting bay on the property's eastern side and construct single-storey extensions on its northern side for garaging and ancillary accommodation including

swimming pool and changing rooms. The Main House would be converted back into a single dwelling.

It is also proposed to refurbish an existing cottage located a few metres to the north of the main building and convert the nearby stables/coach house into a dwelling.

Charlton House, the former Headteacher's dwelling is shown to be demolished and replaced and 4 new dwellings erected, one detached and a group of three terraced dwellings.

The design of the replacement dwelling and the new dwellings is contemporary but reflects local vernacular, with the use of plain clay tile or natural slate roofs, weatherboarding and red stock bricks in Flemish Bond, gauged brick arches and small dormer windows amongst the materials and treatments proposed.

The replacement dwelling for Charlton House (dwelling 1) is 5 bed roomed with an attached garage and is 8.7m to the ridge with an extensive cat-slide roof to the rear. The dwelling is the closest dwelling to the highway being set 7.5m from the site boundary and is set at an angle to the highway.

Dwelling 2 is located some 20m northeast of dwelling 1 and is smaller in footprint and is 'squarer' in its form and design with a rear conservatory on its northern elevation. The ridge height of this dwelling is 9.7m. Dwellings 3-5 are located in a small group 26m to the east of dwelling 2, with a garage block in between that has enabled the provision of a courtyard to the front of the three dwellings. These are set into the slope of the site and are between 9.0m-10.5m to the ridge depending on the viewpoint.

The proposed dwellings are set into a planned landscaping strategy within the site separated from each other by the use of hedges as boundary enclosures and the retention of existing planting belts wherever possible. The strategy also proposes the restoration of an historic orchard on the northern part of the site to the rear of dwellings 2 –5. A previously existing Orchard Garden to the south east of the main house and the Pleasure Gardens (currently tennis courts) are to be reinstated and renovated and an existing ha-ha on the southern boundary of the site with the open fields to the south repaired.

Issues

The site is located in the open countryside outside a defined settlement. Under Development Plan policy development in the countryside should only be permitted if an essential need for the development has been demonstrated. There is a general presumption against the erection of new dwellings in the countryside except in exceptional circumstances, which does include replacement dwellings of appropriate design, location and size or the conversion of existing buildings to residential use in appropriate circumstances. The erection of new dwellings that do not meet justified circumstances is not normally acceptable.

In the absence of any justification for this development, permission for the 4 new dwellings proposed in this application would not be granted.

However, the applicants have sought to demonstrate with this application that the costs of the repair/restoration of the Main House and the historic gardens are of negative value in terms of return and that it is necessary to offset this by the undertaking of other development within the site to fund or 'enable' the repair/restoration works and that this is essential in order to ensure the greater benefit of the restoration of the House and the gardens.

I would make it clear to Members that the enabling development justification submitted does not include the swimming pool and leisure facilities that form part of the proposals. The enabling development justification, relates purely to the works to restore the house and the associated buildings and the historic gardens.

English Heritage has published guidance on the issue of enabling development and the applicants have submitted a financial justification based on the model in that document. This assessment and the case for enabling development has been subject to scrutiny by an independent expert working on behalf of the Council. Indications are that the level of new development proposed may be justified, Members will be fully advised further at the meeting in relation to this issue. A draft legal agreement relating to the works has also been prepared and this accords with the model agreement suggested by English Heritage in their guidance on enabling development. Its terms are set out below.

In all other respects the development is considered to be acceptable.

I consider that the design of the new dwellings and the replacement dwelling is acceptable and will not cause harm to the character and appearance of the area or the setting of the adjacent listed buildings. The additions proposed on the north side of the main house are also acceptable in terms of their design and impact on their surroundings.

There will be no loss of privacy to nearby dwellings as a result of the development, due to the separation distances, orientation of the dwellings and planting within the site, existing and proposed. A landscape strategy plan for the site has been prepared which will ensure that the development is placed in an appropriate and acceptable context. The implementation of this can be secured by condition.

The level of traffic generated by the development will be less than when the site was in use as a school.

On balance due to the benefits gained in terms of the restoration of the listed building and historic garden, I consider the scheme proposed to be acceptable and that it has set the level of 'enabling' development at an appropriate and reasonable level that serves to maintain the overall character and appearance of the site and the setting of the listed buildings within it.

RECOMMENDATION

SUBJECT TO:

A: The prior completion of a legal agreement, in such terms as the Legal Services Manager may advise to:

- Ensure that no more than 1 new build house (of the 5 new dwellings to be constructed) is occupied until a Bond has been provided/or sum deposited to guarantee the carrying out of Phase 1 repairs (the external repairs to Charlton Court), Phase 2 repairs (internal repairs to Charlton Court) and The Garden Works (the creation/restoration of the historic gardens at Charlton Court).
- Ensure that no more than 3 new build houses are occupied prior to the completion of the demolition works.
- Ensure that the developer will commence Phase 1 works not later than 21 days after the occupation of the 3rd new dwelling and complete these work within 6 months of the first occupation of the 3rd new dwelling
- Ensure the Phase 2 repairs will be commenced 21 days after the first occupation of the final new build unit and such works to be completed within 6 months of the first occupation of this unit
- Ensure the Garden Works will be commenced within 21 days of the first occupation of the final new build unit and completed within 12 months of the date of first occupation of this unit or in the first appropriate planting season (whichever is the later).
- To ensure that 50% of the Bond will be released on satisfactory completion of Phase 1 works, 25% on completion of Phase 2 works with the remainder being released on completion of the Garden Works
- Secure that in the event of the breach of any of the obligations to carry out the works and a failure to respond within 14 days to a notice requiring remedy of the breach the Council shall be entitled carry out the work itself and recover the cost from the owner.

B: I BE DELEGATED POWER TO GRANT PLANNING PERMISSION subject to the following conditions:

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

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. Prior to the commencement of the development, written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development pursuant to policies ENV9 and ENV10 of the Maidstone Borough-Wide Local Plan 2000.

3. Prior to the commencement of the development, full details of the following matters must be submitted to and approved in writing by the Local Planning Authority: -
 1. Internal joinery, external joinery and details of all alterations to timber frames.

The development shall be carried out in accordance with the approved details;

Reason: To ensure the appearance and the character of the building are maintained pursuant to policies ENV9 and ENV10 of the Maidstone Borough-Wide Local Plan 2000.

4. Prior to the commencement of the development, a schedule of repair works to the Coach House and the Main House together with large scale drawings of the rebuilt and re-instated elevations to the Main House shall be submitted to and approved by the local planning authority. The works shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To ensure the character and appearance of the buildings are maintained pursuant to policies ENV9 and ENV10 of the Maidstone Borough-Wide Local Plan 2000.

5. Prior to the commencement of the development, details of the external surfaces and construction of all pathways and access ways and driveways within the site shall be submitted to and approved by the local planning authority;

Reason: No such details have been submitted and to ensure a satisfactory appearance to the site pursuant to policies ENV12, ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan 2000.

6. No development shall take place until the applicant has secured and had implemented a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority;

Reason: To enable the recording of any items of historical or archaeological interest pursuant to policy ENV18 of the Maidstone Borough-Wide Local Plan 2000.

7. The dwellings hereby permitted shall be constructed to the BREEAM Eco Homes standard to achieve at least a GOOD rating;

Reason: To ensure a sustainable and energy efficient form of development in accordance with Kent Design 2000 and Planning Policy Statement 1.

8. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed in accordance with the Council's adopted Landscape Character Assessment and Landscape Guidelines

Reason: No such details have been submitted and to ensure a satisfactory visual appearance to the scheme pursuant to policy ENV28 of the Maidstone Borough-Wide Local Plan 2000.

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

Reason: To ensure a satisfactory setting and external appearance to the development pursuant to policy ENV28 of the Maidstone Borough-wide Local Plan 2000.

10. Prior to the commencement of the development, details of the proposed slab levels of the building(s) and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site pursuant to policies ENV12 ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan 2000.

11. No development shall commence until a further survey of the site including the buildings to be converted and refurbished to identify the presence of any protected species has been undertaken and a report submitted to and approved by the local planning authority. In the event that the survey work identifies the presence of protected species, no development shall commence until a programme of mitigation measures derived from the results of the survey has been submitted to and approved by, the local planning authority; this programme to include, where the translocation of protected species is deemed necessary, the identification of suitable receptor sites within the overall site and implementation of any agreed enhancement plan for receptor sites that may be necessary to provide carrying capacity sufficient to support the translocated located populations;

Reason: To enable the provision of data on existing populations of any species found (e.g. bats and reptiles), to allow development of mitigation measures and to identify the need for any permissions from DEFRA and to ensure that, where translocation of protected species is deemed necessary, receptor sites are able to be identified within the site and their suitability to accept the population identified at survey, verified in accordance with policies ENV39 and ENV40 and Strategic Objective 2 of the Maidstone Borough-Wide Local Plan 2000.

12. Prior to the commencement of the development, details of all fencing, walling and other boundary treatments shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers and to ensure a satisfactory appearance to the site pursuant to policies ENV12, ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan 2000.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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, F, G & H and Part 2 Class A to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character, appearance and functioning of the surrounding area and to preserve the character and setting of the listed buildings within the site pursuant to policies ENV12, ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan 2000.

14. No external lighting shall be erected or placed within the site, or attached to any of the existing buildings or the buildings hereby permitted without the prior approval of the local planning authority;

Reason: To ensure a satisfactory appearance to the site and to prevent light pollution pursuant to policies ENV12, ENV28, ENV34 and ENV49 of the Maidstone Borough-Wide Local Plan 2000.

15. The proposed development, subject to the conditions stated, is considered to have demonstrated sufficient justification and merit in terms of the proposed 'enabling development' for the erection of new dwellings in the countryside due to the wider benefits of the repair/restoration of Charlton Court and other listed buildings within the site together with the restoration/reinstatement of the Period Gardens and that these are overriding material considerations sufficient to warrant the grant of planning permission contrary to the provisions of the Development Plan.

Informatives set out below

The proposed development site, consisting of more than 5 No. dwellings, is likely to be the subject of a 'Section 38' Agreement (under the Highways Act 1980) between the Developer and the Council. It should be designed and constructed in accordance with the 'Kent Design' and all other appropriate highways-related document.

Notwithstanding any Planning consent, it will be the subject of the Council's Technical Assessment and full Safety Audit, as per the requirements of the 'Kent Design' Guide and all other appropriate highways-related guidelines.

The proposed development, subject to the conditions stated, is considered to have demonstrated sufficient justification and merit in terms of the proposed 'enabling development' for the erection of new dwellings in the countryside due to the wider benefits of the repair/restoration of Charlton Court and other listed Buildings within the site together with the restoration/reinstatement of the Period Gardens and that these are overriding material considerations sufficient to warrant the grant of planning permission contrary to the provisions of the Development Plan.