

AGENDA

ADJOURNED PLANNING COMMITTEE MEETING



Date: Thursday 1 June 2017
Time: 6.00 p.m.
Venue: Town Hall, High Street,
Maidstone

Membership:

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

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting

Continued Over/:

Issued on 26 May 2017

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEBBIE SNOOK on 01622 602030**. To find out more about the work of the Committee, please visit www.maidstone.gov.uk

Alison Broom

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

6. Disclosures by Members and Officers
7. Disclosures of lobbying
8. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
9. 16/504047 - Crossways, Maidstone Road, Sutton Valence, Kent ME17 3LR 1 - 10
10. 16/506795 - 164 Ashford Road, Bearsted, Kent, ME14 4NB 11 - 35
11. 16/508284 - Land Adjacent The Mews, Buckland Lane, Maidstone, Kent, ME16 0BH 36 - 49
12. 17/500175 - Land Adjacent South Cottage, High Street, Staplehurst, Kent TN12 0AD 50 - 59
13. Appeal Decisions 60 - 61
14. Chairman's Announcements

PLEASE NOTE

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

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

For full details of all papers relevant to the applications on the agenda, please refer to the public access pages on the Maidstone Borough Council website. Background documents are available for inspection by appointment during normal office hours at the Maidstone Borough Council Reception, King Street, Maidstone, Kent ME15 6JQ.

REPORT SUMMARY

REFERENCE NO - 16/504047/FULL		
APPLICATION PROPOSAL Demolition of existing dwelling and redevelopment of a site to provide 3 residential dwellings		
ADDRESS Crossways, Maidstone Road, Sutton Valence, Kent, ME17 3LR		
RECOMMENDATION		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal, by virtue of being well screened and set back from the A274, the relatively sustainable location (as found by the Inspectors determining the appeals at The Oaks, Land at The Wind Chimes and Land at Four Wents Orchard, located near to this site), the retention of existing planting/hedging along the A274 and additional planting, the use of the existing vehicle access and pattern of neighbouring residential development, results in negligible impact on the openness or rural amenities of the countryside thereby, in the particular circumstances of this case, resulting in grounds to override Policy ENV28 and emerging Policy SP17 and grant planning permission.		
REASON FOR REFERRAL TO COMMITTEE Called in by Sutton Valence Parish Council who have recommended permission is refused. The proposal is also a departure from the development plan.		
WARD Sutton Valence And Langley	PARISH/TOWN COUNCIL Sutton Valence	APPLICANT Burbridge AGENT Prime Building Consultants Ltd
DECISION DUE DATE 06/07/16	PUBLICITY EXPIRY DATE 09/12/16	OFFICER SITE VISIT DATE 13/06/2016
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): 85/1213 - Two storey rear extension, single storey kitchen and erection of detached double garage – Permitted		

1.0 DESCRIPTION OF SITE

- 1.1 The site is located on the east side of the A274 (Maidstone Road) just north of the Warmlake Crossroads (Maidstone Road). The site comprises a two storey detached residential property located on a large plot of approx. 0.3 hectares. The existing dwelling on the site is set back some 30m from the road behind a mature hedge / tree lined front boundary. Glimpses of the house are afforded from the vehicle access onto the A274. Behind the house adjacent the east and north boundary is a tennis court. There is a small cluster of single storey outbuildings located on the northwest boundary. A majority of the site boundary is comprised of mature trees and hedgerow. Vehicle access is taken from the A274.
- 1.2 To the south, west and east of the site are further residential properties. To the northeast and west of the site are fields and open countryside. This area has been described as semi-rural in character and relatively sustainable in recent housing development appeals. The site is located within the open countryside as designated in the Local Plan 2000 and emerging new local plan.

2.0 PROPOSAL

- 2.1 Demolition of the existing house and erection of three five bed detached houses (one with attached garage), two double garages, parking and turning areas and additional trees and landscaping.
- 1.2 The existing vehicle access off the A274 would be utilised. The vehicle access would be upgraded to tarmac and granite set for the first 5m from the road and the remaining driveway finished in gravel. The existing entrance and driveway would be widened to approx 3.7m.
- 1.3 Plot 2 and 3 would be located side by side towards the back / eastern boundary of the site. These two houses would be located some 45m distance from the A274. New tree planting is proposed in the front of these two houses adjacent the shared driveway. Plot 1 would be located adjacent the south boundary and would be set back some 18m distance from the A274 and west boundary of the site.
- 1.4 The three dwellings would be a traditional design and materials are proposed to be facing brickwork, clay hanging tiles and plain roof tiles and painted timber windows.

2.0 POLICY AND OTHER CONSIDERATIONS

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

3.0 AMENDMENTS

- 3.1 Amended plans were received on 29.10.2016 reducing the proposal from four to three houses. Neighbours, the Parish Council and original consultees were re-consulted on the amended plans.

4.0 LOCAL REPRESENTATIONS

- 4.1 Parish Council: *'The Parish Council resolved that this application be refused and are prepared to go to Committee. This is back garden development, over development of a semi rural site, access on to a dangerous road and the accumulative effect of yet another application in this area is detrimental to the character landscape and urbanising this area'*.
- 4.2 Neighbours: Some five neighbours have objected raising the following summarised comments:
 - Dangerous access on the A274.
 - Additional traffic generated.
 - Unsustainable location.
 - Overdevelopment of the site.
 - Design is not in keeping with the area.
 - Erosion of the environment.
 - This is back garden development not brownfield development.
 - Loss of privacy and outlook.
 - Increased pressure on local services and facilities.
 - Contrary to saved policy H27.
 - The council can demonstrate a 5 year supply of housing.

5.0 CONSULTATIONS

- 5.1 KCC Highways: No objection subject to conditions.
- 5.2 KCC Heritage: No comments to make.
- 5.3 Environmental Health: No objections subject to conditions.

6.0 APPRAISAL

Principle of Development and Policy Background

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

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

- (1) That which is reasonably necessary for purposes of agriculture and forestry; or*
- (2) The winning of minerals; or*
- (3) Open air recreation and ancillary buildings providing operational uses only; or*
- (4) The provision of public or institutional uses for which a rural location is justified; or*
- (5) Such other exceptions as indicated by policies elsewhere in this plan.*

Proposals should include measures for habitat restoration and creation to ensure that there is no net loss of wildlife resources.

- 6.2 The proposed development does not fit into any of the exceptions set out in policy ENV28 hence why it will need to be advertised as a departure if approved.
- 6.3 In terms of emerging policies from the submitted version of the Draft Maidstone Local Plan 2016, policy SP17 seeks to protect the countryside from harm and sets out development which will be considered acceptable, again, the current proposal does not fall within any of the prescribed criteria; policy DM1 sets out principles of good design and policy DM34 allows for high quality of design development in the countryside provided certain criterion are met.
- 6.4 Paragraph 17 of the NPPF requires planning to “take account of the different roles and character of different areas... recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities.”
- 6.5 Paragraphs 57 of the NPPF attaches great importance to the design of the built environment and considers it key to sustainable development. It is indivisible from good planning and should contribute positively towards making places better for people.
- 6.6 Paragraph 58 of the NPPF states that developments should function well and add to the overall quality of an area, establish a strong sense of place, optimise the potential of the site to accommodate development, respond to local character and history, create safe and accessible environments and be visually attractive as a result of good architecture and appropriate landscaping.
- 6.7 Recent appeals for housing developments have been granted in proximity to the application site at The Oaks located to the north of the site, Land at The Wind

Chimes located to the south of the site and Land at Four Wents Orchard located to the east of the site and the Inspectors found this area to be a sustainable location. A recent application for a new house in the residential garden at The Gable adjacent Five Wents Cross Road was approved at committee as it was found to be at a sustainable location and acceptable in terms of the impact on the open countryside even though the council can currently demonstrate a 5 year supply of housing.

Visual Impact and Impact on Character and Appearance

- 6.8 It is acknowledged that the site lies outside any defined settlement boundary and accordingly fails to comply with Policy ENV28 and emerging Policy SP17. However, the main aim as identified in ENV28, is to protect the countryside from harm to the character and appearance of the area or the amenities of surrounding occupiers. The proposal should therefore be assessed on the basis of whether actual harm to the character and appearance of the area or impact on neighbours can be identified. Paragraph 111 NPPF provides that brownfield land is where development ought to be prioritised.
- 6.9 In the circumstances of this application, the proposal would not open the site up to the Maidstone Road as the existing vehicle access would be utilised. In addition, the existing mature boundary treatment along the west and northwest boundary of the site would be maintained and would serve to screen and soften the impact of the proposed development. The proposed houses would be set back some 45m and 18m from the road frontage behind existing and proposed tree and hedgerow planting. As a result of the set back from the road and landscape screening it is considered that the proposed development would not appear significantly dominant or prominent within the streetscape. The existing house is located in a central position within the site and glimpsed views of the house are afforded from the entrance driveway and gates. The proposed location of the three replacement houses are considered to be no more prominent within the streetscape than the existing property by reason of the siting, set back and boundary screening or indeed those of the adjoining properties.
- 6.10 The three houses would have a typical residential design and would not appear significantly out of keeping with the surrounding area as a result.
- 6.11 The two properties towards the rear of the site would be broadly located on site of the existing tennis courts. This section of the A274 and Warmlake crossroads is characterised by various backland residential developments (including a scheme for 9 new house currently under construction at The Oaks to the north of the application site) and the proposal is considered to be in keeping with the pattern of the surrounding residential developments and would also mean that the proposal is not encroaching in to the open countryside but merely making use of the large garden of the application site. The proposed dwelling located towards south boundary of the application site would be set slightly further forward than the neighbouring house to the south of the site but would be in keeping with the general building line along this part of the A274 so as not to appear incongruous within its setting. The third dwelling would also be well screened from the road by the existing mature tree and hedgerow along the west boundary of the site and would not form a prominent part of the streetscape.
- 6.12 It is for these reasons that the proposal is not considered harm to the character and appearance of the area or the openness of the surrounding countryside. In the absence of harm I am of the view that material considerations exist to override the exceptions set out within adopted Policy ENV28 as the main thrust of the policy

would be met, as would the aims of draft Policy SP17 which also seeks to prevent harm.

- 6.13 In addition to the above, the design of the dwelling and the proposed double garage, in terms of their scale, form, aesthetic and materials would also be in keeping with the locality thereby respecting the site and its surroundings. For these reasons the proposal would accord with Paragraphs 17, 57 and 58 of the NPPF and Emerging Policies DM1 and DM34 in relation to design and visual amenity.

Residential Amenity

- 6.14 The houses on plots 2 and 3 would be located well away from any neighbouring residential properties and would not give rise to any unacceptable amenity issues. The house at plot 1 would be located some 9m distance from the neighbouring property to the south of the site with the flank wall of the proposed house facing the flank wall of the neighbouring property. One window is proposed at first floor level on the southern elevation of plot 1 and this window would serve a bathroom and an obscure glazing condition would overcome any perception of overlooking towards the shared boundary ver. Given the orientation of the house at plot 1 coupled by the existing boundary treatment and separation distances the proposal is not considered to result in any unacceptable loss of residential amenity in terms of loss of light, outlook or privacy.
- 6.15 Overall it is therefore considered that the proposed development would not have an unacceptable impact on residential amenity thereby complying with the neighbour amenity requirements of saved policy ENV28 and emerging Policy DM1 and in turn the proposal would accord with Paragraph 17 of the NPPF.

Accessibility/Highways

- 6.16 The site lies between Warmlake and the Sutton Road end of Maidstone where there are good bus links to Maidstone and Headcorn and occupiers could access the services at Sutton Valance on foot. For these reasons future occupiers would not be totally reliant on the private motorcar. This assessment accords with that of recent Inspectors on nearby sites.
- 6.17 The existing vehicle access from the A274 would be utilised. Adequate parking and turning areas would be provided on the site allowing vehicles to enter and leave the site in forward gear. KCC Highways have assessed the proposed access and raise no objection on highway safety grounds. For these reasons it is considered that the proposal would accord with Paragraph 32 of the NPPF and criteria ix of Draft Policy DM1 of the emerging Local Plan.

Landscaping

- 6.18 The application has been accompanied by a tree Survey which confirms a majority of the existing trees would be retained and no trees of significant amenity value would be removed. Further additional tree planting is proposed within the site to soften the visual impact of the development and as mitigation for trees that would be removed to facilitate the development. The tree survey constraints plan is considered to be acceptable and would ensure that the main trees on the site, and those within the highest amenity value to the public domain, are retained and protected for the life of the build.

6.19 A landscaping scheme could be secured by condition to ensure the proposed tree and landscaping comprise suitable native species. Overall I am therefore of the view that the proposal would be appropriate in terms of trees and future landscaping.

Other Matters

6.20 The site lies within an area of archaeological protection however in this instance KCC Heritage have not requested a watching brief. The development has no effects on the setting of any listed buildings to the west and northwest due to the distance an intervening development.

6.21 A preliminary ecological appraisal, reptile survey and bat survey have been undertaken and submitted in support of the proposal. No bats were found to be present on the site, including within the house. A majority of the site comprises managed garden, hard tennis courts, buildings and parking and turning areas, however, there are small pockets of unmanaged land in the southeast corner and an area adjacent the tennis courts. The proposal will entail the loss of a small amount of reptile habitat although the reptile report acknowledges that this reptile habitat is currently of poor quality, consisting of an area of cut bramble, weeds with piles of cut grass and a bonfire situated there, as well as a small area of uncut grass/nettles. The reptile survey recorded a low population of slow worms on the site. The report advises that it is possible to maintain the population on site by trapping and securing species prior to development and then providing a reptile habitat such comprising a strip of meadow grassland along the southern boundary of the site, outside the area of development. The layout has been amended since the reptile survey and report was undertaken. The southern part of the site identified in the report would still be suitable as a trapping area and future reptile habitat. However, the habitat proposed behind the garages at plot 3 and 4 would be lost, although in my view these would not have provide long term habitats as this area would have been located in private gardens. The revised layout frees up a piece of land in the south east corner of the site from development which may be better suited as a long term reptile habitat once the development is complete and I feel an update to the reptile report could be secured by condition to cover this matter. A condition could also secure further ecological enhancements within the site.

7.0 CONCLUSION

7.1 In light of the above considerations, whilst the site falls within the countryside, due to the particular circumstances of the site, the retention of the existing Maidstone Road frontage landscaping and trees, the set back from the road and screening, and the conformity with the existing building line and pattern of development; the proposal would not result in an unacceptable level of harm to the character or appearance of the surrounding area or the openness of the countryside.

7.2 Appeals at nearby sites; including The Oaks, Land at The Wind Chimes and Land at Four Wents Orchard, found this area to a sustainable location for housing development. A recent application for a new house in the residential garden of a property known as The Gable located adjacent Five Wents Cross Road was approved at committee as it was found to be at a sustainable location and acceptable in terms of the impact on the open countryside even though the council can currently demonstrate a 5 year supply of housing

7.2 The proposal would respect the amenity of neighbouring properties and protect the significant trees on the site; provides a safe access with ample on-site parking and turning; and is at a relatively sustainable location. In addition, the overall design of

the new dwellings is considered to be appropriate for the site in terms of siting, scale, layout and materiality.

- 7.3 These circumstances specific to this application are considered sufficient grounds to depart from policy ENV28 in respect of the types of developments listed under this policy, and emerging Policy SP17 of the Draft MLP; and accords with paragraphs 17, 32, 57 and 58 of the NPPF and policies DM1 and DM34 of the Draft MLP. As such permission is recommended subject to the following conditions.

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

CONDITIONS:

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

014.1678-004 Rev P2, 014.1678-005 Rev P2, 014.1678-006 Rev P2; received 29.10.2016 and 014.1657-PL.001, 014.1678-PL.020, 014.1978-PD.003, CW/TSP/1147-01, ALS7123/100/01, 014.1657-PL.002, CW/TCP/1147-02; received 10.05.2016

Reason: To clarify which plans have been approved.

3. The development shall not commence above slab level until written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

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

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

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

Reason: To ensure an energy efficient form of development.

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

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

7. No development including site clearance and demolition shall take place until an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority. The AMS should detail implementation of any aspect of the development that has the potential to result in the loss of, or damage to trees, including their roots and, for example, take account of site access, demolition and construction activities, foundations, service runs and level changes. It should also detail any tree works necessary to implement the approved scheme and include a tree protection plan.

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

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

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

9. The development shall not commence above slab level until details for a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity by means such as swift bricks, bat tubes or bricks, hedgehog nesting boxes and the provision gaps under any new fencing to allow hedgehogs access onto all garden areas. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

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

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

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

11. All planting, seeding and turfing specified in the approved landscape details shall be completed no later than the first planting season following occupation. All such

landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

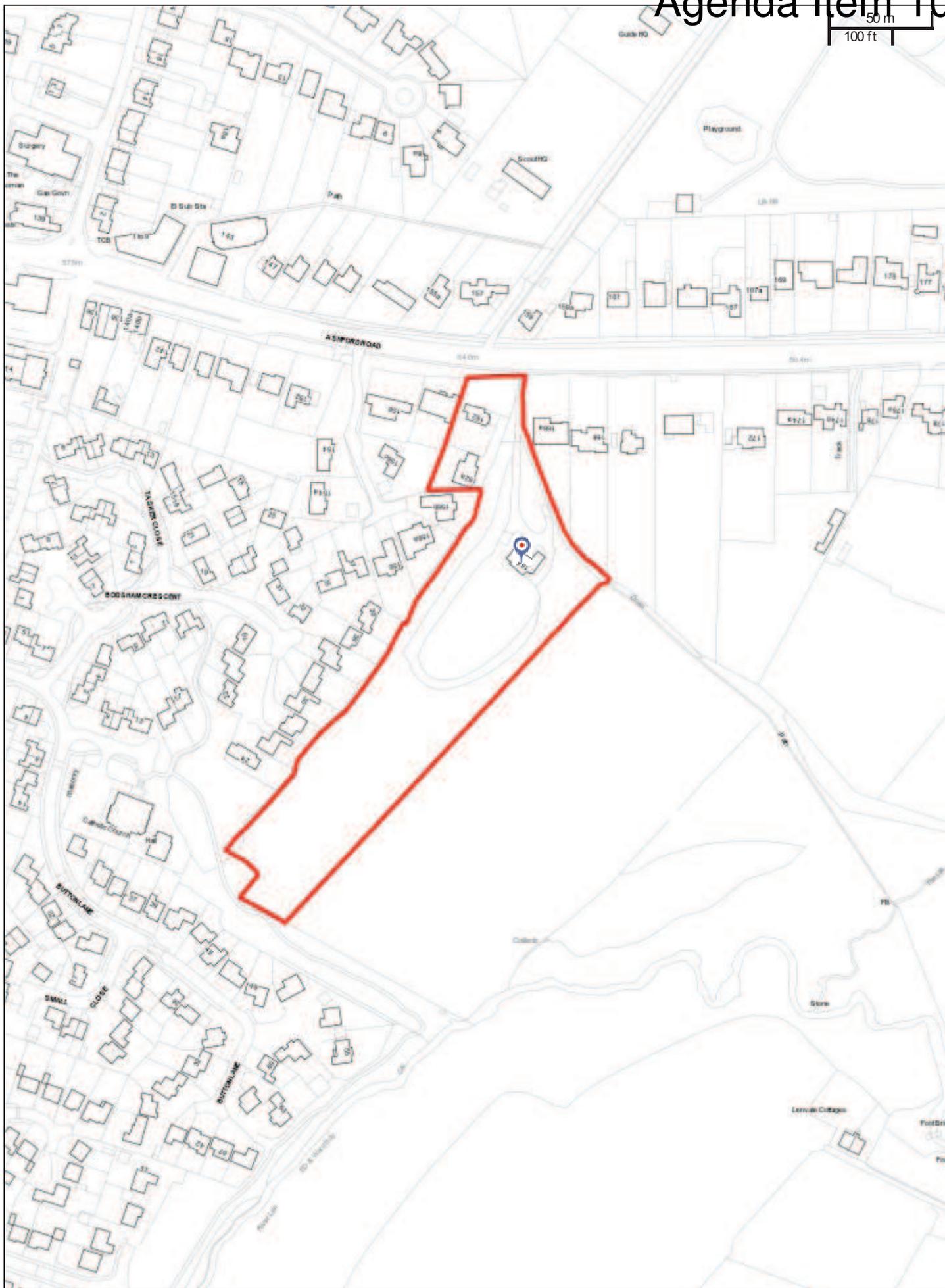
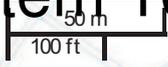
Reason: In the interests of visual amenity.

12. Prior to the commencement of development and site clearance an updated reptile survey, identifying an area of reptile habitat along the southern boundary / southeast corner of the site, shall be submitted to and approved in writing by the local planning authority. The development and site clearance shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

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

Case Officer: Andrew G J Jolly

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



16/506795 - 164 Ashford Road

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REPORT SUMMARY

REFERENCE NO - 16/506795/FULL		
APPLICATION PROPOSAL Demolition of 164 Ashford Road and associated garaging and erection of a replacement dwelling and garage/ car barn, together with alterations to the access road to create new private vehicular access to serve 162 and 162A Ashford Road		
ADDRESS 164 Ashford Road Bearsted Kent ME14 4NB		
RECOMMENDATION GRANT PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION		
<ul style="list-style-type: none"> - The proposed replacement dwelling would not harm the countryside or surrounding landscape. - The proposed access would not have a significantly harmful impact on the street scene of Ashford Road or the character and appearance of the area. - The proposal is acceptable with regards to the residential amenity of neighbouring occupiers. - The development would be acceptable in highway and parking terms. - Matters relating to ecology, tree protection and landscaping could be suitably addressed by conditions 		
REASON FOR REFERRAL TO COMMITTEE		
The recommendation is contrary to the views of Bearsted Parish Council and they have requested the application be referred to the Planning Committee due to concerns regarding the proposed access.		
WARD Bearsted	PARISH/TOWN COUNCIL Bearsted	APPLICANT The Best Family, Mr & Mrs Back And Mr & Mrs Murphy AGENT DHA Planning
DECISION DUE DATE 23/11/16	PUBLICITY EXPIRY DATE 21/02/17	OFFICER SITE VISIT DATE Visited on a number of occasions
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		
App No	Proposal/Decision	
164 Ashford Road		
66/0180/MK3	Entrance porch and conversion of bedroom to bathroom - Permitted	
162 Ashford Road		
92/1185	Single storey rear extension to kitchen – Permitted	
88/2384	Erection of new garage – Permitted	
72/0413/MK3	Outline application for the erection of one detached dwelling with garage and vehicular access – Permitted	
68/0113/MK3	Outline application for the erection of a dwelling - Permitted	
162A Ashford Road		
05/2309	Erection of a new detached dwelling with attached garage, plus demolition of existing garage and erection of a new attached garage to no 162 – Permitted	

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site relates to the residential properties at 162, 162a and 164 Ashford Road.
- 1.02 162 Ashford Road fronts Ashford Road and is a 2-storey dwelling which has an existing vehicular access to the east of the property shared with 162a Ashford Road. 162a Ashford Road is an infill development comprising of a 2-storey dwelling approved to the rear of 162 in 2005. No.164 is a 2-storey dwelling accessed by a separate access drive from Ashford Road; the property is set back from the road, isolated from surrounding development and within a larger plot than other nearby properties. No.164 is currently empty and the building itself is in a poor state of repair and has been subject to vandalism and anti-social behaviour.
- 1.03 There are a number of trees within the site of no. 164, the majority of which are protected by a Tree Preservation Order (TPO). The site adjoins open countryside to the south-east, with this adjacent land at a lower level than the application site.
- 1.04 A public right of way (PROW) is sited along the north-east boundary of no 164. The PROW follows the route of the access drive and then is separated demarcated by fencing/planting.
- 1.05 The northern part of the application site is within the urban settlement boundary of Maidstone. The southern part of the site is within a Special Landscape Area (SLA) designated within the adopted local plan and a Landscape of Local Value (LLV) defined in the emerging local plan.

2.0 PROPOSAL

- 2.01 The proposal is for the following:
- Replacement dwelling
 - Garage/car barn
 - Amalgamation of accesses to 164 and 162/162A and creation of a single access to serve the three dwellings, which includes an extended parking area to 162A and associated retaining walls.

Replacement dwelling

	Existing	Proposed	Change (+/-)
No. of storeys	Two	Two	No change
Max height (approx.)	8.2m	8m	-0.2m
Max eaves height (approx.)	5.3m (varies across building)	4.8m	-0.5m
Max width (approx.)	15.9m	18m (including chimney breast)	+2.1m
Max depth (approx.)	14.6m	12.7m	+1.9m
No. of residential units	One	One	No change

Garage/car barn

- 2.02 This would be a detached building containing a double garage, car barn and garden store. It would be a maximum of 11.8m in width, 6.5m in depth and would have an eaves height of 2.4m and a ridge height of 5.9m.

Access

- 2.03 The proposed new shared access would be from Ashford Road. This access would replace the two existing accesses, one which serves 162 and 162A Ashford Road and one which serves 164 Ashford Road. The access would be 4.8m in width at the junction with Ashford Road, decreasing to 3.7m at the point it joins the proposed turning area for 164.
- 2.04 The new access would extend southwards for approximately 44m and would have two access spurs to the west to serve numbers 162 and 162A.
- 2.05 The application seeks to demonstrate the need for the extent of hardstanding proposed and the width of the driveway by providing tracking details for the turning of an estate car and emergency vehicles.

Extending drive and retaining wall to Number 162A

- 2.06 The driveway of number 162A would be extended by approximately 3m, with an approximate 2m high retaining wall separating 162A with 164 which is proposed to be constructed in terra form blocks which would be landscaped with native planting.

3.0 PLANNING CONSTRAINTS

Potential Archaeological Importance

Public Right of Way KM77A

Tree Preservation Order (TPO)

Part of site outside settlement boundary (adopted and emerging local plans)

Part of site within settlement boundary (adopted and emerging local plans) – Northern part of the site

Special Landscape Area (adopted local plan) (SLA)

Landscape of Local Value (emerging local plan) (LLV)

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF):

National Planning Practice Guidance (NPPG):

Maidstone Borough Wide Local Plan 2000 :

Policy ENV6 : Landscaping, surfacing and boundary treatment

Policy ENV26 : Development affecting public footpaths and Public Rights of Way

Policy ENV28 : Development in the Countryside

Policy ENV34 ; Special Landscape Areas

Policy H32 : Replacement Dwellings in the Countryside

Policy T13 : Parking Standards

Maidstone Borough Local Plan May 2016 (submitted version)

Policy SP1 : Maidstone urban area

Policy SP17 : Countryside

Policy DM1 : Principles of good design

Policy DM3 : Historic and natural environment

Policy DM27 : Parking standards

Policy DM34 : Design principles in the countryside

Policy DM36 : Rebuilding and extending dwellings in the countryside

Five year housing land supply

- 4.01 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states that Councils should:

“identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.

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

- 4.03 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was commissioned jointly with its housing market area partners: Ashford and Tonbridge & Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the borough for the 20 year period of the emerging Maidstone Borough Local Plan (2011 to 2031). The SHMA has been the subject of a number of iterations following the publication of updated population projections by the Office for National Statistics and household projections by the Department for Communities and Local Government. At the meeting of the Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Councillors agreed an objectively assessed housing need figure of 18,560 dwellings for the period 2011 to 2031. This figure was adopted as the Local Plan housing target by Council at its meeting on 25 January 2016.

- 4.04 The Maidstone Borough Local Plan was submitted to the Secretary of State for examination on 20 May 2016, and the Plan allocates housing sites considered to be in the most appropriate locations for the borough to meet its objectively assessed needs. The Housing Topic Paper, which was submitted with the Local Plan, demonstrates that the Council has a five-year supply of deliverable housing sites in accordance with paragraph 47 of the NPPF. The independent examination into the Local Plan commenced on 4 October 2016, and the closing session for the hearings was held on 24 January 2017. The examination itself will close following further public consultation on modifications to the Local Plan and receipt of the Inspector’s final report. Adoption of the Plan is expected in summer 2017.

- 4.05 Housing land supply monitoring is undertaken at a base date of 1 April each year. The Council's five-year supply position includes dwellings completed since 1 April 2011, extant planning permissions, Local Plan allocations, and a windfall allowance from small sites (1-4 units). The methodology used is PPG-compliant in that the past under-supply of dwellings against objectively assessed housing need is delivered in future years; it applies a discount rate for the non-implementation of extant sites; and a 5% buffer is applied. The position is set out in full in the Housing Topic Paper, which demonstrates the Council has **5.12 years'** worth of deliverable housing sites at 1 April 2016 against its objectively assessed need of 18,560 dwellings for the Plan period.
- 4.06 The Inspector issued a report on his 'Interim Findings from the Examination of the Maidstone Borough Local Plan' on 22 December 2016 (examination document reference ED110). In addition to confirming that it is reasonable to apply a 5% buffer to the borough's five-year housing land supply in accordance with paragraph 47 of the NPPF, the Inspector is recommending two key changes to the Council's housing land supply position.
- 4.07 First, the Inspector did not consider that the 5% market signals uplift set out in the SHMA would have the desired effect of boosting housing supply, nor that it was justified, particularly given the overall increase in past building rates that is expected as a result of the Local Plan allocations. Consequently, the borough's objectively assessed housing need is proposed to be reduced by 900 units to 17,660 dwellings for the period 2011 to 2031.
- 4.08 Second, the Inspector recommends the use of a 'Maidstone hybrid' method for the calculation of the borough's five-year housing land supply, which would deliver past under-supply over the next 10 years (as opposed to the next 5 years as set out in the Housing Topic Paper). This would result in a smoother and more realistic rate of delivery of dwellings over the Local Plan period.
- 4.09 The Inspector's interim report proposes additional modifications relating to the deletion or amendment of allocated sites, or to the phasing of allocated sites and broad locations. The report does not identify a need for further housing site allocations. In advance of public consultation on the formal modifications to the Local Plan, the interim findings have been applied to the borough's 20-year and five-year housing land supply tables which were set out in the Housing Topic Paper. The updated tables (examination document reference ED116) reveal a strengthened five-year supply position as at 1 April 2016, from 5.12 years to 6.11 years. The figures are not definitive because of the need for consultation on modifications in respect of the reduced housing need and proposed amendments to specific allocated sites, but they reaffirm a robust five-year housing land supply position and justify the assumptions being made. A full five-year housing land supply update will be undertaken through the annual housing information audit to produce the 1 April 2017 position.

5.0 LOCAL REPRESENTATIONS

5.01 Parish Council

Original consultation : We raise no objection to the replacement dwelling etc. but wish to raise objection to the widened vehicular access to create a new private vehicular access to serve 162 and 162A Ashford Road as we feel this is unnecessary.

Re-consultation : The committee are concerned with the negative environmental impact of this application. Such large scale felling of trees and removal of undergrowth will have a detrimental effect on the local area and surrounding properties. Access is already proven to be sufficient as fire appliances were easily able to access the property during the recent fire.

Bearsted Parish Council have no issues with the dwelling but wish to refer the application to the MBC Planning Committee for consideration that the widening of the access is refused.

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

Five letters of objection were received following the original consultation, raising in summary the following objections :

- Widespread clearance on the site has affected the visual outlook
- Impact on local natural environment
- Aerial photos show extensive change
- Justification for moving access
- Lack of information
- Overlooking from 162A Ashford Road
- Trees shown on original consent for 162A now removed
- Harm during construction
- Loss of privacy
- Efforts to secure existing property have been poor
- No mention of SLA
- No mention of local appeal decisions
- No information reference drainage, lighting
- Trees and ecology survey not fit for purpose
- Suggested conditions for approval
- No need for access improvements
- Concern regarding future development of the site
- Queries regarding boundaries

Three letters of objection were received following the re-original consultation, raising in summary the following objections

- Comments remain unchanged
- Access improvements appear unnecessary
- Concerns regarding lights using access to number 162A
- Concerns regarding landscaping mitigation

5.02 Councillor Springett

I have now had a chance to review the TPO and the tree plan and Arboricultural Implications assessment provided by the applicant for the above application. In respect of the proposed dwelling I raise no objection. However, you will recall from our site visit that I stated I would not wish to see the large beech tree on the western boundary removed. This tree is numbered T3 on the TPO and T8 on the tree plan supplied by the developer. It is a mature tree of some 8 metres in height, and described in the Arboricultural Implications assessment as being in good structural condition and with an estimated 20-40 years life remaining. It is only recommended for removal to allow a retaining wall to be built, yet there would appear to be more

than sufficient room to route the retaining wall a little further to the east, thereby allowing retention of this large tree. I therefore wish to raise my **very strong objection** to the removal of this tree.

Furthermore, I am disappointed that the applicant has requested to remove trees T13 and T14 of their tree plan, (part of TPO group G13) purely to construct the terrace and open up views of the garden. The proposed terrace appears quite significant in size to allow views of the garden and it would appear that a slight change in the shape of the western part of the terrace would permit retention of these two trees, described in the Arboricultural Implications assessment as being in good structural condition, of up to 9 metres in height with an estimated 40+ years of life remaining. In view of the extensive tree removal that has already taken place within this site, I object to the unnecessary removal of these two trees.

5.03 Bearsted and Thurnham society :

Re-consultation

We welcome the revised positioning of the proposed replacement dwelling so that it will avoid the root protection area of trees that are protected by a Tree Preservation Order. We also welcome the deletion of the passing bay from the proposed access road, the generally reduced size of the proposed vehicular access and the increased amount of tree planting.

However, our main concerns and continued objections relate to the sheer scale of the environmental impact of this proposal which seems to us to be grossly excessive to simply provide a single replacement dwelling. This environmental impact is most conspicuous when viewed from the Ashford Road and has had a severe impact on the hitherto semi-rural setting of the existing dwellings.

We still consider the proposed access road to be excessive in size to serve just 3 dwellings and are very seriously concerned about the excessive and continuing felling of trees and removal of undergrowth. We, therefore, continue to object to this application on the grounds set out in our letter of 22nd November 2016.

We also consider that MBC should take whatever action it can to enforce the Tree Preservation Orders that have now been served on the application site and secure adequate replanting to maintain the attractive landscape character of the area.

We also continue to recommend that in order to remedy the environmental vandalism that has already taken place within the application site, that any planning permission granted for the replacement dwelling must be subject to a condition requiring the submission and prior approval by MBC of a comprehensive screening, landscaping and tree planting scheme to cover the entire application site specifically to remedy the environmental damage already done and to protect the residential amenities of adjacent and nearby dwellings and to include the retention of as many of the existing trees and as much of the existing natural vegetation as possible.

6.0 CONSULTATIONS

6.01 KCC Public Right of Way Officer

Public Rights of Way KM77A footpath runs along the north eastern boundary of the site and should not affect the application.

6.02 Natural England

No comments and refer to standing advice.

6.03 Environmental Services

No objection

6.04 KCC Highways

On behalf of the highway authority I write to confirm that I have no objections to this proposal. On points of clarification I note that the site layout plan refers to transport drawings T003 and T004. I have been unable to find these. I also note a drawing regarding proposed oak gate and fencing detail and I am unsure what this relates to.

It is considered that for safety reasons the access improvements should be constructed at an early stage and completed prior to occupation. Submission of a construction management plan for approval prior to commencement designed to maximise safety and minimise disruption is considered appropriate.

Re-consultation

I note the driveway widths proposed and consider that these are sufficient to allow for all non-exceptional situations. I write to confirm on behalf of this authority that I have no objection to the proposal and no further comments to add to my response of 25th October 2016.

6.05 Southern Water

Standing advice and seeks a condition relating to surface water drainage

6.06 KCC Archaeological Officer

No comments

6.07 Tree Officer (re-consultation)

The revised proposals show the removal of T8 (T3 of the TPO), a Beech tree. Unfortunately, recent severe crown reduction work has been detrimental to its amenity value and life expectancy. Likewise, trees T13, T14, T15 and T19, which are shown to be removed, are of poor quality/condition; two of these trees are categorised as U grade trees (one of which is dead and not protected) and two are C grade.

The Order was made to ensure that if trees were assessed and not considered worthy of retention suitable replacement tree planting could be secured. In this case there are no arboricultural grounds on which to refuse the application subject to a condition requiring compliance with the Tree Protection Plan and accompanying report and landscape conditions which specifically ensure sufficient replacement tree planting to mitigate the loss of the protected trees.

7.0 BACKGROUND PAPERS AND PLANS

Application form
Planning Statement

Extended Phase 1 Habitat and Bat Scoping Survey
Tree Survey Report dated January 2017
Additional letter dated 10th April 2017 from Greenspace Ecological Solutions

Drwg DHA/11271/04 (Existing Dwelling elevations)
Drwg DHA/11271/03 Rev B (Existing dwelling floor plans)
Drwg DHA/11271/10 (Existing single garage, floor plan and elevations)
Drwg DHA/11271/07 (Proposed Elevations)
Drwg DHA/11271/06 (Proposed Floor Plans)
Drwg DHA/11271/08 (Proposed Garaging)
Drwg DHA/11271/SK01 (Massing comparative)
Drwg DHA/11271/05 Rev A (Site Layout Plan)
Drwg DHA/11271/01 (Site Location Plan)
Drwg DHA/11271/02 (Existing Site Plan)
Drwg T-03 rev P5 (Proposed Access Design)
Drwg T-06 rev P1 (Vehicle swept path analysis)
Drwg DHA/11271/13 (Proposed retaining wall construction detail)
Drwg DHA/11271/14 (Terraforce details)
Drwg DHA/11271/12 (Elevations through retaining wall)
Drwg DHA/11271/11 (Sections through retaining wall)
Drwg DHA/11271/10 (Existing and Proposed site plan boundary of 162A)

8.0 APPRAISAL

Principle of development

Replacement dwelling

- 8.01 The northern part of the application site is within the urban settlement boundary of Maidstone. The southern part of the site is within a Special Landscape Area (SLA) designated within the adopted local plan and a Landscape of Local Value (LLV) defined in the emerging local plan. The siting of the existing dwelling itself and the wider curtilage to the south is outside the defined settlement boundary and is as such within open countryside defined in the adopted Local Plan.
- 8.02 Policy ENV28 sets out development acceptable within the countryside, this allows at point 5 for '*such other exceptions as indicated by policies elsewhere in this plan*'. Policy H32 allows for replacements dwellings provided it can satisfy the following criteria :
- 1) *The present dwelling has a lawful residential use*
 - 2) *The present dwelling is not the result of a temporary planning permission*
 - 3) *The new dwelling is no more visually intrusive than the original dwelling*
 - 4) *The new dwelling is sited to preclude retention of the dwelling it is intended to replace*
 - 5) *The new dwelling has a safe access*
 - 6) *The existing dwelling is not a Listed Building*
 - 7) *The proposed does not result in an unacceptable loss of amenity or privacy for adjoining residential properties*
- 8.03 Policy SP17 of the emerging local plan relates to the countryside, allowing for development that does not harm the character and appearance of an area which meets the criteria set out. Replacement dwellings are permitted under Policy DM36 provided they meet the criteria set out; these criteria replicate points 1, 2, 4 and 6 above and include the following:

- 4) The mass and volume of the replacement dwelling is no more visually harmful than the original dwelling
- 5) The replacement dwelling would result in a development which individually or cumulatively is visually acceptable in the countryside.

8.04 The existing dwelling benefits from a lawful residential use, it does not relate to a temporary consent and is not a Listed Building. Matters relating to visual amenity, access and residential amenity are discussed in greater detail in the report below.
Access

8.05 The access itself is within the settlement boundary and would replace two existing accesses, subject to the detailed consideration of the material planning matters below it is considered that the principle of the vehicular access is acceptable.

Visual amenity (including impact on SLA and LLV)

8.06 Policy ENV28 of the adopted local plan seeks to protect the countryside and not support development which would harm the character and appearance of the area. Policy ENV34 defines the Special Landscape Area (SLA) and sets out that *'particular attention will be given to the protection and conservation of the scenic quality and distinctive character of the area and priority will be given to the landscape over other planning considerations.'*

8.07 Policy SP17 of the emerging local plan seeks to ensure that proposals do not harm the character and appearance of an area, conserve, maintain and enhance where appropriate the Len Valley Landscape of Local Value (LLV) and protect natural assets. Policy DM1 seeks high quality design and proposals to respond positively to and where possible enhance local character, respond to topography and sensitively incorporate natural features and promote high quality design. Policy DM34 seeks proposals not to result in harm to landscapes of local value and landscapes of highest value.

Replacement dwelling

8.08 The existing dwelling is in a state of disrepair. The property has been subject to multiple break-ins, instances of anti-social behaviour and arson. The existing dwelling has been subject to limited extension or alteration.

8.09 Policy H32 of the adopted local plan sets out that a replacement dwelling should be no more visually intrusive than the dwelling it replaces. Policy DM36 of the emerging local plan sets out that the mass and volume of a replacement dwelling should be no more visually harmful and would not result in cumulative harm

8.10 As the summary table in the proposal section above sets out, the proposed footprint of the new building would not be dissimilar to the existing dwelling and the overall height would be slightly lower. The new dwelling overall would have a greater mass and volume, especially where the existing cat slide roofs are replaced by fully two-storey elements. Notwithstanding the greater mass and volume, the proposed dwelling when compared to the existing dwelling would not result in any more visual intrusion and would not cause any significant additional harm to the character and appearance of the surrounding area including the designated SLA and emerging LLV. The proposed design, mass and volume are considered acceptable

- 8.11 The replacement garage would be larger than the existing single garage, however it is not considered unreasonable for a dwelling of the size proposed to benefit from a triple garage and garden store. The proposed design and appearance of the building would be in keeping with the proposed dwelling and it is not considered that the building independently or cumulatively would harm the countryside or surrounding landscape.

Access

- 8.12 All the works relating to the proposed access and parking rearrangements to numbers 162 and 162A fall within the settlement boundary and outside the landscape designations of the SLA and the emerging LLV. These works would amalgamate two existing accesses thus resulting in an access width at the junction with Ashford Road of 4.8m. Vehicular accesses are characteristic of the street scene, with most properties along this stretch of Ashford Road benefiting from individual vehicular access points. The dimensions, surfacing, boundary treatment and other characteristics of this existing access vary along the road.
- 8.13 The applicants have removed a number of trees and shrubs that previously separated the accesses to 164 and 162/162A (together with other trees on the site), this has opened up the frontage and changed the characteristics.
- 8.14 The existing access for no.164 is currently substandard for its purpose and uses. The access serves no.164, forms a PROW and provides an historic right of way enabling access to the fields to the south-east of the application site. The applicant has set out that the access no longer allows for modern farming equipment to reach the fields. The applicant has also provided a letter from a demolition company that states that currently they would not be able to demolish the existing dwelling due to the poor access arrangements.
- 8.15 The proposed access although wider, would not be unreasonable in width and would allow for the PROW to be separated, with room to accommodate a grass verge/planting within the frontage of 162 Ashford Road (controlled by condition).
- 8.16 The footpath along Ashford Road already contains a dropped kerb the full width of the distance between both existing accesses and as such no change to the footpath is proposed. The PROW sign and electricity pylon would need relocating but there is no apparent reason to suggest this would not be possible with the practicalities of doing this a matter for the applicants to resolve separately. There would be no increase in the amount of hardsurfacing at the junction with Ashford Road, it would however be amalgamated into a single width rather than the two sections currently separated by planting. The loss of planting could be mitigated by providing additional planting to the west of the access alongside the boundary for 162 Ashford Road. Surfacing material could be conditioned, as could any new or replacement boundary treatment.
- 8.17 It is considered in the context of the street scene and the appraisal set out above that the proposed amalgamation of the existing accesses would not result in any significant harm to the visual amenity of the street scene.

Extending drive and retaining wall to Number 162A

- 8.18 Within the site it is proposed to provide a formalised access to 164 and provide two access spurs to serve numbers 162 and 162A. In addition a turning area would be

provided within the site of 164 and to facilitate the new driveways to 162 and 162A, new retaining walls are proposed.

- 8.19 The access to no 164 is currently relatively informal. A formalised access and turning area to modern standards would not be unreasonable to serve this residential dwelling. The visual impact would be acceptable and there is significant scope for additional landscaping (some of which is indicated on the submitted site layout plan).
- 8.20 The new access spurs to 162 and 162A would not be out of character and would replace existing access arrangement and would not cause harm to visual amenity.
- 8.21 The extended driveway to 162A would involve the removal of an existing Beech Tree; this is one of the few trees that remain along the northern part of the eastern site boundary. Recent severe crown reduction work to this tree has been detrimental to its amenity value and life expectancy. The council's Tree Officer has advised that with this situation there are no grounds to refuse the application due to the loss of this tree subject to a condition securing a replacement tree. The proposed engineering works to provide the new retaining wall, which would be visible from within the site of no 164, have been sensitively designed and incorporate the use of terraform blocks which will allow the planting of native species in a green wall.
- 8.22 These works are considered reasonable and would not cause significant harm to the visual amenity of the street scene, the wider area or any landscape designations.

Overall

- 8.23 The proposed works, subject to conditions, individually and cumulatively would be acceptable and would not cause any significant harm to the visual amenity of the street scene, the wider area or any landscape designations.

Residential amenity

- 8.24 Paragraph 17 of the NPPF sets out the core planning principles which includes :
- 'Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.'*
- 8.25 Policy DM1 of the emerging local plan sets out at that proposals shall :
- 'Respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.'*
- 8.26 No 162 Ashford Road forms part of the linear pattern of residential development along Ashford Road and the properties at no. 162A and no.164 set behind properties fronting Ashford Road also part of this existing character. No. 164 Ashford Road is separated from any neighbouring dwellings, set back significantly from the road frontage and sited within extensive grounds. No's 166 and 166a adjoin the north-west site boundary, the rear gardens of properties forming a cul-de-sac off Ashford Road and Bodsham Crescent adjoin the site to the western boundary and the gardens of properties in Button Lane adjoin the site to the south.

- 8.27 The existing residential use of the site would remain unchanged, there would be no increase in the number of dwellings, the development is restricted to the northern part of the site and the footprint of the proposed replacement dwelling is similar to the existing dwelling.
- 8.28 Those properties most likely to be affected are 166 and 166a Ashford Road. These dwellings are both chalet bungalows and adjoin the site to the north-east. The existing dwelling at 164 is at an oblique angle to these neighbouring properties and the existing cat-slide roof to the front restricts the number of windows in the north-east facing elevation.
- 8.29 The proposal would introduce additional windows in the front elevation when compared to the existing dwelling. It is considered that these windows are acceptable given the separation distance of over 50m from neighbouring dwellings and over 15m to the site boundary. The proposal is acceptable in relation to overlooking and loss of privacy. The proposed height and footprint of the replacement dwelling would not be significantly greater than the existing dwelling. It is considered that the new dwelling is acceptable in relation to outlook, daylight and sunlight and will not be overbearing, or result in overshadowing.
- 8.30 It is acknowledged that the new garage is larger than the existing single storey flat roof garage, and at a closer point to the boundary than the dwelling itself. Notwithstanding these factors, it is noted that the garage would be sited approximately 5m from the site boundary, it would be single storey and the roof would slope away from the boundary. After considering all of these factors, it is considered that the new garage is acceptable in relation to neighbouring amenity.
- 8.31 As the access is to the west of the property at 166a Ashford Road this property is most likely to be impacted. No. 166a is a chalet bungalow which has a dormer window facing towards the application site, with windows serving first floor bedrooms, the property is separated from the application site by a close boarded fence. The existing access to number 164 is closer to the site boundary than the proposed access, with the access moved approximately 2m further away from the boundary. The use of the access would increase and is proposed to serve 3 dwellings, a net increase of 2 dwellings. It is unlikely that this increased use would cause significant additional noise and disturbance.
- 8.32 Concern is raised by the occupiers of 166a that the headlights of vehicles entering and leaving 162a would face directly towards their property. Information has been provided to demonstrate vehicle tracking for an estate car travelling from the parking area proposed to number 162a. This modelling shows that it is more likely that the car headlights would be orientated beyond the front wall of 162a rather than pointing directly towards the property.
- 8.33 Overall the proposed development would not result in undue harm to neighbouring residential amenity including properties located on Button Lane, Bodsham Crescent and properties at 156, 156a and 156b Ashford Road.

Impact on trees

- 8.34 The application site has undergone recent tree removal and as a consequence a Tree Preservation Order has been placed on many of the trees within the site. This order has now been confirmed and ensures protection for the trees included within

the order. The Order was made to ensure that if trees were assessed and not considered worthy of retention suitable replacement tree planting could be secured.

- 8.35 The revised proposals show the removal of T8 (T3 of the TPO), a Beech tree. Unfortunately, recent severe crown reduction work has been detrimental to its amenity value and life expectancy. Likewise, trees T13, T14, T15 and T19, which are shown to be removed, are of poor quality/condition; two of these trees are categorised as U grade trees (one of which is dead and not protected) and two are C grade.
- 8.36 The position of the replacement dwelling has been amended to move it away from protected trees. The proposed siting is considered acceptable and would not result in harm to protected trees, would not lead to harm to the future health of the trees or pressure for the removal of the trees on overshadowing grounds.
- 8.37 If members are minded to grant permission it is recommended that a landscaping scheme is secured, this would allow the opportunity to provide additional/replacement planting either side of the access to the north of the site. As the proposed works are centred around the northern part of the site, it is not considered reasonable to secure additional landscaping or management within the wider site as suggested in consultation responses. The confirmed TPO provides suitable protection of the existing trees within the site.
- 8.38 Subject to compliance with the tree protection plan and accompanying reports and a landscaping condition it is considered that the impact on trees would be acceptable.

Impact on ecology

- 8.39 The application is accompanied by an Extended Phase 1 Habitat and Bat Scoping Survey which has been prepared by a competent professional. The report identifies that there is a likely to be badgers, foxes, rabbits, breeding birds and reptiles within the site.
- 8.40 With regard to badgers, mammal holes were found to the southern part of the application site, some distance from where the proposed works would take place. As such subject to sensitive working methodology set out in the ecology report it is not considered undue harm would result to mammal populations.
- 8.41 The site demonstrates optimal nesting habitats for breeding birds and as such works should be carried out in accordance with the report recommendations. This includes carrying out works outside the core breeding bird period or if unachievable then thorough searches for breeding birds should be conducted by an experienced ecologist.
- 8.42 Log piles within the site provide suitable sheltering and hibernating habitat for reptiles and the report recommends that any movement of these is carried out sensitively and in accordance with the recommendations within the report.
- 8.43 The existing dwelling has a high suitability to support roosting bats and the report concludes that further survey works would be required in the form of an emergence survey. The applicants have provided an additional letter dated 10th April 2017 to state that the further survey work is scheduled for May-September 2017. The additional information sets out that mitigation measures are possible.

- 8.44 The applicant has been asked to respond to comments received from the KCC biodiversity officer and an update will be given to members once this has been received.

Impact on PROW

- 8.45 The existing Public Right of Way (PROW) shares the existing access drive serving no. 164 from Ashford Road to the north and follows the north-eastern boundary of the application site.
- 8.45 The proposed works would maintain the existing PROW but separate it from the proposed vehicular access. The KCC Public Right of Way Officer is satisfied that the proposed works and access arrangements would not impact on the maintenance and retention of the PROW. The existing PROW signage would need to be relocated to facilitate the new access arrangements and separate consent may be required from KCC for this.

Highways and parking matters

- 8.47 The proposal would facilitate improved access arrangements to 164, 162 and 162a Ashford Road and provide parking for each of these dwellings.
- 8.48 The proposal would provide sufficient parking for each dwelling and the new access would be acceptable in terms of highway safety. Kent Highways raises no objection to the proposed development.

10.0 CONCLUSION

- 10.01 The principle of the replacement dwelling and new access arrangements is considered acceptable and the proposed design and appearance of the new property would not harm the character or the context of the site. The proposal is acceptable in relation to neighbouring amenity. The proposed development would be in accordance with current policy and guidance.

11.0 RECOMMENDATION – GRANT Subject to the following conditions :

CONDITIONS to include

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Extended Phase 1 Habitat and Bat Scoping Survey
Tree Survey Report dated January 2017
Additional letter dated 10th April 2017 from Greenspace Ecological Solutions

Drwg DHA/11271/07 (Proposed Elevations)

Drwg DHA/11271/06 (Proposed Floor Plans)
Drwg DHA/11271/08 (Proposed Garaging)
Drwg DHA/11271/05 Rev B (Site Layout Plan)
Drwg T-03 rev P5 (Proposed Access Design)
Drwg T-06 rev P1 (Vehicle swept path analysis)
Drwg DHA/11271/13 (Proposed retaining wall construction detail)
Drwg DHA/11271/14 (Terraforce details)
Drwg DHA/11271/12 (Elevations through retaining wall)
Drwg DHA/11271/11 (Sections through retaining wall)
Drwg DHA/11271/10 (Existing and Proposed site plan boundary of 162A)

Reason: To clarify which plans have been approved.

- (3) Written details including source/ manufacturer, and samples of bricks, tiles and cladding materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the development shall be carried out using the approved external materials.

Reason: In the interests of visual amenity

- (4) The approved details of the access/parking/turning areas shall be completed before the occupation of the replacement dwelling at 164 Ashford Road hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

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

- (5) The development hereby approved shall not commence until the tree protection in accordance with the current edition of BS 5837 shown on Drawing 16-402-TPP-Rev-A (Tree Protection Plan) has been provided on site. All trees to be retained must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

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

- (6) The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed, provide details of on site replacement planting to mitigate any loss of amenity and biodiversity value [together with the location of any habitat piles] and include a planting specification, a programme of implementation

and a [5] year management plan. The landscape scheme shall specifically address the need to provide replacement trees for those proposed to be removed, include the provision of a replacement hedge/planting along the along western edge of the driveway which shall include species of common hawthorn, hazel, guilder rose, spindle, dog rose and honeysuckle and should provide planting within the boundary of 164 Ashford Road for the areas of the site adjoining the boundaries with 162a and 166a.

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

- (7) All planting, seeding and turfing specified in the approved landscape details shall be carried out in the planting season following occupation of the replacement dwelling hereby permitted or the season following the commencement of the use of the proposed new access whichever is the sooner. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

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

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

Reason: To ensure an energy efficient form of development.

- (9) Prior to any development above damp proof course level details for a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the replacement dwelling by means such as swift bricks, bat tube or bricks. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

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

- (10) Prior to the commencement of the access drive hereby permitted details and samples of the surfacing material shall be submitted to and approved by the Local Planning Authority and the works carried out in accordance with the submitted details. Where possible the surfacing materials shall be permeable, a bound surface shall be provided for at least the first 5metres of the access from the edge of the highway and these details shall include details of the surfacing of the driveway, Public Right of Way and parking areas.

Reason : In the interests of visual amenity, highways safety and the use of the Public Right of Way.

- (11) Prior to the commencement of development details of the following shall be submitted to and approved by the local planning authority and the works carried out in accordance with the approved details :

- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
- Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.

Reason : In the interests of highway safety during construction. The details are required prior to commencement as the details relate to construction phase.

- (12) Any future gates to the proposed access hereby permitted shall open away from the highway and be set back a minimum of 5 metres from the edge of the carriageway.

Reason : In the interests of highway safety.

INFORMATIVES

- (1) You are advised that:
- a) No furniture may be erected on or across the Public Right of Way without the express consent of Kent County Council as the Highway Authority.
 - b) There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development without the permission of Kent County Council.
 - c) No hedging or shrubs should be planted within 1.0 metres of the edge of the Public Path.
 - d) You are advised that the erection of fencing or other structures can require planning permission.
 - e) No Materials can be brought onto site or stored on the Right of Way.

You are also advised that the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of Kent County Council as the Highway Authority.

- (2) Planning permission does not convey any approval for construction of the vehicular crossings, or any other works within the highway, for which a statutory licence must be obtained separately. Applicants should contact Kent County Council Highways (www.kent.gov.uk or 03000 41 81 81) for further information.

Case Officer: Rachael Elliott

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

Ecology matters

KCC Biodiversity comments (summarised)

Bats

The survey has assessed the building as having high potential to be used by crevice dwelling bats and low numbers of bat droppings were recorded within the loft (likely to be Brown Long Eared Bats). To fully understand the impact the proposed development will have on roosting bats the report has detailed that there is a need for emergence surveys to be carried out.

Due to the high potential for roosting bats to be present within the site we recommend that the recommended emergence surveys are carried out prior to determination of the planning application.

From discussions with the planning officer we understand that there is a need for the application to be determined prior to the completion of the emergence surveys. We advise that paragraph 99 of the Government Circular (ODPM 06/2005) does continue on and states the following:

The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.

We highlight that if MBC are considering granting planning permission the exceptional circumstances are usually for non-ecology reasons.

To assist MBC in considering if the likely impact can be mitigated for we have reviewed the proposed mitigation strategy. The submitted information has detailed that the following mitigation will implemented if planning permission is granted:

- Bat loft within the garage
- Integrated Bat Boxes
- Raised Roof/Ridge Tiles

As the application is proposing to recreate a bat loft within the garage and incorporate bat roosting features in to the main building. As the proposed mitigation has been designed to be like for like we advise that it is likely that the recommendations will be sufficient to retain the bat interest within the proposed development site.

However as the emergence surveys have not been carried out yet we highlight that there is a risk that the mitigation will not be sufficient and additional mitigation measures will have to be incorporated in to the proposed development (if planning permission is granted). One of the reasons we recommend surveys are carried out prior to determination is to ensure it is clear what mitigation is required and enable the applicant to demonstrate that the mitigation can be incorporated in to the proposed development.

If considering granted planning permission we recommend an appropriate condition.

Other Species

The ecological survey has detailed that the majority of the site within the construction area is bare ground/hard standing. The scoping survey was carried out in June 2016 so while the habitat on site may have re-established we advise it's unlikely that the any vegetation on site has increased to such an extent that it has changed the conclusions of the submitted ecological report.

The report has detailed the following is present within the site:

- Evidence of Badger setts and foraging badgers
- Suitable habitat for breeding birds
- Suitable reptile habitat

The report has made recommendations for precautionary mitigation to be implemented prior to and during construction works and we are satisfied that the implementation of those recommendations will minimise the potential for protected /notable species to be negatively impacted during construction works. These details could be conditioned.

Enhancements

The application provides opportunities to enhance biodiversity within the proposed development site. The report has made a number of recommendations to enhance the site for biodiversity and in addition to those we recommend that a simple management plan is produced to ensure that whole of the site can be managed to benefit biodiversity.

Officers comments

The agent has advised, in consultation with the applicant's ecologist that providing an emergence survey would not be achievable for at least a 6 week period, as the surveys would need to be carried out with at least 2weeks between each survey.

It is acknowledged that the emergence survey would ideally be carried out prior to granting planning permission however KCC comments do identify that the mitigation measures proposed are likely to be sufficient.

In circumstances where surveys identify the presence of bat roosts on the development site, the developer would be required to secure a separate licence from Natural England. As part of the assessment of the licence application Natural England would apply 'three tests' that are set out in legislation. These three tests would assess whether the activity is imperative for reasons of overriding public interest; whether there is no satisfactory alternative and whether favourable conservation status would be maintained.

A Judicial Review judgement on the 5 June 2009 (Woolley v Cheshire East Borough Council) found that Local Planning Authorities in exercising their responsibilities under the Habitats Regulations 2010 must also consider these three tests when considering planning applications where bats roosts have been identified and a Natural England Licence would be required.

In the event that the further surveys of the application site find bat roosts these three tests have been assessed below in relation to the current planning application.

1. Overriding Public Interest.

The overriding public interest in the current development is that the site is currently subject to vandalism and anti-social behaviour. It has been noted by local Councillors and the Environmental Protection Team that the existing building is being broken into and the poor state of repair of the building causes a hazard. Attempts have been made to secure the site, however its size and extent of boundaries, together with the siting of the PROW make it difficult to fully secure the site. The continuing state of disrepair and the opening up of the

building through broken windows and other means of access over time would make the building less suitable for a bat roosts as bats require shelter and constant temperatures.

2. No satisfactory alternative.

Although not statutorily protected the current application involves the replacement of an existing dwelling that is currently in a poor state of disrepair. If the site is not redeveloped it is possible that the site will fall into further disrepair, be a target for vandalism, and, as bats require shelter and constant temperatures, this will make the building less suitable for a bat roost. Mitigation measures have been proposed which would be incorporated into a bat loft within the garage, integrated Bat Boxes and raised Roof/Ridge Tiles, with the likelihood that these measures would provide suitable mitigation.

3. Favourable conservation status must be maintained.

There has been a survey carried out of the application site by two a qualified ecologists in line with published guidance. This survey found evidence of a bat roost on the application site and a high potential for roosts. A mitigation strategy has been submitted which is likely to mitigate for the potential loss by the demolition of the existing dwelling in the event that further survey work finds evidence of a bat roost on the site. A planning condition is recommended to ensure that the survey work is completed and the implementation of the mitigation strategy.

It is considered that the development has had proper regard to the protection of protected species with a clear plan for enhancements to the development to provide adequate habitat for bats and protection for bat roosts should further surveys discover bats on the application site and other protected species.

It is considered on this occasion the matters relating to ecology and biodiversity can be satisfactorily dealt with by planning condition.

Additional representation

One further letter of representation has been received from a neighbour whom has previously commented on the application, this in summary outlines the following :

- At this stage, we would ask that referring para 8.32, that once the new access is built that this is reviewed to ensure that it is not impacting on our property and that the drawings submitted regarding headlight path are accurate. Should they be found to be inaccurate we would seek to treat this as a material inaccuracy. Notwithstanding that, in your report there is no mention that any access along the existing access already impacts the side of our property, particularly the bedrooms so while headlights may not "directly" shine on the side, the indirect is still an impact as referenced in my prior correspondence.
- We would also ask that pre construction the hedges alongside our property are surveyed by the council to ensure that it is also not damaged during the construction / post construction phase, even though they are not within the TPO area, they are relevant to the area and for our purposes replacing these with, say, a panel fence would benefit us personally but not help the local environment. In the winter, the hedge significantly dies back leaving us exposed to egress and ingress.
- The question regarding whether the access should be lit as far as I can tell has been completely ignored in the recommendations, as you know from the site, there is no mitigation between the access and our bedrooms.

- We would also ask to have sight and be able to comment on the plans referred in condition 6 once they are prepared as they will potentially impact directly our amenity.
- Also, for the planning history, 11/1237 has been omitted, this would seem to be very pertinent to the above as it relates to access through the existing housing line into the area around the SLA. The boundary of 166 which was included in 11/1237 adjoins the above application site and should also be considered for context.

Officer's comments

Paragraph 8.32 should be amended to read as follows, as reference has been made to 162a rather than 166a in the final sentence (change highlighted in bold):

8.32 Concern is raised by the occupiers of 166a that the headlights of vehicles entering and leaving 162a would face directly towards their property. Information has been provided to demonstrate vehicle tracking for an estate car travelling from the parking area proposed to number 162a. This modelling shows that it is more likely that the car headlights would be orientated beyond the front wall of 166a rather than pointing directly towards the property.

The tracking details referred to are shown on dwg T-03 rev P5 (Proposed Access Design). It would not be possible to draft a condition to review the access and its impact after construction as the application seeks a permanent consent. It is not considered that a temporary consent for the access to test the impact would be reasonable. A judgement therefore needs to be taken whether the harm would be significant enough to warrant refusal. It is Officer's opinion that any harm by headlight glare would be fleeting when occupiers of number 162a exit the site only (no potential issue on arrival) and due to topographical changes headlights would be orientated downwards and would be sharply turning towards Ashford Road.

The proposed works do not involve any new dwellings. The amalgamation of two existing accesses (which are currently in close proximity to each other) is considered acceptable for the reasons set out in the Committee Report. The existing access to number 164 would be moved away from the neighbouring boundary by approximately 2m and although it would serve 2 additional dwellings, this net increase in potential traffic movements is not considered of the scale to warrant refusal.

An additional condition to secure a lighting scheme could be conditioned and the wording of this is set out below.

Application 11/1237 related to the *Demolition of No. 170 Ashford Road and erection of six detached dwellings with associated access, hardstanding and garaging*. This site partially adjoins the application site to the north-eastern boundary. The application was refused by the Council and dismissed at appeal.

The representation has asked that Member's attention is drawn to this application. It should be noted by Members that this scheme differs significantly from the application currently for consideration.

It has been asked that neighbours be notified of any submitted details to discharge any landscaping condition. Condition detail applications do not require neighbour consultation and there are no long-term procedures in place to ensure that this would take place. There are however methods in place for any neighbours who wish to make comments to do so. For example condition applications are available on the weekly list to which members of the public can subscribe to.

The tree protection and landscaping conditions proposed at Conditions 5 -7 of the Committee Report are considered acceptable and no further conditions are considered necessary in this respect.

OTHER MATTERS

Please find attached the site location plan for this application.

Recommendation remains unchanged subject to the following additional/replacement conditions:

Replacement condition 9

Prior to the occupation of the development hereby approved, details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. These shall include the installation of bat and bird nesting boxes, the provision of native planting and a simple site wide management plan. The approved details will be implemented and thereafter retained.

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

New conditions

- (13) Prior to any works commencing on site (including vegetation clearance and building demolition) a detailed bat mitigation strategy must be submitted for written approval by the LPA. The mitigation strategy must include the following:
- Bat emergence survey – incorporating 3 bat emergence/dawn visits.
 - Mitigation to be incorporated in to the site – it must be based on the information within the letter from Greenspace Ecological Solutions 10th April 2017.
 - Annotate site plan
 - Detailed methodology to implement the mitigation strategy.
 - Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - Map showing area not to be impacted by artificial lighting.
 - Details of long term monitoring

The works must be implemented as detailed within the approved mitigation strategy.

Reason: To protect and enhance the ecology and biodiversity on the site in the future. The details are required prior to commencement to ensure that no protected species are impacted upon.

- (14) The precautionary mitigation for breeding birds, reptiles and badgers detailed within Extended Phase 1 Habitat and Bat Scoping Survey; Greenspace Ecology; June 2016 must be implemented prior to and during the construction works.

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

- (15) No external lighting shall be erected on site without the details of a lighting scheme being submitted to and approved in writing by the Local Planning Authority. The submitted details shall include measure to shield and direct light from light sources so as to prevent light pollution, impact on neighbouring amenity and in order to minimise

any impact upon ecology. The development shall be carried out in accordance with the approved details and thereafter maintained.

Reason: To protect the appearance of the area, the environment and wildlife and local residents from light pollution.

REPORT SUMMARY

REFERENCE NO - 16/508284/full		
APPLICATION PROPOSAL Erection of two bedroom bungalow.		
ADDRESS Land Adjacent The Mews Buckland Lane Maidstone Kent ME16 0BH		
RECOMMENDATION - REFUSE PERMISSION for the reasons set out in Section 10.0.		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL -The proposed development would be detrimental to the character and visual amenities of the area as it would represent an undesirable consolidation of, and extension to built development in the rural area that is outside the defined urban boundary. -The cramped nature of development in comparison to the surrounding properties would be out of keeping with the character and appearance of the area -The development would not result in significant environmental improvement in comparison to the authorised low-key use of the site for vehicle parking.		
REASON FOR REFERRAL TO COMMITTEE Called in by Cllr English whether officer recommendation to approve or refuse to enable the consideration of the development of a brownfield site to be discussed.		
WARD Bridge	PARISH/TOWN N/A	COUNCIL
		APPLICANT Mr A Salvidge AGENT Kevin Wise Town Planning
DECISION DUE DATE 30/01/17	PUBLICITY EXPIRY DATE 03/03/17	OFFICER SITE VISIT DATE Visited on a number of occasions
RELEVANT PLANNING HISTORY (inc. appeals and relevant history on adjoining sites):		
App No	Proposal	
Application site		
16/505276/FULL	Erection of a new dwelling including detached garage. – Refused permission for following reason : <i>The proposed development would be detrimental to the character and visual amenities of the area as it would represent an undesirable consolidation of, and extension to an area of built development in the rural area outside the defined urban boundary and due to the cramped nature of development in comparison to the surrounding properties would be out of character with the character and appearance of this small rural enclave located close to the urban area of Maidstone, contrary to the National Planning Policy Framework 2012, Policy ENV28 of the Maidstone Borough Wide Local Plan 2000 and Policies SP17, DM1, DM3 and DM34 of the Maidstone Borough Local Plan Publication May 2016 (Submitted version)</i>	
82/1358	Outline application for one dwelling and garage – Refused and dismissed at appeal	
97/0952	Certificate of Lawful Development under Section 191 for existing use of land for the parking of a building contractor's lorry - Approved	

Application site and site to the west	
96/1103	Erection of detached house and double garage - Refused
97/1417	Erection of a detached three bedroom cottage and detached double garage. - Withdrawn
99/0080	Erection of detached three bedroom cottage and detached double garage – Refused
Land to the west	
78/0073	Outline application for one dwelling – Refused and dismissed at appeal
80/2095	Outline application for erection of single detached dwelling and garage – Refused and dismissed at appeal
89/0025	Outline application for erection of a dwelling. – Refused
Land to the north (The Mews and Barn Lodge)	
75/0725	Conversion of barn and outbuildings into dwelling and double garage involving listed building consent - Approved
75/1166	Conversion of agricultural building into dwelling – Approved
Land to the east (The Willows, The Birches and Little Buckland Place)	
Various applications relating to the erection of 3 new dwellings in the late 1970s/early 1980s.	
The Willows	
99/1670	Erection of detached two storey dwelling with integral double garage – Refused

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site relates to a parcel of land located on the eastern most part of Buckland Lane. The site is located to the east of the railway line and accessed by a private road which passes underneath the railway line. The site is on the south side of the road and opposite 'The Mews'.
- 1.02 An area of the site is currently overgrown with a number of self seeded trees and several large poplar trees to the eastern and western boundaries of the site. The site benefits from a gated vehicle access onto Buckland Lane.
- 1.03 The site is outside the defined urban boundary of Maidstone (the boundaries lies to the west of the railway line) and as such is located within open countryside. There are a total of 7 existing dwellings located along this part of Buckland Lane, four of which form part of the historic farmstead including old agricultural buildings converted to residential and two listed buildings (Farm Cottage and Little Buckland Farm). The three properties to the extreme east of the access road are newer dwellings built in the late 1970s/early 1980s; these properties are two storeys in height and located in large, spacious plots.
- 1.04 The application site benefits from a certificate of lawful development granted in 1997 for the use of the front part of the site for the parking of a building contractor's lorry. There was no evidence at the time of the Officers original site visit of any parking of a vehicle and the overgrown ground conditions suggest that the site had not been used for parking for some time. At the time of the additional site visit for this re-submission a flat-bed lorry was parked on the front part of the application site. A five bar access gate however remains at the entrance to the site.

2.0 PROPOSAL

- 2.01 The proposal seeks to erect a new single storey dwelling

The new dwelling would be sited to the front of the site and would be L-shaped with a maximum of length of 10.1m, a maximum width of 8.1m and a pitch roof with an eaves height of 2.8m and a maximum height of 5.3m.

The dwelling would have two bedrooms and benefit from a bathroom and an open plan kitchen/lounge/diner.

The dwelling would be predominantly finished in a feather-edged weatherboard finish under a tiled roof.

- 2.02 A gravel drive-way would be located to the east of the proposed dwelling, with two off street parking spaces also provided.

- 2.03 A 1.2m high ragstone wall is proposed along the Buckland Lane frontage.

- 2.04 Indicative replacement tree planting is shown along the east and western boundaries with the garden area principally proposed to be laid to lawn.

3.0 PLANNING CONSTRAINTS

Potential Archaeological Importance

Outside the settlement boundary (adopted and emerging local plans)

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Maidstone Borough Wide Local Plan 2000 :
Policy ENV6 : Landscaping, surfacing and boundary treatment
Policy ENV28 : Development in the Countryside
Policy T13 : Parking Standards

Maidstone Borough Local Plan May 2016 (submitted version)
Policy SP1 : Maidstone urban area
Policy SP17 : Countryside
Policy DM1 : Principles of good design
Policy DM3 : Historic and natural environment
Policy DM4 : Brownfield Land
Policy DM27 : Parking standards
Policy DM34 : Design principles in the countryside

5.0 LOCAL REPRESENTATIONS

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

- 5.02 Two letters of support were received following the original consultation, raising in summary the following comments :

Have witnessed this site being occupied for many uses. There was a mobile home situated on this site in 1979, for a period of at least two years before it was moved. A previous owner stored approximately thirty cars and lorries for a considerable time, which caused an eyesore and considerable nuisance to others. Since 1983, a new owner used the land to operate an HGV lorry to run a building company. For a period of time, the site has become overgrown and derelict, but we note that the site is in use again for the storage of an HGV lorry. We are concerned that if the land changes hands, the existing lorry use could escalate and become an eyesore to all the occupants of the existing seven dwellings. This has certainly been the case in the past. We therefore believe that the best outcome for all residents that live in this beautiful enclave, Buckland Farm, would be to allow this proposal to build a small single storey property, which would finally put all the anxieties of the past to rest.

The applicant has previously built and converted dwellings to a high standard.

6.0 CONSULTATIONS

6.01 Environmental Health Officer

The site is in a suburban area, and traffic noise is unlikely to be a significant problem for this particular site. Although near to a railway line, I believe that the site is sufficiently distant and to some extent screened, for no acoustic or vibrational assessment to be required.

The site is within the Maidstone Town Air Quality Management Area, but I do not consider the scale of this development and/or its site position warrants either an air quality assessment or an Air Quality Emissions Reduction condition applied to it.

The site is close to the railway line land which is on the council's potential contaminated land list, but it is the current brownfield use of the site as an HGV parking site which leads me to consider that it would be prudent to apply a contaminated land condition to any permission granted. There is no indication of any significant chance of high radon concentrations.

The application form states that foul sewage will be dealt with via mains system; and there are no known Private Water Supplies in the vicinity.

Any demolition or construction activities may have an impact on local residents and so the usual conditions/informatives should apply in this respect.

6.02 Natural England

Highlight the standing advice and raise no objection

6.03 Tree Officer

There are no protected trees on or immediately adjacent to, the site. There are significant trees present and, whilst a tree report has been provided by the applicant, it is not sufficiently detailed for me to take a view. If minded to approve I need to see a survey in accordance with BS5837: 2012 which includes an individual assessment of each tree and covers all the trees on site. A tree survey plan is also required.

6.04 Conservation Officer (comments received on application 16/505276)

The site lies within a small residential enclave separated from nearby development by the railway line. It includes three listed buildings – Little Buckland Farm, a converted barn and, immediately adjacent to the application site, Little Buckland Farm Cottage, a Grade II* house dating from the 14th Century.

The proposal is to erect a dwelling on this long, narrow site which contains a number of trees (and some which have recently been felled). The arboricultural report accompanying the application states that these are in poor health and not suitable for retention. I suggest that the Landscape Team be consulted on this aspect of the application.

The site is currently well-screened from Little Buckland Farm Cottage, both by trees within the application site and planting within the grounds of the listed building. Notwithstanding the potential loss of trees within the application site, I consider that the proposed development would remain well-screened from Little Buckland Farm Cottage, particularly if substantial boundary planting were required by condition. In design terms I consider the proposal to be acceptable, the house being in a vernacular style with something of the appearance of a farm building; although of two storeys, the house would be dug into the rising land on the application site, thus reducing its scale and visual impact. In my view the development is unlikely to cause harm to the setting of Little Buckland Farm Cottage or to those of the other nearby listed buildings.

I raise no objection to this application on heritage grounds subject to conditions re samples of materials, landscaping and slab levels.

6.05 Kent Highways (comments received on application 16/505276)

I refer to the above planning application and note that the site is located on a section of Buckland Lane that is a private street, over which this authority has no jurisdiction. In terms of the effects on the public section of the highway at Buckland Lane I do not consider this development would constitute a severe impact and confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
- Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
- Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.

6.06 KCC Archaeology (comments received on application 16/505276)

The site of the application lies within the area of Little Buckland hamlet which includes a farm complex and the 14th century Little Buckland Farm Cottage. There are also indications of possible Roman activity in this area. There is potential for Roman or medieval remains to survive within the application site and as such I recommend the following condition is placed on any forthcoming consent.

7.0 BACKGROUND PAPERS AND PLANS

Application form
Planning, Design and Access Statement
Preliminary Ecological Appraisal
Bat Survey Report
Letter dated 22nd April 2016 addressing arboricultural matters

Drawing No. 16/1249/01 (erection of detached single storey dwelling)

8.0 APPRAISAL

Principle of development

Five year housing land supply

- 8.01 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states that Councils should:

“identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.

- 8.02 Furthermore, paragraph 49 of the NPPF is clear that relevant policies for the supply of housing *“should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.*
- 8.03 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was commissioned jointly with its housing market area partners: Ashford and Tonbridge & Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the borough for the 20 year period of the emerging Maidstone Borough Local Plan (2011 to 2031). The SHMA has been the subject of a number of iterations following the publication of updated population projections by the Office for National Statistics and household projections by the Department for Communities and Local Government. At the meeting of the Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Councillors agreed an objectively assessed housing need figure of 18,560 dwellings for the period 2011 to 2031. This figure was adopted as the Local Plan housing target by Council at its meeting on 25 January 2016.
- 8.04 The Maidstone Borough Local Plan was submitted to the Secretary of State for examination on 20 May 2016, and the Plan allocates housing sites considered to be in the most appropriate locations for the borough to meet its objectively assessed needs. The Housing Topic Paper, which was submitted with the Local Plan, demonstrates that the Council has a five-year supply of deliverable housing sites in accordance with paragraph 47 of the NPPF. The independent examination into the Local Plan commenced on 4 October 2016, and the closing session for the hearings was held on 24 January 2017. The examination itself will close following further

public consultation on modifications to the Local Plan and receipt of the Inspector's final report. Adoption of the Plan is expected in summer 2017.

- 8.05 Housing land supply monitoring is undertaken at a base date of 1 April each year. The Council's five-year supply position includes dwellings completed since 1 April 2011, extant planning permissions, Local Plan allocations, and a windfall allowance from small sites (1-4 units). The methodology used is PPG-compliant in that the past under-supply of dwellings against objectively assessed housing need is delivered in future years; it applies a discount rate for the non-implementation of extant sites; and a 5% buffer is applied. The position is set out in full in the Housing Topic Paper, which demonstrates the Council has **5.12 years'** worth of deliverable housing sites at 1 April 2016 against its objectively assessed need of 18,560 dwellings for the Plan period.
- 8.06 The Inspector issued a report on his 'Interim Findings from the Examination of the Maidstone Borough Local Plan' on 22 December 2016 (examination document reference ED110). In addition to confirming that it is reasonable to apply a 5% buffer to the borough's five-year housing land supply in accordance with paragraph 47 of the NPPF, the Inspector is recommending two key changes to the Council's housing land supply position.
- 8.07 First, the Inspector did not consider that the 5% market signals uplift set out in the SHMA would have the desired effect of boosting housing supply, nor that it was justified, particularly given the overall increase in past building rates that is expected as a result of the Local Plan allocations. Consequently, the borough's objectively assessed housing need is proposed to be reduced by 900 units to 17,660 dwellings for the period 2011 to 2031.
- 8.08 Second, the Inspector recommends the use of a 'Maidstone hybrid' method for the calculation of the borough's five-year housing land supply, which would deliver past under-supply over the next 10 years (as opposed to the next 5 years as set out in the Housing Topic Paper). This would result in a smoother and more realistic rate of delivery of dwellings over the Local Plan period.
- 8.09 The Inspector's interim report proposes additional modifications relating to the deletion or amendment of allocated sites, or to the phasing of allocated sites and broad locations. The report does not identify a need for further housing site allocations. In advance of public consultation on the formal modifications to the Local Plan, the interim findings have been applied to the borough's 20-year and five-year housing land supply tables which were set out in the Housing Topic Paper. The updated tables (examination document reference ED116) reveal a strengthened five-year supply position as at 1 April 2016, from 5.12 years to 6.11 years. The figures are not definitive because of the need for consultation on modifications in respect of the reduced housing need and proposed amendments to specific allocated sites, but they reaffirm a robust five-year housing land supply position and justify the assumptions being made. A full five-year housing land supply update will be undertaken through the annual housing information audit to produce the 1 April 2017 position.

Policy background

- 8.10 The application site is outside the urban boundary for Maidstone and as such can be described as being within the countryside as set out in Policy ENV28 of the Local Plan *'The countryside is defined as all those parts of the plan area not within the development boundaries shown on the proposals map.'*

Policy ENV28 continues :

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

1. *That which is reasonably necessary for the purposes of agriculture and forestry;*
or
2. *The winning of minerals ; or*
3. *Open air recreation and ancillary buildings providing operation uses only ; or*
4. *The provision of public or institutional uses for which a rural location is justified ;*
or
5. *Such other exceptions as indicated by policies elsewhere in this plan.*

8.11 The provision of new housing within the countryside is not included within the policy.

8.12 Policy SP17 of the submitted emerging Local Plan allows for small-scale residential development necessary to :

- a) *Meet a proven essential need for a rural worker to live permanently at or near their place of work*
- b) *Meet a proven need for Gypsy and Traveller accommodation*
- c) *Meet local housing needs.*

8.13 Again the provision of a new dwelling such as that proposed does not meet these criteria.

8.14 The Proposed Main Modifications (PMM) to the emerging local plan are currently being consulted upon, these propose modifications to Policy SP17, removing reference to types of acceptable development and stating the following :

'Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area.'

8.15 Policy DM4 of the submitted emerging local plan sets out :

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

8.16 The PMM again seeks to modify Policy DM4, becoming Policy DM5 the policy would read :

'Exceptionally, the residential development of brownfield sites in the countryside which are not residential gardens, which meet the above criteria will be permitted provided the redevelopment will also result in a significant environmental improvement and the site is, or can reasonably be made, accessible by sustainable modes to Maidstone urban area, a rural service centre or larger village.'

Sustainable development

- 8.17 The 'golden thread' of the NPPF relates to sustainable development, defined by its economic, social and environmental role. Paragraph 55 of the NPPF sets out that *'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain vitality of rural communities.'*
- 8.18 The application site is very much characterised as 'rural fringe', having a semi-rural characteristic due to its inherent connections with the urban area but defined by much more sporadic development than the suburban environment to the west of the railway line within the urban boundary. Described by previous Inspectors as a *'small enclave of residential development, having a distinctive semi-rural character'*, these characteristics remain over 30 years after they were originally written.
- 8.19 The site does benefit from sustainable transport links with the urban area and thus there would be little to distinguish between the characteristics of the use of this site compared to those within the urban boundary to the west. The site however does not provide significant economic benefit by the provision of one dwelling and the environmental benefit has not been demonstrated through the application. Although the application states that the use of the land for the parking of a contractor's lorry would no longer take place, this use has not had any noticeable impact on the land. Whilst the land can loosely be described as 'brownfield' land, there is little to distinguish it from greenfield land with no buildings, hardstanding, or tracks on the land or signs on the site. A flat-bed lorry has been brought back onto the site since the earlier refusal; however the siting of a vehicle in itself has limited impact. Concerns have been raised regarding future uses of the site; however any use other than the parking of a vehicle on the site would require planning permission and would be considered on its own merits. This use also solely relates to the front part of the site. In granting the scheme the majority of the trees and vegetation would be removed and although the application does now show some indicate replacement planting and/or a landscaping scheme could be conditioned this does not override the concerns regarding the impact on the character of the area a residential use on this site would have. The development would as such have a positive environmental improvement, not supporting the role of the sites sustainable credentials and Policy DM4 of the emerging local plan.
- 8.20 The Council can demonstrate a 5-year supply and in the absence of overriding material considerations it is considered that the principle of the development of the site should be resisted. Other material considerations are discussed in further detail below.

Visual amenity

- 8.21 As described above the application site is located within an informal 'cul de sac' of dwellings forming a residential enclave on the periphery of the urban area of Maidstone. As can be seen on the site location plan the characteristics of this area (sporadic rural development) are wholly different to the area to the west of the railway bridge where development is suburban in nature and of a higher density.
- 8.22 Four of the seven existing local dwellings form part of the historic farmstead, notable by at least two of the buildings being converted agricultural buildings and the heritage assets of Little Buckland Farm and Little Buckland Farm Cottage (both listed buildings). The more recent development to the east was allowed for three new dwellings, each located within large spacious plots.

- 8.23 Recognised in the 1982 dismissed appeal (82/1358), the development of the application site would result in harm to the rural amenity and appearance of the value of the landscape of the area surrounding the town. Significant weight was given by the Inspector at that time to the cumulative impact allowing development on this site would have to this enclave and the difficulty that would result in resisting development on further land in the vicinity.
- 8.24 Although policy has changed since the earlier appeals, the characteristics of this enclave have been maintained. Allowing development on this site would wholly alter the characteristics and appearance of this area due to the proportions of the site in comparison to the neighbouring sites. The long, thin shape of the site would result in contrast and be at odds with the surrounding character of development. The site would consequently appear as cramped and out of character and harmful to this semi-rural locality.
- 8.25 The design of the proposed dwelling is not in itself considered unacceptable, the appearance of the building would be simple and low key. The dwelling would be sited at the front of the site and be a further urbanising feature, bringing built form much further forward towards Buckland Lane to the south. There would be limited possibility for landscaping to mitigate the harm when viewed from the road.

Impact on setting of Listed Building

- 8.26 The site lies within a small residential enclave separated from nearby development by the railway line. It includes three listed buildings – Little Buckland Farm, a converted barn and, immediately adjacent to the application site, Little Buckland Farm Cottage, a Grade II* house dating from the 14th Century.
- 8.27 The proposal is to erect a dwelling on this long, narrow site which contains a number of trees (and some which have recently been felled). The arboricultural report accompanying the application states that these are in poor health and not suitable for retention.
- 8.28 The site is currently well-screened from Little Buckland Farm Cottage, both by trees within the application site and planting within the grounds of the listed building. Notwithstanding the potential loss of trees within the application site, it is considered that the proposed development would remain well-screened from Little Buckland Farm Cottage. In design terms it is considered the proposal to be acceptable, the house being in a vernacular style with something of the appearance of a farm building; although of two storeys, the house would be dug into the rising land on the application site, thus reducing its scale and visual impact. It is considered that it is unlikely to cause harm to the setting of Little Buckland Farm Cottage or to those of the other nearby listed buildings.

Impact on residential amenity (existing and future occupiers)

Existing occupiers

- 8.29 There are residential dwellings located to the east of the application site (Little Buckland Farm Cottage) and to the north (The Mews). Other neighbouring dwellings are considered to be a significant distance from the application site such that they would be unaffected by the proposed development.
- 8.30 The Mews is separated from the application site by the access road and it is considered that the single storey nature of the proposed development (both the

garage and dwelling) would mitigate any harm to the neighbouring dwelling to the north.

- 8.31 Little Buckland Farm Cottage to the east is situated in a large plot with the dwelling itself situated to the easterly part of the site. There are existing trees and landscaping along the eastern boundary separating the site, although some of this would be removed, that on the neighbouring site would remain. Due to the screening, single storey nature of the dwelling and the distance from the boundary, the neighbouring plot size and the position of the dwelling itself it is not considered that any significant harm would result to the amenity of the neighbouring dwelling.

Future occupiers

- 8.32 The proposed dwelling would benefit from an acceptable level of internal amenity.
- 8.33 The main concerns regarding the amenity of the future occupiers would be the potential noise and disturbance from the adjacent railway to the east of the site. The application has not been accompanied by a noise report to demonstrate acceptable amenity for the future occupiers, however the Environmental Health Officer is satisfied that this matter could be dealt with my condition.

Trees

- 8.22 The application site contains a number of relatively mature trees, predominantly sited along the eastern and western boundaries. These are described in the submitted tree report as eleven Lombardy Poplars, one White Poplar and One Sycamore, six poplar trees referred to in the earlier application as to be removed would now be retained, these trees are located to the south of the site.
- 8.23 The rationale for the felling of the existing trees relates to the poor condition of the trees. The tree officer has been consulted on the application and verbal discussions on the earlier application followed with the conclusion that the trees are unlikely to be worthy of retention and therefore although their loss is unfortunate replacement planting could mitigate the loss.
- 8.24 The landscape officer comments on this current application highlights the shortfall in the submitted arboricultural supporting information. This viewpoint is concurred with, however the same limited information was submitted and considered with the earlier application and the conclusion was reached that replacement planting could mitigate the loss of the existing trees. As such it would be unreasonable for the same conclusion not to be reached on the current application.
- 8.25 Subject to a robust landscaping scheme including replacement tree planting the application is considered acceptable in this respect.

Ecology

- 8.26 The information submitted includes an bat survey and a preliminary ecological survey. Both surveys appear to have been carried out by competent individuals and the clear methodology, findings and conclusions are set out in both reports. The bat survey concludes that there are no bats roosting in the trees on the site (which are proposed to be removed), bats were observed passing through the site during the survey. Any impact on bats is concluded that it could be mitigated by external lighting being limited within the site. Enhancements proposals are considered in the report. The ecological survey assesses the impact on protected species, the

appraisal includes a desk based and on the ground survey. The report concludes that there is potential for foraging hedgehogs and evidence of rabbits within the site, however no protected species were identified within the site and the site conditions did not raise issues to suggest that there would be undue possibility of protected species.

- 8.27 The findings of both reports would appear to be reasonable and it is considered that subject to mitigation and enhancement any matters relating to ecology could be dealt with by conditions should the scheme be acceptable in all other respects.

Highways and Parking

- 8.28 The proposed provision of one additional dwelling would not have any significant impact on highways, especially due to the lawful use of the site for the parking of a contractors lorry. The provision of one dwelling could amount to a similar vehicle movements.
- 8.29 The proposed parking provision (two tandem spaces on a hardstanding drive) would meet general standards and provide a suitable provision for the two-bedroomed dwelling proposed.

9.0 CONCLUSION

- 9.01 The development of the site would be uncharacteristic within this semi-rural location and would be at odds with existing development and would detract from the semi-rural characteristics of the site and the surrounding area. The form of development would appear as cramped with the proposed garage dominating the site and detracting from the dwelling itself which has been suitably designed.
- 9.02 The proposed dwelling would not harm the setting of surrounding listed buildings but would not result in any improvement.
- 9.03 The existing authorised use for the parking of a contractor's lorry is a low-key use and the proposed development of a new dwelling would not result in significant environmental improvement to justify the development of the site outside the urban settlement boundary.
- 9.04 The benefits of one additional dwelling would not outweigh the harm associated with developing the site and development of the site for residential would not accord with current policy and guidance and is recommended for refusal.

10.0 RECOMMENDATION –REFUSE PLANNING PERMISSION for the following reason

The proposed development would be detrimental to the character and visual amenities of the area representing an undesirable consolidation of, and extension to an area of built development in the rural area outside the defined urban boundary and due to the cramped nature of development in comparison to the surrounding properties would be out of character with the character and appearance of this small rural enclave located close to the urban area of Maidstone, contrary to the National Planning Policy Framework 2012, National Planning Practice Guidance 2012, Policy ENV6, ENV28 of the Maidstone Borough Wide Local Plan 2000 and Policies SP17, DM1, DM3, DM4 and DM34 of the Maidstone Borough Local Plan Publication May 2016 (Submitted version)

INFORMATIVE

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

Application form

Planning, Design and Access Statement

Preliminary Ecological Appraisal

Bat Survey Report

Letter dated 22nd April 2016 addressing arboricultural matters

Drawing No. 16/1249/01 (erection of detached single storey dwelling)

Case Officer: Rachael Elliott

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

Agenda Item 12



17/500175- Land Adjacent to South Cottage

Scale: 1:1250

Printed on: 23/5/2017 at 14:52 PM by EllyH

REPORT SUMMARY

REFERENCE NO - 17/500175/FULL			
APPLICATION PROPOSAL Retrospective temporary security fencing			
ADDRESS Land Adjacent South Cottage High Street Staplehurst Kent TN12 0AD			
RECOMMENDATION – GRANT subject to the planning conditions set out in Section 8.0 of the report			
SUMMARY OF REASONS FOR RECOMMENDATION -The temporary security fencing results in less than substantial harm to the setting of local heritage assets, such that for a temporary period of one year to secure the site, it is considered that the harm would be outweighed by the benefit. -The retention of the temporary security fencing for a period of one year would not cause significant harm to the Conservation Area and the street scene, such that the application should be refused. -The temporary security fencing would result in a reversible impact on the character and appearance of the street scene, Conservation Area and setting of the Listed Buildings such that no long-term harm would result.			
REASON FOR REFERRAL TO COMMITTEE Staplehurst Parish Council wish to see the application refused.			
WARD Staplehurst	PARISH/TOWN COUNCIL Staplehurst	APPLICANT Mr Nigel Senington AGENT	
DECISION DUE DATE 24/04/17	PUBLICITY EXPIRY DATE 31/03/17	OFFICER SITE VISIT DATE 3/3/17	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
15/506419/FULL	Erection of a pair of semi-detached houses	Refused Dismissed at appeal	29/10/15
MA/14/0791	Application for the erection of 2 two-bedroom houses.	Refused	29/8/14
MA/01/0293	Application for the erection of 1 No. detached dwelling with integral double garage.	Refused Dismissed at appeal	9/5/01
MA/01/0350	Application for the erection of 2 no. detached dwellings with integral double garage.	Refused Dismissed at appeal	30/4/01

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site relates to a parcel of land (approximately 20m x 27m) on the east side of the High Street in the centre of Staplehurst. The site does not have vehicular access onto the main road, which is set at a higher level, and there is pavement and grassed bank between.
- 1.02 There are Grade II listed houses immediately to the north and south and mature trees within the grounds of Loddenden Manor, a Grade II* listed building to the east. The site falls within the Staplehurst Conservation Area.
- 1.03 The site has been cleared of all trees and shrubs and so comprises open grassland. On the front boundary heras fencing has been erected (the subject of this application). The remaining three boundaries of the site are all enclosed with close board timber fencing.

2.0 PROPOSAL

- 2.01 The application seeks retrospective planning permission for the erection of 2m high metal mesh security fencing along the front (western) boundary.
- 2.02 6 panels of fencing have been erected along the western boundary which each measure 3.5m in width and there are also panels on the return, part along the northern and southern boundaries.
- 2.03 Some of the uprights of the fencing panels have been sprayed pink in colour.

3.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Borough-Wide Local Plan 2000: Policy ENV6
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Draft Maidstone Local Plan (2011-2031): Policies SP10, DM1 and DM3
Draft Maidstone Local Plan (2011-2031) (Proposed Main Modifications) : Policies SP10, SP18, DM1, DM3 and DM4
Staplehurst Neighbourhood Plan (2016-2031)

4.0 LOCAL REPRESENTATIONS

4.01 Parish Council

The fencing is detrimental to the conservation area and to an adjacent listed building; the fencing had been erected without permission; the application did not state a reason for the installation of the fencing or for the previous clearance of the site; the site plan was incorrect in its illustration of the location of the fencing. Councillors stated they wished to see the water tank moved to a less obtrusive position and a replacement hedge or a fence of more traditional design

Staplehurst Parish Council further considers that the fence has a seriously adverse effect on the street scene in the Staplehurst Conservation Area and on the setting of listed buildings, the importance of which was emphasised by the Planning Inspector's report on the appeal against refusal of planning permission for application 15/506419/FULL and by the case officer's report on application 15/507585/FULL. We

therefore recommend that the application be REFUSED and that the temporary security fence be replaced as soon as possible by a boundary treatment which is in keeping with the Conservation Area, with the listed buildings adjoining the site and by the existing boundary fences on the other sides of the site.

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

6 letters of objections have been received in response to the consultation which are summarised as follows:

- Fencing is unsuitable for the area
- Optimistic that the fencing is temporary
- Means of enclosure should be more in keeping with the Conservation Area
- Site location plan is incorrect
- Applications for the site have been previously refused
- Blight on the village
- Unnecessary
- Want trees and hedging to be re-instated
- Listed building consent required
- Conservation Area consent required
- Breaches of planning, removal of original fence, new fence etc.

5.0 **CONSULTATIONS**

5.01 **Conservation Officer** : No objections

6.0 **APPRAISAL**

Main Issues

6.01 It is considered that the key issues are :

- Permitted development and consents
- Impact on Conservation Area, setting of Listed Buildings and street scene

Permitted development and consents

6.02 The Town and Country Planning (General Permitted Development) (England) Order 2015 allows under Part 2 Class A for :

'The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.'

A.1 sets out the conditions, these include :

- (a) *the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after carrying out the development, exceed (ii) in any other case, 1 metre above ground level.*
- (c) *the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in paragraph (a) or (b) as the height appropriate to it if erected or constructed whichever is the greater ; or*

(d) it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building.'

- 6.03 The properties to the north and south of the application site are both Grade II Listed Buildings. The application site is separated from both these dwellings by close boarded fencing and is now in separate ownership.
- 6.04 To the north, North and South Cottages were first listed in 1967, known at the time as Loddenden Cottages, 1 and 2 Little Loddenden to the south were listed at a similar time. Historic maps appear to show the application site formerly being part of the curtilage of South Cottage. Earlier Conservation Officer comments also suggest that the application site in conjunction with North and South Cottages once formed part of the Grade II* Listed Loddenden Manor.
- 6.05 There is no formal definition of Listed building curtilage, however Historic England advice suggests that where a site has been sold away after the date of listing of the main house, it is likely that it would still be considered to be treated as part of the listed building at the date of listed and therefore form part of the curtilage.
- 6.06 The date of transfer of the land to separate ownership is unknown, however the likelihood is that it was sold off or became separated later than the listing date of South Cottage in 1967 and as such it is considered that the application site should be considered as part of the curtilage of the Listed Building and as such point (d) above applies and planning permission is required for gates, fencing, walls or other means of enclosure of the land.
- 6.07 Representation refers to the need for Listed Building Consent and Conservation Area Consent. An application is not required in either respect due to the temporary fencing not being attached to any Listed Building and the requirement for Conservation Area Consent as a separate application has been abolished.
- 6.08 Demolition of any wall, gate or fence which is over 1 metre high where abutting a highway, or over 2 metres high elsewhere in a Conservation Area can require planning permission for demolition. Neighbour representation has indicated that the previous means of enclosure was by a 6ft close boarded fence and planting. Photographs of the site prior to removal of the earlier means of enclosure indicate that the fencing was sited behind the planting and thus the fencing in this case would not have been considered as abutting the highway and it is not considered that consent for the removal of the original fencing would have been necessary.
- 6.09 Consent to remove trees in a Conservation Area is required and the applicant did apply for consent under application reference TA/0050/14 to fell 5 cedars, this raised no objection. The conifers along the front boundary were not explicitly part of the notification but it has not been considered expedient to enforce their removal as the trees were not of a quality worthy of retention. The applicant has since planted some replacement trees on the site.
- 6.10 The removal of the previous boundary treatment in itself would not have required consent and as such there is no requirement or action that could be taken to re-instate boundary treatment to the front. Planning permission is however required for any new boundary treatment as discussed above.

Impact on Conservation Area, setting of Listed Buildings and street scene

Policy background

- 6.11 Paragraph 133 of the NPPF sets out that *'Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.'* It is not considered that application will lead to substantial harm to a designated heritage asset.
- 6.12 Paragraph 134 continues by stating *'Where a development proposal will lead to less than substantial harm to the significance of a designated asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'*
- 6.13 Policy ENV6 of the adopted local plan requires landscape scheme in appropriate cases which includes details of boundary treatment. The policy seeks to incorporate the retention of existing, tree and hedgerows that contribute to the landscape character or quality of the area. Schemes should provide a scheme of new planting of trees, hedgerows or shrubs as appropriate.
- 6.14 Policy DM1 includes criteria to respond positively to and where possible enhance, the local, natural or historic character of the area and provide a high quality design which responds to areas of heritage townscape.
- 6.15 Policy DM3 of the emerging local plan (to be separate policies SP18 and DM4 in the Proposed Main Modifications (PMM)) sets out that proposals should avoid damage to and inappropriate development considered likely to have significant adverse effects on *'Cultural heritage assets protected by international, national or local designation and other non-designated heritage assets recognised for their archaeological, architectural or historic significance, or their setting.'*
- 6.16 Policy SP18 of the PMM reads :
- To ensure their continued contribution to the quality of life in Maidstone borough, the characteristics, distinctiveness, diversity and quality of heritage assets will be protected and, where possible, enhanced. This will be achieved by the Council encouraging and supporting measures that secure the sensitive restoration, reuse, enjoyment, conservation and/or enhancement of heritage assets, in particular designated assets identified as being at risk, to include;*
- 1) collaboration with developers, landowners, parish councils, groups preparing neighbourhood plans and heritage bodies on specific heritage initiatives including bids for funding;*
 - 2) through the development management process, securing the sensitive management and design of development which impacts on heritage assets and their settings;*
 - 3) through the incorporation of positive heritage policies in neighbourhood plans which are based on analysis of locally important and distinctive heritage; and*
 - 4) ensuring relevant heritage considerations are a key aspect of site masterplans prepared in support of development allocations and broad locations identified in the Local Plan.*
- 6.17 Policy DM4 of the PMM relating to development affecting designated or non-designated heritage assets reads :

1. Applicants will be expected to ensure that new development affecting a heritage asset incorporates measures to conserve , and where possible enhance, the significance of the heritage asset and, where appropriate, its setting;
2. Where appropriate, development proposals will be expected to respond to the value of the historic environment by the means of a proportionate Heritage Assessment which assesses and takes full account of;
 - i. any heritage assets, and their settings, which could reasonably be impacted by the proposals;
 - ii. the significance of the assets; and
 - iii. the scale of the impact of development on the identified significance.
3. Where development is proposed for a site which includes or has the potential to include heritage assets with archaeological interest, applicants must submit an appropriate desk-based assessment and, where necessary, a field evaluation.
4. The Council will apply the relevant tests and assessment factors specified in the Framework when determining applications for development which would result in the loss of, or harm to, the significance of a heritage asset and/or its setting.
5. In the circumstances where the loss of a heritage asset is robustly justified, developers must make the information about the asset and its significance available for incorporation into the Historic Environment Record .

6.18 Policy PW4 of the Staplehurst Neighbourhood Plan sets out :

'New developments within Staplehurst must have regard to the historic environment and the heritage that is an integral part of the landscape.'

Appraisal

- 6.19 The application is retrospective and the temporary fencing can be viewed on site. The fencing erected is 2m high metal mesh security fencing, akin to that often used to enclose building sites. Areas have been sprayed pink in colour which attracts slightly more attention to the fencing than if it had not been sprayed.
- 6.20 No heritage statement or other assessment of the impact on Heritage Assets accompanies the application, however the need for such a requirement has to be relative to the nature of the proposal and in this case it is considered that the scheme can be assessed without an independent survey.
- 6.21 It is acknowledged that the security fencing is in contrast to the previous means of enclosure (namely landscaping) however as discussed earlier in this report the previous boundary treatment was lawfully removed and cannot be insisted upon to be re-instated.
- 6.22 It is reasonable for the applicant to want to enclose and secure the site to ensure that the risk of trespassing onto the site is minimised. The land is in private and separate ownership from neighbouring sites. It is currently fully enclosed by close boarded fencing along the northern, southern and eastern boundaries.
- 6.23 The Conservation Officer is satisfied that the visual impact of the fencing is minimal and although the pink paint does draw the eye to the fencing, these areas could be stripped and the paint colour removed (this could be subject to condition). The security fencing is less intrusive than other options such as close boarded fencing which would incorporate solid timber panels and would be more visually prominent.
- 6.24 The temporary fencing would be easily removed from the site, it is not fixed to the ground and in terms of the short term harm that would result is not considered to be

substantial and the less than substantial harm that may result would be reversible and would not be a long-term solution.

- 6.25 The security fencing erected on the site is acknowledged not to be the ideal choice of long-term boundary treatment for the site and if erected permanently would be unacceptable. The application however seeks temporary consent for the fencing and although no period is specified it is considered that a 12month period is considered reasonable. This would allow the applicant to consider his options with regard to the site (which has been subject to a number of refused application and dismissed appeals), secure the site with minimal long-term impact and enable an application for a permanent alternative means of enclosure to be submitted.
- 6.26 It is considered that the security fencing for a temporary period is acceptable and in accordance with current policy and guidance which seeks to protect heritage assets and visual amenity. Subject to conditions and an informative the application is recommended for approval.

Other matters

- 6.27 The application is not considered to have a significant impact on any other material planning considerations and is acceptable in all other respects.

7.0 CONCLUSION

- 7.01 The temporary security fencing results in less than substantial harm to the setting of local heritage assets, such that for a temporary period of one year to secure the site, it is considered that the harm would be outweighed by the benefit.
- 7.02 The retention of the temporary securing fencing for a period of one year would not cause significant harm to the Conservation Area and the street scene, such that the application should be refused.
- 7.03 The temporary security fencing would result in a reversible impact on the character and appearance of the street scene, Conservation Area and setting of the Listed Buildings such that no long-term harm would result.

8.0 RECOMMENDATION

- 8.01 GRANT Subject to the following conditions :

- (1) The development hereby permitted shall be maintained in accordance with the following approved plans:

Block Plan 1:500 (including the one panel return along the southern and northern boundaries)
Plan showing panel detail received 27 February 2017

Reason: To clarify which plans have been approved.

- (2) The security fencing hereby permitted and as shown on the submitted block plan and including the panel returns to the northern and southern boundaries shall be removed from the site within 12 months of the expiry of the temporary consent.

Reason : In the interests of the visual amenity of the street scene and the setting of local Heritage Assets and granting a permanent consent for the means of enclosure would not be considered acceptable.

- (3) Within one month of the date of this decision the pink paint on the uprights of the security fencing panels hereby approved shall be removed and the fencing returned to its original metal colour/finish.

Reason : In the interests of the visual amenity of the street scene and the setting of local Heritage Assets.

INFORMATIVES

- (1) The applicant is advised that permanent consent for the security fencing would not be forthcoming should a future application be submitted and that any future application for a permanent means of enclosure to the western boundary should propose a scheme that has been sensitively designed taking into consideration the setting of local heritage assets and should seek to preserve or enhance the character of the local area.

The applicant is advised to seek pre-application advice on any scheme prior to submission of a formal planning application.

Case Officer: Rachael Elliott

Item 27, Pages 290-297

Ref: 17/500175

**Land Adjacent South Cottage
High Street
Staplehurst
Kent
TN12 0AD**

Amendment to condition 2 set out at 8.01

Condition 2 to read :

The security fencing hereby permitted and as shown on the submitted block plan and including the panel returns to the northern and southern boundaries shall be removed from the site within 12 months from the date of the decision notice.

Reason : In the interests of the visual amenity of the street scene and the setting of local Heritage Assets and granting a permanent consent for the means of enclosure would not be considered acceptable.

OTHER MATTERS

Please find attached the site location plan for this application.

Recommendation otherwise remains unchanged

Agenda Item 13

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 25th May 2017**

APPEAL DECISIONS:

1. **16/504641**

Outline application for erection of two detached single storey dwellings with associated parking with access sought at this stage and all other matters reserved for future consideration; as shown on drawing no. PP/1; received 31.05.2016 and PP/2A; received 15.06.2016.

APPEAL: Dismissed

Land At Abbots Court Farm, The Street
Bredhurst

(Delegated)

2. **16/504798**

The construction of six detached dwellings and associated parking, access and landscape works alongside the conversion of the existing barn to provide a community use on the land at Forge Lane.

APPEAL: Allowed

Land At Forge Lane, Bredhurst, Kent

(Committee)

3. **16/507247**

Outline application for the construction of two 4/5 bedroom properties together with realignment of the access (Access, Layout and Scale being sought).

APPEAL: Dismissed

White Lodge, Dean Street, East Farleigh
Kent, ME15 0PT

(Delegated)

4. **16/505685**

Erection of a 2 bedroom bungalow (revised scheme to refused application 16/501013/FULL).

APPEAL: Dismissed

1 Caernarvon Drive, Tovil, Kent, ME15 6FJ

(Delegated)
