

REPORT SUMMARY

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5th July 2018

REFERENCE NO - 18/502320/FULL			
APPLICATION PROPOSAL - Erection of three detached houses with associated garages on vacant land to the east of The Grove Care Home. With new entrance and drive off Bowermount Road.			
ADDRESS - Land East To The Grove Residential Home, 6 Bower Mount Road Maidstone Kent ME16 8AU			
RECOMMENDATION - GRANT PLANNING PERMISSION subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION - The proposal complies with all relevant policies of the adopted Maidstone Borough Local Plan 2017), provisions of the Supplementary Planning Document (SPD) for London Road and Bower Mount Road Area and the National Planning Policy Framework and there are no overriding material considerations to indicate a refusal of planning permission.			
REASON FOR REFERRAL TO COMMITTEE - Cllr Jonathan Purle have requested that the application be determined by the planning committee if the case officer was minded to recommend approval.			
WARD Bridge	PARISH/TOWN COUNCIL N/A	APPLICANT Mr R Oliver AGENT Kent Design Partnership	
DECISION DUE DATE 12/07/18	PUBLICITY EXPIRY DATE 08/06/18	OFFICER SITE VISIT DATE 25/0/2018	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
18/500083/FULL	Erection of three detached houses with associated garages on vacant land to the east of the Groves Care Home. With new entrance and drive off of Bower Mount Road.	WITHDRAWN	09.03.18
MA/01/0880	Outline application for erection of 6 no. two bedroom apartments with external appearance, landscaping and design reserved for future consideration, as shown on dwg No. 10665/01 received on 31.05.01 and as amended by additional documents being 10665/02A and 03A received on 03.09.01.	REFUSED	12.10.01

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site comprises an area of land approximately 0.17ha taken from the side garden of Grove Residential Home. The site is located between two residential homes on the north-west side of Bower Mount Road a predominantly residential area.
- 1.02 The main building at the site Grove Residential Home is a substantial two-storey detached building which has a lawful established use as a residential care home, although it is likely that the original use of the building was as a single dwelling house. The building is set in a well maintained landscaped garden and the larger side garden area that is the subject of this current application is laid to lawn. The

remaining garden area immediately to the east of the main building has a raised terrace with a lower grassed area beyond it.

- 1.03 The site is located within the defined urban area of Maidstone and has no specific landscape or economic designation in the adopted Maidstone Borough Local Plan (2017). The site is enclosed along Bower Mount Road by a two metre high ragstone wall as is much of this part of the streetscene. Behind the ragstone wall and along the southern boundary is a line of mature trees and shrubs which are visible above the fence screening the site from view. The site falls within the Bower Mount Road North Character Area as set out within the SPD for London Road, Bower Mount Road and Buckland Hill Character Area Assessment Document.
- 1.04 There are a number of protected trees within the site. Ground levels at the front part of the site are generally flat rising gently east to west. There is a change in ground level at the rear part of the site such that adjoining properties to the north and west are on higher ground in relation to the application site level. There are no listed buildings in the immediate vicinity of the site and the site is not located within a conservation area.

2.0 PROPOSAL

- 2.01 The application is resubmission of the previous scheme under reference number 18/500233/FULL which was withdrawn following objections by the Council. The objections related to the likely impact on the occupiers of the existing residential care home to the east of the application site.
- 2.02 The proposal is for the erection of three detached houses with associated garages on garden land which has now been clearly separated from Grove Residential Home by a 1.8 metre closeboarded fence. The main change from the earlier submission is the relocation of the proposed dwelling at the front of the site from the east of the site to the western half of the site.
- 2.03 The dwellings proposed would be of traditional design and in summary:
- Plot one (annotated as 1010 on the submitted layout plan) A five bedroom dwelling with a maximum width of 17 metres and depth just under 9 metres. It would have a height of 9.2 metres with eaves just above five metres. This building would have a hipped tiled roof. The ground floor would have living room, kitchen, study, utility room and a garage. The first floor would have an ensuite master bedroom, three double rooms one with ensuite facility, a single room, family bathroom.
 - Plot two (annotated as 1020 on the submitted layout plan):: The development on plot two would comprise of a five bedroom dwelling with a width of 16.2 metres and depths of 11.5 metres. It would be 9.7 metres above ground level with eaves at 5.5 metres. The roof of the garage element would be set down from the ridge of the main building by 2.5 metres. The building on plot two would have a pitched tiled roof. Four bedrooms with ensuite facilities would be provided at first floor in addition to a fifth bedroom in the roof of the garage. The ground floor would have a porch, kitchen, living room and utility room.
 - Plot three (annotated as 1030 on the submitted layout plan): The building on plot three would have an L shaped footprint accommodating four ensuite bedrooms at first floor. The ground floor would have a kitchen dinner, living room, utility and cloak room and a garage. It would have a maximum width of 12.5 metres, height of 7.6 metres with eaves at 5 metres. This element of the scheme would have hipped end roof with the roof of the garage set down from the ridge of the main dwelling.

- 2.05 The development includes the provision of a new separate access and drive onto Bower Mount Road which requires the creation of an opening in the stone fence wall along Bower Mount Road.

3.0 POLICY AND OTHER CONSIDERATIONS

- 3.01 Maidstone Borough-Wide Local Plan 2017: SS1, SP1, DM1, DM9, DM11, DM12, DM23 of the adopted local plan (2017)
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Supplementary Planning Documents: Adopted London Road, Bower Mount Road and Buckland Hill Area Character Area Assessment SPD (2008).

4.0 LOCAL REPRESENTATIONS

- 4.01 **Local Residents:** Nine representations received from local residents raising the following (summarised) issues:

Exacerbate parking pressures, increase in traffic and highways safety
Harm to streetscene resulting from removal of ragstone wall
Impacts on residential amenity of neighbouring occupiers resulting from proximity to boundaries
Development would have a cramped appearance
Access would cause noise and disturbance to occupants of residential home to the east of the site.
Misleading information in terms of relationship to neighbouring dwellings
Design and Access Statement does not satisfactorily address all issues
Incomplete Arboricultural Report
Impacts on amenities of no.1 Fairview Cottages similar to previous refusal under 01/0880

- 4.02 Representations have been received from Cllr Jonathan Purle raising objections to the application and requesting that it is reported to the planning committee if the case officer is minded to recommend approval.

5.0 CONSULTATIONS

Heritage, Landscape and Design: No objections subject to conditions covering landscaping and a further condition requiring all works to be undertaken in strict accordance with Jim Quaife's Arboricultural Survey and Planning Integration Report submitted with the application.

- 5.01 **KCC Highways and Transport:** No objections

6.0 APPRAISAL

Main Issues

- 6.01 Planning permission is sought for the erection of three detached houses with associated garages on garden land to the east of Groves Residential Home, together with the formation of a new vehicle access and crossover. The main issues for consideration are:

Principle of development
Visual impact
Impact on residential amenity
Parking and highway safety

Landscaping
Biodiversity implications:

Principle of development

- 6.02 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 6.03 Policy SS1 of the adopted local plan sets out the sustainability strategy for Maidstone Borough. The Maidstone urban area is the most sustainable location in the hierarchy where new development is firstly directed followed by the rural service centres and the larger villages as defined on the proposals map to the Maidstone Borough Local Plan (2017).
- 6.04 Policy SP1 of the adopted local outlines the Council's objectives of ensuring that the Maidstone urban area remains an attractive place to live and work. In line with this objective, the Council aspires to infill appropriate urban sites in a way that contributes positively to the local distinctive character.
- 6.05 The Council's aspiration of achieving high quality design throughout the borough is set out in Policy DM1 of the adopted local plan (2017). The policy requires proposals to positively respond to and where appropriate enhance the character of their surroundings. The provision of adequate residential amenities for both future residents and for the occupiers of neighbouring properties is also a key objective of this policy.
- 6.06 Additional guidance is set out in policy DM12 of the plan requiring new housing development to be at a density that is consistent with achieving good design without compromising the distinctive character of the area in which it is situated. The proposed density of development is in line with the character of the site and the surrounding area.
- 6.07 Guidance on vehicle parking standards is outlined in policy DM23 of the adopted local plan. It aims at ensuring that new development provides adequate off street parking to accommodate the need generated by new development. Policy DM23 also and seeks to protect areas surrounding new development from inappropriate vehicle parking.
- 6.08 The site falls within the Bower Mount Road North Character Area and the adopted Supplementary Planning Document (2008) sets out the criteria for infill residential development. It states that the borough would expect development to respond to the scale, height, form, materials, alignment and character of the historic buildings. The SPD further requires development within the area to retain traditional boundary wall and matured landscape, whilst protecting and enhancing land scape features. The SPD identifies the curtilage of the residential home as a negative feature within the street.
- 6.09 Having regards to the above, it is considered that there is policy support within the adopted local plan and the NPPF for this type of infilling in the Maidstone urban area which is the most sustainable locations in the hierarchy. The principle of the proposal is considered acceptable as a consequence.

Visual Impact

- 6.10 The application site which forms part of the substantial side garden of Grove Residential Home lies within the urban context of Maidstone. The street is predominantly residential in character comprising mainly large detached houses set

within spacious plots. The area has a pleasant appearance which is enhanced by the stone walls and matured vegetation. The positive characteristic of the area includes a spacious verdant character, ragstone wall, landscape structure of matured trees, with buildings set back from the road.

- 6.11 The development which is contained within the side garden of the existing building would be enclosed by the ragstone wall to the south and residential gardens to the west, north and east. It would retain much of the existing ragstone wall running along southern boundary. There are several existing openings in walls along Bower Mount Road serving existing properties and considering that a significant proportion of the stone wall would be retained there would be no unacceptable harm to the character of the streetscene from the current proposal.
- 6.12 The overall built coverage would be similar to residential development further to the east of the site and across the street to the south of the site. The development would not appear cramped or of a density out of keeping with the prevailing character and pattern of local development. It is noted that there is some variety in the local area that includes infill high density developments and the three storey Scandinavian style houses with distinctive low pitched roofs and projecting windows as the road curves northwards.
- 6.13 The traditional design of the properties and the use of materials which includes facing brickwork would reflect the character and appearance of existing dwellings within the street. Therefore, the development would not appear visually harmful when seen in the context of the site and surrounding development. For this reasons, the development would sit comfortably within the street scene and retain the character and appearance of the area.

Residential Amenity:

- 6.14 In line with requirements of the adopted local plan, the proposal needs to be assessed in terms of the level of amenity for future occupants and the occupiers of neighbouring residential properties. The development would provide acceptable internal floor space compliant with national space standards for future occupants. Similarly, the outdoor amenity areas indicated on the plans submitted are of adequate proportions and would provide acceptable amenity space for future occupants of the dwellings both in terms of size, accessibility and usability.
- 6.15 The proposed building on plot 3 would have a separating distance of 3 metres from the common boundary of the property to the east of the site known as Holly Bank with a separation of approximately 15 metres between existing and proposed building elevations.
- 6.16 The proposed first floor windows openings in the elevation facing Holly Bank are to bathrooms. It is standard practice to use planning conditions to ensure that obscure glazed is used in bathroom windows and that the windows are incapable of being opened except for a high level fanlight opening of at least 1.7m above the inside floor level. A condition is recommended to ensure that these restrictions are used in this instance to safeguard the privacy of the occupiers of the neighbouring dwelling and for future occupiers of the proposed accommodation. After considering the location, height and angles of proposed window and door openings the proposed development is acceptable in relation to maintaining the privacy for the property called Holly Bank and for occupants of the proposed development.
- 6.17 Objections have been received from the occupants of No.1 Fairview Cottages which is located further to the north east of the property at Holly Bank. The development on plot 3 would have a separating distance of approximately 20 metres from this cottage. No.1 Fairview Cottages would be sufficiently distanced from the dwelling on plot 3 and

considering that the first floor east facing window openings would be conditioned to be obscure glazed and incapable of being opened, there would be no significant adverse impact on the amenities of occupiers of this property so severe as to merit a refusal of planning permission.

- 6.18 Traffic calming measures incorporated within the scheme will ensure that vehicles using the access travel at very low speed, this will ensure that any noise is minimised and the proposal is acceptable in relation to maintaining the amenities of the occupants of the residential home to the east of the site.
- 6.19 Overall, in considering separation distances, orientation, positioning and window and door locations, the proposal is acceptable in relation to the amenities of the future occupants of the proposed buildings and the occupants of neighbouring residential dwellings in terms of outlook, privacy, light or general disturbance. There is no identified harm to the amenities of the occupiers of the residential home to the east of the application site (no.6a).

Parking, Access and Highway Safety

- 6.20 The submitted plans indicate the provision of two car parking spaces for each dwelling together with two visitor parking spaces. The parking provision within this scheme is compliant with the requirements set out in policy DM23 of the adopted Maidstone Borough Local Plan.
- 6.21 Paragraph 32 of the National Planning Policy Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The proposed development would have very limited impact in terms of trip generation on the local road network and therefore it does not raise any highway safety impacts. The proposed access would have good sightlines in both directions. In this context, the proposal is considered acceptable in relation to parking, access and highway safety and this view is supported by the Highways Authority.

Landscaping:

- 6.22 The proposed development would see the removal of a number of low quality trees located on the rear part of the site. The Landscape Officer considers the submitted tree survey, protection and removal plans acceptable and does not raise any objections on arboricultural grounds as their loss would have little effect on the overall amenity of the area.
- 6.23 The replacement tree shown towards the front of the site will be approximately 10m from the front elevation of the property on plot one which is considered sufficient to ensure the new tree can mature without future conflict with the property. The Landscape Officer further comments that considering that it has been some time since the removal of the original Beech tree (unrelated to this application), it is appropriate to include a condition securing the replacement of this tree and protection of retained trees by fencing as shown in the submitted Quaif Woodlands Arboricultural Report. With this considered, I am satisfied that the Council can secure an enhanced landscaping as part of the current application and this would be secured by condition.

Biodiversity:

- 6.24 The guidance in the NPPF encourages opportunities to incorporate biodiversity enhancements in and around new developments. The application site is currently a managed garden area within the urban area and biodiversity enhancements can be achieved within the scheme in the form of provision for bat and sparrow boxes/bricks which would be secured by condition.

Other Matters:

- 6.25 Comments have been received objecting to the application on grounds that the submitted plans are incorrect and misleading in terms of relationship to neighbouring dwellings with the application site. The accuracy of the submitted plans has been checked and they were found to be at the correct scale and there is no evidence to support this assertion.
- 6.26 Comments have been received stating that the impacts of this application on amenities of no.1 Fairview Cottages is similar to previous refuse scheme under application reference number MA/01/0880. The refused scheme is materially different from this current application and planning legislation requires that each planning application is determined in accordance with provisions of the local plan. The impact of the application on the neighbouring dwelling at no.1 Fairview Cottages has been carefully assessed and it was not considered that there are any unacceptable impacts that should merit a refusal of planning permission.
- 6.27 Further comments object to the application on grounds that the submitted Design and Assessment Statement and Jim Quaife's Arboricultural Survey and Planning Integration Report are incomplete and do not sufficiently address the issues raised by this application. Officers consider that sufficient information has been submitted to allow an accurate assessment of the submitted proposal.

7.0 CONCLUSION

- 7.01 The development is acceptable in terms of design and appearance, and there are no significant adverse impacts on the character, appearance and visual amenity of Bower Mount Road. The proposals have been found to be acceptable in relation to parking provision within the site scheme and in terms of highway safety. The proposed development respects the amenities of the occupiers of neighbouring residential properties.
- 7.02 The development is consistent with the relevant provisions of the local development plan (Maidstone Borough Local Plan 2017), The London Road, Bower Mount Road and Buckland Hill Area Character Area Assessment –SPD (2008) and National Planning Policy Framework NPPF and there are no other material considerations that would indicate a refusal of planning permission. Approval is recommended subject to appropriate conditions.

8.0 RECOMMENDATION

- 8.01 GRANT planning permission subject to the following conditions:

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) The development shall not commence past slab level until written details and samples of the materials to be used in the construction of the external surfaces of the new build development and hard surfaces have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials and maintained thereafter unless otherwise agreed in writing by the local planning authority;

The details of the material shall include bat and sparrow boxes/bricks incorporated into the development.

Reason: To ensure a satisfactory appearance to the development.

- (3) Prior to any part of the development hereby approved reaching damp proof course, details of a decentralised and renewable or low-carbon sources of energy and how they will be incorporated into the development shall be submitted for prior approval in writing by the Local Planning Authority. The approved details will be in place before first occupation of any part the development hereby approved and maintained as such at all times thereafter.

Reason: To secure an energy efficient and sustainable form of development to accord with the provision of the NPPF.

- (4) Prior to occupation of the proposed new dwelling a minimum of one electric vehicle charging point per dwelling shall be installed and ready for use and in accordance with details that have previously been submitted to and approved in writing by the local planning authority that includes a programme for installation, maintenance and management with the points retained thereafter and maintained in accordance with the approved details.

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

- (5) Prior to any part of the development hereby approved reaching damp proof course, details of all fencing, walling and other boundary treatments (to include gaps for the passage of wildlife) shall 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 buildings and maintained thereafter;

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

- (6) The development shall be carried out in strict accordance with Jim Quaife's Arboricultural Survey and Planning Integration Report submitted with the application.

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

- (7) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their long term management. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines; it shall include replacement and protection of the Beech tree near the site entrance as shown in Quaif Woodlands arb report.

Reason: To ensure adequate protection of trees and a satisfactory external appearance to the development and in the character of the area.

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

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

- (9) The approved details of the parking/turning areas shall be completed before the commencement of the use of the 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) (Amendment) (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 inconvenience to other road users and in the interests of road safety.

- (10) Before the development hereby permitted on plot 3 is first occupied, the first floor windows opening on the east facing elevation (as shown on drawing no.16.03SK12 Rev. B) shall be fitted with obscure glazing and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such to the satisfaction of the Local Planning Authority.

Reason: To prevent overlooking of adjoining property and to safeguard the privacy of existing and prospective occupiers.

- (11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), any development that falls within Schedule 2, Part 1, Class A, B, C and E or any erection of outbuildings, boundary treatments or laying of hardstanding shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by prospective occupiers.

- (12) No development shall take place until details of a sustainable drainage scheme for the disposal of surface water and waste water have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

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

- (13) No development shall take place until details of on site parking and turning for all construction traffic have been submitted to and approved in writing by the local planning authority. The details shall be implemented before construction commences and retained until the completion of the construction.

Reason: To ensure adequate on site parking and turning provision is made for construction traffic in the interest of highway safety and the free flow of traffic.

- (14) Prior to the development hereby approved commencing details of facilities for the storage of refuse and cycles on the site for the occupiers of the approved accommodation shall be submitted to and approved in writing by the local planning authority and the approved facilities shall be provided before the first occupation of any of the units ;

Reason: No such details have been submitted and in the interest of residential amenity and sustainable travel choices.

- (15) The development hereby approved shall not commence above slab level until details of scheme for the enhancement of biodiversity on the site has 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 development by means such as swift bricks, bat tube or bricks. The approved measures shall be implemented in accordance with the approved details prior to first occupation of any of the houses and all features shall be maintained thereafter.

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

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

Plan/Drawing 16.03.13 Rev. B Plot 1010 - East Elevation
Plan/Drawing 16.03.14 Rev. A Plot 1020 - South Elevation
Plan/Drawing 16.03.15 Rev. B Plot 1030 - South Elevation
Plan/Drawing 16.03.23 Rev. B Site Section A
Plan/Drawing 16.03.30 Rev. A Proposed Site Layout
Plan/Drawing SK01 Plot 1020 - South Elevation
Plan/Drawing SK03B Plot 1030 - South Elevation
Plan/Drawing SK07 Plot 1020 - North Elevation
Plan/Drawing SK08 Plot 1020 - East Elevation
Plan/Drawing SK09 Plot 1020 - West Elevation
Plan/Drawing SK12 B Plot 1030B - East Elevation
Plan/Drawing SK20 Plot 1010 - North Elevation
Plan/Drawing SK21 Plot 1010 - South Elevation
Plan/Drawing SK22 Plot 1010 - East Elevation
Plan/Drawing SK23 Plot 1010 - West Elevation

Aboricultural Survey & Planning Integration Survey received on 30th April, 2018

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

Case Officer: Francis Amekor

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

Case Officer Francis Amekor

Case Officer Sign	Date
Francis Amekor	