

Planning Committee Report

18 October 2018

REPORT SUMMARY

REFERENCE NO - 18/504192/FULL		
APPLICATION PROPOSAL: Construction of a pair of semi-detached cottages on northern section of plot including rooflights and associated parking. (Demolition of existing kennel buildings and garden wall).		
ADDRESS: The Stables East Court The Street Detling Kent ME14 3JX		
RECOMMENDATION: APPROVE		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposal is not considered to adversely harm the character and appearance of the countryside and AONB hereabouts, or result in adverse harm to the amenity of any local resident, in accordance with the Maidstone Local Plan (2017) and the NPPF. As such, there are no overriding material considerations to indicate a refusal of planning permission.		
REASON FOR REFERRAL TO COMMITTEE: - Detling Parish Council wish to see application refused and reported to Planning Committee if case officer is minded to recommend approval		
WARD: Detling & Thurnham	PARISH COUNCIL: Detling	APPLICANT: Mrs L Ellis AGENT: Insight Architects
DECISION DUE DATE: 22/10/18	PUBLICITY EXPIRY DATE: 28/09/18	OFFICER SITE VISIT DATE: 30/08/18
RELEVANT PLANNING HISTORY:		

- 18/500563 - Construction of a pair of semi-detached cottages and associated parking – Refused as summarised (layout shown APPENDIX A):
 - (1) *Due to form, location and layout of proposed parking area and lack of landscaping shown on proposed layout, it will have detrimental impact on residential amenity. Detrimental effect on residential amenity is further underlined by risk of substantial noise and disturbance associated with proposed parking area*
 - (2) *Location and layout of proposed parking area and associated noise and disturbance would have negative impact on Detling Conservation Area*
 - (3) *In absence of landscape scheme for boundaries of new houses, proposal fails to demonstrate that setting of AONB & sensitive location will be protected*
- 17/504954 - 5 houses (inc. demolition of house & outbuildings) - Refused
- 15/503966 - Pair of semi-detached houses - Approved
- 18/503097 - Submission of details to discharge conditions: 3 (materials); 4 (boundary treatments); 5 (landscaping); 8 (drainage); 9 (cycle storage); and 10 (tree protection) subject to 15/503966 - Approved

1.0 SITE DESCRIPTION

- 1.01 The application site is located on the northern edge of Detling village, on the southern side of The Street and with the A249 located to the north. The irregular shaped site does have a noticeable change in land levels, and the site is currently occupied by a collection of animal shelters in a general 'L' shape form around the northern corner of the site. There are a number of heritage assets within the vicinity of the application site, including the

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boundary wall at the front of 'Tudor Gate' which is Grade II listed. The immediate surrounding area is predominantly residential.

- 1.02 For the purposes of the Local Plan, the proposal site is within the countryside that falls within the Kent Downs Area of Outstanding Natural Beauty (AONB); and the proposal site also partly falls within Detling Conservation Area (DCA). Part of the site (northern edge) is covered by woodland Tree Preservation Order no.10 of 1975; and an Area of Archaeological Potential is found to the south of where the proposed houses would be built.

2.0 PROPOSAL

- 2.01 The proposal is for the construction of a pair of (4-bed) semi-detached houses. The animal shelters and front wall have been demolished. The two houses would be formed of red stock bricks with hanging peg tiles and plan clay roof tiles. The development would utilise a stepped ridge level taking account of the gradient of the land and the proposed roofs would have a barn hip with a two storey gable section at the front.
- 2.02 The proposed houses are of the same design, scale and siting as approved under planning permission 15/503966, and as proposed under 18/500563. In light of the recent refusal on the site, this proposal now shows 4 parking spaces within a low level covered parking area to the rear of 3 East Court Cottages; and additional planting is shown on the land to the south of 3 East Court Cottages as well as to the front and side of the proposed houses.

3.0 POLICY AND OTHER CONSIDERATIONS

Local Plan (2017): SS1, SP17, SP18, DM1, DM2, DM3, DM4, DM23, DM30
National Planning Policy Framework (2018)
National Planning Practice Guidance
Detling Conservation Area Appraisal (2008)
Detling Conservation Area Management Plan (2010)
Air Quality Guidance SPD (2017)

4.0 LOCAL REPRESENTATIONS

- 4.01 **Local Residents:** 7 representations have been received and as summarised have raised concern over:
- *Visual impact/design/cramped development*
 - *Residential amenity*
 - *Land ownership/no right of way/loss of front boundary wall ownership*
 - *Traffic/highway safety/parking provision*
 - *Impact upon trees/landscaping*
 - *Light and noise pollution*
 - *Air quality*
 - *Loss of view*
 - *Heritage and AONB impacts*
- 4.02 2 representations have been received in support of proposal.

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5.0 CONSULTATIONS

5.01 **Detling Parish Council:** Wish to see application refused and reported to Planning Committee if case officer is minded to recommend approval. In summary, the following matters have been raised:

- *Overlooking will result in loss of privacy to all existing properties*
- *Height of proposal will dominate original Victorian Cottages of East Court and would not be in keeping with surrounding environment*
- *Concerned proposal does not comply with CA Management Plan*
- *Location and layout of proposed parking area and associated noise and disturbance would have negative impact on Detling Conservation Area*
- *Absence of landscape scheme for front & side boundaries of proposal fails to demonstrate that setting of AONB & sensitive location will be protected*
- *Would cause loss of existing views from neighbouring properties*
- *Want clarification on land ownership issues*
- *Highway safety impact/parking provision*
- *Object to demolition of front boundary wall*
- *Supports local resident objections*
- *Close proximity of parking bays to rear gardens of 2 & 3 East Court Cottages and passing of Tudor Gate will cause disturbance with noise and fumes leading to poor level of amenity for existing residents*

5.02 **KCC Highways:** Raise no objection.

5.03 **Environmental Protection Team:** Raise no objection.

5.04 **Conservation & Landscape Officers:** Raised no objection under 15/503966.

6.0 APPRAISAL

Main issues

6.01 The principal focus for residential development in the borough is the urban area, then Rural Service Centres and then Larger Villages. In other locations, protection should be given to the rural character of the borough and development proposals in the countryside will not be permitted unless they accord with other policies in the Local Plan; will not result in harm to the character and appearance of the area; will not have a significant adverse impact on the setting of the AONB; and will respect the amenities of occupiers of neighbouring properties. Policies within the Local Plan also seek to ensure that new development affecting heritage assets (designated and non-designated) incorporates measures to conserve, and where possible enhance, the significance of the heritage asset and, where appropriate, its setting.

6.02 The proposed houses are of the same design, scale and siting as approved under planning permission 15/503966, and as proposed under 18/500563. It should be noted at this point that there continued to be no objection raised

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to the scale, design and siting of the houses under the most recent refusal. Furthermore, all pre-commencement conditions relating to the approved scheme for the 2 houses have been approved by the local planning authority and works have started on site. Whilst the proposal is now within the countryside and not within a defined village boundary as under the 2000 Local Plan when 15/503966 was approved, this situation is still a material planning consideration and fall-back position in the determination of this application.

Visual impact

- 6.03 As accepted under planning applications 15/503966 and 18/500563, the design, scale, layout and palette of materials proposed for the 2 houses are considered to be in keeping with the character of the conservation area and in accordance with the Detling Conservation Area Appraisal/Management Plan. The proposal plans also demonstrate that there is scope for adequate planting for the front and side boundaries of the new houses, a provision not too dissimilar to the modest frontages for 1-3 East Court Cottages, and so it is considered that the setting of the AONB and this sensitive location will be protected.
- 6.04 With regards to the proposed parking area, this would now be set behind and largely screened from public view by an existing boundary wall, and set back more than 20m from the road. The roof of the covered parking area would also be low level and have a green sedum roof; and the existing lawn area behind the boundary wall adjacent the road (along southern flank of 3 East Court Cottages) would benefit from new planting. This approach would ensure the parking area/cars would be well screened from public view, as well as having the new planting enhancing the character and appearance of the area hereabouts that is in a conservation area and AONB.
- 6.05 It should also be noted that whilst the Detling Conservation Area Management Plan suggests an extension to the designated CA boundary (to include 'East Court', its grounds and outbuildings), since its adoption the grounds of 'East Court' have been developed and 3 new houses have been built. Furthermore, no objection continues to be raised to the demolition of the stable block, or to the removal of the front boundary wall (which is not mentioned in the Detling Conservation Area Appraisal/Plan and where the Conservation Officer did not raise an objection to its removal).
- 6.06 Whilst also considering the fall-back position on the site, it is considered that this proposal has overcome the previous reasons for refusal in visual amenity terms, and would not have an adverse impact upon the character, appearance, and setting of the conservation area, countryside and AONB hereabouts, in accordance with Local Plan policies and the NPPF.

Residential Amenity

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- 6.07 As accepted under planning applications 15/503966 and 18/500563, no objection is raised on residential amenity grounds for surrounding residents and future occupants of the 2 new houses, in terms of loss of privacy, loss of light/outlook, or being over bearing. The key consideration is what impact of the location of the proposed parking area will have on the living conditions of neighbouring residents.
- 6.08 The car parking spaces are now shown to be largely enclosed on 3 sides by a car-port type structure that would have acoustic insulation. The new layout also removes car parking spaces from the southern flank of 3 East Court Cottages and from the open frontage of Tudor Gate. This would see the main manoeuvring area for cars being moved away from East Court Cottages and being set behind a substantial brick wall that separates Tudor Gate from the proposal site. The height of the proposed covered area would also ensure that it would not appear over bearing for the occupants of East Court Cottages when enjoying their garden areas. It is also considered that the vehicle movements of 2 additional households using this access would not be intrusive and harmful to the amenity of the occupiers of local residents. The proposal has now created an environment where the vehicle movements to and from the site and the associated general noise and disturbance (including from fumes and attendant noise etc.) would not result in a development that would have an unacceptable impact upon the living conditions of any neighbouring property.
- 6.09 It is therefore considered that the proposed parking area, given its form, location and layout, would not have a detrimental impact on residential amenity of any neighbouring property and the development has overcome the previous reasons for refusal.

Highway safety implications

- 6.10 The parking provision shown with this proposal is in accordance with Local Plan policy and the Highways Authority has raised no objection to the proposal. There is also on-street parking in the vicinity for visitors parking and the Highways Authority has also raised no objection in terms of the access/parking provision. As such, no objection continues to be raised in terms of highway safety.

Other Matters

- 6.11 As was the case under 15/503966 and 18/500563, no objection is raised in terms of archaeology, biodiversity, landscape and arboricultural issues; and no objection is raised in terms of refuse storage/collection. Surface water and foul sewage will be disposed of via soakaway and mains sewer respectively, and no further details are required in this respect.
- 6.12 The Environmental Protection Team have raised no objection in terms of land contamination and light pollution, but have requested conditions relating to noise and air quality, given the close proximity of the site to the A249. In

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accordance with the adopted Local Plan and the SPD on air quality, these conditions shall be duly imposed. In accordance with Local Plan policy, in the interests of sustainability and air quality, conditions will also be imposed for the provision of operational electric vehicle charging points for low-emission plug-in vehicles, and for details of decentralised and renewable or low-carbon sources of energy.

- 6.13 The issues raised by Detling Parish Council and local residents have been fully considered in the determination of this application. However, it should also be noted that a loss of a view is not a material planning reason to refuse an application. Furthermore, in response to the land ownership and rights of way issues, the agent has confirmed again that the ownership certificate served is correct; that the front boundary wall is within the applicant's title ownership; and that the verge to the front of the site is adopted highway. There is no reason to pursue this matter further in planning terms, or delay the determination of this application for this reason.
- 6.14 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

7.0 CONCLUSION

- 7.01 This proposal is considered to have overcome the previous reasons for refusal given under planning application reference 18/500563, and is considered acceptable with regard to the relevant provisions of the Local Plan (2017), the Detling Conservation Area Appraisal/Plan, the revised NPPF and all other material considerations such as are relevant. A recommendation of approval of this application is therefore made on this basis.

8.0 RECOMMENDATION - APPROVE subject to 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) Prior to the commencement of development above damp-proof course level on any individual property, written details and samples of the materials to be used in the construction of the external surfaces of the houses, car port and hard surfaces (to include red stock facing brick, hanging peg tiles, plain clay roof tiles, and acoustic insulation for the car port) shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

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Reason: To ensure a satisfactory appearance to the development.

- (3) Prior to the commencement of development above damp-proof course level on any individual property, details of all fencing, walling and other boundary treatments shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details before the first occupation of the building 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.

- (4) Prior to the commencement of development above damp-proof course level on any individual property, details of 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 a programme for the approved scheme's implementation and long term management, have been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall be designed using the principle's established in the Council's adopted Landscape Character Assessment 2012 and shall include:

- (a) A minimum of 1 native tree (of Select Standard size) to the front of the houses hereby approved;
- (b) Details of planting (including planting species and size) to front of houses hereby approved;
- (c) A minimum of 1 native tree (of Select Standard size) to the lawned area to the south of 3 East Court Cottages;
- (d) Details of species mix for green sedum roof over the approved parking area;

The implementation and long term management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned domestic gardens. The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details over the period specified;

Reason: To ensure a satisfactory appearance to the development.

- (5) The approved landscaping associated with individual dwellings shall be in place at the end of the first planting and seeding season following completion of the relevant individual dwelling. Any other communal, shared or street landscaping shall be in place at the end of the first planting and seeding season following completion of the final unit. Any trees or plants, which, within a period of 5 years from the completion of the development die, are

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removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason: In the interest of visual amenity of the area.

- (6) Prior to the commencement of development above damp-proof course level on any individual property, 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 extension 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.

- (7) Prior to the commencement of development above damp-proof course level on any individual property, details of decentralised and renewable or low-carbon sources of energy to be used as part of the approved development shall have been submitted to and approved in writing by the Local Planning Authority including details of how they will be incorporated into the development. The approved measures shall be in place before first occupation of the development hereby approved and maintained as such at all times thereafter;

Reason: To secure an energy efficient and sustainable form of development.

- (8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension to any property 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 existing and prospective occupiers.

- (9) Prior to the occupation of the buildings hereby permitted, details of a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in the back gardens and other relevant amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter;

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Reason: To ensure the quality of living conditions for future occupants.

- (10) Prior to the occupation of the buildings hereby permitted, a report shall be undertaken by a competent person in accordance with current guidelines and best practice, and submitted to the local planning authority for approval. The report shall contain and address the following:

1) An assessment of air quality on the application site and of any scheme necessary for the mitigation of poor air quality affecting the residential amenity of occupiers of this development.

Any scheme of mitigation set out in the subsequently approved report shall be implemented prior to the first occupation of the building and maintained thereafter;

Reason: To protect the health of future occupants.

- (11) Before the development hereby permitted is first occupied, the proposed first floor windows to the flank elevations shall be obscure glazed 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;

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

- (12) The covered parking area, as shown on the submitted plans, shall remain open at the front and be permanently retained for parking and not used for any other purpose;

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

- (13) Prior to the occupation of the buildings hereby permitted, a minimum of one operational electric vehicle charging point per dwelling for low-emission plug-in vehicles shall be installed and shall thereafter be retained and maintained for that purpose;

Reason: To promote reduction of CO² emissions through use of low emissions vehicles.

- (14) The development hereby permitted shall be carried out in accordance with the following approved plans: 17-110 011 Rev P1 and 17-110 010 Rev P2 received 14/08/18;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

INFORMATIVES

- (1) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and

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consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information to clarify can be found at: <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>.

- (2) A formal application for the connection to the public sewerage system is required in order to service the development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW or www.southernwater.co.uk.
- (3) The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

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

APPENDIX A: PROPOSED PARKING ARRANGEMENTS FOR 18/500563



Case Officer Kathryn Altieri