

REFERENCE NO - 18/504426/OUT			
APPLICATION PROPOSAL Outline Application for a detached dwelling with access being sought. Matters of appearance, landscaping, layout and scale are reserved for further considerations.			
ADDRESS Land Adj To Red Roof Boxley Road Walderslade Chatham Kent ME5 9JG			
SUMMARY OF REASONS FOR RECOMMENDATION The application is considered to comply with the Maidstone Local Plan (2017) where relevant and the National Planning Policy Framework, and there are no overriding material considerations to indicate a refusal of planning consent.			
REASON FOR REFERRAL TO COMMITTEE Boxley Parish Council wish to see application refused and reported to Planning Committee if case officer is minded to recommend approval.			
WARD Boxley	PARISH/TOWN Boxley	COUNCIL	APPLICANT Mr McCarthy AGENT Bloomfields
TARGET DECISION DATE 01/11/18		PUBLICITY EXPIRY DATE 17/10/18	

Relevant Planning History

73/0562/MK2

Erection of a vehicle maintenance workshop.
Refused Decision Date: 15.01.1974

74/0082/MK2

Replacement of garage/workshop
Refused Decision Date: 20.06.1974

80/2099

Outline application for erection of residential development
Refused Decision Date: 05.01.1974

82/0047

Erection of detached bungalow with garage
Refused Decision Date: 22.04.1982

96/0400

Erection of a detached single garage as amended by unnumbered plan and elevation received 1 April 1996
Approved Decision Date: 30.04.1996

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site is situated between Blue Bell Hill, Lordswood and Walderslade and currently consists of a detached bungalow known as Red Roof, with a relatively large curtilage running up to an area of woodland. The site also contains a number of outbuildings that are fenced off from the property 'Red Roof'. The site location plan for application reference 74/0082, which was located in the same part of the site as this application, shows the site as part of the curtilage to Red Roof. This is also supported by the officer report for that previous application that outlines that the site comprises the detached bungalow known as Red Roof within the application boundary.
- 1.02 The site is situated within the defined urban area of Walderslade as defined by the Maidstone Borough Local Plan 2017.

- 1.03 The site is accessed off Boxley Road, which is a road that has linear development running along either side, with a number of cul-de-sacs filtering from it. The site is bounded on the west and east side by residential properties, to the south by Boxley Road and to the north by an area of ancient woodland. The land slopes down from the wooded edge to Boxley Road. The site benefits from an existing vehicular access on to Boxley Road.

2. PROPOSAL

- 2.01 This outline planning application is for the construction of a dwellinghouse. The supporting planning statement outlines that the site is a former commercial yard, however no planning history of this use can be found and for the reasons outlined in para 1.01 the application site has been treated as residential garden land. This planning application is presented in outline form with only access being considered at this outline stage. (Matters of appearance, landscaping, layout and scale are reserved for further considerations)
- 2.02 The submitted plans show that the access on to Boxley Road can be provided by a new vehicle entrance to the site. The indicative plans also show that a dwellinghouse with associated parking and garden land could be constructed in a manner that ensures that the development is in keeping with the character and density of the surrounding built form, without compromising neighbouring amenity.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017: SS1, SP1, DM1, DM2, DM11, DM12, DM23

4. LOCAL REPRESENTATIONS

Local Residents: 1 representation received from a local resident raising the following (summarised) issues:

- No objection in principle as the site could be considered an infill plot;
- Would expect a gap to be left from the side of the property to the boundary;
- Seek assurances that trees to the north of the site will be retained due to ecology and flooding;
- Design of the house should not extend beyond the neighbouring property to avoid loss of outlook;
- Inaccuracies in the submitted Ecology Report and believe there to be protected species within the site; and
- Concerns over construction management and potential for disturbance.

5. CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

- 5.01 Boxley Parish Council: Wish to see application refused and reported to Planning Committee if the case officer is minded to recommend approval. In summary, the following matters have been raised:
- Site has never had a commercial yard classification and is a greenfield site. If the site is considered part of the garden it is excluded from the definition of a brownfield site;
 - Development is contrary to Policy DM1. The area is characterised by sporadic frontage residential development separated by green gaps and this area is one of those gaps; and

- The introduction of a large building close to the road will result in urbanisation, causing adverse impact on the character of the streetscene.
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5.02 Kent County Council Highways: No comment

5.03 KCC Ecology: Sufficient information has been submitted in support of this application. Advise that conditions are attached should planning permission be granted.

6. APPRAISAL

Main Issues

6.01 The key issues for consideration relate to:

- Principle of Development
- Highways and Access
- Visual Impact
- Ecology and Landscaping

Principle of Development

6.02 The site is within the defined urban boundary of Walderslade and is considered to be in a sustainable location to accommodate growth. Policy SP1 outlines that the urban area will be the focus of new development. Criterion 2. ii. of this policy outlines that that the urban area will continue to be a good place to live and work and that this will be achieved by the development and redevelopment or infilling of appropriate urban sites in a way that contributes positively to the locality's distinctive character.

6.03 Furthermore, within the urban area, development of domestic garden land to create new dwellings is acceptable in principle provided certain criteria are met (Policy DM11), as outlined below:

- i. The higher density resulting from the development would not result in significant harm to the character and appearance of the area;
- ii. There is no significant loss of privacy, light or outlook for adjoining properties and/or their curtilages;
- iii. Access of an appropriate standard can be provided to a suitable highway; and
- iv. There would be no significant increase in noise or disturbance from traffic gaining access to the development.

6.04 It should be noted that a previous application was refused and an appeal dismissed (application reference: MA/13/1760) at 'The Three Ashes', which is located approx. 200m to the north west of this application site along Boxley Road. This application was refused due to the potential harm in the Beechen Bank Area of Local Landscape Importance under Policy ENV35 of the Maidstone Borough-Wide Local Plan 2000. Previously refused applications on this site (Red Roof) for bungalows (80/2099 and 82/0047) were also considered when the site formed part of a Landscape of Local Value and were not located within an urban area at that time. However, following the adoption of the Maidstone Borough Local Plan 2017, Policy ENV35 no longer forms part of the development plan for the Borough and the application site is not located within a local landscape designation under Policy SP17.

Highways

6.05 In terms of access arrangements, a new access would be created to the front of the site on to Boxley Road. The access arrangements would be similar to other properties to the north of Boxley Road and the illustrative plans demonstrate that

adequate parking provision and turning area could be achieved to the front of the dwelling. The access arrangements are considered to be acceptable. The KCC Highways Officer has also been consulted on the proposal and has not objected.

Visual Impact

- 6.06 The application is in outline with all matters reserved saved for the access. As such the drawings in terms of design that have been submitted are illustrative in form and designed to show how a dwelling could be accommodated on the site. As outlined above, Policy DM11, criterion i. outlines that proposals to create new dwellings on domestic garden land is acceptable provided that the proposal would not result in significant harm to the character and appearance of the area.
- 6.07 Boxley Road is predominately a residential road, with some commercial uses which follow a linear pattern of development. The existing residential properties locally are detached properties being single storey or 1.5 storey dwellings to the north of Boxley Road and 2 storey dwellings to the south of Boxley Road. There is some variation in the building style and building line of the properties to the north of Boxley Road.
- 6.08 The previous refusal site at 'The Three Ashes' is located on the north-western edge of the ribbon development along Boxley Road and was part of a gap of approx. 70m between 'Cam Brae' and 'Cringles'. This gap appears largely open and undeveloped, providing a contribution to the attractive semi-rural character of the locality. In comparison, the current application site is located towards the middle of the ribbon development and the site is located in an approx. 20m gap between 'Redbox' and 'Westwood'. Unlike the Three Ashes, the application site has a substantial amount of vegetation on the south-western boundary facing onto Boxley Road and only limited views are possible through the site to the rising ground to the north-east. There are also a number of buildings located on the site, and these buildings where views are possible, give the impression of a built up site. The site is therefore considered to provide limited benefit in terms of a 'green gap'.
- 6.09 If permission were to be granted this would involve the removal of the existing buildings, which would improve the visual appearance of the site. It would also be possible to condition the retention of the existing vegetation to the front of the site facing on to Boxley Road which could currently be removed at any time.
- 6.10 The application is surrounded by residential properties located within the built up area. Whilst the detailed design would be considered at the later reserved matters stage, it is considered that a dwellinghouse on this site would accord with the characteristics and make a positive contribution to the pattern and form of development in this location.
- 6.11 Matters of layout and scale are also not for determination at this outline stage. The detailed layout of the proposal would be considered as part of a future reserved matters application. However, based on the illustrative plan it is considered that the plot would be of a sufficient size and shape to accommodate a dwellinghouse without being cramped.

Residential Amenity

- 6.12 Criterion.ii. of Policy DM11 outlines that development for new dwellings is acceptable subject to the proposal not resulting in harm to the amenity of adjoining properties and their curtilages. Therefore the potential impact needs to be assessed in terms of the proposed dwelling causing loss of privacy, daylight, noise and disturbance to adjoining properties.

- 6.13 The properties of Redroof and Westwood are adjacent to the application site. The indicative proposals show the western elevation to Westwood to maintain a gap of approx. 3m and a gap of 8m to Redroof. The proposed dwelling would not extend beyond the rear of Westwood. It is considered that the proposal is acceptable in terms of the impact on properties on Boxley Road and matters of privacy, overlooking, daylight and sunlight.
- 6.14 The plans show that a proposed development that would provide a good standard of residential amenity for future occupants. The layout of the accommodation makes good use of the site with an appropriate internal layout, good provision of natural light to habitable rooms and adequate private amenity space.
- 6.15 In conclusion it is considered that the illustrative details are sufficient to demonstrate that the site can be developed without resulting in any material loss of outlook or amenity or existing dwellings overlooking and abutting the site.

Ecology and Landscaping

- 6.16 On more detailed matters, it must be recognised that the only issue to be determined here is access. In terms of ecology, a 'Preliminary Ecological Appraisal' has been submitted which indicates the following:
- that bats are likely to use the area to forage and commute;
 - small areas of unmanaged grassland on site could offer potential for reptiles; and
 - that there is suitable bird nesting habitat on site.
- 6.17 KCC Ecology has also reviewed the submitted information and concluded that sufficient information has been submitted and that conditions should be attached should planning permission be granted. It is therefore considered that subject to conditions, the proposal would not impact on protected species and is acceptable.
- 6.18 Similarly landscaping is not being considered at this stage; however the submitted planning statement outlines that trees along the front boundary are to be retained. A suitable worded condition would secure existing trees and secure native landscaping on this site. The application site is located approx. 40m at the closest point from the ancient woodland and it is considered that this is a sufficient buffer in accordance with the Natural England Standing Advice.

Other Matters

- 6.19 The neighbour has raised an issue in regards to disturbance from construction at the site and requested suitable construction management conditions. However, this application is for one dwelling and it is not considered that the impact from the construction of one dwelling would be so sufficient to justify a condition for construction management on the site.
- 6.20 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 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. Conclusion

- 7.01 This is an outline application for the development of the site with the erection of a detached 3-bedroom house with garage and parking with all detailed matters (Details of appearance, layout, scale and landscaping of the development) reserved

for future consideration.

- 7.02 The application site is part of a predominantly residential area which forms part of the Walderslade urban area as defined on the Proposals Map to the Maidstone Borough Local Plan. The site represents a sustainable location with good access to facilities and services, including public transport, within the wider Walderslade urban area. Infill development such as that proposed in the current application is normally considered appropriate in such locations and in principle the development of the site with a single dwelling is acceptable.
- 7.03 The indicative outline proposals submitted in support of the application demonstrate that a detached 1.5 storey dwelling with parking for the new dwelling can be accommodated on the site without unacceptable harm to the amenities of the occupiers of the neighbouring properties. The outline proposal demonstrates acceptable access arrangements, and that the proposal allows the retention of the existing mature trees in the south corner of the site. A detached 1.5 storey dwelling of the size and scale shown in the indicative outline proposals would reflect the size and scale of neighbouring dwellings along the north of Boxley Road. Further consideration will be given to the above matters at detailed planning stage.
- 7.04 The proposed development of the site with a single dwelling and parking is considered acceptable in principle and it is recommended that outline planning permission be granted subject to conditions.

8. RECOMMENDATION - GRANT planning permission subject to the following conditions:

- (1) The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

a. Layout b. Scale c. Appearance d. Landscaping

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

- (2) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;
Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

- (3) The details of landscaping submitted as reserved matters pursuant to Condition 1 of this grant of outline planning permission shall include a scheme of hard and soft landscaping, including details of the treatment of all hardsurfacing within the site and boundary treatments, using indigenous species which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of development and a programme for the approved schemes implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines. The development shall be carried out in accordance with the approved scheme of hard and soft landscaping and boundary treatments;

Reason: No such details have been submitted and to ensure a satisfactory appearance to the development.

- (4) All planting, seeding and/or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the dwelling 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.

- (5) No development shall take place until such time as a tree protection plan/arboricultural method statement in accordance with BS5837:2012 detailing how the trees along the south-western boundary of the site are to be protected during the course of the works and how any excavation, construction and surfacing works are to be carried out and any underground service runs to and from and within the site accommodated without causing damage to the root systems of any of the trees, has been submitted to and approved in writing by the Local Planning Authority. The approved tree protection measures shall be put in place prior to the commencement of any works and the works shall be carried out in accordance with the details approved;

Reason: The existing trees make a significant contribution to the character and visual amenities of the locality and warrant adequate protection during development to prevent damage and ensure their long-term retention and good health.

- (6) The details of the reserved matters submitted pursuant to Condition 1 of this grant of outline planning permission shall include details of off road parking for the new dwelling hereby permitted together with details of vehicle manoeuvring space to and from the parking spaces. The approved parking spaces for both the existing and new dwellings together with the associated vehicle manoeuvring space shall be provided in accordance with the details approved and be available for use before the first occupation of the new dwelling 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/or 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 and/or vehicle manoeuvring provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

- (7) No development falling within Schedule 2, Part 1, Class A, B and F and Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order, with or without modification) or not, shall be carried out to or within the curtilage of the new dwelling with garage hereby permitted without the prior written consent of the Local Planning Authority;

Reason: To ensure the character and appearance of the site are maintained and in the interests of the amenities of the neighbouring occupiers.

- (8) The development hereby approved 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 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.

- (9) The development shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation and maintained thereafter;

Reason: To ensure an energy efficient form of development. Details are required prior to commencement as these methods may impact or influence the overall appearance of development.

- (10) 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 dwelling and garage 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 external appearance to the development.

- (11) Prior to commencement of works, the reptile precautionary measures, detailed in section 4.4 the Preliminary Ecological Appraisal (KB Ecology Ltd July 2018), should be undertaken with the measures permanently retained. The site plans will be updated to reflect these precautionary measures.

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

- (12) Prior to the completion of the development, a 'sensitive lighting plan' has been submitted to, and approved in writing by, the Local Planning Authority. The plan will include:

- a) Identifying the areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance along foraging and commuting routes;
- b) How and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bat behaviour.

All external lighting shall be installed in accordance with the specifications and locations set out in the plan and maintained thereafter in accordance with the plan.

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

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

Site Location Plan, Site Plan, and indicative dwelling elevations – Drawing Number: 01

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

- (14) The existing buildings edged in red on the submitted site plan (drawing no.

0.1) shall be demolished and the resulting materials and debris removed from the site to the satisfaction of the local planning authority within 3 month(s) of the first occupation of the building hereby permitted;

Reason: To prevent an overdevelopment of the site and to safeguard the character and appearance of the surrounding area.

INFORMATIVES

- 1) The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and open structures are present on the application site and are to be assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown nesting birds are not present.
- 2) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and 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 (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Case Officer: Adam Reynolds