

REFERENCE NO - 19/501025/FULL		
APPLICATION PROPOSAL Erection of one detached 3-bedroom house with garage and parking.		
ADDRESS 22 Goldstone Walk Boxley Chatham Kent ME5 9QB		
RECOMMENDATION – GRANT PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION <p>The proposed new dwelling represents infill development within a predominantly residential area which forms part of Walderslade in the Maidstone urban area as defined on the Policies Map to the adopted Maidstone Borough Local Plan. The principle of infill development in sustainable urban locations such as this is considered acceptable.</p> <p>The proposed two-storey detached dwelling is considered acceptable within the context of surrounding development. The separation gap between the existing and proposed dwellings will prevent any significant and unacceptable unneighbourly overbearing and enclosing impact, overshadowing and/or loss of daylight/sunlight to the neighbouring properties. There are no overriding issues of overlooking or loss of privacy to the neighbouring properties.</p> <p>Conditions are recommended to be imposed on any grant of planning permission to ensure that vehicle movements to and from the site from the eastern end of Goldstone Walk do not impact unacceptably on the safety of pedestrians using the pedestrian link between Goldstone Walk and Impton Lane along the eastern boundary of the site.</p> <p>Conditions are recommended to be imposed on any grant of planning permission to ensure that the existing trees within and adjacent to the site are retained and protected during the course of the development and post development.</p> <p>The proposals do not raise any overriding issues of conflict with the relevant policies of the Maidstone Borough Local Plan or Government guidance in the NPPF.</p>		
REASON FOR REFERRAL TO COMMITTEE Boxley Parish Council wish to see the application refused and have requested that the application is reported to committee for determination if officers are minded to approve the application.		
WARD Boxley	PARISH/TOWN COUNCIL Boxley	APPLICANT Ms Kamaljit Kaur Chanan AGENT Architecture Design Limited
TARGET DECISION DATE 26/08/19		PUBLICITY EXPIRY DATE 17/07/19

MAIN REPORT

1. BACKGROUND

1.01 Consideration of this application was deferred at the last meeting on the 27 June 2019 in order to:

- Investigate the ownership of the land outside the property over which the proposed access will pass, whether the correct certificates have been served, whether the red line boundary is correct and whether there are any impacts on the footpath over which the access will pass; and

- Seek to negotiate additional conditions requiring the provision of gaps under new fencing to allow the movement of wildlife, the incorporation of integrated niches for wildlife (bird bricks etc.) and renewable energy measures such as solar PV panels

1.02 This report should be read in association with the original report to committee which is attached as an appendix.

2. PROPOSAL

2.01 The application proposes the development of the site with the erection of a detached two-storey 3-bedroom house with integral garage. The proposed development will be accessed from the eastern end of Goldstone Walk which currently ends with a short pedestrian link only through to Impton Lane.

2.02 The proposed dwelling incorporates a pitched gable ended roof and is of traditional design and construction with brick and tile hanging to the walls and a tiled roof. Main windows to the proposed dwelling face eastwards towards the access off Goldstone Walk and south towards Impton Lane. The access drive off Goldstone Walk serving the proposed dwelling, garage and a car parking space adjacent to the garage is to be block paved.

2.03 The submitted plans show the retention of the three existing mature trees in the south-eastern corner of the site close to the Impton Lane frontage.

3. APPRAISAL

3.01 This appraisal addresses the issues raised in the reasons for deferral of consideration of the application at the last meeting on 27 June 2019.

Land ownership

3.02 Investigations have shown that the adjacent land to the east of the property, over part of which the proposed new access to and from the site will cross via the eastern end of Goldstone Walk, is owned by Kent County Council.

3.03 The originally submitted application red line boundary has been amended to incorporate the part of the adjacent land to the east of the property over which the proposed new access to and from the site is to be formed. The required notice has been served on Kent County Council as the owners of the adjacent land and the required certificate confirming that notice has been served has been submitted.

Impact on footpath

3.04 The proposed development will be accessed from the eastern end of Goldstone Walk which currently ends with a short pedestrian link only through to Impton Lane. The proposed vehicular access to and from the site will cross part of the short pedestrian link through from Goldstone Walk to Impton Lane. Vehicular accesses crossing pedestrian footways are not an uncommon arrangement. In order to ensure an adequate level of pedestrian safety to the footway link between Goldstone Walk and Impton Lane is achieved in this case, a condition is recommended to be imposed on any grant of planning permission (Condition 6) to secure the submission of full details of the new access for approval, including visibility for emerging vehicles and pedestrian visibility splays. Subject to the submission and approval of full details of the new access, it is not considered that the proposed development raises any overriding access and/or highway safety issues.

Ecology

3.05 The applicant has confirmed agreement to a planning condition to secure the provision of bat and bird boxes within the development. The provision of a gap

under the new boundary treatment separating the proposed new dwelling from the existing dwelling at 22 Goldstone Walk to allow the movement of wildlife can also be secured by planning condition.

Renewable energy measures

- 3.06 The applicant has confirmed agreement to a planning condition to secure the installation of solar PV panels to the roof of the proposed new dwelling.

4. CONCLUSION

- 4.01 The issues raised at the last meeting relating to land ownership, the application red line boundary, and the notices completed/served in relation to land ownership are considered to have been satisfactorily addressed.
- 4.02 Subject to a condition to secure the submission and approval of full details of the new access to and from the development, it is not considered that the proposed development raises any overriding access and/or highway safety issues.
- 4.03 The applicant has confirmed agreement to additional conditions to secure the provision of bat and bird boxes within the development and the installation solar PV panels to the roof of the proposed new dwelling. The provision of a gap under the new boundary treatment separating the proposed new dwelling from the existing dwelling at 22 Goldstone Walk to allow the movement of wildlife can also be secured by planning condition.
- 4.04 The grant of planning permission is recommended subject to the conditions set out below.

5. RECOMMENDATION

- 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 hereby approved 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 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.
 - 3) No development shall take place above the slab level of the building hereby permitted until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of hard and soft landscaping for the site, including details of all hard surfacing and boundary treatments, using indigenous species and a programme for the approved scheme's implementation and long term management. The scheme shall include indications of all existing trees and hedgerows on the land and adjacent to the site boundaries and details of any to be retained, together with measures for their protection during the course of development. 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: In the interests of visual amenity and to ensure a satisfactory setting and external appearance to the development is provided and maintained.

- 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: In the interests of visual amenity and to ensure a satisfactory setting and external appearance to the development is provided and maintained.
- 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 three trees in the south-eastern corner of the site and the trees outside the eastern boundary of the site adjacent to the approved new access into the site, as shown on drawing nos. 48.1/A.01a and 48.1/02a, 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 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 on the site and shall be retained in place throughout the construction phase of the development. 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 the development to prevent damage and ensure their long-term retention and good health.
- 6) No development shall take place above the slab level of the building hereby permitted until such time as full details of the new access to be formed onto the eastern end of Goldstone Walk, as shown on drawing no. 48.1/A.02a, including details of proposals to maximise visibility for vehicles emerging from the site and the provision of pedestrian visibility splays to the access, have been submitted to and approved in writing by the Local Planning Authority. The new access shall be completed in accordance with the details approved prior to the first occupation of the dwelling and shall be retained and maintained as such thereafter;
Reason: To ensure the details are satisfactory in the interests of pedestrian and highway safety.
- 7) The areas shown on the approved plans (Drawing nos. 48.1/A.02a and 48.1/A.03b) for the parking of cars and vehicle manoeuvring to and from the parking areas 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 (as amended) (or any order revoking and/or re-enacting that Order, with or without modification) or not, shall be carried out on the parking and vehicle manoeuvring 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 pedestrian and highway safety.
- 8) Prior to the first occupation of the new dwelling hereby permitted, an accessible electric vehicle rapid charging point shall be installed within the site of the new dwelling in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. The electric vehicle rapid charging point shall be retained and maintained within the site thereafter;

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with paragraph 110 of the NPPF.

- 9) Upon completion, no further development, whether permitted by Classes A, B, E or F of Part 1 and/or Class A of Part 2, Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (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 hereby permitted without the prior written consent of the Local Planning Authority;
Reason: In the interests of the visual amenities of the area and the amenities of the occupiers of neighbouring properties. Planning Committee Report 27 June 2019
- 10) The development hereby permitted shall carried out in accordance with the approved plans (Drawing nos. 48.1/A.02a, 48.1/A.03b and 48.1/A.04);
Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.
- 11) The first floor windows to the study and bathroom in the west facing elevation of the new dwelling hereby permitted, as shown on the approved plan (Drawing No. 48.1/A.03b), shall be glazed in obscure glass and the windows shall be non-openable to a minimum height of 1.7m above the internal finished floor level of the rooms they serve. The first floor windows to the study and bathroom shall be maintained and retained as such at all times;
Reason: In order to prevent overlooking and loss of privacy to the neighbouring property.
- 12) No development shall take place above the slab level of the building hereby permitted until such time as full details, including location within the site, of the installation of a minimum of one bat box and one bird box have been submitted to the Local Planning Authority for their approval in writing. The approved bat and bird boxes shall be installed in accordance with the approved details and locations prior to the first occupation of the dwelling and shall be maintained and retained thereafter in perpetuity;
Reason: In order to ensure the ecological/biodiversity interests of the site are safeguarded/enhanced.
- 13) The new boundary treatment separating the proposed new dwelling hereby permitted from the existing dwelling at 22 Goldstone Walk shall incorporate gaps under the boundary treatment to allow for the movement of wildlife in accordance details of the new boundary treatment and gaps which shall have been submitted to and approved in writing by the Local Planning Authority prior to installation of the boundary treatment. The approved boundary treatment and gaps shall be installed in accordance with the approved details prior to the first occupation of the dwelling and shall be maintained and retained thereafter in perpetuity;
Reason: In order to ensure the ecological/biodiversity interests of the site are safeguarded
- 14) No development shall take place above the slab level of the building hereby permitted until such time as full details of a scheme for the installation of solar PV panels to the roof of the building or alternative proposals for renewable energy measures within the development has been submitted to and approved in writing by the Local Planning Authority. The approved scheme for the installation of solar PV panels or alternative proposals for renewable energy measures within the development shall be completed in accordance with the details approved prior to the first occupation of the dwelling and shall be retained and maintained thereafter;
Reason: To ensure an energy efficient form of development.

INFORMATIVES

- 1) The applicant is advised that broad compliance with the Mid Kent Environmental Code of Development Practice is expected in the demolition and/or construction works.
- 2) The grant of planning permission does not convey any approval for the construction of the required access to the highway outside the site or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council – Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.
- 3) 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 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.
- 4) 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.

Case Officer: Jon Barnes