

REFERENCE NO - 19/503584/FULL		
APPLICATION PROPOSAL Creation of alternative access across existing drainage ditch with improved drainage.		
ADDRESS Kingsbrooke, Cranbrook Road, Staplehurst, Tonbridge, Kent, TN12 0EU		
RECOMMENDATION Grant planning permission subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal would not be visually harmful in this countryside location and would not have a detrimental impact upon highway safety.		
REASON FOR REFERRAL TO COMMITTEE Contrary to the views of the Parish Council that are set out in the consultation section.		
WARD Staplehurst	PARISH/TOWN COUNCIL Staplehurst	APPLICANT Mr Joe Spirito AGENT Mr Anthony Turner
TARGET DECISION DATE 31/05/2020 (EOT)		PUBLICITY EXPIRY DATE 22/10/2019

MAIN REPORT

1.0 BACKGROUND

- 1.01 This application was deferred at the Committee meeting on 23 January 2020 for the following reasons:
- Members seek the submission of a report, including a plan, from the applicant to be assessed by the Landscape/Arboriculture Officers detailing the tree works required in connection with the proposed development, the number and species involved (both to be lost and replaced) and the timing of the works.
- 1.02 The original Committee report is attached as an appendix.

2.0 ADDITIONAL INFORMATION SUPPLIED

- 2.01 Following the deferral, the applicant has provided an amended block plan showing the relocation of the proposed access. The applicant has also provided the following justification for the proposal:

"The existing entrance to this dwelling area has a steep incline which reduces take off from a stationary position onto the highway it also has poor drainage which allows flood water to drain from public highway onto the domestic curtilage, creating a floodwater pond at the house entrance. A new access point placed approximately 15m to the north having a shallower gradient and flat raised take off point would give an improved sight line and better traction onto the class A highway whilst improved drainage would protect the dwelling area from flood water from the highway".

2. PROPOSAL

- 2.01 The application seeks the creation of alternative access across existing drainage ditch with improved drainage also provided to the existing retained vehicle access.

3. POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan 2017: SP17 – Countryside, DM1 – Principles of good design and DM30 – Design principles in the countryside
- The National Planning Policy Framework (NPPF): Section 12 – Achieving well-designed places and Section 15 – Conserving and enhancing the natural environment.
- Staplehurst Neighbourhood Plan 2016 Policy PW2 states “Proposals for new development in the countryside beyond the extended village envelope will be assessed in terms of the potential impact of the development upon the visual setting and landscape features of the site and its surroundings, the potential impact upon the biodiversity of the area and other relevant planning considerations such as the impact of traffic and noise.”

4. CONSULTATIONS

Staplehurst Parish Council (Additional comments 29/04/2020)

- 4.01 Councillors stated that their recommendation remained unchanged because the reason why MBC Planning Committee had deferred consideration of the application on 23/01/20 had not been addressed.
- 4.02 Councillors noted that the only new published document was Block Plan Revision 3. They commented that they would expect to be reconsulted when the requested report became available, when they would also wish to see an explanation of how the drainage ditch would be affected by the proposed new entrance.
- 4.03 Given the stated comments about the shortcomings of the existing entrance, if eventually a decision were made to approve the application, Councillors requested that a condition be applied to close off the old entrance and restore the tree line.

KCC Highways

- 4.04 No objection subject to conditions. No further comments to make following additional consultation.

KCC Flood and Water Management (Lead Local Flood Authority)

- 4.05 No objection subject to conditions. No further comments to make following additional consultation.

MBC Tree Officer (Additional comments received on 20/05/2020)

- 4.06 No objection subject to conditions. The applicant has now submitted a revised block plan 1628/080f Rev 3, dated 12/03/2020 which shows the new access position moved 7.5m south as suggested, so the proposal is now far more likely to be sufficiently clear of the Root Protection Areas of the Poplar trees that the proposal is probably acceptable in arboricultural terms. I use the word ‘probably’ because the plans submitted do not appear to be a fully accurate representation of the site. The application is not supported by any arboricultural consideration of the tree stock present and does not even plot the tree stock present on the plans – there is some indicative tree cover shown but this is incomplete and inaccurate.

- 4.07 My assessment of the site during the visit suggests that the proposal will result in the loss of a Willow on the road frontage, but that is in very poor condition and should probably be felled regardless of the proposal. There are also some dead tree stems present that would need to be removed and moving the access to the south will also probably encroach on a line of young conifers. I raise no objection to the removal of any of these trees on arboricultural grounds, and it would be possible to secure some replacement planting by condition should you be minded to permit the proposal.
- 4.08 The line of five Poplar trees have some amenity value as a group due to their size. However, I did note during inspection that the two westernmost trees (furthest from the road) have significant main stem defects (old wounds, damage and decay) that suggest that they have a limited safe useful life expectancy of less than 10 years. The tree closest to the road also has a historic stem wound, but I do not consider that it is structurally significant at this time.
- 4.09 It is therefore important that the proposal, if permitted, does not result in unnecessary damage to the three easternmost trees. I therefore request a pre-commencement condition requiring a basic arboricultural report, prepared in accordance with the recommendations of BS5837, to be submitted and approved, comprising of an Arboricultural Amenity Assessment that accurately plots the tree stock present in relation to the proposal and showing the RPAs of all of the trees, and a Arboricultural Method Statement that details how any conflicts with the trees will be overcome (e.g. through the use of no-dig construction if necessary) and how the trees will be protected from accidental damage during construction works. The condition should require compliance with the approved details.

Southern Water

- 4.10 No objection. No further comments to make following additional consultation.

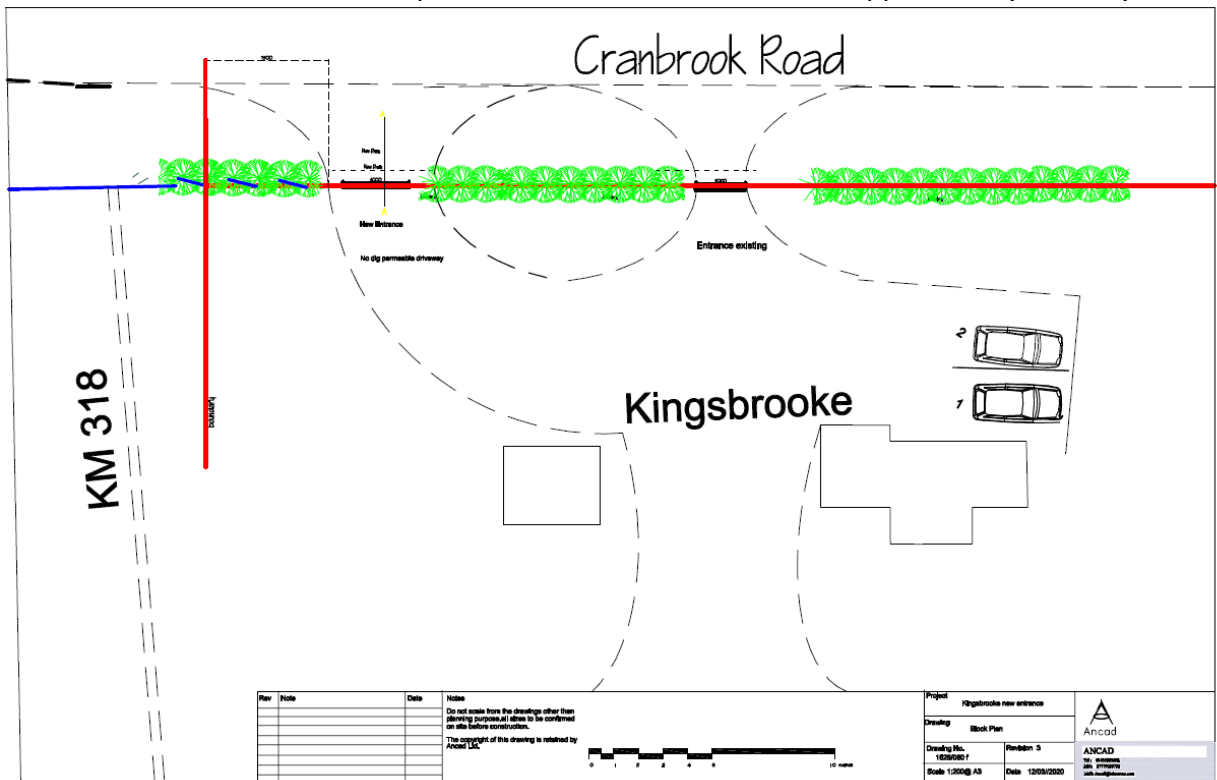
KCC Public Rights of Way officer

- 4.11 No objection with reference to standing advice. No further comments to make following additional consultation.

5. APPRAISAL
Main Issues

- 5.01 The reason for deferral at the committee meeting on the 23 January was:
- Members seek the submission of a report, including a plan, from the applicant to be assessed by the Landscape/Arboriculture Officers detailing the tree works required in connection with the proposed development, the number and species involved (both to be lost and replaced) and the timing of the works.
- 5.02 Following the deferral of a decision on the planning application, the applicant has submitted an amended block plan (1628/080 F 3). The amended plan shows the proposed new access relocated 7.5 metres to the south from the original proposal. This is in line with the advice from the Council's tree officer.
- 5.03 The amended block plan is provided below (NB as the text is small the annotation on the left hand driveway on the plan states top to bottom 'new drain', 'new drain', 'new entrance', 'no dig permeable driveway', the right hand annotation says 'existing entrance').

Extract from the site location plan submitted with the current application (Revised)



- 5.04 As outlined, the revision includes the relocation of the access 7.5 metres south of the original proposed location. The impact of the revised proposal on existing trees has been assessed by the Council's tree officer and this has included a site visit. The assessment by the tree officer consists of two parts, the removal of trees and the potential impact on other retained trees.
- 5.05 The tree officer found that the proposal would result in the loss of a Willow on the site frontage that is currently in poor condition, the removal of some dead tree stems and probable encroachment on to a line of young conifers.
- 5.06 In relation to potential impact on retained trees, a line of five Poplar trees were assessed by the tree officer during the site visit. The tree officer found that *"...the two westernmost trees (furthest from the road) have significant main stem defects (old wounds, damage and decay) that suggest that they have a limited safe useful life expectancy of less than 10 years. The tree closest to the road also has a historic stem wound, but I do not consider that it is structurally significant at this time"*.
- 5.07 The tree officer raises no arboricultural objection to the loss of the trees outlined with the recommendation that planning conditions seek suitable replacement planting, an Arboricultural Amenity Assessment and an Arboricultural Method Statement.

Other matters

- 5.08 The Parish Council have stated that insufficient information has been submitted in relation to trees and drainage. The submitted proposal has been considered twice by KCC Flood and Water Management (Lead Local Flood Authority) and Southern Water

and both have raised no objection to the level of information on drainage or the proposal generally.

5.09 As set out above, the tree officer has considered the impact of the proposal on trees. Whilst commenting on the quality of the submission, the tree officer, who also considered the application twice, is satisfied that there are no arboricultural grounds to object to the planning application.

5.10 With the submitted plans showing the retention of the existing vehicle access and with no arboricultural, drainage or highway issues, a condition to require the blocking of the access (as requested by the Parish Council) is considered unreasonable and would fail to meet the legal tests for a condition.

Conclusion

5.01 Following the submission of revised drawings and on the basis of comments received the proposed new access is acceptable in terms of design and appearance, and there are no unacceptable impacts on the character, appearance and visual amenity of the locality generally. It is considered that the development is in keeping with local and national planning policies and is recommended for approval.

6. RECOMMENDATION

Grant 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 permitted shall be carried out in accordance with the following approved plans/documents:

Householder Application for planning permission
1628/080 F Rev 3 Block Plan
1628/080 F Rev 2 Section AA and Elevations
1628/080 F Rev 2 Site Location Plan

Reason: To ensure a satisfactory appearance to the development and in the interests of residential amenity.

- 3) Notwithstanding the details submitted, no gate shall be installed until full details of the height, design, positioning, materials and colour of the gate have been submitted to and approved in writing by, the local planning authority and the development shall thereafter be undertaken in accordance with the approved details. Gates must be set back a minimum of 6m from the edge of the carriageway;

Reason: In order to preserve the character and appearance of the countryside and in the interests of highway safety.

- 4) The access hereby permitted shall not be used until full details of the visibility splays which can be achieved and the gradient of the driveway hereby permitted have been

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submitted to and approved in writing by, the local planning authority. The development shall thereafter be undertaken in accordance with the approved details and the approved visibility splays shall be provided free from obstruction above 1 m above the level of the centre of the driveway measured at a point 2 m back from the edge of the carriageway prior to the first use of the access hereby permitted and subsequently maintained as such. The gradient of the access must be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter;

Reason: In the interests of highway safety.

- 5) Prior to the commencement of development a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall accurately plot the tree stock present in relation to the proposal and show the RPAs of all trees. The scheme shall also detail hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed, provide details of on site replacement planting to mitigate any loss of amenity and biodiversity value [together with the location of any habitat piles] and include a planting specification, a programme of implementation and a [5] year management plan. The landscaping shall be provided in accordance with the agreed programme of implementation.

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

- 6) Prior to the commencement of development an Arboricultural Amenity and Method Statement that details how any conflicts with the trees will be overcome (e.g. through the use of no-dig construction if necessary) and how the trees will be protected from accidental damage during construction works. The condition should require compliance with the approved details.

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

- 7) All existing trees and hedges on, and immediately adjoining, the site, shall be retained. All trees and hedges shall be protected from damage in accordance with the current edition of BS5837. Any trees or hedges removed, damaged or pruned such that their long term amenity value has been adversely affected shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions to mitigate the loss as agreed in writing with the Local Planning Authority.

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

Case officer: William Fletcher

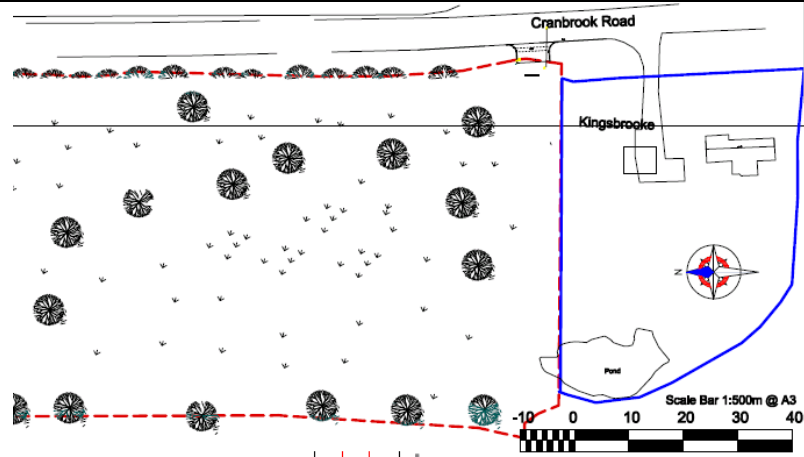
Appendix 1: Report to the Planning Committee on the 23 January 2020

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TARGET DECISION DATE 31/01/2020		PUBLICITY EXPIRY DATE 22/10/2019

Relevant Planning History

- 19/502753/LAWPRO - Lawful Development Certificate (Proposed) for creation of a new access across existing drainage ditch with improved surface drainage. – Refused on the 20 June 2019 as planning permission is required for the creation of an access onto a Classified Road and as the land is outside the residential curtilage of Kingsbrooke.

Extract from the site location plan submitted with 19/502753/LAWPRO



Appendix 1: Report to the Planning Committee on the 23 January 2020

MAIN REPORT

1 DESCRIPTION OF SITE

- 6.01 The large timber clad detached property called Kingsbrooke is located on the southern side of Cranbrook Road.
- 6.02 The front boundary of the property is marked by fir trees and is set back from the carriageway behind a grass verge. The property is currently accessed by a single bridge over a drainage ditch running parallel to the road. The property benefits from a freestanding garage building located to the north of the main property. There is a drop in ground level towards the property from the road with a pond located to the west (rear) of the garage building. Footpath KM318 runs from Cranbrook Road 14 metres to the north of the garage, around the pond and off to the west of the site
- 6.03 For the purposes of the Maidstone Local Plan, the proposal site is within the designated countryside.

7. PROPOSAL

- 7.01 The application seeks the creation of alternative access across existing drainage ditch with improved drainage also provided to the existing retained vehicle access.
- 7.02 The applicant has provided the following justification for the current application: *"The existing entrance to this dwelling area has a steep incline which reduces take off from a stationary position onto the highway it also has poor drainage which allows flood water to drain from public highway onto the domestic curtilage, creating a floodwater pond at the house entrance. A new access point placed approximately 15m to the north having a shallower gradient and flat raised take off point would give an improved sight line and better traction onto the class A highway whilst improved drainage would protect the dwelling area from flood water from the highway".*

8. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017:

SP17 – Countryside

DM1 – Principles of good design

DM30 – Design principles in the countryside

The National Planning Policy Framework (NPPF):

Section 12 – Achieving well-designed places

Section 15 – Conserving and enhancing the natural environment

9. LOCAL REPRESENTATIONS

Local Residents:

- 9.01 No representations were received from the seven neighbouring properties consulted.

10. CONSULTATIONS

Staplehurst Parish Council

- 10.01 Raise objection and recommend refusal for the following reasons:

- Unlike the drawings for 19/502753 the current drawings do not show residential and agricultural boundary parts of the site; the positions of other features and buildings were also different;

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The proposed access was onto agricultural land, separated by a ditch from the residential area;

- Councillors considered that vehicles would have to cross KM318 to reach the residential property from the proposed new access; (The footpath runs along the northern boundary of the application site and would be 5m to the north of the access)
- A second entrance would not improve surface water drainage at the current one a suitable drainage channel across the current entrance would be more appropriate;
- Two entrances so close together onto a busy A-road would increase the risk level.
- No evidence that the erection of the single storey lean-to extension to the rear elevation, the outbuilding in the north of the site, and the close boarded fence to the highway had been regularised.

KCC Highways

10.02 No objection subject to conditions requiring the following:-

- Gates to open away from the highway and to be set back a minimum of 6 metres from the edge of the carriageway.
- Gradient of the access to be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.

KCC Flood and Water Management (Lead Local Flood Authority)

10.03 No objection but highlight that the new crossing and associated works may require land drainage consent.

10.04 The applicant is advised that any feature capable of conveying water can be considered to fall under the definition of an 'ordinary watercourse'. The applicant is advised to contact KCC Flood and Water Management prior to undertaking any works that may affect any watercourse/ditch/stream or any other feature which has a drainage or water conveyance function.

10.05 Any works that have the potential to affect the watercourse or ditch's ability to convey water will require formal flood defence consent (including culvert removal, access culverts and outfall structures). Please contact flood@kent.gov.uk for further information.

MBC Landscape

10.06 No objection to the loss of the individual trees in this location but would want to see a clear proposal on what trees would have to be removed because they would be destabilised or unlikely to survive, with suitable replacement planting tree proposals to mitigate their loss, in the interests of ongoing tree cover in the borough.

Southern Water

10.07 No objection.

KCC Public Rights of Way officer

10.08 No objection with reference to standing advice.

**11. APPRAISAL
Main Issues**

11.01 The key issues for consideration relate to:

Appendix 1: Report to the Planning Committee on the 23 January 2020

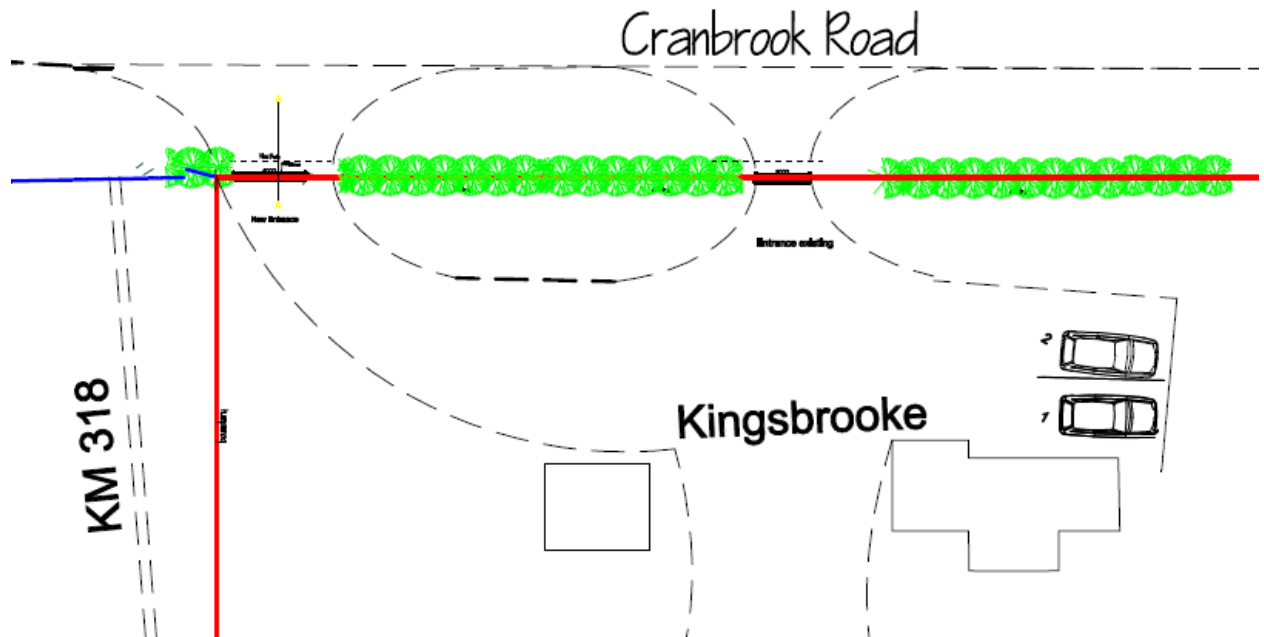
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- Design / impact on character of area
- Highways issues

11.02 The current planning application follows on from a recently refused application for a Lawful Development Certificate (19/502753/LAWPRO). The Lawful Development Certificate was not issued for two reasons, the proposed access was on to a classified road and the access was not associated with a residential curtilage.

11.03 Whilst planning permission is still required for the proposed access as it is on to a classified road, it is highlighted that the access has now been relocated closer to the main property and garage. The proposed access is now also within the residential curtilage of the application property.

Extract from the site location plan submitted with the current application



Design / impact on character of area

11.04 Policy SP17 states that development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area.

11.05 In terms of design the creation of the access which plans and the submitted application form indicate would be 4m wide would not involve the removal of any trees or other important or valuable vegetation. It is considered that additional landscaping secured by a planning condition would mitigate any negative visual impact from the new access.

- 11.06 The submitted plans indicate that the proposed entrance gate would be of a similar design to the existing gate. A planning condition is recommended seeking precise details of the proposed new entrance gate.
- 11.07 In summary the proposed new access with a suitable landscape condition is acceptable in relation to visual impact. The development is acceptable in terms of its design and the proposal is acceptable in relation to detrimental impact upon the character and appearance of the countryside.

Highways issues

- 11.08 Policy DM1 states that development must "Safely accommodate the vehicular and pedestrian movement generated by the proposal on the local highway network and through the site access;"
- 11.09 Policy DM30 continues "Proposals must not result in unacceptable traffic levels on nearby roads; unsympathetic change to the character of a rural lane which is of landscape, amenity, nature conservation, or historic or archaeological important or the erosion of roadside verges;"
- 11.10 The section of Cranbrook Road opposite the application site is a straight road approximately 220m to the north is the first bend with approximately 450m till a curve to the south this section has a speed limit of 50m and is not served by any street lighting. The access itself is set back 6.1m from the highway itself.
- 11.11 Comments have been received suggesting the two accesses to the property would be too close together, however when considering that both accesses serve the same property it is not considered that there would be any conflict between them. Traffic movements associated with the access points are also likely to be very low and as such it is not considered there would be any danger on account of the proximity of the two accesses.
- 11.12 Public Right of Way KM318 runs alongside the access 5m to the north at its closest points. The footpath is outside the residential curtilage of the dwelling and again traffic movements associated with the proposed access are likely to be low and as such it is not considered there would be any significant danger to users of the footpath as a result of the access.
- 11.13 In terms of justification for the access additional clarification was sought and the agent acting on behalf of the applicant replied with the following on 14/01/2020; *"The existing entrance to this dwelling area has a steep incline which reduces take off from a stationary position onto the highway it also has poor drainage which allows flood water to drain from public highway onto the domestic curtilage, creating a floodwater pond at the house entrance. A new access point placed approximately 15m to the north having a shallower gradient and relatively flat raised take off point would give an improved elevated sight line and better traction onto the class A highway, whilst improved lateral camber on the bridge section enabling drainage to the ditch would protect the dwelling area from flood water from the highway: see Drawing No.1628/080f section A-A"*

- 11.14 It is not considered that the drainage works themselves are of such an extent that permission would be required. As detailed above the additional access above is not considered to have an overly adverse impact upon the character and appearance of the area and after assessing all material considerations the proposal is acceptable in relation to the impact on highways and will not result in harm to highway safety.

Other matters

- 11.15 The Parish Council have referred to the erection of the single storey lean-to extension to the rear elevation of the application property, the outbuilding in the north of the site, and the close boarded fence to the highway and whether these benefit from planning permission. This query has been passed to the Council's Planning Enforcement Team for separate investigation as this has no bearing on the consideration of the current planning application.

Conclusion

- 11.16 The proposal is acceptable in relation to the potential impact on Cranbrook Road and highway safety, the new access would not appear visually harmful within its countryside setting. The proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations. A recommendation of approval of the application is therefore made on this basis.

12. RECOMMENDATION

Grant Permission subject to the following conditions

- 8) 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.

- 9) The development hereby permitted shall be carried out in accordance with the following approved plans/documents:

Householder Application for planning permission
1628/080 F Rev 2 Block Plan
1628/080 F Rev 2 Section AA and Elevations
1628/080 F Rev 2 Site Location Plan

Reason: To ensure a satisfactory appearance to the development and in the interests of residential amenity.

- 10) Notwithstanding the details submitted, no gate shall be installed until full details of the height, design, positioning, materials and colour of the gate have been submitted to and approved in writing by, the local planning authority and the development shall thereafter be undertaken in accordance with the approved details. Gates must be set back a minimum of 6m from the edge of the carriageway;

Reason: In order to preserve the character and appearance of the countryside and in the interests of highway safety.

- 11) The access hereby permitted shall not be used until full details of the visibility splays which can be achieved and the gradient of the driveway hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall thereafter be undertaken in accordance with the approved details and the approved visibility splays shall be provided free from obstruction above 1 m above the level of the centre of the driveway measured at a point 2 m back from the edge of the carriageway prior to the first use of the access hereby permitted and subsequently maintained as such. The gradient of the access must be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter;

Reason: In the interests of highway safety.

- 12) Prior to the commencement of development a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed, provide details of on site replacement planting to mitigate any loss of amenity and biodiversity value [together with the location of any habitat piles] and include a planting specification, a programme of implementation and a [5] year management plan. The landscape scheme shall specifically address the need to highlight the loss of any trees and to set out suitable replacements. The landscaping shall be provided in accordance with the agreed programme of implementation.

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

- 13) All existing trees and hedges on, and immediately adjoining, the site, shall be retained. All trees and hedges shall be protected from damage in accordance with the current edition of BS5837. Any trees or hedges removed, damaged or pruned such that their long term amenity value has been adversely affected shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions to mitigate the loss as agreed in writing with the Local Planning Authority.

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

Case officer: William Fletcher