

REFERENCE NO: 20/504370/OUT		
APPLICATION PROPOSAL: Outline application for erection of 3(no) detached dwellings with matters of access and layout being sought.		
ADDRESS: Land rear of Redic House, Warmlake Road, Sutton Valence, ME17 3LP		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
REASON FOR REFERRAL TO COMMITTEE: Sutton Valence has requested the application is considered by the Planning Committee if officers are minded to approve planning permission. This request is made for the reasons outlined in the consultation section below.		
WARD: Sutton Valence & Langley	PARISH: Sutton Valence	APPLICANT Mrs A. Medlam AGENT Bloomfields
TARGET DECISION DATE: 30/11/20		PUBLICITY EXPIRY DATE: 22/10/20

RELEVANT PLANNING HISTORY

Proposal site

- 20/501800 - Outline for 3 dwellings (access & layout sought) – Refused
- 19/501103 – Erection of 2 houses with garages – Refused
- 19/500724 - Reserved matters following approval of 16/500489 – Approved
- 17/503541 – Outline: 3 dwellings (access sought) – Refused (appeal dismissed)
- 16/500489 – Outline: 1 dwelling (access sought) - Refused (appeal allowed)

Land to north of proposal site

- 20/501089 - CLD to confirm development permitted under 16/508382 and 18/503784 can be lawfully implemented at any time - Approved
- 19/506309 – NMA to 18/503784 - amend layout of parking (plot 5) - Approved
- 18/503784 - Reserved matters application pursuant to 16/508382 – Approved
- 16/508382 – Outline: demolition of buildings and erection of 8 dwellings to ensure retention of 5 B1 commercial units – Approved
- 15/509960 - Outline (considering access) for demolition of storage & distribution unit and construction of 5 dwellings (to ensure retention of 5 B1 units) - Approved

MAIN REPORT

1.0 Site description

1.01 The proposal site relates to a parcel of undeveloped land located to the north of Redic House. To the east of the site is the rear garden of 'Marwood House', with the main house to the south-east of the site; to the north, work has commenced on an approved residential development (see above planning history); and to the west is agricultural land. The Oast, that is in Warmlake Business Estate and some 60m to the north-east of the northern boundary of the proposal site (with a large modern commercial building in between), is Grade II listed. For the purposes of the Maidstone Local Plan the proposal site is within the designated countryside.

2.0 Background information

2.01 There is extant permission on the application site for a detached dwelling, with access taken from Warmlake Road using the existing access in between Redic House and Marwood House (16/500489 and 19/500724).

2.02 An outline application (access & layout sought) for three detached dwellings on the site, where one dwelling made use of the access in between Redic House and Marwood House, and two dwellings were accessed from Maidstone Road (via the existing access road for the new housing development to the immediate north of the site), was refused for the following reason (20/501800):



-Proposal, by virtue of increased use of site and resultant general noise & disturbance associated with development, would be detrimental to residential amenity occupiers of Redic House could reasonably expect to be able to continue to enjoy, particularly when using their private garden areas.

2.03 An application for two houses on the site, both using the same access from Warmlake Road, was refused for the following reason (19/501103):



-Proposal, by virtue of increased use of site access and associated resultant general noise and disturbance, would be detrimental to residential amenity the occupiers of Redic House and Marwood House could reasonably expect to be able to continue to enjoy.

2.04 An outline application for 3 detached dwellings on the site, using the same access from Warmlake Road, was refused for the following reasons (17/503541):



-Proposal, by virtue of increased use of site access and resultant associated general noise and disturbance, would be detrimental to residential amenity occupiers of 'Redic House' & 'Marwood House' could reasonably expect to be able to continue to enjoy, particularly when using private garden areas. Erection of 3 dwellings here is also likely to result in development that would appear overbearing to occupants of 'Redic House' when enjoying their private garden area.

-Proposed constitutes cramped form of development resulting in poor design, being detrimental to character of area and at odds with prevailing pattern of development in area.

2.05 It is important to note here that the Planning Inspector concluded that the development proposed under 17/503541 (for 3 detached houses), would not harm the character and appearance of the area, but it would harm the living conditions of surrounding occupiers through the effects of noise and disturbance, contrary to Local Plan policy DM1. The Inspector focused their objections around the access road/vehicle movements, as set out below:

Access for all 3 dwellings would incorporate existing route into property. This runs along a narrow passage between Redic House and Marwood House, similar to layout of extant permission granted by aforementioned previous appeal. In that instance, Inspector found that no harm would be caused to the living conditions of the occupiers of these adjacent properties, as a result of any noise and disturbance relating to access to the single proposed dwelling.

Current appeal scheme proposes the use of the access by three dwellings, rather than one as previously. The adjacent existing dwellings are, as before, set away from the boundary and separated by outbuildings along some of their lengths, along with high fences/walls and hedges. I acknowledge the appellant's assertion that each of the dwellings would typically only generate one in/out movement per day, although there is no substantive evidence for this.

Nonetheless, I am concerned the increase of transport movements, however small, represents 3 times that of previously allowed scheme. Council and other concerned respondents have pointed out that as well as noise from vehicular movements along accessway, there could also be light from headlights as vehicles turn from the road, additional pedestrian movements, additional activity and movement in car parking areas, increased deliveries and suchlike, which cumulatively would be particularly noticeable given existing quiet, semi-rural nature of adjoining properties. Access would swing partly in front of dwelling at Marwood House, which would exacerbate these effects on occupiers of this property.

Moreover, there would be a requirement for vehicles to turn within site as well as refuse collection, which would represent an increase in activity on previous application. Given likely proximity of such an area to the gardens of the adjoining properties, this could be a particularly significant source of noise and disturbance. I have taken into account the possibility of noise-dampening material bonded within the proposed driveway treatment, but consider that this alone would not ameliorate the impact that increased movements and activity would have on the occupiers of the adjoining dwellings and their enjoyment of their homes and gardens.

I conclude proposal would harm living conditions of surrounding occupiers through effects of noise & disturbance, but not outlook. Nonetheless proposal would conflict with DM1 and its requirement for development to respect amenities of occupiers of neighbouring properties.

3.0 Proposed development

3.01 This outline application is again for the erection of three detached dwellings, with access and layout being sought at this stage. Appearance, landscape, and scale are reserved matters for future consideration. The proposed access/layout is:



Layout and means of access

3.02 In general terms, the proposed layout shows the continuation of the access road serving the development to the north, leading into the proposal site. There is to be no access from Warmlake Road. Three detached houses are then located around the access road, with garden land predominantly abutting the eastern, southern, and western boundaries of the site. Except for the three houses, no other buildings are shown; and each plot is provided with two side-by-side parking spaces. No vehicular or pedestrian access is shown into the site from the existing track in between Redic House and Marwood House. All plots are shown to be accessed from Maidstone Road, via the access for the new housing development to the immediate north of the site.

Scale, appearance, and landscape

3.03 With regards to the reserved matters, except for the proposed site layout plan showing the footprint of the three houses, no other parameters have been provided in terms of the scale of the houses; and in terms of appearance, the submission only states that the proposed dwellings can be designed so that they will relate closely to the existing built development and the new dwellings currently under construction. For landscaping, the submission states (in summary) that: *As shown on the indicative block plan, the landscape buffer which was approved on the western boundary of the Warmlake Business Estate development, will be continued along the western boundary of the application site, providing a continuous buffer to safeguard the countryside from encroachment.....The landscape buffer will be continued along the southern boundary of the site, to provide enhanced screening and amenity protection to the residents of Redic House and Marwood.*

4.0 Policy and other considerations

- Local Plan (2017): SS1, SP17, SP18, DM1, DM2, DM4, DM6, DM8, DM23, DM30
- National Planning Policy Framework (2019)
- National Planning Practice Guidance

5.0 Local representations

5.01 4 representations received raising concerns over (in summary): Over development of site; visual impact; traffic generation/highway safety; lack of parking; extra demand on community infrastructure; impact on residential amenity (including general noise and disturbance); Council can demonstrate a 5yrs worth of housing land supply; heritage impact; sustainability in terms of location; arboricultural/ecological impact.

6.0 Consultation responses

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

6.01 **Sutton Valence Parish Council:** Wish to see application refused and reported to Planning Committee if officers are minded to recommend approval. Their comments are summarised as follows:

- *Proposal does not respond positively to local character of area, particular with regard to scale, height, and site coverage.*
- *Proposal does not respect amenities of occupiers of neighbouring properties - will cause excessive noise, and unacceptable overlooking and loss of privacy and light.*
- *Proposal plans to coalesce with development of Warmlake Business park, creating suburban feel rather than retaining semi-rural natural character of the area.*

6.02 **KCC Biodiversity Officer:** Raises no objection to proposal.

6.03 **KCC Highways:** Proposal does not meet criteria to warrant their involvement.

6.04 **Environmental Protection Officer:** Under previous applications on this site, no objections have been raised in terms of noise; contamination; air quality; sewage.

7.0 APPRAISAL

Main issues

7.01 The Local Plan sets out a hierarchy for new residential development, with the defined urban area being the most sustainable location to accommodate such growth, then rural service centres, and then larger villages. In other locations, such as the designated countryside, protection should be given to the rural character of the borough. As previously set out, the proposal site is in the designated countryside for the purposes of the Local Plan.

7.02 Furthermore, relevant policies in the Local Plan seek high quality design; and new development in the countryside will not be permitted unless it accords with other policies in the Local Plan and will not result in harm to the character and appearance of the area. Local Plan policy DM1 sets out the principles of good design, and under this policy proposals which would create high quality design and meet certain criteria will be permitted.

7.03 Local Plan policies also seek to ensure that development affecting heritage assets should incorporate measures to conserve, and where possible enhance, the significance of the heritage asset and, where appropriate, its setting. Section 16 of the NPPF sets out what should be considered in terms of conserving and enhancing the historic environment.

7.04 The NPPF also seeks sustainable development and it is clear that good design is a key aspect of this; and it states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 170 of the NPPF also states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Location

7.05 The proposal site benefits from an extant planning permission for the erection of a single dwelling; and as accepted by the Planning Inspector under 16/500489, future occupants of the site would not be dependent upon the use of private vehicles, and the site is in a sustainable location in terms of access to services. The site and its surrounding context has not significantly changed since this decision and it is considered unreasonable to now go against the view of the Planning Inspector in relation to the current application site, and in fact other Planning Inspectors for other nearby sites. As such, the principle for residential development on this site has already been accepted and it would now be unreasonable to object to the proposal in terms of its location.

Access (matter for consideration)

7.06 KCC Highways did not raise any objection to the use of the existing access from Maidstone Road for the eight new houses to the north of the site; and it is accepted that the use of this access by another three dwellings would not have an unacceptable impact on highway safety; and would not have a 'severe' impact on the road network. The proposal would therefore be acceptable in highway safety terms and no objection is raised on this matter for consideration.

Layout (matter for consideration)

- 7.07 Under 17/503541 (outline for 3 houses), the Planning Inspector concluded the following (in summary):

I observed during my visit to area, instances of other backland development...Such development is not uncommon in surrounding district....Given indicative layout shows plot sizes would be similar to those under construction adjacent to site, there is nothing to suggest that such development would be out of character with what has gone before.....I therefore conclude proposal would not harm character and appearance of area. There would be no conflict with LP Policies SP17, DM1 or DM30, which together require development to be of a high standard that takes account of local patterns of development, amongst other factors.

- 7.08 Whilst this current application shows a different layout to 17/503541, it remains that backland development (for 3 dwellings) has been previously accepted by the Planning Inspector; and the three plots now shown remain of a similar size to the plots to the north of the site. Furthermore, the proposal would continue the road through from the north and there is a clear relationship with this site and how the houses to the north are laid out, whilst helping to provide a natural end to the Warmlake Business Estate development. In terms of parking provision, the proposed layout has also demonstrated that three houses here could provide adequate on-site spaces in accordance with Local Plan policy DM23. On this basis, it would be unreasonable to now argue that a proposal for 3 detached dwellings on this site would result in a development that would appear cramped and out of place with the pattern and grain of development in the area. It is therefore concluded that the proposal would not harm the character and appearance of the area, and there would be no conflict with current Local Plan policies.

Scale, appearance, and landscape (reserved matters)

- 7.09 Matters of scale, appearance, and landscaping are not for consideration at this stage. However, the submission does provide some indicative details relating to these matters and it still needs to be considered whether or not a scheme for three houses here could be acceptable in these terms.
- 7.10 In terms of scale, the indicative plans show three detached properties of a similar scale to the properties shown under 17/503541 (albeit in a different layout), and the Inspector at the time did not consider the scale to be objectionable. As such, it would again now be unreasonable to argue that this proposal would result in a development of an unacceptable scale. On this basis, the proposal has demonstrated that three detached properties can fit on to the site without causing unacceptable harm to the character and appearance of the area hereabouts.
- 7.11 Taken in isolation, whilst no specific details in terms of appearance has been submitted, it is considered that a scheme for three houses here, in terms of architecture and choice of external materials and finishing, could be acceptable and positively relate to the appearance of both existing and recently approved development in the locality of the proposal site. The boundary trees are of little amenity value and the submission indicatively shows new planting along the boundaries of the site. Whilst in general terms this is acceptable, no further details have been provided in terms of location, species and size of all new planting for example, and so a suitable condition is recommended to secure the specific details of an appropriate planting scheme.

Other considerations

Residential amenity

- 7.12 In the appeal decision for 17/503541, the Planning inspector agreed that the proposal (for 3 dwellings) would harm the living conditions of the occupants of Redic House and Marwood House through the effects of noise and disturbance. This appeal decision focused on the proposed access road and vehicle movements (as explained in paragraph 2.05 of this report). A subsequent application (20/501800) for three dwellings on the site was refused, again because of the expected noise and disturbance resulting from the proposed access arrangements.
- 7.13 Unlike the previous planning applications, this current proposal now shows sole access (both pedestrian and vehicle) from Maidstone Road, through the already approved housing development to the north of the site. The proposal has also reconfigured the layout, so that the access road has been noticeably shortened within the site. Furthermore, the proposed layout now separates the access road and parking areas away from the boundaries with Redic House and Marwood House, with gardens and buildings acting as a suitable buffer.
- 7.14 By removing any access to and from the proposal site from the track in between Redic House and Marwood House; and by having the new access and parking arrangements kept to the northern end of the application site (buffered by gardens and buildings), it is considered that the vehicle movements associated with the new development would no longer have an unacceptable impact upon the occupants of Redic House or Marwood House, when trying to enjoy their properties (both internally and externally). Furthermore, residential use has already been accepted on this site, and the creation of new dwellings and garden areas is not usually expected to result in an unneighbourly use.
- 7.15 In terms of three detached dwellings being overbearing on the occupants of Redic House and Marwood House, the Planning Inspector for the previous proposal for three dwellings on this site concluded:

*The Council also raised a concern the proposed dwellings would be overbearing in the outlook of the occupiers of adjoining dwellings. Both existing dwellings would be separated from the proposed homes by their rear gardens, which are large. Although dwellings might be visible, they are *likely to be of a scale or in a location that would enclose or substantially overbear existing dwellings and their gardens, to point where their occupiers would suffer a significant negative impact on their living conditions. I conclude proposal would harm living conditions of surrounding occupiers through effects of noise & disturbance, but not outlook. Nonetheless proposal would conflict with DM1 and its requirement for development to respect amenities of occupiers of neighbouring properties.*

*Appeal decision states 'likely' but this is believed to be an error and should say 'unlikely'.

- 7.16 Whilst this proposal shows a different layout (which is a matter for consideration) to the referenced appeal decision, it still remains that the proposal is for three detached houses on the same site, and the two neighbouring properties to the south still benefit from large gardens, separating the existing houses from the proposal. Indeed, the proposed layout shows the new dwellings to be more than 21m away from the rear elevations of Redic House and Marwood House; and whilst plot 1 is close to the western boundary of Marwood House, this is not considered to be objectionable given the size of this neighbour's garden. Furthermore, the reserved matters of scale, appearance, and landscaping are still to be considered by the local planning authority, and in light of the Inspector's previous views, it is accepted that the consideration of these matters would safeguard the amenity of any neighbouring resident (including the immediate development to the north of the site), as well as the living conditions of future occupants on the site, in terms of outlook, privacy, and light. It is therefore considered that the proposal would be in accordance with Local

Plan Policy DM1, which includes a requirement for new development to respect the residential amenity of existing and future residents.

Biodiversity implications

- 7.17 The ecological survey information submitted with this application is over 5ys old, and the Biodiversity Officer previously raised concerns under 20/501800 that the conclusions of the reptile survey were no longer valid. During the assessment of 20/501800, the site was unmanaged, but it was confirmed by the agent at the time that until recently, the grassland within the site was managed as regularly cut lawn. This was backed up by pictures within the sale brochure; and photographs taken by the planning officer did indicate that the vegetation was only left uncut for 1yr, rather than several. The Biodiversity Officer accepted at the time that it was likely that the grassland was short at the beginning of the year (2020); and they also confirmed that the submitted reptile survey did not record any reptiles on the site in 2015, and no reptiles were recorded during surveys of lands within the surrounding area. As such, the Biodiversity Officer is satisfied that as the habitat on site appears to get periodically cut it is probably unlikely that a reptile population will have established on site during 2020; and they also accept that there is no requirement for updated ecological surveys (or any other ecological information) to be carried out for this current application. Please note here that a site visit was undertaken in late September and November 2020 and it was clear that the site has again been cut.
- 7.18 Notwithstanding this, one of the principles of the NPPF is that “...opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity”. A suitable condition would therefore be imposed requesting details of biodiversity enhancements on the site (including integrated methods of design such as swift bricks).

Heritage implications

- 7.19 The application site is noticeably separated from the Grade II listed ‘Warmlake Oast’, with recently approved residential development in between; and the proposal does not alter the existing access from Maidstone Road. It is therefore considered that the proposal would not have an adverse impact upon the setting and significance of this listed building.

Miscellaneous

- 7.20 In the interests of sustainability and air quality, if the application were to be approved a condition would be imposed for the provision of an operational electric vehicle charging point for low-emission plug-in vehicles for each unit.
- 7.21 Given the proposal site’s location (flood zone 1), no objection is raised in terms of flood risk. The Environmental Protection Officer has also previously raised no objections to the proposal in terms of noise (in terms of traffic noise on future occupants of the site), contamination, sewage, and air quality. It is unknown how foul sewage and surface water disposal will be dealt with, and so a suitable condition would be imposed for further details if this application were to be approved. The submission shows sufficient room for refuse storage.
- 7.22 The issues raised by Sutton Valence Parish Council and local residents have been considered in the assessment of this application; and due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the proposal would not undermine objectives of this Duty.

Conclusion

7.23 Whilst the Council is in a position where it can demonstrate a 6.1yrs worth of housing land supply (1st April 2020), this does mean that appropriate windfall sites should not be approved. For the reasons outlined above, the proposal is considered to be acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. A recommendation of approval is therefore made on this basis.

8.0 RECOMMENDATION: GRANT planning permission subject to following conditions:

1. The development hereby approved shall not commence until approval of the following reserved matters has been obtained in writing from the local planning authority:

(a) Scale (b) Appearance (c) 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.

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 development hereby approved shall not commence above slab level on any individual property until written details and samples of the materials to be used in the construction of the external surfaces of the buildings and hardsurfacing have been submitted to and approved in writing by the local planning authority. The development hereby approved shall be constructed using the approved materials and maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development.

4. Pursuant to condition 1 of this permission, the scheme of hard and soft landscaping shall use indigenous species and 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. The landscaping shall be designed using the principles established in the Councils adopted Landscape Character Assessment and Landscape Guidelines and shall include the following:

(a) native hedgerow planting along eastern, southern, and western boundaries (as shown on drawing ref: P.16.001.2201 03B);

(b) details of new planting (including location, planting species and size); and

(c) details of all fencing, walling and other boundary treatments.

The landscaping of the site thereafter shall be carried out in accordance with the approved details and maintained as such thereafter;

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

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

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

6. Pursuant to condition 1 of this permission, biodiversity enhancements shall be incorporated into the design and appearance of all three dwellings, through integrated methods such as swift bricks, bat tubes/bricks and/or bee bricks. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

Reason: In the interests of biodiversity enhancement.

7. The development hereby approved shall not commence above slab level on any individual property until details of foul sewage and surface water disposal have been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details before the first occupation of any dwelling hereby approved and maintained as such thereafter.

Reason: To ensure adequate foul sewage and surface water disposal arrangements.

8. Prior to the first occupation of any property, a minimum of one operational electric vehicle charging point for low-emission plug-in vehicles for each dwelling shall be installed and shall thereafter be retained and maintained as such for that purpose;

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

9. The development hereby approved shall at no time provide vehicle access to and from the site, including at construction phase, via the track in between Redic House and Marwood House.

Reason: In the interests of residential amenity.

10. With regards to the matters of layout and access, the development hereby permitted shall be carried out in accordance with the following approved plans: P.16.001.2201 01A; and P.16.001.2201 03B.

Reason: For the avoidance of doubt.

Case Officer: Kathryn Altieri