

REPORT SUMMARY

REFERENCE NO: - 22/503088/FULL		
APPLICATION PROPOSAL: Erection of 2 pairs of semi-detached dwellings with parking and turning area, associated hard/soft landscaping and landscape/biodiversity improvements. (Revision to 21/504492/FULL).		
ADDRESS: White Hart, Claygate, Marden TN12 9PL		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposed development is considered to be of an acceptable design and size, and would be located in an appropriate location. The standard of accommodation is acceptable, and the amenity of neighbouring properties would not be unduly impacted.		
REASON FOR REFERRAL TO COMMITTEE: Call in from Parish Council if officers are minded to approved for the reasons set out in section 5 of this report. A second call in request was also received from Cllr Russell.		
WARD: Marden And Yalding	PARISH/TOWN COUNCIL: Collier Street	APPLICANT: L&G Holdings Limited AGENT: SJM Planning Limited
CASE OFFICER: William Fletcher	VALIDATION DATE: 22/06/22	DECISION DUE DATE: 30/09/22
ADVERTISED AS A DEPARTURE: No		

Relevant Planning History

- 20/503935/FULL Demolition of the existing former public house and erection of 4no. dwellinghouses, including associated landscaping and biodiversity enhancements. Approved 18.02.2021
- 21/504492/FULL Erection of 4no. dwellinghouses (2no. pairs of semi-detached dwellings), with creation of new access, associated parking and turning area, hard/soft landscaping and landscape/biodiversity improvements (revised scheme: 20/503935/FULL). Approved 11.11.2021

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is located on the corner of the B2162 road and Spenny Lane, close to the junction with Sheephurst Lane. The site is within the parish of Collier Street. There are several residential properties sporadically placed in the area.
- 1.02 The site falls within Flood Risk Zone 1. This is a recent change to the Environment Agency mapping as the site did previously sit within Zone 2.
- 1.03 The site was formerly the location of the White Hart public house. In policy terms the application site is in the countryside, outside of all settlement boundaries and as such the application is subject to policy SP17.
- 1.04 There is also a modestly sized agricultural building to the north-west of the site, known as The Old Coach House. This now has both consent for conversion into a dwelling via both a prior notification procedure and now a full planning application.

To the north-east is land also in the applicant's ownership, with open fields beyond. Agricultural land is located to the east, south and west of the site.

- 1.05 The pub, now demolished, was in proximity to the edge of the highway, with a paved forecourt at the front of the site. The pub car park was accessed from Spenny Lane and there were outbuildings located to the rear that have also now been demolished. Prior to its demolition, the pub building was in poor state of repair having been vacant for five years with windows boarded up. Other than a mobile home, that does not benefit from permission, the site is now empty.

Image 1: White Hart pub April 2021



Image 2: Application Site August 2021



2. PROPOSAL

- 2.01 The current application seeks to revise application 21/504492/FULL (approved on 11.11.2021). This permission was for two sets of semi-detached, two storey dwellings with pitched, hipped roofs and gable ends on the flank walls, faced in brick and tile. The changes include those set out on the next page in Image 3.
- 2.02 The vehicular access would be located between the two semi detached pairs of properties. The access would extend approximately 29 metres through to the rear car parking area. The rear car parking area providing two car parking spaces for each of the four dwellings.
- 2.03 The properties would be stepped back from the road frontage to provide small front gardens and pathways to the front doors (as with the previous development proposal) with boundary hedges providing a degree of separation from the road frontage. The properties have rear amenity areas of varied sizes.

2.04 As part of the changes, the depth of the first floor would be increased by 80cm and the rear 'projection' of each unit reduced to a maximum of 4.2m from a maximum of 7.5m as depicted below.

Image 3: Previously approved rear and side elevations 21/504492/FULL top, current proposed revised plans 22/503088/FULL bottom.



2.05 The current application differs in floor area from the previous application, and this is shown in the table below:

Table: Floor area and dimension comparison

	G/F area	F/F area	Loft area	Width	Depth (Max)	Eaves	Ridge
Former Pub	254m ²	173m ²	n/a	19.8m	16.2m	5m	7.2m
21/504492/FULL	170m ²	90m ²	n/a	15.6m	15.4m	5m	8m
Current	160m ²	105m ²	60m ²	15.6m	13m	5m	8.2m

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2017):

- SS1 Spatial strategy
- SP17 Countryside
- DM1 Principles of good design
- DM5 Development on brownfield land
- DM12 Density of housing development
- DM23 Parking standards
- DM30 Design principles in the countryside

Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 22) dated October 2021.

- The Regulation 22 draft is a material consideration however weight is currently limited, as it is the subject of an examination in public that commenced on the 6 September 2022 (Stage 1 hearings concluded). The relevant policies in the draft plan are as follows

- LPRSS1 - Maidstone Borough Spatial Strategy
- SPRSP9 – Development in the Countryside
- LPRSP10 - Housing
- LPRSP10(A) - Housing
- LPRSP15 – Principles of Good Design

LPRHOU1 – Development on Brownfield Land
LPRHOU5 – Density of Residential Development
LPRTRA4 – Parking
LPRQ&D4 – Design Principles in the Countryside

4. LOCAL REPRESENTATIONS

4.01 Local Residents

2 representations received from local residents objecting to the proposal on the following (summarised) grounds:

- Unsustainable location
- Loss of privacy
- Highway safety issues
- Capacity of physical infrastructure in terms of drainage in the area.

Collier Street Parish Council

4.02 Objection on the grounds that proposal would have a harmful impact upon highway safety and request committee determination.

Cllr Russell

4.03 There have been numerous applications on this site and lots of public interest and I think it deserves reporting on in public and all of the information being fully and openly examined. Call in to committee

5. CONSULTATIONS

KCC Highways

5.01 No objection, highlighting standing advice in relation to issues raised by the Parish Council.

Environmental Health

5.02 No objections subject to conditions.

6. APPRAISAL

6.01 The key issues are:

- Background
- Location of Site
- Visual impact/landscaping
- Design, layout and standard of accommodation
- Neighbour amenity
- Biodiversity
- Highways issues

Background

6.02 Permission was originally granted on 13/02/2021 for the demolition of the existing former public house and the erection of 4 dwelling houses. This included a terrace and one detached dwelling.

6.03 Permission was then granted to erect 2 semi-detached pairs (21/504492/FULL) on 11/11/2021. The extent of the 'application site' has also been reduced between these planning applications.

6.04 The current application seeks the same layout and extent of development as the previously permitted application (21/504492/FULL) but would remove the rear projections and include habitable space in the roof of the dwellings.

Location of site

6.05 The application site is in the countryside and the starting point for assessment of all applications in the countryside is Local Plan Policy SP17. Policy SP17 states that development proposals in the countryside will not be permitted unless:

- a) they will not result in harm to the character and appearance of the area and
- b) they accord with other Local Plan policies

6.06 In relation to SP17 a) and considering the impact of development on the character and appearance of the countryside the relevant adopted local plan policies are DM1 and DM30 and these policies are considered below.

Character and appearance

- 6.07 Both policies DM1 and DM30 require development to enhance and make a positive contribution to the character and appearance of the surrounding area.
- 6.08 The application site is located within the Laddingford Low Weald landscape character which is in moderate condition with moderate sensitivity and guidelines to conserve and improve.
- 6.09 The current application is broadly the same as the previously permitted 21/504492/FULL and comprises two pairs of semi-detached properties, two storeys in height, facing southwards onto Spenny Lane. The access would still be located via Spenny Lane, with parking and landscaping placed centrally within the site.
- 6.10 The main rear section of the building has been reduced to a maximum of 4.2m from a maximum of 7.5m and the depth of the first floor enlarged by 80cm. This alterations do not result in any greater harm than the previously permitted proposal.
- 6.11 There would be some views from Maidstone Road of the proposed development, but these views would be partially obscured by existing landscaping on the eastern boundary. In addition, a landscaping condition will be added to strengthen the boundary treatment in accordance with the guidance for this locality as set out in the Maidstone Landscape Character Assessment.
- 6.12 The uniformity of the four properties set back slightly from Spenny Lane with front garden areas and bounded by hedges, provides an improved layout which allows coherent rear amenity spaces and a single shared parking area which can be more easily screened. The scheme layout would sit comfortably within the locality.
- 6.13 Although it would be clearly visible from public vantage points around the site, the size, bulk and height of the proposed dwellings are not out of character with the other rural dwellings in the locality.

Spatial strategy and brownfield land

- 6.14 Policy SS1 provides the spatial strategy for the borough, with the Maidstone urban area the primary focus for new housing. In the hierarchy, designated rural service centres and larger villages are the secondary focus for new development. The application site is located in the countryside and outside the urban area, a rural service centre and a larger village as defined by the adopted Local Plan.
- 6.15 As an exception to the normal countryside development constraint set out in policies SS1 and SP17 Local Plan, policy DM5 allows the development of brownfield land in the countryside subject to several criteria that are considered below:
- Site is not of high environmental value
- 6.16 Whilst in the countryside, the application site has no special landscape designation and following the demolition of the former public house, the existing cleared site is not of high environmental value.
- Density of housing reflects character and appearance of individual localities
- 6.17 The density of the housing is acceptable when assessed against the character of the area and the former public house on this site.

- Will result in significant environmental improvement

6.18 The proposal will result in environmental improvement. The current application is submitted in place of the original public house that has been demolished. Whilst the principle of losing the public house is not relevant here, the former use would have resulted in a greater environmental impact than the current proposal.

6.19 The current proposal will bring the site back into beneficial use with four family homes of an adequate standard with front gardens and rear amenity areas in place of the pub car park.

6.20 The bulk and massing of the 2 semi detached pairs is comparable to that of the demolished pub with the gap between the buildings now providing a visual break.

- Site is, or can reasonably be made, accessible by sustainable modes to urban area, a rural service centre or larger village.

6.21 The supporting text to DM5 (paragraph 6.37) advises that the assessment of DM5 should consider the traffic associated with the previous use and the vehicle trips associated with the proposed use.

6.22 The former use of the application site was a public house and this use is likely to have generated significantly greater vehicle trips when compared to the proposed four dwellings.

Design, layout and standard of accommodation

6.23 The proposed dwellings would be of a similar design to properties in the locality. Although the timber cladding has been replaced with brick, brick is not out of character with local development. A planning condition is recommended to ensure a high standard of materials would be used in the construction of the properties.

6.24 The layout of the houses, set in two sets of semi-detached dwellings represents an improvement to one of the previous layouts, which contained a dwelling set apart from the others to the rear of the site. The current proposal provides each dwelling with a road frontage but also with defensible space.

Residential amenity

6.25 Policy DM1 encourages new development to respect the amenities of neighbouring properties and provide adequate residential amenities for future occupiers by ensuring that development does not result in, or is exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion. The proposals should not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.

Neighbours

6.26 The nearest property to the application site is The Old Coach House which comprises an extant permission 22/501795/FULL (approved 06.07.2022). This permission is for the erection of a single dwelling sited approximately 15 metres from the western boundary of the application site. This permission has not been implemented at the time of writing but remains extant.

6.27 The proposed dwelling and 'The Old Coach House' have no windows on their flank walls which would 'interact' with each other. It is recommended that the boundary treatment is strengthened as part of the landscaping condition.

6.28 It is concluded that any impact on The Old Coach House in terms of over-bearance, over-shadowing and overlooking would be minimised. All other neighbours would be a sufficient distance away from the site for any impact relating to amenity to be minimised.

Image 4: Currently proposed layout



Future occupiers

- 6.29 The standard of accommodation is acceptable. Each dwelling contains a hallway, separate living room, an open plan family room/dining area/kitchen, and separate utility and shower. The first floor would contain three bedrooms, an ensuite and a family bathroom. The properties would be of an acceptable size that would comply with the national space standards.
- 6.30 The amenity area would be situated to the rear of the properties,. The rear garden areas are in accordance with Local Plan Review Policy Q&D 7: Private Amenity Space Standards inc being 10 metres in depth.
- 6.31 Proposed off street car parking would be accessed via Spenny Road between the two pairs of semi-detached properties. The dwellings would all be sited uniformly so any impact on future occupiers in terms of over-shadowing or over-bearance would be minimised

Noise and disturbance

- 6.32 The parking area would have capacity for eight cars, two from each property. The nearest car parking spaces would be approximately 18 metres from the rear elevation of the new dwellings.
- 6.33 The access and car park would be surrounded by native planting and hedges which would restrict any nuisance from car headlights. A lighting condition would be added to the application to ensure that any future lighting details are submitted to the LPA for approval.

Biodiversity

- 6.34 Policy DM3 encourages ecological appraisal to assess the potential biodiversity present and any necessary mitigation along with arboricultural and visual impact assessments.
- 6.35 KCC Ecology have been consulted on previous applications for this site. They stressed the importance of conditions relating to mitigation regarding reptiles, bats and lighting but did not raise objections.

- 6.36 The existing site is largely covered with hardstanding, and this will be replaced in part with grassed areas to provide external amenity space, and hedges bounding the properties. These additions will provide improvements and a condition will be added to provide further enhancements such as bird boxes. An informative relating to the protection of breeding bird habitats will also be added.
- 6.37 Whilst it has been some time since the previous permission and 'derelict' sites can be occupied by wildlife, it is highlighted that there is an extant permission on site for a very similar development which could be implemented immediately. It is concluded that the current proposal would cause any more harm than what can be lawfully constructed on the site.

Highways

- 6.38 Local Plan policy DM1 sets out that new development should "...safely accommodate the vehicular and pedestrian movement generated by the proposal on the local highway network and through the site access". The site access is in the same location as has been previously approved under 21/504492/FULL, any impact in this regard has already been considered and found acceptable.
- 6.39 Policy DM23 sets out that three bedroomed houses in a rural location require two independently accessible spaces. There are two parking spaces provided for each property, and this is sufficient for the development. Cycle spaces could be provided within sheds in the rear garden areas of the properties, and this information will be required by condition.
- 6.40 Representations have been received which include photos of traffic accidents that have taken place in the local area. Whether or not individual road users obey highway law and the highway code is not a material planning consideration as this is covered under legislation outside of the planning system.
- 6.41 The concerns that have been expressed by the Parish Council have been put to KCC Highways and KCC Highways have maintained that they do not wish to raise an objection to the application. It is also highlighted that in terms of the level of potential impact KCC Highways do not comment on application of this relatively small size (4 dwellings onto a non-classified road).
- 6.42 It is found that the development will not cause any additional traffic issues beyond the previous approved applications, the current application does not seek to make alterations to the parking arrangements. The potential traffic generation from the now demolished public house would have also been far greater than the proposed use.
- 6.43 In seeking to address a point raised by the parish, the applicant has pointed out that extant permissions on this site do not require the provision of a bus stops with existing stops further up the road. The applicant has confirmed that they do not intend or wish to facilitate the provision of a bus stop on this site. It is highlighted by officers that there is no planning policy or legal requirement for the applicant to provide a bus stop.

Flood Risk

- 6.44 Neighbour comments raise the issue of flooding in the area. The application site is located within Flood Zone 1 following a redrawing of flood zone boundaries. The environment agency have raised no issues with the redevelopment of this site.
- 6.45 Whilst confirmed as in Flood Zone 1, a Flood Zone 2 location would not prohibit residential development. There is no discernible increase in built development that impedes floor water and the creation of garden areas is likely to increase flood water storage capacity and reduce surface water run off.

PUBLIC SECTOR EQUALITY DUTY

- 6.46 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 application proposals would not undermine objectives of the Duty.

CIL

- 6.47 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 Policy SP17 sets out that development proposals in the countryside will not be permitted unless it will not result in harm to the character and appearance of the area and accords with other policies in the local plan.
- 7.02 Whilst most development in the countryside will result in some harm to character and appearance, the proposed buildings are on the site of a demolished pub and there have been previous permissions for new build residential development on the site. The design of the proposed dwellings are appropriate for this location.
- 7.03 The application site is brownfield land. As an exception to the normal constraint in policy SP17, and subject to several criteria local plan policy DM5 permits residential development in the countryside. The application is found to be in broad compliance with policy DM5 and considering the planning history of the site the application site is a suitable location for new dwellings.
- 7.04 The proposal is in accordance with policy DM1 and DM23 in relation to parking and highways access. With suitable conditions the proposal will be acceptable in relation to biodiversity and ecology.

8. 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 permitted shall be carried out in accordance with the following approved plans:
Application for planning permission
2018-065v6R2 Location, Block and Landscape Plan
2021-1110-002 Rev P5 Proposed Elevations and Plans Plots 1 to 4
Flood Risk Statement
Planning Statement
Reason: To clarify which plans have been approved.
- 3) The development hereby approved shall not commence above slab level until details (manufacturer name, product name, and photographs) of the external facing materials to be used for the buildings 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 and maintained as such thereafter.
Reason: To ensure a satisfactory appearance to the development.

- 4) The development hereby approved shall not commence above slab level until details for a scheme for the enhancement of biodiversity on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through methods into the building structure by means such as swift bricks, bat tube or bricks to provide wildlife niches and additionally through provision within the site curtilage of measures such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgerow corridors. The development shall be implemented in accordance with the approved details prior to first occupation of the relevant approved building and all features shall be maintained thereafter.
Reason: To protect and enhance the ecology and biodiversity on the site in the future.
- 5) The development hereby approved 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 commencements as these methods may impact or influence the overall appearance of development.
- 6) Prior to the occupation of the dwellings hereby approved, hard and soft landscaping shall be in place on the site that is in accordance with a landscape scheme that has previously been submitted to and approved in writing by the local planning authority. The landscape scheme shall be designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012). The scheme shall
a) 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,
(b) include a planting specification, implementation details and a [5] year landscape management plan (Only non-plastic guards shall be used for the new trees and hedgerows, and no Sycamore trees shall be planted).
c) provide details of boundary treatment, including trees and hedging, around the perimeter of the site to mitigate for the development and strengthen the southern and eastern boundaries to enhance the locality.
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
- 7) The approved landscaping associated with the individual dwellings shall be in place at the end of the first planting and seeding season (October to February) 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 seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme.
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development
- 8) Prior to the occupation of the dwellings hereby approved, a sustainable surface water drainage scheme shall be fully implemented in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The submitted details shall:
i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site, including any requirement for the provision of a balancing pond and the measures taken to prevent pollution of the receiving groundwater and/or surface waters.
ii) include a timetable for its implementation in relation to the development; and,

iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker, or any other arrangements to secure the operation of the scheme throughout its lifetime.

iv) provide permeable hardstanding space for the manoeuvring/parking of vehicles. The sustainable surface water drainage scheme shall be managed in accordance with the approved management and maintenance plan for the lifetime of the development.

Reason: In the interests of pollution and flood prevention pursuant to the National Planning Policy Framework (July 2021).

- 9) Prior to the occupation of the dwellings hereby approved, the site access as shown on the proposed block plan referenced 2018-065v6R2 Location, Block and Landscape Plan, and the sight lines shall be in place with the access maintained and the sightlines retained free of all obstruction to visibility above 1.0 metres thereafter.

Reason: In the interests of road safety.

- 10) Prior to the first occupation of the dwelling hereby approved, facilities for (a) the storage and screening of refuse bins, and (b) the collection of refuse bins, and (c) secure bicycle storage shall be in place that are in accordance with details that have previously been submitted to and approved by the Local Planning Authority. These details will be maintained as such thereafter. Reason: In the interests of amenity, to promote sustainable travel choices and the reduction of CO2 emissions.

- 11) Prior to the occupation of the dwellings hereby approved, the parking/turning areas shown on the approved drawings shall be completed and shall thereafter be kept available for this use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and 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/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

- 12) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with Artificial Lighting Guidance supplied by the Bat Conservation Trust, and these details shall be submitted to and approved in writing by the Local Planning Authority. The details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors and the sensitive landscape location. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.

Reason: In the interests of biodiversity and visual amenity.

- 13) No oil tanks shall be installed on the site, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification).

Reason: To safeguard the character, appearance and functioning of the surrounding area and to prevent pollution.

- 14) The development hereby approved shall not commence until details of on-site facilities for the loading, unloading and turning of construction vehicles have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided as approved prior to the commencement of groundworks and shall be retained for the duration of the build works on site.

Reason: To ensure the construction of development does not result in highway safety

Informative

- 1) The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can

only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.