

APPLICATION: MA/09/2043 Date: 10 November 2009 Received: 25 June 2010

APPLICANT: Mr D Adams

LOCATION: STUBBLE HILL COTTAGE, SANDWAY ROAD, HARRIETSHAM,
MAIDSTONE, KENT, ME17 1HT

PARISH: Harrietsham

PROPOSAL: Erection of a replacement dwelling with double garage and creation of a new driveway (re-submission of MA/09/1298), shown on drawing numbers 08.15.35 Rev B, 08.15.34 Rev B, 08.15.30, 08.15.31 Rev A, 08.15.32 Rev A, 08.15.36, 08.15.29 Rev C and 08.15.28 Rev B, a Design & Access Statement and a Tree Survey received on 10/11/09, an ecological survey received on 07/05/10 and a bat survey and a great crested newt survey received on 25/06/10 and drawing no.s 08.15.33 Rev B and 30.117.1A, an aerial photograph, a letter from the agent and a letter from the ecologist received on 27/09/10.

AGENDA DATE: 25th November 2010

CASE OFFICER: Louise Welsford

The recommendation for this application is being reported to Committee for decision because:

- it was contrary to views expressed by the Parish Council

POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV28, H32.

South East Plan 2009: C4, CC4, NRM5, NRM7.

Government Policy: PPS1, PPS7, PPS9.

1 HISTORY

- 1.1 **MA/09/1298** Erection of a replacement dwelling.
This application was withdrawn, due to concerns over the impact that the development would have upon the protected Oak tree.
- 1.2 **MA/83/1486** Single storey extension and porch - Approved

2 CONSULTATIONS

- 2.1 See previous Committee Reports. Since the previous Committee Report, the following comments have been received:

Harrietsham Parish Council: wishes to see the application approved.

3 REPRESENTATIONS

- 3.1 No further representations received since the previous Committee Report.

CONSIDERATIONS

4 Background

- 4.1 This application was reported to Planning Committee on 18th March 2010, with a recommendation of approval (subject to conditions). Members deferred the application in order to seek an ecological survey (together with any necessary mitigation measures) and a more comprehensive and detailed landscaping scheme to enhance the setting of the site. Also, Members wished the possibility of improving the design of the proposed dwelling to be discussed with the applicant. A copy of the initial Committee Report is attached at Appendix One.
- 4.2 The application was reported back to Planning Committee on 12 August 2010, following the submission of three ecological surveys. These comprised an initial ecological scoping survey, a Great Crested Newt survey and a Bat Survey.
- 4.3 Members again resolved to defer the application for the submission of much improved and more detailed ecological mitigation measures and enhancements, including additional landscaping, taking into account the bio-diversity importance which has been identified at the site. A copy of the 12 August 2010 Committee report is attached at Appendix Two.

5 PLANNING CONSIDERATIONS

- 5.1 Firstly, it is material to note that the South East Plan, which had ceased to be effective, has now been reinstated, following a High Court Challenge. However, it is proposed to abolish Regional Strategies in the future and the plan is therefore expected to have a limited life span. I therefore consider that limited weight may be afforded to the policies within the South East Plan.
- 5.2 This application was originally considered against the South East Plan prior to its original deferral. In my opinion, there are no significant new issues arising from its reinstatement in relation to this development. The key issues - countryside protection, sustainable development, good design and ecology are dealt with by the Local Plan and Planning Policy Statements.

5.3 Details of planning considerations are contained within the previous two Committee reports. Below is further discussion upon the two issues which led to the deferral – ecology and landscaping.

6 Ecology

- 6.1 Further details of ecological mitigation measures and enhancements have now been submitted.
- 6.2 Two additional 'Ecosurv' Bat Boxes are to be built into the replacement dwelling. A hibernacula and log piles are proposed near derelict buildings at the edge of the woodlands. Also, it is proposed to seed the grassland area between the woodland and the quarry with wildflowers. Bat boxes would be positioned at least 3m above ground floor level in a south facing position.
- 6.3 These mitigation measures have been developed from advice from a qualified ecologist. She has stated that in her view, "the biodiversity value of the entire site is already high and, with the proposed mitigation measures in place, should not be materially affected by the proposed replacement dwelling".
- 6.4 Whilst bats were found to have used the building, the roost was not found to be a maternity roost and the species using the roost are common and widely distributed in Kent. The bat survey concluded that the roost was of relatively low conservation significance.
- 6.5 However, as a roost would be lost, it is important to secure suitable mitigation for this impact. In my opinion, the measures now proposed, including bat boxes upon the new dwelling, are proportionate to the conservation significance of the roost to be lost and would adequately address any adverse impact.
- 6.6 The hibernacula and log piles would provide enhancements for Great Crested Newts and wildflower seeding would also enhance the biodiversity value of the site, by providing increased habitat opportunities for various species.
- 6.7 I conclude that the ecological mitigation measures and enhancements are wholly appropriate and sufficient for the proposed development. In my view, they are in line with Policy NRM5 of the South East Plan and PPS9, which seek to conserve, and where appropriate, enhance, biodiversity. The site is already of high ecological value and very natural in appearance and the development would enhance the natural appearance and biodiversity value of the overall land holding. The residential curtilage proposed is only a small proportion of the overall land holding and the remainder would left in a natural condition, with enhancements such as the hibernacula added to the attraction for protected species.

7 Landscaping

- 7.1 New landscaping is mainly confined to the frontage of the site and comprises laurel hedging with maple standards to the front corner adjoining the road and drive. There is already established hedging and tree planting along the frontage and this will be retained and allowed to grow to increase the screening. The remaining areas comprise wide, open grassland, where it is proposed to add wildflower seeding between the woodland and the quarry, and well established woodland to the east of the proposed residential area. I understand that the land holding is generally uncultivated and left in its natural state.
- 7.2 In my opinion, the proposed landscaping is appropriate to the character of the site. There is an open area of grassland between well established woodland and the quarry and wildflower seeding is appropriate here, because it would enhance the biodiversity value whilst preserving the open character of the area.
- 7.3 The proposed additional frontage planting comprises laurel hedging with maple standards (semi- mature trees) – indigenous species, which are wholly appropriate to the location.
- 7.4 It is important to note that whilst the overall area within the applicant's ownership is around 9 acres, only a small proportion of this is shown to comprise the residential curtilage. As stated, the remaining areas comprise wide, open grassland between well established woodland.
- 7.5 In my opinion, given the extent of tree coverage within the applicant's ownership, (this is shown upon a submitted aerial photograph), it would not be appropriate to insist upon further tree coverage (other than that proposed for the frontage), because the character of the remaining area of land is generally open.
- 7.6 I am of the view that the proposed landscaping is sufficient for the development and that it would preserve the character and appearance of the countryside, including the openness of this particular site and surroundings. Existing woodland would be conserved by the development. In my view, the proposed landscape proposals are in line with Policies C4 and NRM7 of the South East Plan, Policies ENV28 and H32 of the Local Plan and PPS7.

8 Other Issues

- 8.1 The agent has provided further information upon the design and urbanization of the site. The design and impact upon the character of the countryside are covered in detail in the previous Committee reports.

9 Conclusion

- 9.1 Ecological issues can be satisfactorily addressed through mitigation measures and landscaping would provide a satisfactory appearance to the development. The extent of ecological mitigation and landscaping is appropriate to the visual and ecological impact of the development and the character of the site.
- 9.2 In my view the design would preserve the character and appearance of the countryside and the proposal complies with Development Plan Policy. I therefore recommend approval.

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. Notwithstanding the details shown upon the submitted application form, the development shall not commence until written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted, including details of the colours, have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials in the approved colours;

Reason: To ensure a satisfactory appearance to the development, in accordance with Policy C4 of the South East Plan 2009 and Policies ENV28 & H32 of the Maidstone Borough-Wide Local Plan 2000.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no development within Schedule 2, Part 1 Classes A, B, C, D, E & F and Part 2 Class A shall be carried out without the permission of the local planning authority.

Reason: To safeguard the character and appearance of the countryside, in accordance with Policy C4 of the South East Plan 2009 and Policies ENV28 & H32 of the Maidstone Borough-Wide Local Plan 2000.

4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of the number of plants and spacing for the approved landscaping scheme and details of long term landscape management;

Reason: Full details have not been submitted and to ensure a satisfactory appearance to the development in accordance with Policy C4 of the South East Plan 2009 and Policies ENV28 & H32 of the Maidstone Borough-Wide Local Plan 2000.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first use of the access hereby permitted or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development, in accordance with Policy C4 of the South East Plan 2009 and Policies ENV28 & H32 of the Maidstone Borough-Wide Local Plan 2000.

6. No development shall take place until an independently verified report has been submitted to and approved in writing by the Local Planning Authority showing that the development achieves a score of Level 3 or better for each residential unit under 'The Code for Sustainable Homes'. Each residential unit shall be provided strictly in accordance with the approved report before it is occupied.

Reason: To ensure a sustainable and energy efficient form of development in accordance with Policy CC4 of the South East Plan 2009 and PPS1.

7. The Oak tree which is the subject of Tree Preservation Order 3 of 2009 must be protected by barriers and/or ground protection in accordance with BS 5837 (2005) 'Trees in Relation to Construction-Recommendations'. No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

Reason: To safeguard the existing Oak tree which of high amenity value and which

is to be retained and to ensure a satisfactory setting and external appearance to the development, in accordance with Policy C4 of the South East Plan 2009, Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000, and PPS7.

8. The development shall not commence until, details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land;

Reason: To ensure a satisfactory appearance to the development in accordance with Policy C4 of the South East Plan 2009 and Policies ENV28 & H32 of the Maidstone Borough-Wide Local Plan 2000.

9. The development shall not commence until, details of the method of construction of the retaining walls and the garage have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land;

Reason: To safeguard the existing Oak tree which of high amenity value and which is to be retained and to ensure a satisfactory setting and external appearance to the development, in accordance with Policy C4 of the South East Plan 2009, Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000, and PPS7.

10. The development shall not commence until, details of drainage works have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land;

Reason: To ensure satisfactory drainage facilities in accordance with PPS23.

11. The development shall be carried out in accordance with the bat mitigation measures detailed in the bat survey received on 24/06/10 and the letter from the agent and the letter from the ecologist received on 27/09/10 prior to the first occupation of the dwelling hereby permitted. The proposed bat boxes shall subsequently be maintained;

Reason: In the interests of biodiversity in accordance with PPS9.

12. The development shall be carried out in accordance with the Great Crested Newt mitigation measures detailed in the Great Crested Newt survey received on 24/06/10 and the letter from the agent and the letter from the ecologist received on 27/09/10 prior to the first occupation of the dwelling hereby permitted. The proposed hibernacula shall subsequently be maintained;

Reason: In the interests of biodiversity in accordance with PPS9.

13. The development shall not commence until, details of all external lighting have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details;

Reason: In order to enhance the habitat value for bats in the interests of biodiversity in accordance with PPS9.

Informatives set out below

Should any reptiles or evidence of reptiles be found prior to or during works, works must stop immediately and a specialist ecological consultant or Natural England contacted for further advice before works can proceed. All contractors working on site should be made aware of it and provided with Natural England's contact details (Natural England, International House, Dover Place, Ashford, Kent, TN23 1HU Tel: 0300 060 4797)

As a below ground level basement is proposed, the applicant is encouraged to seek advice from the Environment Agency regarding any potential for flooding and any measures to be taken to mitigate against this.

Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the EHM regarding noise control requirements.

Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc to nearby residential properties. Advice on minimising any potential nuisance is available from the EHM.

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

Vehicles may only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.

Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed. Any redundant materials removed from the

site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

It is also recommended that the applicant contacts the Environment Agency for advice on appropriate drainage for the proposed facilities. This may also be an opportunity for the applicant to investigate the possibilities of using grey water systems to save water.

Good quality materials should be used.

For the avoidance of doubt, the curtilage of the dwelling hereby permitted is as shown on drawing no. 08.15.35 Rev B received on 10/11/09.

The applicant's attention is drawn to the comments in the ecological scoping report regarding the timing of works in relation to breeding birds.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and there are no overriding material considerations to indicate a refusal of planning consent.