

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, 08.15.33 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 drawing no. 30.117.1, a bat survey and a great crested newt survey received on 25/06/10.

AGENDA DATE: 12th August 2010

CASE OFFICER: Louise Welsford

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

- it is contrary to views expressed by the Parish Council

POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV28, H32.
Government Policy: PPS1, PPS7, PPS9.

1.0 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This application was withdrawn, due to concerns over the impact that the development would have upon the protected Oak tree.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

2.0 CONSULTATIONS

- 2.1 Harrietsham Parish Council:** "Although the applicant has satisfied our concerns regarding the landscaping, Harrietsham Parish Council would still like to see the planning application refused and request the application is reported to

the Planning Committee. No attempt has been made to address the issues regarding the design and sustainability of the development raised by Members”.

- 2.2 Natural England:** Recommend conditions regarding bat and great crested newt mitigation strategies and an informative regarding reptiles.

3.0 REPRESENTATIONS

- 3.1 No further representation received to date.

CONSIDERATIONS

4.0 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 previous Committee Report is attached as an appendix.

5.0 South East Plan

- 5.1 Firstly, it is material to note that the South East Plan is now no longer in force. However, Policy H32 of the Local Plan, the key policy in relation to this development remains in force and Central Government Guidance contained within Planning Policy Statements 1 and 7 maintains the theme of the protection of the countryside and seeks to strictly control development within rural areas.
- 5.2 In my opinion, therefore, there has been no significant change in policy due to the loss of the South East Plan. Policy C4 related to countryside protection, which is dealt with by PPS7 and policy ENV28 of the Local Plan. Policy CC4 related to sustainable development and this is dealt with by PPS1.

6.0 Ecology

- 6.1 Three ecological surveys have now been undertaken. Initially, an ecological scoping survey was carried out to identify any significant ecological issues.
- 6.2 The initial survey did not reveal the presence of great crested newts, but considered that the likelihood of their presence was medium, due to the location of ponds within the vicinity of the development area (within 100m of the new drive). It recommended that a further Great Crested newt survey be carried out.

- 6.3 Bat droppings were found upon the ground and in the loft space of the existing dwelling and it was therefore recommended that a further bat survey be carried out.
- 6.4 It was assumed that reptiles were present on site, but due to the small footprint of the scheme and the large extent of reptile habitat within the surroundings, it was considered that the likely loss of reptile habitat need not be compensated for. However, the survey gives guidance upon the preparation of the site, prior to the commencement of works.
- 6.5 Guidance is given upon the timing of the removal of trees and shrubs which are suitable for use by breeding birds.
- 6.6 The site was considered to be of low potential to support Hazel dormice and no further work was recommended in this regard.
- 6.7 Some signs of badgers were found near to the development site and it was considered that the disused quarry has a high potential to support badgers. The report recommends a walk-over survey be carried out just prior to construction and gives guidance upon the construction phase.
- 6.8 The survey recommends various ecological enhancements – boxes, log piles and hibernacula.
- 6.9 Further bat and Great Crested newt surveys were then carried out.
- 6.10 The bat survey advises that a small number of two species of bat are known to use the building – common pipistrelle and brain long-eared bats. The demolition of the existing building would result in the loss of a roost (within the loft space), but, the report advises, "As the roost includes only 'small numbers of common species, not a maternity site' it should be regarded as being of low conservation significance.
- 6.11 The report recommends that the installation of five woodcrete bat boxes upon near-by trees would provide sufficient mitigation. There are a good number of trees upon land owned by the applicant which could fulfil this function.
- 6.12 The Great Crested newt survey identified Great Crested newts within one of the ponds surveyed. However, the Great Crested newt population was considered to be low and the scale of the impact upon habitat was considered to be low. Mitigation measures were recommended, including the construction of hibernacula.

- 6.13 Natural England have been consulted upon the surveys and recommend conditions and informatives regarding the various species. They raise no objections to the proposals.
- 6.14 Given the conclusions of the surveys and the comments of Natural England, I am satisfied that any adverse impact upon protected species, namely the loss of habitat and roosts, could be successfully mitigated for through the imposition of appropriate conditions to provide ecological enhancements. The loss of habitat would not be of such a significant scale as to warrant a refusal and the bat roost is not of high importance to an important population.

7.0 Landscaping

- 7.1 A detailed landscaping plan has now been provided. This shows the retention of the protected Oak tree and existing hedging to the frontage. This also shows additional hedge planting to strengthen the hedgerow planting to the frontage, being laurel hedging with Maple and Sweet Chestnut standards. As the character of the site and surroundings are generally fairly open as one moves further eastwards from the road into the site, no additional planting is proposed further into the site.
- 7.2 In my opinion, the combination of the retention of existing planting and the strengthening of the hedge would provide sufficient softening to the development. The fact that the remainder of the curtilage will be laid generally to lawn would be in keeping with the generally open character of the surroundings.
- 7.3 I am satisfied that the landscaping is sufficiently robust and of appropriate species.

8.0 Design and sustainability

- 8.1 The issue of design has been raised with the applicant. The agent has made the following comments in relation to design:
- "The design has evolved over a period of 18 months... and has ... been recommended for approval by officers. My client can see no reason to try to 'tweak' the design at this stage, and any major re-design is not viable."
- No alterations to the design are therefore proposed.
- 8.2 I accept that the design is not of outstanding merit, however, this proposal is not seeking to justify an additional dwelling in the countryside on the grounds of outstanding design (as referred to in PPS7).

- 8.3 As previously stated, I consider that the proposed dwelling would be of greater visual interest than the existing building. It would use several ridges to break up the mass and create interest and it includes good detailing, for example exposed rafter feet.
- 8.4 In my opinion, the design would result in no significant harm to the character or appearance of the countryside and it would be a visual improvement over the existing design.
- 8.5 I therefore conclude that the design is acceptable.
- 8.6 A condition regarding Level 3 of Code for Sustainable Homes is proposed and in my opinion, this is suitable for this scale of development.

9.0 Conclusion

- 9.1 Ecological issues can be satisfactorily addressed through mitigation measures and landscaping would provide a satisfactory appearance to the development.
- 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 a programme for the approved landscaping scheme's implementation and long term 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 Kent Design 2000 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 ENV28 of the Maidstone Borough-Wide Local Plan 2000, Policy C4 of the South East Plan 2009 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 ENV28 of the Maidstone Borough-Wide Local Plan 2000, Policy C4 of the South East Plan 2009 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 not commence until, details of a bat mitigation strategy have been submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved strategy, unless otherwise agreed in writing by the Local Planning Authority;

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

12. The development shall not commence until, details of a great crested newt mitigation strategy have been submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved strategy, unless otherwise agreed in writing by the Local Planning Authority;

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.