

# THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/08/1275

GRID REF: 7903-5452

## 26 COTSWOLD GARDENS, DOWNSWOOD



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**Alison Broom**  
Director of Operations

2

APPLICATION: MA/08/1275 Date: 12 June 2008 Received: 21 July 2008

APPLICANT: Mr Z. Check

LOCATION: 26, COTSWOLD GARDENS, DOWNSWOOD, MAIDSTONE, KENT,  
ME15 8TB

PROPOSAL: Erection of 1 No. dwelling as shown on Design and Access  
Statement, Flood Risk Assessment and drawing numbers 180-E/01,  
180-E/02, 180-E/03, 180-E/04, 180-L/01, 180-L/02, 180-L/03  
received 20/06/08.

AGENDA DATE: 18th September 2008

CASE OFFICER: Phil Taylor

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: ENV6, T13  
Kent & Medway Structure Plan 2006: SP1, QL1, HP4, TP19, NR1, NR10  
Village Design Statement: N/A  
Government Policy: PPS1, PPS3, PPS25

### **HISTORY**

There is a great deal of planning history relating to the housing estate which includes the application site, but none of direct relevance to the proposal currently being considered, other than:

MA/95/0984 - 26 Cotswold Gardens. Erection of side extension - APPROVED  
(07/09/1995)

### **CONSULTATIONS**

**Downswood Parish Council** were notified and object: '*on the grounds of overdevelopment*'.

**Maidstone Borough Council Environmental Health Officer** was consulted and raised no objection subject to a number of informatives, as set out below.

**Kent Highway Services** were consulted and to date no response has been received.

**The Environment Agency** were consulted and raises no objection to the application, but would like to offer several points of advice, as follows:

*"Part of the site is located in the High Probability Flood Zone (Flood Zone 3) as shown on the Agency's Flood Map. However the Flood Risk Assessment (FRA) has demonstrated that ground levels for the site are approximately 1.9m above the highest available recorded flood level in the locality (26.88m AOD).*

*The Agency does not have modelled flood levels for the adjacent watercourse (River Len), therefore the applicant could consider raising the finished floor level of the ground floor of the proposed dwelling to a minimum of 300mm above the lowest ground level on the site. We note that surface water drainage will be to either mains sewer or soakaways. If soakaways are permitted, the Agency normally recommends that they should be designed to accommodate the 100 year rainfall event plus climate change, which according to PPS25 (Development and flood risk) represents an additional 30% increase in peak rainfall intensity (PPS25, Annex B, Table B.2).*

*The Agency encourages the installation of grey water recycling facilities and methods for rainwater collection for domestic purposes. Although the benefits of such systems are small regarding reduced stormwater storage and discharge from developments, there is the additional benefit of reduced consumption of domestic potable water. This results in reduced abstraction of water and therefore helps maintain the wetland environment during prolonged dry periods. The publication PPS1 (Delivering sustainable development), gives weight to the installation of both SUDS (sustainable drainage systems) and grey water recycling systems for new developments. In particular, paragraph 22 of PPS1 states 'local authorities should promote....the sustainable use of water resources; and the use of sustainable drainage in the management of runoff.'*

*We recommend the following conditions:*

**Condition:** *The Local Planning Authority's own drainage engineers should be satisfied with the method of surface water drainage on the site.*

**Reason:** *To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.*

**Condition:** *The occupants should register with the Agency's Floodline Warnings Direct Service.*

**Reason:** *To protect the occupants from the effects of flooding"*

**Other:**

**The Campaign to Protect Rural England (CPRE)** request that the application is refused. Their letter expresses serious reservations because the area was built to a relatively high density for a settlement on the edge of Maidstone, with a rather narrow area of green land between the settlements of Downswood and Bearsted. It is argued that the development would reduce the air quality and water percolation potential of the site, although accepting that the applicant's Flood Risk Assessment shows that loss of percolation is not critical to flood control in the area. The necessity for underground storage may compromise underground waterflows, contrary to policy NR10 (iv) of the Kent and Medway Structure Plan 2006. The letter goes on to express the view that the building would be 'tall, thin and seemingly crammed onto the site', having 'an adverse

*effect on the character and appearance of the locale'* contrary to Kent and Medway Structure Plan 2006 policy QL1.

## **REPRESENTATIONS**

Neighbouring occupiers were notified and no comments have been received.

## **CONSIDERATIONS**

### The Site

Cotswold Gardens is a cul-de-sac accessed off Grampian Way, part of a modern estate within the built up area. Nos.23 to 26 form a terrace of four houses at its northern end.

No. 26 benefits from having a side garden enclosed behind a close boarded fence. This garden area, the application site, has a frontage width of 9m, but narrows to 7m at the back, the northern boundary following the edge of an embankment to a watercourse (the River Len) about 2 -3m below. The length of the site is 30m, reflecting the other plots in the terrace. In front of no.26 lies a turning/parking area serving the houses; there is a private parking area at the rear.

The design of this terrace of houses is reflected throughout this part of the estate. Each house in the terrace is narrow (a little over 4m wide) and has a front garden and a rear garden with a depth of 8-9m.

As stated above, immediately to the north of the garden, the land falls sharply; steps lead down to a footpath running along the bank of the River Len. The site lies in Flood Zone 3 as shown on the Environment Agency's Flood Risk Map. The area shown as liable to flooding lies on both sides of the watercourse, and includes part of the side garden where the new property would stand.

### The Proposal

The application proposes to continue the terrace by adding a 3-bedroomed house on the northern end, although separated physically by a new independent wall. Its northern side wall would lie within 3-4m from the boundary.

The width would be very similar to the others in the terrace. The rear garden would be similar in size to the other properties; the new house would retain a side garden and have 4 parking spaces in front of the site and no.26, to serve both houses, and a small area of front garden.

The dwelling would consist of kitchen/lounge etc on the ground floor, with two bedrooms, bathroom etc on the first floor and a third bedroom on the second floor, gaining light from a window facing northwards to the watercourse - which serves a stairwell, and a "velux" window in the rear roof slope.

The height of the proposed dwelling would match the rest of the terrace, and has the appearance of a 2-storey property when viewed from the front. The design approach reflects the others nearby, with a front projection having a gabled dormer above,

serving the first floor bedroom. The side also projects slightly with windows on each floor.

The application is accompanied by a Design and Access Statement. Amongst other things, it is argued that the wooded valley formed by the River Len provides a natural separation between Downswood and the southern stretches of Bearsted. The site has a significant paved forecourt accessed off a non-adopted highway. A new independent wall would be created, retaining the existing side wall to no.26. The front indent maximises forecourt parking. The dormer roof repeats the theme of no.24. The staggered ridge is the same as the abutment between nos. 24 and 25. The north façade has a barn gable replicating the opposite end of the terrace. The Design and Access Statement goes on to explain that the facing materials mirror the terrace (red brick at ground floor with render at 1<sup>st</sup> floor). It is argued that this serves to compact the façade, reducing its scale. The northern elevation would be full height brick either side of the bay, with render and a central indented zone of cedar or ash weatherboarding framing the stair windows. Interlocking roof tiles would match the existing terrace. No new highway access is required. Refuse bin storage would lie behind the fenced enclosed area to the side garden.

The River Len is a tributary to the River Medway. The entire reach of the river is located within the MBC area. Its source is located near Lenham and Harrietsham. The river flows in a North West direction through Leeds Castle and the centre of Maidstone town, joining the River Medway near Maidstone town centre.

The Council commissioned a Strategic Flood Risk Assessment and the final report was published in May 2008. It notes that the Environment Agency commissioned a national study of watercourses to obtain modelled flood extents for all catchments of an area greater than 3 km<sup>2</sup>, and that further work should be carried out to model the River Len, River Loose and their tributaries. It states that currently there is a lot of uncertainty regarding the flood modelling techniques adopted along the River Len and the River Loose.

A Flood Risk Assessment has also been submitted. This is lengthy and available for inspection; and it is pointed out that the Environment Agency was consulted during its preparation.

The Flood Risk Assessment examines PPS25 and the Environment Agency's Flood Risk Map, and notes that the site is at the very edge of Flood Zone 3. On the map it is not shown as benefiting from the flood defences constructed within the last 5 years.

The Environment Agency's recommendation that the minimum floor level of buildings at risk of flooding should be 300mm above the design flood level has been considered, (see their comments) but thought to be unnecessary, given that the land is approximately 2m above the level of past flood events; the report concludes that floor raising is not required in this instance.

The report's main conclusions are that the development is suitable for its location, but that surface water management strategy will need to be developed, including underground storage to attenuate water discharge rates, and the appropriate SUDs techniques should be considered. Porous surfaces for all hardstandings are also recommended.

Planning Issues

In my view, there are three principal issues to be considered in assessing the merits of this application. Firstly, whether a dwelling here is acceptable in principle and accords with policy at all levels; secondly, whether the risk of flooding or impact on local drainage is so great as to warrant refusal or can be sufficiently mitigated, taking into account the Flood Risk Assessment and the views of the Environment Agency; and thirdly, whether, if the proposal is acceptable in these respects, it has been designed in a sympathetic way in accordance with policy QL1 of the structure plan and would not have an adverse impact on the character and appearance of the area.

## 1. The Principle

The Government's policy (particularly as set out in PPS3) is to ensure that housing is developed in suitable locations which offer a range of community facilities and with good access to jobs, key services and infrastructure. This should be achieved by making effective use of land and existing infrastructure. The priority for development should be previously developed land, in particular vacant and derelict sites and buildings.

Kent and Medway Structure Plan policies (SP1, HP4, amongst others) emphasise that land should be used for development more efficiently, and require a sequential approach to development, encouraging the use of previously developed land before greenfield sites. Local Planning Authorities are encouraged to ensure that development is well served by public transport.

The site is located within the defined urban area of Maidstone and has access to a range of community facilities, jobs and services. The site lies within reasonable walking distance of facilities and represents a sustainable location. The proposal would involve the use of vacant land and as such, in principle, additional residential development within this area is acceptable.

## 2. Flood and drainage issues

Planning Policy Statement 25 (Development and Flood Risk) states that the 'Sequential Test' should be applied to all levels of the planning process. Flood Risk Assessments should be carried out for development in areas of flood risk. A risk based approach should be adopted. Reference should always be made to the Environment Agency's Flood Risk maps.

Policy NR10 of the Kent and Medway Structure Plan 2006 states that development should be planned to avoid the risk of flooding and applications should not be permitted if, amongst other things, it would be subject to an unacceptable risk of flooding, or adversely affect the ability of land to drain.

The applicant has submitted a comprehensive Flood Risk Assessment, in consultation with the Environment Agency. It is apparent from a site inspection that the no. 26 Cotswold Gardens and garden are set on much higher ground than the watercourse. The site lies on the very edge of the flood risk area, as the applicant's document points out.

The Environment Agency raises no objection to the application. Their letter gives advice on possible methods of drainage, which have been included in the list of informatives below, rather than as conditions. Their response states that the applicant

'could consider' raising the finished floor levels, but this is discounted as unnecessary in the applicant's Flood Risk Assessment.

I acknowledge the concerns of CPRE (Kent) but in light of the above, it would in my view be unreasonable to oppose the scheme for reasons related to the likely flood risk or drainage impacts.

### 3. Visual impacts

Policy QL1 of the Structure Plan states that development should be well designed, be of high quality and respond positively to the scale, layout, pattern and character of local surroundings and respects residential amenity.

The applicant has sought to achieve a design which reflects other property in the area and I consider this to be the correct approach. The new dwelling would have approximately the same footprint and height as those adjoining it, and I do not agree that it would be 'tall, thin or crammed on the site' or seriously erode the area of green land between the two settlements, as alleged by the CPRE. I note that the Parish Council feels that it constitutes overdevelopment, but since the plot is very similar to others nearby, cannot accept this view. There are no overlooking issues to warrant opposing the scheme.

The design and scale of the proposal is in my view acceptable and would be in keeping with the area.

### 4. Highways

Whilst no comments have been received from the Highways Authority, it is considered that the proposal would provide a sufficient level of vehicle parking, and would allow (within the rear garden, or internally) for the provision of bicycle storage. It is on this basis that the application is considered to comply with Policies TP11 and TP19 of the Kent and Medway Structure Plan.

### 5. Impact upon Amenities of the Neighbouring Occupiers

It is not considered that the proposal would have any significantly detrimental impact upon the amenities of the neighbouring occupiers. The proposal would be sited to the side of an existing building, and would be constructed in line, both at the front and the rear, therefore ensuring that there would be no overshadowing or the creation of a sense of enclosure. There would also be no windows that would directly overlook the neighbouring properties, and as such, it is considered that this proposal complies with the Policies within the Development Plan.

### Conclusion

Taking all of the above into consideration, the proposal is considered to comply with Development Plan Policy and there are no overriding material considerations to indicate a refusal. I therefore recommend that Members grant Planning Permission subject to the conditions set out below.

### **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. Prior to the commencement of the development, written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development. This in accordance with policy QL1 of the Kent and Medway Structure Plan 2006.

- 3. 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 2 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 NR1 of the Kent and Medway Structure Plan 2006, Kent Design 2000 and PPS1.

- 4. Prior to the commencement of the development, details of all fencing, walling and other boundary treatments shall be 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 and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers. This in accordance with policy QL1 of the Kent and Medway Structure Plan 2006.

- 5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines. Details of all hardstanding surfaces shall be included, incorporating porous paving;



Reason: No such details have been submitted. This in accordance with policy QL1 of the Kent and Medway Structure Plan 2006 and policy ENV6 of the Maidstone Borough-Wide Local Plan 2000.

- 6. 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 occupation of the building(s) 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. This in accordance with policy QL1 of the Kent and Medway Structure Plan 2006 and policy ENV6 of the Maidstone Borough-Wide Local Plan 2000.

- 7. The area shown on the submitted layout as vehicle parking space shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity, contrary to policy QL1 of the Kent and Medway Structure Plan 2006.

**Informatives set out below**

The Local Planning Authority's drainage engineers should be satisfied with the method of surface water drainage on the site. If soakaways are permitted, the Environment Agency normally recommends that they should be designed to accommodate the 100 year rainfall event plus climate change, which according to PPS25 (Development and flood risk) represents an additional 30% increase in peak rainfall intensity.

The occupants should register with the Agency's Flood line Warnings Direct Service.

The Environment Agency encourages the installation of grey water recycling facilities and methods for rainwater collection for domestic purposes. Although the benefits of such systems are small regarding reduced storm water storage and discharge from developments, there is the additional benefit of reduced consumption of domestic potable water. This results in reduced abstraction of water and therefore helps maintain the wetland environment during prolonged dry periods. The publication PPS1 (Delivering sustainable development), gives weight to the installation of both SUDS (sustainable drainage systems) and grey water recycling systems for new developments.

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 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 Environmental Health Manager regarding noise control requirements.

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

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.

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 Kent Structure Plan 1996) and there are no overriding material considerations to indicate a refusal of planning consent.