

APPLICATION: MA/12/0817 Date: 1 May 2012 Received: 3 May 2012

APPLICANT: Mr & Mrs B Older

LOCATION: THE VICTORIA INN, HEATH ROAD, EAST FARLEIGH, MAIDSTONE,
KENT, ME15 0LR

PARISH: East Farleigh

PROPOSAL: Construction of 5 No. 3 Bed Houses as shown on drawing nos VET
11 - 01/01, VET 11 01/02, S100 /1 and as described in the Design
& Access Statement all received on the 3 May 2012.

AGENDA DATE: 30th August 2012

CASE OFFICER: Amanda Marks

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

- Cllr J A Wilson has requested it be determined by planning committee for the reasons set out in this report.

1. POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, T13
South East Plan 2009: CC1, CC6, C4, H4
Government Policy: National Planning Policy Framework 2012

2. HISTORY

None relevant on the application site. However, I note that immediately north of the site is a small development of 5 dwellings which was approved in 2008 on land with the same countryside designation (MA/07/2249 refers). The development proposed was deemed acceptable due to it providing affordable housing.

3. CONSULTATIONS

- 3.1 **East Farleigh Parish Council:** Would like to see the application refused on the grounds of over development and it being outside the village envelope. Concerns were expressed about the high cost of these houses, which are apparently intended for first time buyers.

- 3.2 **Heritage, Landscape & Design** – ‘Whilst there appear to be no trees on site worthy of protection, I am concerned about the feasibility of the statement contained in paragraph 3.6 of the applicant’s design and access statement that the ‘existing mature hedges to the north, west and south boundaries will be maintained to screen the proposed houses and soften their impact’.

The proposed site plan shows no retained hedge to the western boundary and the position of plot 1 would necessitate the removal of the hedge, leaving no room for replanting to mitigate the loss. In any case, details of protective fencing for those hedges that are proposed to be retained will be required together with details to demonstrate that the hedges can be successfully retained.

The proposed landscape scheme will be important in softening the impact of the development with particular emphasis on the boundaries and the space between plots 3 and 4 adjacent to Heath Road. The applicant should be encouraged to achieve a better quality/more sustainable scheme by addressing the above issues.’

- 3.3 **Environmental Health Officer** - No objections subject to standard informatives relating to method and management of development works.
- 3.4 **KCC Highways** – No objections subject to conditions relating to provision of parking spaces and retention of the visibility splay onto Gallants Lane.
- 3.5 **KCC Ecological Advise Service** – Have reviewed the information available to them (aerial photographs & biological records) in conjunction with the proposed development and conclude the development has minimal potential to impact on protected species.
- 3.6 **UK Power Networks** – no objections

4. REPRESENTATIONS

- 4.1 **Cllr J A Wilson** – Wishes the application to be heard at planning committee due to the history of the approved development and due to local interest, in that the parish council sitting in September 2012 had no objections to the preliminary plans shown to them, but the new parish council have refused the application.
- 4.2 No neighbour representations were received.

5. CONSIDERATIONS

5.1 Site Description

- 5.1.1 The application site lies within the open countryside on the north side of the B2163 Heath Road. East Farleigh lies 1.5km to the north and Coxheath is approximately 1 km to the east. Whilst the site fronts Heath Road, access is taken from Victoria Close to the north, which in turn is taken from Gallants Lane. No new accesses are required. There is currently a field gate into the application site. The site has a gentle downward slope from West to East and South to North.
- 5.1.2 The site is generally laid to lawn with a scattering of fruit trees. There is existing boundary hedging on the north, west and southern boundaries. To the west of the site is one pair of semi-detached properties and then a row of terraced cottages. There is a footpath at the front of the site adjacent to Heath Road. To the north-west is a builders yard, to the north the dwellings permitted in 2008, to the east is the Victoria Pub and Coach House on Gallants Lane and to the south Heath Road and beyond this open fields. Travelling along Heath Road in either direction from the application site is sporadic residential development with stretches of hedge lined road and open views across fields. Similarly, the character along Gallant's Lane is predominantly rural.

5.2 Proposal

- 5.2.1 This is a full planning application for the erection of 5 dwellings in the open countryside on land formerly used as a pub garden. The proposed dwellings have a kitchen, lounge/diner and cloakroom on the ground floor, two bedrooms (one with ensuite) on the first floor and a third bedroom in the roof space – served by velux windows. There are two blocks arranged as a 3 bed terrace and a pair of semi detached dwellings. A central parking area divides the terraced row from the pair of dwellings and provides two parking spaces per dwelling. The five dwellings have their principal elevation fronting Heath Road (south facing) with gardens to the rear (north), the existing hedge on the frontage is shown to be retained. The front door to Plots 1,3, 4& 5 are all located on the side elevations.
- 5.2.2 The dwellings are 4.95m high to the eaves, 8.3m high to the ridge, with a 35 degree pitched roof. The proposed materials are yellow stock brick with red detailing, reconstituted roof tiles and timber sash windows. The external features include bay windows on all of the dwellings on the ground floor. The parking area is to be finished in block paving. There would be pedestrian access to each of the properties created by inserting gaps in the existing privet hedge on the front boundary. It is stated that the dwellings would achieve Level 6 of the Code for Sustainable Homes – I note the plans show a passive solar collector and PV panels.

5.2.3 The rear gardens would vary in width from 4m to 6m they would be approximately 8m deep. Plots 2 and 3 would be approximately in line with the flank elevation of the end terrace in Victoria Close at a distance of 8.5/9m. Plot 1 would protrude approximately 5.6m past the rear of the existing terrace. The pair of semi detached dwellings (plot 4 & 5) are closest to the rear of the pub. The pub is still in operation and if acceptable the development would leave the pub without a garden.

5.3 Principle of Development

- 5.3.1 The application site is located outside the urban area and by definition is open countryside. New residential development is unacceptable in principle unless there are other determining factors or policies which can justify such development. Guidance contained in the National Planning Policy Framework considers new residential development is best located within the existing settlement and urban areas and as such the proposed development is contrary to central government guidance.
- 5.3.2 In addition, Policy ENV28 of the MBWLP 2000, restricts new development within the countryside unless it causes no visual harm and falls within one of five categories. In this instance the proposed dwelling does not fall within any of those categories and furthermore the proposal would see the erosion of the open countryside. The reason behind the policy is to protect the countryside for its own sake in terms of character and encroachment from development; as mentioned this Policy is seen reinforced in NPPF.
- 5.3.3 The proposed dwellings are not a replacement for or conversion of an existing building; nor are they proposed to support agricultural, forestry or other rural workers. The proposal is not acceptable under any other policy within the Development Plan. The proposed development would therefore result in new residential development within the open countryside for which there is no justification.
- 5.3.4 It is also necessary to consider the development of this site in the wider context of the supply of housing land in the Borough. The LDF Annual Monitoring Report 2010-2011 states that the council has an identified housing supply in excess of 6 years, completions are also high and as such there is no need to develop other sites to fulfil the council's housing targets. It is important to note that whilst providing housing in excess of the targets is not unacceptable (we need only 5% excess not 20% therefore), all housing must be provided on suitable sites. In this case, the site is not considered suitable for residential development as it is unacceptable in principle, is in an unsustainable location, is not proposed as a rural exception site and causes harm to the character of the countryside in this location by extending the built frontage along Heath Road.

- 5.3.5 In terms of visual impact, policy ENV28 states that permission will not be granted for development which harms the character and appearance of the area. The new dwellings, for which there is no justification, would be clearly visible along the main B2168 Heath Road, but the main harm would be caused by the erosion of a historic gap between existing dwellings and the built form of the pub. The rural character of Heath Road and Gallant's Lane is made up of stretches of open countryside and then small pockets with a cluster or individual dwellings and the odd business. There are either little or no footpaths in place which further highlights the rural setting.
- 5.3.6 Despite its age, Policy ENV28 conforms with the objectives of the NPPF. Whilst the applicant considers the site as previously developed land and appropriate for development, the site is redundant garden land previously associated to the pub. The NPPF does not provide for such development in an unsustainable location.
- 5.3.7 Cllr J A Wilson has raised the issue of the history of the development of 5 dwellings in Victoria Close. These dwellings were permitted under the provisions of affordable housing and were acceptable as a 'rural exception' site under a 2007 application. East Farleigh Parish Council are aggrieved that this proposal does not provide affordable housing which they had been led to believe it would. In a discussion with the applicant's agent I sought clarification as to whether there was any intention to provide affordable housing and it was confirmed this was not the case. The development has therefore been assessed on the basis of not being for affordable rural housing and there appears to be no suggestion of the Parish Council being involved in delivery of such housing on this site. The development is therefore unacceptable in principle.

5.4 Visual Impact

- 5.4.1 From Heath Road the view would be of two new residential blocks separated by a car park. I consider this will detract from the character of this rural area and cause harm by a disjointed and incongruous development. Whilst the remaining public house will screen the new development when approaching from Coxheath, it will be prominent from Gallant's Lane particularly when travelling from the north, and clearly more so from Heath Road. The proposal will transform the historic setting of the pub and leave the pub with no grassed curtilage for amenity use. The loss of openness together with domestic paraphernalia will be contrary to the key objectives of the aforementioned policy and guidance. Whilst it is proposed to keep the hedgerow on the site frontage and punch pedestrian openings through this, the appearance of this section of road will be radically altered.
- 5.4.2 I consider the combined loss of the pub curtilage together with development as described above with a central car park will cause harm to the character and appearance of the countryside in this location.

5.5 Residential Amenity

- 5.5.1 The Environmental Health Officer has raised no objection on noise grounds from the building yard (Yew Tree Builders) to the north west corner of the site. The proposal would not result in the loss of overlooking as dwellings on look blank flank walls or the car parking area for Victoria Close. Lying to the south of the existing two storey terrace in Victoria Close, when taking a 45 degree angle from the end of plot 1 the proposal passes the relevant light test. This is due to the 9m separation distance between building blocks.
- 5.5.2 The occupier of plot 3 will have parking spaces aligning the eastern boundary of the rear garden; similarly plot 4 will have the arrangement on the western boundary. It is my view that this parking arrangement would represent poor amenity for the occupants of those dwellings.

5.6 Highways

- 5.6.1 The vehicular access into the site is existing. Two parking spaces are shown per dwelling. No objections are raised on highway grounds.

5.7 Landscaping

- 5.7.1 In landscape terms, the landscape officer queried the statement relating to the retention of existing hedgerows and considers that Plot 1 on the western boundary would result in the loss of the hedgerow. Further detail would be required to ensure that the hedgerows referred to could be successfully retained. In summary, the landscape officer would wish to see the applicant encouraged to achieve a better quality/more sustainable scheme on the site. I have not asked for this however, as the principle of development is considered unacceptable.

5.8 Other Matters

- 5.8.1 The Design and Access Statement makes reference to the proposal achieving Level 6 of the Code for Sustainable Homes; however very little information is provided on how this would be achieved other than photo voltaic panels and a passive solar collector. I am therefore uncertain as to how this could be achieved and in any event doesn't override the policy objection.
- 5.8.2 The site appears as a well maintained lawn with ornamental/fruit trees within and privet hedge on the boundary, it is not considered the site offers any specific ecological potential. No ecological report was submitted with the application.

5.8.3 KCC Ecology were still consulted as a safeguard and comment that the development has minimal potential to impact on ecology. From my visit I did not consider that there were vegetation or landscape characteristics on the site that would lead to a significant presence of species within or on the boundary's of the site.

6. CONCLUSION

6.1 In light of the above assessment, it is considered that that the proposal is not in accordance with the provisions of the Development Plan, nor guidance within the NPPF. It would prove an unsustainable form of development that would cause harm to the character and appearance of the countryside for the reasons stated in the report. In the absence of any reason to override the policy objection the application is considered unacceptable.

7. RECOMMENDATION

REFUSE PLANNING PERMISSION for the following reason:

1. The development is contrary to the National Planning Policy Framework Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and the National Planning Policy Framework 2012 in that the dwellings would constitute additional unsustainable sporadic development in the open countryside causing harm to the character of the area by virtue of the further erosion of open space between the built development. In the absence of any special circumstances to override the policy objection there is no justification for this unsustainable development outside the village envelope.