

APPLICATION: MA/12/2207 Date: 6 December 2012 Received: 7 December 2012

APPLICANT: Mr & Mrs Hayward

LOCATION: SMITHFIELD HOUSE, WEST STREET, HUNTON, MAIDSTONE, KENT, ME15 0RY

PARISH: Hunton

PROPOSAL: Erection of a replacement dwelling, detached garage and creation of new access as shown on plan numbers 2635.PP001b, 2635.PP002, 2635.PP003, 2635.PP005b, 2635.PP006, Planning Statement, Design and Access Statement, Phase 1 Habitat Survey and Application Form received 6th December 2012 and plan number 2635.PP004a received 30th January 2013.

AGENDA DATE: 4th April 2013

CASE OFFICER: Kevin Hope

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

- The council's recommendation is contrary to the views of the parish council.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, H32
- Village Design Statement: N/A
- Government Policy: National Planning Policy Framework 2012

2. HISTORY

- No previous planning history at this site.

3. CONSULTATIONS

3.1 **Parish Council:** Hunton parish council – Raise objections to this proposal with the following comments:-

"Hunton Parish Council wishes to see the application REFUSED and REQUESTS the application is reported to the Planning Committee. The reason for this recommendation is that the Parish Council regards Smithfield House as an important feature within the village, considering it to be a visual asset, and would not like to see it removed. In fact the Parish Council is surprised that the house is not listed and believes there would be

merit in this property actually being listed. The Parish Council is happy for the cluster of outbuildings to be removed and for the driveway to be relocated, but thinks it would be a great shame to lose the house itself from the village”.

3.2 Environmental Health Officer: Raised no objections with the following comments:-

“Ordinarily this type of application would not be of EH concern, but on reading the planning statement I note that amongst the buildings to be demolished are various outbuildings which have had a previous agricultural use. Being consistent with other similar applications, there is the potential for contamination to be present on site, and therefore a contaminated land assessment would be required”.

3.3 KCC Highways: Raised no objections subject to the imposition of a number of conditions concerning highway safety and the construction of the new access and relevant informatives.

3.4 Landscape Officer: Raises no objections with the following comments:-

“There are no protected trees within the vicinity of this site and no arboricultural information has been submitted by the applicant. However, the proposed layout appears to have no impact on any trees with significant amenity value. I, therefore, raise no objection to this application on arboricultural grounds subject to a pre commencement condition requiring the erection of protective fencing in accordance with BS5837:2012 to ensure any adjacent trees or hedges are not damaged during demolition and construction”.

3.5 Conservation Officer: Raises no objections with the following comments:-

“The site lies some distance away from the nearest listed buildings, Durrants Cottages and the proposed replacement dwelling will have no significant impact on their setting.

Smithfield House, despite its traditional appearance which suggests that it may date from the mid 19th Century, does not appear on the 1908 OS Map; it was probably erected circa 1910-1920. In view of this late date I do not consider that it constitutes a non-designated heritage asset.

The proposed replacement dwelling is designed in an attractive neo- Georgian vernacular style and will appear appropriate to its context I raise no objection to this application on heritage grounds subject to a condition re samples of materials”.

3.6 KCC Ecology: Raises no objections with the following comments:-

“The Extended Phase I Habitat Survey, Bat Building Survey and Bat Emergence Survey Report has been submitted in support of this application. We are satisfied with the level and quality of the survey work undertaken, and the conclusions that have been reached. We can therefore advise that the recommendations within the ecological report must be

implemented to ensure that Maidstone BC has adequately addressed the potential for ecological impacts arising as a result of the proposed development.

Building 2 within the report has potential to provide opportunities for singleton roosting bats. While no bats were recorded emerging from or entering the building, the potential for use remains and as such the recommended precautionary approach to the demolition must be implemented (section 4.8 and 4.9 of the report); roof tiles removed by hand under the supervision of a licensed bat ecologist and carried out between September and February. If bats are encountered works must cease until an appropriate course of mitigation action has been decided on through consultation with the bat ecologist and Natural England.

Building 5 has potential to provide opportunities for roosting bats. It is understood that this building is not proposed for demolition. If this changes, advice should be sought from a bat ecologist as to an appropriate demolition method. All of the outbuildings, in addition to trees and hedges on the site, have been assessed as providing opportunities for nesting birds. Works that will affect these features should be undertaken outside of the bird nesting season to limit the potential for offences under the Wildlife and Countryside Act 1981 (as amended). The bird nesting season is March to August inclusive. If works within this period cannot be avoided, it must be preceded by a check for nesting birds carried out by a suitably experienced ecologist. The presence of active bird nests would necessitate cessation of works until the young have fledged. A badger sett has been identified on the site. This is far enough away from the proposed development that there are unlikely to be impacts to the sett. There is potential for landscaping of the site to impact the area and we advise that the area of the badger sett should be left undisturbed, with a 30m buffer between the sett and any groundworks. If works must take place nearer, the advice of a suitably experienced ecologist should be sought.

In keeping with the aims of the NPPF, ecological enhancements on the site should be sought. Recommendations are provided within the report, we advise that these are implemented:

- Installation of 8 bird nest boxes in appropriate locations on the site;*
- Installation of 2 bat boxes in appropriate locations on the site;*
- Landscape planting of native, local provenance species (species recommendations are provided in section 4.21 of the report).*

The surveys were undertaken during 2012. We advise that if works have not begun by 2014, further surveys will be required, particularly in relation to bat use of the buildings”.

4. REPRESENTATIONS

4.1 No neighbour representations have been received.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 The application site comprises a large square shaped rural plot sited within the defined open countryside to the south west of Hunton. The existing two storey dwelling is set back 11m from the road and has a white painted, timber clad front elevation with exposed red brick to the side and rear elevation. The dwelling is of a Georgian style, although not of this period, prominently positioned within this site. The site comprises a corner location at a bend in the road and is bordered by 1m hedging to the front boundary with a gated access. As the boundary treatment extends to the west of the site, the hedging increases in height to in excess of 2m with 1.8m high close boarded fencing behind. The hedging increases again in height further to the west of this boundary.

5.1.2 The site contains a large number of detached ancillary buildings comprising various wooden sheds and workshops. These are spread through the site and have been historically used for storage of household items and machinery associated with the maintenance of the surrounding land. A number of trees are also located within this area, although none of which are protected under a TPO. To the rear of the site, there is an area of orchard bordered by a dense line of hedging. The orchard extending beyond the hedging does not fall under the ownership of the applicant. The orchard trees also extend to the front of the site, part of which is part of the application site.

5.2 Proposal

5.2.1 Planning permission is sought for the erection of a detached replacement dwelling. This would be positioned some 47m further back in to the site than the existing dwelling and would also see the demolition of all existing outbuildings within the site. The dwelling would comprise three main elements in its overall form. The main part of the dwelling would be two storey in scale with a pitched roof with a single storey sloping roof addition extending from the south eastern elevation. This would form the principle accommodation for the dwelling. A one and half storey hipped roof addition would also extend to the north western elevation of the dwelling which would provide an attached annexe for the dwelling including a bathroom and ground floor bedroom. A glazed conservatory element is also proposed to the rear with a projecting pitched roof.

5.2.2 The overall ridge height of the dwelling would measure 9m with an eaves height of 5m. This reduces down to 7.2m and 2.6m respectively for the annexe addition to the north west elevation. The sloping roof south eastern addition

would measure 6m to ridge height and 2.4m to eaves. The dwelling would have an overall width of 23m and a depth of 11.6m.

- 5.2.3 A detached garage/tractor store is also proposed to the north west of the dwelling. This would comprise a rectangular shaped building sited perpendicular to the proposed dwelling. The building would have an internal partition separating the domestic garaging and tractor/machinery store. This would have an overall width of 16.5m and a depth 6.5m. The building would have a hipped roof with a barn hip end resulting in a ridge height and eaves height of 5.3m 2.6m respectively.
- 5.2.4 A new vehicular access from the front north facing boundary is also proposed. This would be sited some 11m to the west of the existing access and would also comprise a new driveway to the dwelling and garage building.
- 5.2.5 The submitted design and access statement states that the dwelling would be of brick construction using red multistock brick and plain clay roof tiles. Much of the rear and side elevations would also be clad using white weatherboarding, although maintaining a brick plinth. No further details or samples have been provided.

5.3 **Principle of development**

- 5.3.1 In terms of whether a development of this type is acceptable in principle, policy H32 of the Maidstone Borough Wide Local Plan 2000 provides support for development involving the replacement of existing dwellings outside existing settlements. At a national level, the National Planning Policy Framework 2012 does not give specific guidance on replacement of rural dwellings but does provide some detail on quality of new home design, responding to local character and respecting the identity of the local area in design and the use of materials. The principle for this development is therefore established.

5.4 **Visual Impact**

- 5.4.1 Due to the prominent location of the application site at the bend within West Street, the visual impact of the proposed dwelling is an important consideration. At present, the existing dwelling is set back a short distance from the street and has an active presence within the streetscene. The proposed siting of the dwelling set back some 47m further to the south west of this siting would be significantly less visible from the street and be less dominant from the road. This further set back position proposed would also enable an increase in landscaping to this corner which would provide some additional softening to this prominent rural corner on the edge of the developed area of Hunton. This

proposal would also see the removal of the numerous unkempt outbuildings and items within the site which would improve the overall appearance of this area.

- 5.4.2 In terms of wider views of the dwelling, there is a footpath to the south west of the site running through the existing orchard. Whilst some views of the dwelling may be possible from here, the site is largely screened by the dense boundary hedging which extends around the application site. The proposed garage to the north west of the site would be sited adjacent to the north western boundary. Due to the scale and ridge height of this building, views may be possible from West Street. Negotiations have been taken place to reduce the ridge height of this building which has been incorporated in order to reduce the visual impact. The building is of a traditional form and style and would not appear incongruous within this rural location. I therefore do not consider that this element of the proposal would cause significant visual harm. This building would be sited in front of the dwelling from this direction and therefore views of the dwelling itself would not be possible from this direction.
- 5.4.3 The siting of the proposed dwelling is such that its construction is not prohibited by the location of the existing dwelling. However, in order to ensure that an additional residential unit is not created, a condition shall be imposed ensuring that the existing dwelling is demolished and the resulting materials and debris removed from the site within 3 months of the first occupation of the replacement dwelling.
- 5.4.4 In terms of design, the proposed dwelling is of a traditional style with gable end roof to the main section of the dwelling. The fenestration design is also sympathetic to this design respecting the rural location of the site which is appropriate for this siting. Whilst I acknowledge that the dwelling has a significant overall width, however, the overall bulk of the dwelling is reduced with the single storey and one and a half storey side additions to the dwelling. This breaks up the roof line and form of the dwelling also incorporating a part set back front elevation creating a level of visual interest to the building. As a result, the dwelling is well related in form and of a good standard of traditional design. The proposed garage is also of a traditional form taking inspiration from an agricultural style building a typical form of development within a rural location. In terms of the proposed annexe, this is well related to the host dwelling in its design and internal use and would provide a suitable level of addition accommodation which is acceptable. I therefore consider the proposal is sympathetically designed to this rural setting and the proposed dwelling is no more visually intrusive than the existing in accordance with policy H32 of the Maidstone Borough Wide Local Plan 2000.
- 5.4.5 With regard to the significance of the existing dwelling, the parish council have raised this issue within the comments submitted. The dwelling is a detached

property of brick construction with white weatherboarding to the front elevation but is not listed. The conservation officer has been consulted to gain views on the historic significance of the property. The comments received (as outlined under section 3.5) state that the property is not likely to be of historic construction and is not shown on the 1908 Ordnance Survey Map. Therefore it is likely to have been constructed between 1910 and 1920 although in a neo-Georgian style. The dwelling is an attractive property although in light of this late construction, the conservation officer does not consider that it represents a non-designated heritage asset. Whilst, I acknowledge that the dwelling contributes to the character and appearance of this area due to its prominent siting, I agree with the conclusions of the conservation officer and consider that the dwelling is not a heritage asset and raise no objections to its loss.

5.4.6 The agent has confirmed that this proposal will seek to achieve a minimum of Code Level 3 of the 'Code for Sustainable Homes' and so will be conditioned accordingly, to ensure a sustainable and energy efficient form of development. As this is a single dwelling, I consider this is acceptable and would ensure a good quality development is delivered.

5.5 Highways

5.5.1 The site already has an existing residential use, a new access is proposed as part of the application approximately 11m to the west of the existing. This would be positioned further from the natural bend in the west street increasing the visibility splay and resulting is a safer vehicular access. The KCC Highways officer has been consulted and has raised no objections. However, a number of conditions will be imposed to ensure that sufficient visibility splays are retained at the site and the driveway and the access are constructed from a suitable material. To enable a suitable visibility splay, the proposed access would also be sited outside of the existing curtilage. A strip of land between a number of orchard trees is included within the red outline for the access and would involve a change of use to residential. This would not result in the loss of prime agricultural land and would not cause detrimental harm as a result. I therefore consider this change of use is acceptable. The existing access would also be closed once the access proposed is in place and secured by condition. I therefore consider that the access to the site would be improved by the proposed new access.

5.6 Landscaping

5.6.1 There is some existing landscaping within this site including shrub planting and hedging to the front which is maintained. The boundary hedging increases in height and density to the western boundary and this then extends around the orchard to the rear of the site. There are a number of trees within the site, none

of which are of a significant scale or protected by a TPO. The proposed access would extend between a number of orchard trees to the proposed dwelling. Therefore, a condition shall be imposed requiring the submission of tree protection details.

5.6.2 With the siting of the dwelling further to the rear of the site, additional planting could be accommodated to the front of the site which would enhance the rural character of the site. Whilst no detailed landscape plan has been submitted as part of this submission, further landscaping will be secured by condition to the frontage of the site and access drive. The landscape officer has been consulted and has raised no objections to the application on landscape grounds.

5.7 **Neighbouring Amenity**

5.7.1 In terms of the impact upon neighbouring amenity, the proposed dwelling would be sited some 80m to the south west of the nearest dwellings 'Durrants Cottages'. As a result, I do not consider that there would be a significant impact upon the amenity of any neighbouring properties. This includes a loss of light, privacy, outlook or overshadowing.

5.8 **Ecology**

5.8.1 A Phase I Habitat Survey, Bat Building Survey and Bat Emergence Survey Report has been submitted as part of this application. This has assessed the suitability of the buildings within the site for their potential for roosting bats, although no bats were discovered during the course of the surveys. The KCC Ecology officer has been consulted on this detail and is satisfied with the level and quality of the survey work undertaken, and the conclusions that have been reached. It is therefore considered that the recommendations within the ecological report should be implemented including the provision of 8 bird boxes and 2 bat boxes within the site. Details of such will be required by condition. The report also suggests the planting of native species within the site although this will be secured by a planting condition separately.

6. **CONCLUSION**

For the reasons outlined above, I consider the development would not cause any demonstrable harm to the character or appearance of the surrounding area; it would not have a detrimental impact upon the amenities of the existing residents and would not result in harm to highway safety. It is therefore considered overall that the proposal is acceptable with regard to the relevant provisions of the development plan and amenity impacts on the local environment and other material considerations such as are relevant. I therefore recommend conditional approval of the application on this basis.

7. RECOMMENDATION

I therefore recommend to 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 shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the buildings and access drive 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;

Reason: To ensure a satisfactory appearance to the development in accordance with policies H32 and ENV28 of the Maidstone Borough Wide Local Plan 2000 and the guidance contained within the National Planning Policy Framework 2012.

3. The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages,

maintenance and arrangements for contingency action.

4. A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: To prevent harm to human health and pollution of the environment in accordance with the guidance contained within the National Planning Policy Framework 2012.

4. The approved details of the access shall be completed before the commencement of the use of the land or buildings hereby permitted and the sight lines maintained free of all obstruction to visibility above 900mm thereafter;

Reason: In the interests of road safety in accordance with the guidance contained within the National Planning Policy Framework 2012.

5. The development hereby permitted shall be undertaken in accordance with the recommendations stated within the Extended Phase 1 Habitat Survey, Bat Building Survey and Bat Emergence Survey report dated July 2012.

Reason: To ensure the suitable protection and enhancement of biodiversity within the site in accordance with the guidance contained within the National Planning Policy Framework 2012.

6. Prior to the use of the site, the existing access shall be closed and ceased to be used for purposes of accessing the site.

Reason: In the interests of road safety in accordance with the guidance contained within the National Planning Policy Framework 2012.

7. Any gates at the vehicular access to Smithfield House, West Street must be set back a minimum of 5.5 metres from the highway boundary;

Reason: In the interests of highway safety in accordance with the guidance contained within the National Planning Policy Framework 2012.

8. The dwelling shall achieve at least Level 3 of the Code for Sustainable Homes. The dwelling shall be occupied until a final Code Certificate has been issued for it certifying that at least Code Level 3 has been achieved;

Reason: To ensure a sustainable and energy efficient form of development in accordance with the guidance contained within the National Planning Policy Framework 2012.

9. 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;

Reason: No such details have been submitted and to ensure a satisfactory setting and external appearance to the development. This in accordance with Policy ENV6 of the Maidstone Borough-Wide Local Plan 2000, policies CC1 and CC6 of the South East Plan 2009 and the guidance contained within the National Planning Policy Framework 2012.

10. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) 'Trees in Relation to Design, Demolition and 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 existing trees to be retained and to ensure a satisfactory setting and external appearance to the development. This in accordance with Policy ENV6 of the Maidstone Borough-Wide Local Plan 2000, policies CC1 and CC6 of the South East Plan 2009 and the guidance contained within the National Planning Policy Framework 2012.

11. 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 in accordance with Policy ENV6 of the Maidstone Borough-Wide Local Plan 2000 and the guidance contained within the National Planning Policy Framework 2012.

12. The existing dwellinghouse known as 'Smithfield House' within the site shall be demolished, the existing access closed and the resulting materials and debris removed from the site to the satisfaction of the Local Planning Authority within 3 months of the first occupation of the building hereby permitted;

Reason: To prevent an overdevelopment of the site and to safeguard the character and appearance of the surrounding area in accordance with policies ENV28 and H32 of the Maidstone Borough Wide Local Plan 2000, policies CC6, C4 and CC1 of the South East Plan 2009 and the guidance contained within the National Planning Policy Framework 2012.

13. The development shall not commence until details for the provision of bat and bird boxes within the site has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to provide suitable biodiversity enhancements for nesting or roosting of bats and birds in accordance with the National Planning Policy Framework (2012).

14. The development hereby permitted shall be carried out in accordance with the following approved plans:

Plan numbers 2635.PP001b, 2635.PP002, 2635.PP003, 2635.PP005b, 2635.PP006, Planning Statement, Design and Access Statement, Phase 1 Habitat Survey and Application Form received 6th December 2012 and plan number 2635.PP004a received 30th January 2013.

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers in accordance with policies H32, ENV6 and ENV28 of the Maidstone Borough Wide Local Plan 2000 and the guidance contained within the National Planning Policy Framework 2012.

Informatives set out below

Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228: 2009 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.

Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained.

Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 08458 247800) in order to obtain the necessary Application Pack.

Provision should be made for wheel washing facilities prior to commencement of work on site and for the duration of construction.

Note to Applicant:

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough

Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was acceptable as submitted and no further assistance was required.

The application was approved without delay.

The applicant/agent was advised of minor changes required to the application and these were agreed.

The applicant/agent was provided with formal pre-application advice.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

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 the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.