

APPLICATION: MA/13/0682 Date: 25 April 2013 Received: 25 April 2013

APPLICANT: Mrs E Drewett

LOCATION: 35, KNAVES ACRE, HEADCORN, ASHFORD, KENT, TN27 9TJ

PARISH: Headcorn

PROPOSAL: Erection of new 4/5 bedroom dwelling with detached double garage as shown on the Site Location Plan, AM/KA/01, AM/KA/02, AM/KA/03, AM/KA/04, AM/KA/05, AM/KA/06 and the Design and Access Statement received on the 19th April 2013.

AGENDA DATE: 19th September 2013

CASE OFFICER: Annabel Hemmings

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

- it is contrary to views expressed by the Parish Council; and
- a departure from the development plan.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, T13
- Government Policy: National Planning Policy Framework 2012: Chapters 4, 6, 7

2. HISTORY

MA/06/0274 – Certificate of lawfulness for an existing development being the use of land for residential purposes ancillary to no 35 Knaves Acre. Granted 10th April 2006.

MA/96/0308 – Outline application for the erection of two detached dwellings with all matters of external means of access, siting, landscaping and design reserved for future consideration. Refused 1st May 1996.

3. CONSULTATIONS

Parish Council: Would wish to see this application refused as this development is on a Greenfield site and is in the open country, this is contrary to Maidstone Borough Council saved policies. Feel that this application is premature as the Local Plan has not yet been adopted along with the village's emerging

neighbourhood plan which is currently under consultation. Would wish this to be reported to the planning committee.

4. REPRESENTATIONS

Neighbours: One letter of objection has been received from a local resident. They raise the following summarised concerns:

- Would be unable to continue with my astronomy activity from my house as the proximity of the proposed building would mean that viewing conditions, due to both light and heat, would be too poor to make observations;
- There are already 17 cars in the close from 10 homes and parking can be difficult when one or more of the houses have visitors;
- Children play in the close and increasing the density of cars will create a dangerous environment;
- The development would mean that the close becomes a through fare rather than an enclosed space; and
- The close is plagued with poor drainage and floods regularly. The site is partly over a soakaway and this will increase drainage problems.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 The land to which this application refers is at the end of one of the branches of Knaves Acre. At the head of the cul-de-sac, it is fronted by a turning circle and small parking area. There are a variety of house types and sizes within this part of Knaves Acre. Whilst Knaves Acre lies within the defined built up area of Headcorn, the application site itself is outwith the village envelope.

5.1.2 In 2006 a certificate of lawfulness was granted confirming the site as residential amenity land serving 35 Knaves Acre. A drainage ditch defines its south and west boundaries and presently access is gained across this western boundary via a wooden bridge from the rear garden of no. 35. It is separated from grassed agricultural fields to the north east by a post and wire fence with a conifer hedge along half of this boundary. Tall conifers also separated the site from the rear garden of 48 Knaves Acre to the south east. The site is currently laid to lawn and at the time of the site inspection it housed a number of children's toys including a climbing frame.

5.2 Proposal

- 5.2.1 This application seeks full planning consent for the erection of a 4/5 bedroom family dwelling with a detached double garage.
- 5.2.2 The proposed dwelling would have a footprint of approximately 165sqm and be largely rectangular in form with small projections to the front and rear, and a conservatory on the south east elevation. The ground floor accommodation would comprise a kitchen/diner with utility room, play room, lounge, living room and conservatory. The first floor would house the master bedroom with ensuite, 3 further bedrooms one with an ensuite, a family bathroom and a study/office. The proposed dwelling would measure 9.4 metres to the ridge of the roof.
- 5.2.3 The house and garage would be constructed using multi-red stock facing brickwork, broken up with protruding plinth stretcher courses at window sill height and with facing brick soldier courses above windows and doors. The roof would be Redland clay plain tiles.
- 5.2.4 The dwelling would be served by a detached double garage, measuring some 6.3m by 6.2m together with off road parking for several vehicles. Access to the property would be via the existing drive of no 35 Knaves Acre. All the paving would be permeable. The existing turning circle, car parking and landscaping at the head of the close would not be affected by this proposal and the proposed dwelling would be served by adequate amenity space.

5.3 Principle of Development

- 5.3.1 The application site lies in the countryside outwith the village envelope of Headcorn as set out in the Maidstone Borough Wide Local Plan 2000. Within the countryside there is a general presumption against development unless it relates to uses such as agriculture, forestry, the winning of minerals or open air recreation. It is clear that the proposed new dwelling does not fall within any of those uses.
- 5.3.2 It is noted that in 1996 an outline application for the erection of two detached dwellings on the application site were refused on the basis that it would conflict with the countryside policies and their presumption against development and the potential for the erosion of undeveloped countryside to the detriment of rural and visual amenity.
- 5.3.3 In considering this application, whilst the proposal would clearly be a departure from the adopted Development Plan, it can be concluded that the character, appearance and nature of the site is somewhat different to that which presented itself in 1996. It has been used for a number of years as amenity/garden land

for No. 35 Knaves Acre and a certificate of lawfulness was granted for this use in 2006. The site is laid to lawn and appears domestic in character. It is clearly separated by mature landscaping to the agricultural land beyond.

5.3.4 The National Planning Policy Framework (NPPF) was published in 2012, and the transition period for local plan compliance with the NPPF ends in March 2013 when there will be a presumption in favour of development in sustainable locations unless any adverse impacts would significantly and demonstrably outweigh the benefits of the development when assessed against the NPPF as a whole. Although the NPPF still encourages local authorities to make best use of brownfield land, the 60% target has been removed, and local authorities can set out their own approaches towards housing densities. The NPPF moves away from the urban capacity study approach and local authorities must identify deliverable sites for 5- year housing land calculations and specify developable sites or locations for years 6 to 10 and (where possible) years 11 to 15.

5.3.5 The importance of demonstrating a 5-year housing land supply was highlighted in a recent appeal decision where the Inspector referred to the NPPF and concluded:

"The Framework says that where the relevant policies in a Local Plan are out-of-date permission should be granted unless any adverse impacts would significantly outweigh the benefits when taken against the policies in the Framework as a whole, or the policies in the Framework indicate it should be restricted. It also confirms that, in accordance with the Government's aim to promote housebuilding, relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites." (Ref: Valley Drive APP/U2235/A/12/2174289).

5.3.6 The November 2012 Cabinet report highlighted the fact that, although the Council continues to experience high levels of dwelling completion rates on sites with planning permission, the windfall sites on previously developed land (brownfield land) that formerly contributed towards the borough's 5-year housing land supply at a steady pace are no longer materialising at the same rate. The ability to abolish regional strategies is embedded in the Localism Act (2011) but the South East Plan (SEP) has not yet been revoked. Given that Maidstone's Core Strategy target is under review, 5-year calculations should now be based on the SEP target of 11,080 dwellings (as opposed to the draft Core Strategy target of 10,080).

5.3.7 The Council's Annual Monitoring Report 2011/12 reveals Maidstone has a 4.5 year land supply against a 10,080 dwelling target and 3.9 years against an 11,080 target. Until such times as a 5-year supply can be demonstrated, planning applications on greenfield sites cannot be refused on the grounds of prematurity and must be assessed on individual merit (including sustainability).

A dwelling in this location would make a contribution, albeit a small one, to the Borough's housing supply. The site could be considered as a windfall site. It would also be in line with the principle of sustainable development, the key theme of the National Planning Policy Framework.

5.3.8 On this basis, and given the site's proximity to the village boundary, it is considered that the site would be seen in the context of the residential development within Knaves Acre rather than open, undeveloped countryside. The development of this site is not, therefore, fundamentally unacceptable in principle.

5.3.9 The concerns of the Parish Council about the prematurity of this application are noted, but given that the scheme is for a single dwelling, it is considered that its significance in relation to the emerging plan is limited. The determination of this application at this stage would not introduce any prejudice to this process.

5.4 Residential Amenity

5.4.1 The proposed dwelling has been located and designed to minimise any effect on the residential amenities of the existing occupiers of Knaves Acre. There would inevitably be some additional noise and traffic movements from the proposed dwelling, but these would be seen against the existing noise and movements within the cul-de-sac and would have a negligible effect on residential amenity.

5.4.2 It is noted that access to the proposed dwelling would be achieved by sharing the driveway which currently serves no. 35 Knaves Acre. This has the potential to cause some limited disturbance to the occupiers of no 35. Shared drives are not, however, uncommon within the local area and in this instance the occupiers of no 35 are the applicants behind this proposal. It is not considered that this shared access would have any material effect on residential amenity.

5.5 Design

5.5.1 The proposed dwelling is of a scale and height that reflects some of the larger dwellings within Knaves Acre and the surrounding area. But as set out in the supporting Design and Access Statement, in terms of design, the proposed dwelling does not seek to mimic the other dwellings within Knave Acre. This approach has been adopted due to the degree of separation and screening enjoyed by the site.

5.5.2 This approach is welcomed and allows innovation and originality to develop. In this instance, the applicants have taken inspiration from development both within Knaves Acre and the surrounding area. It is considered that the proposed

dwelling would be well designed and would not be out of keeping with this part of Knaves Acre, which has a mix of house types and scales.

- 5.5.3 The site's well landscaped boundaries would be retained allowing the site to be developed without introducing overlooking or overshadowing of adjoining properties. The well defined boundary to the open farm land beyond allows a clear physical and visual boundary between the site and the open countryside. Whilst the proposal would introduce a building to the head of the cul-de-sac, its design and located with the site would allow it to be developed without appearing cramped or adversely affecting the residential amenities of existing occupiers of Knaves Acre.

5.6 Highways

- 5.6.1 This application for one dwelling will bring some additional traffic generation to the cul-de-sac. This would, however, be seen against the existing traffic and would have a negligible effect in this context.
- 5.6.2 The proposed dwelling would be served by a detached double garage with space for further vehicular parking on the drive. It is also noted that the proposal retains the existing parking area to the front of the site and this part of Knaves Acre as a cul-de-sac. It is not, therefore, considered that this application would result in on street parking or other adverse highway issues.

5.7 Landscaping

- 5.7.1 The application site is currently used as amenity land serving 35 Knaves Acre and is largely laid to lawn, with some mature planting to the boundaries. Its frontage with Knaves Acre and the end of cul-de-sac parking area contains several mature trees. This area is outwith the application site and would not be altered by this scheme.
- 5.7.2 This application was not supported by a landscaping scheme, but it is considered that there is the opportunity to enhance the appearance of the site with appropriate landscaping and to ensure that the existing planting is retained as appropriate. This will also offer opportunities to enhance the ecological value of the site. This would be secured by a landscaping condition.

5.8 Sustainability

- 5.8.1 At the heart of the NPPF is a presumption in favour of sustainable development, this is reflected in Council policies. Code for Sustainable Homes is the national standard for the sustainable design and construction of new homes. The code aims to reduce emissions and create homes that are more sustainable. It was

introduced in May 2008, but public consultation on the code was carried out from December 2005 to March 2006.

5.8.2 Policy CS6 of the Interim Approval of Maidstone Borough Local Plan Policies (March 2013) states that residential development in the Borough should achieve a minimum of Code for Sustainable Homes Level 4. A reduction in the standard (negotiated with the Council) may be accepted if it is demonstrated on the grounds of feasibility or viability that this level is unobtainable. This document has some weight, albeit limited, when considering planning applications as it has been approved at the Council's Cabinet, been the subject of public consultation and has been sustainability appraised.

5.8.3 In this instance, the agent advises that the proposed dwelling would achieve Code Level 3. Given the limited weight that can be attached to the emerging policy above, this is considered acceptable and would be secured by a planning condition.

5.9 Other Matters

5.9.1 The comments from the neighbour are noted and are largely dealt with in the body of the report above. Two issues have not yet been considered – the disruption to the neighbour's hobby and drainage/flooding issues. These are considered in turn below.

5.9.2 The neighbour advises that the light and heat generated from the proposed dwelling would prevent him from carrying out their astronomy hobby from his dwelling. Whilst this is not a planning consideration, the amount of heat and light generated from the proposed dwelling would not be excessive.

5.9.3 Drainage and flooding are planning considerations and the proposed dwelling would not be acceptable if it made these issues worse. The application site is not an area identified by the Environment Agency, although it is noted that there is a drain running through the site. The agent has recognised this and has designed the scheme to avoid any adverse impact with a culvert and bridge formed across the existing brook as part of the driveway construction. With these safeguards in mind, it is not considered that the proposal would result in drainage or flooding issues.

6. CONCLUSION

6.1.1 Whilst this application would be a departure from the Development Plan, there are strong reasons to justify why this development could be considered acceptable. It would not adversely affect the residential amenities of

surrounding occupiers, have an adverse effect in terms of highways, flooding or drainage.

- 6.1.2 In formulating the recommendation, all other matters which were drawn to the Council's attention have been taken into account, but nothing of sufficient weight was found to override the factors which led to this recommendation.

7. 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. No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a scheme of landscaping, 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 of maintenance. All planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding season following commencement of the development (or such other period as may be agreed in writing by the Local Planning Authority) and any trees or plants which within a period of 5 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 that the proposed development is satisfactorily integrated with its immediate surroundings and provides for landscaping as required by policy ENV6 of the Maidstone Borough Wide Local Plan 2000 and central government policies and guidance as set out in the National Planning Policy Framework 2012.

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of the locations, heights, designs, materials and types of all boundary treatments to be erected on site. The boundary treatments shall be completed in strict accordance with the approved details before the development hereby permitted is occupied.

Reason: In the interests of visual amenity, privacy and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings as set out in policy ENV6 of the Maidstone Borough Wide Local Plan 2000 and central government policies and guidance as set out within the National Planning Policy Framework 2012.

4. The areas shown on the approved plan as car parking spaces and garages shall be provided prior to the first occupation of the dwelling hereby permitted and thereafter kept available for such use. Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995, or any subsequent re-enacting Order, no permanent development shall be carried out on the site so as to preclude vehicular access to these parking spaces or garages.

Reason - In the interests of highway safety and amenity.

5. Prior to the commencement of development details of porous surfacing (including its depth) for the vehicle access / driveway / parking area shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out in accordance with the agreed details prior to the occupation of the dwelling hereby permitted.

Reason: In the interests of the health and stability of adjacent landscaping, in the interests of amenity.

6. Notwithstanding the information on the approved plans, no development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved details.

Reason: In the interests of amenity and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings as required by central government policies and advice within the National Planning Policy Framework 2012.

7. Prior to the commencement of any development, details shall be submitted to, and agreed in writing by, the Local Planning Authority showing the existing and proposed site levels and the finished floor level of the dwelling hereby permitted. Development shall be in strict accordance with the details agreed.

Reason: In the interest of amenity.

8. The development hereby permitted shall be built to a minimum three star rating within the Government's 'Code for Sustainable Homes' (2006). Prior to first

residential occupation of the individual residential units hereby permitted a copy of the post construction review certificate produced by the relevant assessor for that dwelling (or for the totality of the development or parts thereof) verifying that the aforementioned minimum star rating has been achieved for that residential unit shall be submitted to the Local Planning Authority.

Reason: To ensure that development takes place in an environmentally sensitive way, to assist the Government in meeting its targets of reducing carbon dioxide emissions and in accordance with its policies and guidance in the National Planning Policy Framework 2012.

9. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout construction periods. The Statement shall provide for, but not necessarily be limited to:
- i) the parking of vehicles of site operatives and visitors
 - ii) measures to control the emission of dust and dirt during both demolition and the construction of the development
 - iii) details of construction traffic routing, including details of the access to be used during construction
 - iv) the location of construction compounds
 - v) details of wheel washing facilities. Mud and other debris from wheels and the undercarriage of all vehicles leaving the site during the period of works shall be cleaned off prior to such vehicles entering the highway
 - vi) loading, unloading and storage of plant and materials

Reason: In the interest of residential amenity.

10. Demolition or construction works shall not take place outside 08.00 hours to 18.00 hours Mondays to Fridays and 08.00 hours to 13.00 hours on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In the interest of residential amenity.

11. The development hereby permitted shall be carried out in accordance with the following approved plans:
Site Location Plan, AM/KA/01, AM/KA/02, AM/KA/03, AM/KA/04, AM/KA/05, AM/KA/06 and the Design and Access Statement received on the 19th April 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 central government policies and guidance as set out within the National Planning Policy Framework 2012.

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

The proposed development is not in accordance with Development Plan policy. However in this specific case, the proposed development would not represent an unjustified form of development that would cause unacceptable visual harm to the character and appearance of the countryside. For the reasons set out, it is considered to represent circumstances that can outweigh the existing policies in the Development Plan and there are no overriding material considerations to indicate a refusal of planning consent.