

ADJOURNED PLANNING COMMITTEE MEETING

Date: Thursday 28 February 2019
Time: 6.00 p.m.
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Adkinson, Bartlett, Boughton, English (Chairman), Harwood, Kimmance, Munford, Parfitt-Reid, Perry, Round (Vice-Chairman), Spooner, Vizzard and Wilby

The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.

AGENDA

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
6. Disclosures by Members and Officers
7. Disclosures of lobbying
8. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
9. 18/503410/FULL 130 Upper Fant Road, Maidstone, Kent 1 - 19
10. 18/503763/FULL Land to the Rear of 244 - 250 Upper Fant Road, Maidstone, Kent 20 - 45
11. 18/505205/FULL Boughton Service Station, Heath Road, Boughton Monchelsea, Maidstone, Kent 46 - 55
12. 18/506178/FULL 6 The Covert, Boxley, Chatham, Kent 56 - 75
13. 18/506206/FULL Golden Oaks, Pye Corner, Ulcombe, Kent 76 - 83

Issued on Friday 22 February 2019

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

PLEASE NOTE

The order in which items are taken at the meeting may be subject to change.

The public proceedings of the meeting will be broadcast live and recorded for playback on the Maidstone Borough Council website.

For full details of all papers relevant to the applications on the agenda, please refer to the public access pages on the Maidstone Borough Council website. Background documents are available for inspection by appointment during normal office hours at the Maidstone Borough Council Reception, King Street, Maidstone, Kent ME15 6JQ.

ALTERNATIVE FORMATS

If you require this information in an alternative format please contact us, call **01622 602899** or email [**committee@maidstone.gov.uk**](mailto:committee@maidstone.gov.uk).

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Agenda Item 9



18/503410 130 Upper Fant Road



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REFERENCE NO - 18/503410/FULL		
APPLICATION PROPOSAL		
Demolition of existing garage and erection of a 4 bedroom four storey attached house. Internal alterations to main house.		
ADDRESS 130 Upper Fant Road Maidstone Kent ME16 8BU		
SUMMARY OF REASONS FOR RECOMMENDATION		
The site lies within an edge of centre location. The previous assessment of the parking and highways impacts remain unchanged and in line with Kent Highways advice.		
DM9 is not considered a relevant policy in this instance. The proposal continues to accord with the requirements of relevant Local Plan policies DM1, DM11 and the NPPF.		
REASON FOR REFERRAL TO COMMITTEE		
Clarification on a previous committee deferral		
WARD Fant	PARISH/TOWN COUNCIL	APPLICANT Mr Tarek-Ali Al-Ayoubi AGENT
TARGET DECISION DATE 07/09/18	PUBLICITY EXPIRY DATE 08/08/18	

Relevant Planning History

03/1065

Replacement of existing flat roof to garage with a tiled pitched roof, as shown on two unnumbered drawings showing elevations and floor plans received on 14.05.03.

Approved Decision Date: 18.07.2003

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site sits to the side of a terraced house, on the corner of Upper Fant Road and Lower Fant Road. It currently houses a side garage for the use of the host dwelling. This is set to the rear side of the house. The garden has a large side and front area which is currently used for parking. Access is available from both the front and side of the house.
- 1.02 The site tapers from a wide frontage to a more narrow rear garden. It is set over 4 floors with the basement set within a lightwell area at the front and the ground level dropping away so that the basement is fully exposed at the rear.
- 1.03 The site is within the Maidstone urban area and is characterised by closely spaced high density housing. The application site is at the end of an existing terrace of houses. On the opposite side of the road sit larger semi detached houses.
- 1.04 The opposite corner, across from the junction with Lower Fant Road is, for the area, uncharacteristically open in character with a significant gap before the next house to the West on Upper Fant Road. As detailed below, permission has recently been granted for a new dwelling on this site. A row of terraced 3 storey houses sit on Lower Fant Road with their frontages facing the side boundary of the application site. The front building lines of these houses are set approx. 13.5-14.5m from the boundary with the application site.
- 1.05 Permission has recently been granted under application reference number 18/500882/FULL for an additional dwelling on the end of the terrace on Lower Fant Road facing towards the side boundary of the application site. This sits further back from the front building line of the other terraced dwellings.

- 1.06 The site backs an area of parking and a single storey garage after which the side boundary of 63 Lower Fant Road sits approx. 34m to the South.

2. PROPOSAL

- 2.01 Permission is sought for a 4 storey dwelling to be attached to the existing end of terrace house. The new dwelling would sit in line with the front and rear building line of the host dwelling and is shown, where it presents to the streetscene, of a height and design to match it and the other buildings in the terrace.
- 2.02 The front door of the existing dwelling is shown as being moved to the front elevation of the dwelling to match the other houses in the terrace.
- 2.03 The dwelling would sit approx. 0.7m from the side boundary of the site where it adjoins Lower Fant Road. Parking for 1 vehicle is shown in front garden of both the existing and the proposed dwelling. This would replicate the arrangement in the rest of the terrace.
- 2.04 The front elevation of the proposed dwelling is shown to replicate the rest of the terrace in all regards, including scale, design and use of materials. However the building is shown as splaying inwards towards its rear so that the rear elevation is narrower than the rest of the terrace.
- 2.05 In response to concern about the detailed appearance of the dwelling, revised plans have been submitted which show the materials and detail of each elevation to match the existing.
- 2.06 Members previously deferred the application in order to seek clarification on whether the application site is an edge of centre or suburban location for parking purposes and whether policy DM9 of the Maidstone Borough Local Plan 2017 is applicable. This report provides clarification on those matters.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Maidstone Borough Local Plan 2017 SS1, SP1, H2, DM1, DM2, DM11, DM23

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 N/a

5.0 CONSULTATIONS

Kent Highways

- 5.01 In response to Members query about whether the application site is an edge of centre or suburban location for parking purposes, Kent Highways have provided the following response:

I can confirm that the location of the proposals would be considered an 'edge of centre' site in this instance. The decision on what location criteria a development proposals falls in is largely governed by the on street control descriptions for each location. For example, in order for a location to be considered as an edge of centre location there must be on street controls i.e. double or single yellow lines a residents' scheme and/ or existing saturation of the current on street provision.'

6.0 APPRAISAL

Main Issues

6.01 The key planning issues were previously considered in the previous committee report which is appended for information. This report considers the following matters:

- Whether the application site is an edge of centre or suburban location for parking purposes
- Whether policy DM9 of the Maidstone Borough Local Plan 2017 is applicable

Designation for parking purposes

6.02 At the committee meeting on 31st January 2019, members questioned whether the application site is an edge of centre or suburban location for parking purposes. Kent Highways have subsequently advised that the location of the site would be considered edge of centre. The decision on what location criteria a development proposals falls in is largely governed by the on street control descriptions for each location. For example, in order for a location to be considered as an edge of centre location there must be on street controls i.e. double or single yellow lines, a residents' scheme and/ or existing saturation of the current on street provision.

- 6.03 The assessment made in the previous report was based on this designation.
- 6.04 The proposal would result in the loss of an existing garage and parking area to the side of the host dwelling. However the current dropped curb is redundant as a car doesn't fit onto that part of the driveway, plus the angle to turn into the garage makes the garage impossible to use for a vehicle. The proposal shows that the redundant dropped curb on Lower Fant Road would be raised and a curb installed which would create additional space for on street parking.
- 6.05 The proposal shows provision for 1 car parking space for each dwelling in the front garden. This replicates the arrangement for the other houses in the terrace.
- 6.06 As clarified above, the application site is located on the edge of the town centre. The policy requirement for parking provision in such a location for a 4 bedroom house is 1 / 1.5 spaces. Given the central location of the site, and its proximity to walking and bus routes, and Maidstone West station, the proposed provision of 1 space per unit plus the gain of one on street space is acceptable.
- 6.07 Kent Highways have raised no objection to the parking provision or highway impact of the proposal.
- 6.08 Given the proposed parking provision including the gain of an off street parking space, and the comments by Kent Highways, the parking provision and highway impact of the proposal would accord with policies DM1 and DM23, and the parking standards (Appendix B) within the local plan, and therefore continues to be considered acceptable.

Whether policy DM9 of the Maidstone Borough Local Plan 2017 is applicable

6.09 Policy DM9 of the Local Plan relates to residential extensions, conversions and

redevelopment within the built up area and is applied to the consideration of planning applications where extension works, the conversion or refurbishment of a dwelling is proposed. The text to this policy makes it clear that it should be read alongside the adopted Residential Extensions SPD (May 2009) which again relates only to extension work rather than entirely new dwellings:

'Residential extensions generally benefit the community by increasing the amount and quality of accommodation in the borough. However, careful design is necessary, in order to prevent a reduction in the quality of living conditions for adjoining residents and the built environment in general. The adopted Residential Extensions SPD (May 2009) will be used to guide the assessment of proposals for residential extensions'

- 6.10 In this instance, the correct policy to be applied to the proposal is DM11 which contains a set of criteria for considering the development of garden land to create new dwellings within the defined boundaries of the urban area.
- 6.11 As assessment of the proposal against this policy along with DM1 was undertaken in the previous report and it was concluded that, on balance, the proposal would not result in significant harm to the character and appearance of the area and would appear as a congruous addition to the streetscene.
- 6.12 If members were to conclude, contrary to this, that policy DM9 should also be applied, it is noted that this policy requires proposals to be permitted if:
 - i. *The scale, height, form, appearance and siting of the proposal would fit unobtrusively with the existing building where retained and the character of the street scene and/or its context;*
 - ii. *The traditional boundary treatment of an area would be retained and, where feasible, reinforced;*
 - iii. *The privacy, daylight, sunlight and maintenance of a pleasant outlook of adjoining residents would be safeguarded; and*
 - iv. *Sufficient parking would be provided within the curtilage of the dwelling without diminishing the character of the street scene.*
- 6.13 This required criteria aligns with that required by Policy DM11 as previously assessed.
- 6.14 The proposed new dwelling is shown as located on the end of an existing row of terraced houses all of matching design, height and scale. The proposal would match the terrace to the front elevation in terms of size, proportion and detailed appearance. However the proposed house is shown to splay inwards to the rear and as such, the rear elevation would appear narrower than the other houses in the terrace.
- 6.15 In response to concern about the detailed appearance of the side and rear elevation, amended plans have been submitted which show additional detailing to the side and rear elevation. The side elevation would be finished to match the existing with yellow facing brickwork and red brick band and quoins, matching door and fenestration. The rear elevation, although of a differing width to the existing would continue the pattern of lower rendering with upper ragstone panels and red brick quoins.
- 6.16 The red brick and ragstone all to the side is shown as retained.

- 6.17 The area is one of a dense urban grain, and the current space is not of sufficient enough value within this context to require its preservation. The additional dwelling would generally reflect existing built form in terms of both appearance and proportions. However, its splayed footprint towards the rear of the site would not accord with the general surrounding built form, and has the potential to appear as an alien feature within the streetscene from Lower Fant Road.
- 6.18 On balance, this splay, although clear on plan, would not be as obvious from the pedestrian view of the site. The narrower rear elevation is a secondary elevation and would only be read when viewing the site in the context of rear gardens from further down Lower Fant Road where the contrast would be with the 1960's houses opposite at Little Court. As such, it is considered that the existing view is not of a sufficiently high value to justify refusal of the scheme on the basis of the appearance of the secondary rear elevation, or the proposed splay.
- 6.19 Generally, and particularly from the primary street frontage, the proposal would be absorbed into the existing character, pattern and layout of the built environment. There are numerous examples along Upper Fant Road of corner properties sitting tight to the boundary of the plot. Although it would reduce a space at the end of a terrace, and have an impact on the streetscene in this regard, on balance it is considered that as this space is not characteristic of the area, its loss would not be of significant detriment to visual amenity.
- 6.20 The infilling of the existing gap would also have an impact on the appearance of the streetscene of Lower Fant Road, but given the prevalent character of the area and the dense urban grain in the locality, on balance this would not be significant enough of an impact to justify refusal of the scheme.
- 6.21 Taking into account the negative impact of the proposed splay and narrower rear elevation, and weighing this against the replicated detailing of the existing dwelling and the grain and character of the locality, on balance it is considered that the proposal would not result in significant harm to the character and appearance of the area and would appear as a congruous addition to the streetscene.
- 6.22 As such, it is concluded that if Members also choose to assess the proposal under policy DM9 on balance the scale, height, form, appearance and siting of the proposal would fit unobtrusively with the existing building, and the character of the street scene and its context; and, as shown on the proposed plans, the traditional boundary ragstone wall would be retained. As previously assessed in the appended report, privacy, daylight, sunlight and maintenance of a pleasant outlook of adjoining residents would be safeguarded, and sufficient parking would be provided without diminishing the character of the street scene. The proposal would therefore accord with this policy and be considered acceptable.

7. CONCLUSION

- 7.01 The site lies within an edge of centre location and the previous assessment of the parking and highways impacts remain unchanged and in line with Kent Highways advice and the proposal is considered acceptable in this regard.
- 7.02 DM9 is not considered a relevant policy in this instance. However even if it were to be applied, on balance, the proposal would accord with it and be acceptable. The proposal continues to accord with the requirements of relevant Local Plan policies DM1, DM11 and the NPPF.

8. 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) The development shall be only be carried out in accordance with the following approved plans: AR.TPA.GA.201, 202, 203, 204, 205, 206A, 207A, 208A, 209

Reason: To clarify which plans have been approved.

- (3) Upon completion, no further development, whether permitted by Classes A, B, C or D of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order) or not, shall be carried out.

Reason: In the interests of the amenities of the area.

- (4) The development hereby approved shall not commence above slab level until, written details and samples of the materials to be used in the construction of the external surfaces of the building(s) 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.

- (5) The development hereby approved shall not commence until a method statement for the demolition and/or construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved method statement. Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheel-cleaning facilities during the site preparation and construction stages of the development. The method statement shall also include details of the timings of deliveries and construction works on site.

Reason: To ensure the construction of development does not result in harm to highway safety or neighbouring amenity.

- (6) The approved details of the parking areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

INFORMATIVES

(1) The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

APPENDIX

REFERENCE NO - 18/503410/FULL		
APPLICATION PROPOSAL		
Demolition of existing garage and erection of a 4 bedroom four storey attached house. Internal alterations to main house.		
ADDRESS 130 Upper Fant Road Maidstone Kent ME16 8BU		
SUMMARY OF REASONS FOR RECOMMENDATION		
<ul style="list-style-type: none"> The application site represents a sustainable location with good access to facilities and services, including public transport, within the wider Maidstone urban area. The broad principle of the infill development of the site is therefore acceptable. The additional dwelling would reflect the existing built form in terms of its appearance and would be absorbed into the existing character, pattern and layout of the built environment. Given its harmonious appearance in relation to the existing terrace of houses, the proposal would appear as a congruous addition to the streetscene. The amenity impact of the proposal would be acceptable and accord with Policy DM1 of the local Plan. The parking provision and highway impact of the proposal would be acceptable. 		
REASON FOR REFERRAL TO COMMITTEE		
The local Member – Cllr Harper, has called the item to committee as he considers that the proposal represents over development in an already contested area, there is no recognition to the existing street scene in Lower Fant road, and also the proposed lack of parking will have a detrimental impact on neighbours.		
WARD Fant	PARISH/TOWN COUNCIL	APPLICANT Mr Tarek-Ali Al-Ayoubi AGENT
TARGET DECISION DATE 07/09/18	PUBLICITY EXPIRY DATE 08/08/18	

Relevant Planning History

03/1065

Replacement of existing flat roof to garage with a tiled pitched roof, as shown on two unnumbered drawings showing elevations and floor plans received on 14.05.03.

Approved Decision Date: 18.07.2003

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site sits to the side of a terraced house, on the corner of Upper Fant Road and Lower Fant Road. It currently houses a side garage for the use of the host dwelling. This is set to the rear side of the house. The garden has a large side and front area which is currently used for parking. Access is available from both the front and side of the house.
- 1.02 The site tapers from a wide frontage to a more narrow rear garden. It is set over 4 floors with the basement set within a lightwell area at the front and the ground level dropping away so that the basement is fully exposed at the rear.
- 1.03 The site is within the Maidstone urban area and is characterised by closely spaced high density housing. The application site is at the end of an existing terrace of houses. On the opposite side of the road sit larger semi detached houses.
- 1.04 The opposite corner, across from the junction with Lower Fant Road is, for the area, uncharacteristically open in character with a significant gap before the next house to the West on Upper Fant Road. As detailed below, permission has recently been granted for a new dwelling on this site. A row of terraced 3 storey houses sit on Lower Fant Road with their frontages facing the side boundary of

the application site. The front building lines of these houses are set approx. 13.5-14.5m from the boundary with the application site.

- 1.05 Permission has recently been granted under application reference number 18/500882/FULL for an additional dwelling on the end of the terrace on Lower Fant Road facing towards the side boundary of the application site. This sits further back from the front building line of the other terraced dwellings.
- 1.06 The site backs an area of parking and a single storey garage after which the side boundary of 63 Lower Fant Road sits approx. 34m to the South.

2.0 PROPOSAL

- 2.01 Permission is sought for a 4 storey dwelling to be attached to the existing end of terrace house. The new dwelling would sit in line with the front and rear building line of the host dwelling and is shown, where it presents to the streetscene, of a height and design to match it and the other buildings in the terrace.
- 2.02 The front door of the existing dwelling is shown as being moved to the front elevation of the dwelling to match the other houses in the terrace.
- 2.03 The dwelling would sit approx. 0.7m from the side boundary of the site where it adjoins Lower Fant Road. Parking for 1 vehicle is shown in front garden of both the existing and the proposed dwelling. This would replicate the arrangement in the rest of the terrace.
- 2.04 The front elevation of the proposed dwelling is shown to replicate the rest of the terrace in all regards, including scale, design and use of materials. However the building is shown as splaying inwards towards its rear so that the rear elevation is narrower than the rest of the terrace.
- 2.05 In response to concern about the detailed appearance of the dwelling, revised plans have been submitted which show the materials and detail of each elevation to match the existing.

3.0 POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Maidstone Borough Local Plan 2017 SS1, SP1, H2, DM1, DM2, DM11, DM23

4.0 LOCAL REPRESENTATIONS

Local Residents:

- 4.01 10 representations received from local residents raising the following issues:
 - The proposal will result in increased parking pressure on the locality.
 - Negative impact on highway safety
 - The junction where Lower Fant road meets Upper Fant road, has limited visibility and the proposal will impact on highway safety
 - Noise and disturbance resulting from additional occupants
 - Density of building in the local area which is not in keeping with its original use

- The cumulative impact of the development when considered alongside other development will have an adverse impact on the area.
- Out of keeping with the character of the area – will appear cramped
- Impact on view of the wildlife area.
- No neighbour notifications or site notice

A letter has been received from the applicant advising the following:

- There would be no subtracting of any car parking spaces because where the dropped curb currently is on Lower Fant Road would be raised and a curb installed which would create more room for someone to park on the road. The current dropped curb is redundant as a car doesn't fit onto that part of the driveway plus the angle to turn into the garage makes the garage impossible to use for a vehicle.
- There is currently room on the driveway for 2 vehicles comfortably, not 4-5 vehicles. Vehicles are unable to exit from the property onto Lower Fant Road.
- A vehicle did not crash into the front boundary wall. In fact, the applicant hit the wall himself while trying to turn around on the road with a trailer being towed attached onto the back of his car.
- Comments regarding an 8 bedroom house or its use for 8 occupants are untrue.

5.0 CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

Kent Highways

- 5.01 Kent Highways note that the access has a good personal injury collision record. The parking provision is in keeping with the guidance in the Kent Design Guide, Interim Guidance Note 3 (IGN3). IGN3 advises that 4 bedroom houses in an edge of centre location should be provided with a maximum of 1.5 spaces per unit. Having reviewed the area in the immediate proximity of the site they state that there are a range of existing parking restrictions, including double and single yellow lines. The on-street parking controls already in place enable them to conclude that the proposed development will not result in on street parking behaviour that could cause hazards to other road users
- 5.02 The dropped kerbs that are situated west of the garage and that will become redundant as a result of the proposals will require raising to accord with the revised access arrangements. In addition, the applicant should be required to submit a construction management plan as part of their planning conditions/obligations, given the constrained nature of the site.
- 5.03 Confirm no objection to the proposals on behalf of the local highway authority.

6.0 APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:

- Principle of development
- Character and appearance

- Residential amenity
- Parking and highways

Principle of development

- 6.02 Government guidance in the NPPF and Local Plan policy are generally supportive of new housing in sustainable urban locations as an alternative to residential development in more remote countryside locations. The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. The application site is considered to represent a sustainable location with good access to facilities and services, including public transport, within the wider Maidstone urban area. The principle of infill residential development in such locations is considered acceptable as demonstrated at the neighbouring site as approved under application 18/500882/FULL.
- 6.03 Local Plan policy SP1 states that within the Maidstone Urban Area, appropriate urban sites should be redeveloped and infilled in a manner that contributes positively to the locality's distinctive character.
- 6.04 Local plan policy DM11 seeks to allow development where it can be absorbed into the existing character, pattern and layout of the built environment without detriment to visual amenity. It states that the development of domestic garden land to create new dwelling will be permitted where it meets a set of criterion including that the proposal will not result in significant harm to the character and appearance of the area, there is no significant loss of privacy, light or outlook for adjoining properties and / or their curtilages, access can be provided to a suitable standard, and there would be no significant impact from traffic gaining access to the development.
- 6.05 The broad principle of the development of the site within the urban area therefore accords with local and national policy.

Character and appearance

- 6.06 Paragraphs 56 and 57 of the NPPF states that the Government attaches great importance to the design of the built environment. Planning policies and decisions should not attempt to impose architectural styles or particular tastes, however, it is proper to seek to promote or reinforce local distinctiveness.
- 6.07 Local Plan Policy DM1 seeks to achieve high quality design in all development proposals, and to achieve this, the Council expects proposals to positively respond to, and where appropriate enhance the character of their surroundings. The key aspects of a development proposal are its scale, height, materials, detailing, mass, bulk and site coverage. To achieve this, the Council expects proposals to positively respond to, and where appropriate enhance the character of their surroundings
- 6.08 Local plan policy DM11 seeks to only allow development where it can be absorbed into the existing character, pattern and layout of the built environment without detriment to visual amenity. It states that the development of domestic garden land to create new dwellings will be permitted where it meets a set of criterion including that the proposal will not result in significant harm to the character and appearance of the area.
- 6.09 The proposed new dwelling is shown as located on the end of an existing row of terraced houses all of matching design, height and scale. The proposal would match the terrace to the front elevation in terms of size, proportion and detailed appearance. However the proposed house is shown to splay inwards to the rear

and as such, the rear elevation would appear narrower than the other houses in the terrace.

- 6.10 In response to concern about the detailed appearance of the side and rear elevation, amended plans have been submitted which show additional detailing to the side and rear elevation. The side elevation would be finished to match the existing with yellow facing brickwork and red brick band and quoins, matching door and fenestration. The rear elevation, although of a differing width to the existing would continue the pattern of lower rendering with upper ragstone panels and red brick quoins.
- 6.11 The area is one of a dense urban grain, and the current space is not of sufficient enough value within this context to require its preservation. The additional dwelling would generally reflect existing built form in terms of both appearance and proportions. However, its splayed footprint towards the rear of the site would not accord with the general surrounding built form, and has the potential to appear as an alien feature within the streetscene from Lower Fant Road.
- 6.12 On balance, this splay, although clear on plan, would not be as obvious from the pedestrian view of the site. The narrower rear elevation is a secondary elevation and would only be read when viewing the site in the context of rear gardens from further down Lower Fant Road where the contrast would be with the 1960's houses opposite at Little Court. As such, it is considered that the existing view is not of a sufficiently high value to justify refusal of the scheme on the basis of the appearance of the secondary rear elevation, or the proposed splay.
- 6.13 Generally, and particularly from the primary street frontage, the proposal would be absorbed into the existing character, pattern and layout of the built environment. There are numerous examples along Upper Fant Road of corner properties sitting tight to the boundary of the plot. Although the proposal would reduce the space at the end of a terrace, and have an impact on the streetscene in this regard, on balance it is considered that as this space is not characteristic of the area, its loss would not be of significant detriment to visual amenity.
- 6.14 The infilling of the existing gap would also have an impact on the appearance of the streetscene of Lower Fant Road, but given the prevalent character of the area and the dense urban grain in the locality, on balance this would not be significant enough of an impact to justify refusal of the scheme.
- 6.15 Taking into account impact of the proposed splay, the narrower rear elevation and the reduction in space at the end of the terrace, and weighing this against the replicated detailing of the existing dwelling and the grain and character of the locality, on balance it is considered that the proposal would not result in significant harm to the character and appearance of the area and would appear as a congruous addition to the streetscene.
- 6.16 As such, the proposal would accord with the requirements of Local Plan policies DM1, DM11 and the NPPF.

Residential amenity

- 6.17 The NPPF states that proposals should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 6.18 Policy DM1 of the local plan states that proposals should respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers of the development by ensuring that development

does not result in, or is exposed to excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.

- 6.19 Owing to the location of the dwelling, on the end of an existing terrace, in line with the front and rear building lines, and on the corner of Upper and Lower Fant Road, the proposal would not have a detrimental impact on the amenity of occupiers to either side of the application site. There would be no overshadowing of adjacent dwellings, and no increase in overlooking or loss of privacy.
- 6.20 The proposed dwelling would back onto an area of parking and a single storey garage after which the side boundary of 63 Lower Fant Road sits approx. 34m to the South. This is significant enough a gap to ensure that there would be no impact on the amenity of this neighbouring dwelling, especially when considered in the context of the rest of the terrace.
- 6.21 The flank elevation of the proposal would sit closer to the facing dwellings on Lower Fant Road – 4 and 5 Little Court. However a road sits between the buildings, and the front elevations of 4 and 5 Little Court are set back from their front boundaries by approx. 5m. As such, the proposal would not result in a loss of daylight, sunlight or privacy, and would not have an overbearing impact on these dwellings.
- 6.22 The amenity impact of the proposal would therefore be acceptable and accord with Policy DM1 of the local Plan.

Parking and highways

- 6.23 Policy DM1 of the local plan states that proposals should safely accommodate the vehicular and pedestrian movement generated by the proposal on the local highway network and through the site access, and provide adequate vehicular and cycle parking to meet adopted council standards. Local plan policy DM23 states that, as set out in Appendix B of the Plan, car parking standards for residential development will:
 - i. Take into account the type, size and mix of dwellings and the need for visitor parking; and
 - ii. Secure an efficient and attractive layout of development whilst ensuring that appropriate provision for vehicle parking is integrated within it.
- 6.24 The proposal would result in the loss of an existing garage and parking area to the side of the host dwelling. However the current dropped curb is redundant as a car doesn't fit onto that part of the driveway plus the angle to turn into the garage makes the garage impossible to use for a vehicle. The proposal shows that the redundant dropped curb on Lower Fant Road would be raised and a curb installed which would create additional space for on street parking. There is room on the existing driveway for 2 vehicles.
- 6.25 The proposal shows provision for 1 car parking space for each dwelling in the front garden. This replicates the arrangement for the other houses in the dwelling.
- 6.26 The application site is located within/on the edge of the town centre. The policy requirement for parking provision in such a location for a 4 bedroom house is 1/1.5 spaces. Given the central location of the site, and its proximity to walking and bus routes, and Maidstone West station, the provision is acceptable.

- 6.27 In response to the proposal, Kent Highways have raised no objection to the proposal and have suggested that due to the limited space at the site, submission of a construction method statement would be required through condition.
- 6.28 Given the proposed parking provision including the gain of an off street parking space, and the comments by Kent Highways, the parking provision and highway impact of the proposal would accord with policies DM1 and DM23, and the parking standards (Appendix B) within the local plan, and is therefore considered acceptable.

Other matters

- 6.29 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.
- 6.30 Neighbour comments indicate that a site notice had not been put up to advertise the application. A site notice was put up on 18th July 2018 on the nearby lamppost and neighbour notification letters were sent out on 16th July to a number of local occupiers.
- 6.31 Neighbours have made comment on the use of the house as a House in Multiple Occupation. In fact, the house is proposed as a single family dwelling.
- 6.32 One neighbour has made comment about a car collision into the wall of the application site. The applicant has advised that the bump was caused by him turning a trailer within his own garden, not on the public highway.
- 6.33 Neighbour comments have been made regarding the visual impact of the proposal on views of a local wildlife area. This area is located a significant distance away from the application site, behind the houses on the opposite side of the road. The proposal would therefore not have an impact on the appearance of this area.

7.0 CONCLUSION

- 7.01 In accordance with Government guidance in the NPPF and Local Plan policy, the application site represents a sustainable location with good access to facilities and services, including public transport, within the wider Maidstone urban area. The broad principle of the infill development of the site is therefore acceptable.
- 7.02 On balance, although the proposal would fail to enhance the secondary rear elevation of the terrace of dwellings, it would generally reflect existing built form in terms of both appearance and proportions, particularly from the primary streetscene view, and would be absorbed into the existing character, pattern and grain of the built environment.
- 7.03 Given the harmonious appearance of the front elevation, which would be viewed from the streetscene, in relation to the existing terrace of houses, the proposal would appear as a congruous addition to the streetscene of Upper Fant Road. The impact of the proposal upon Lower Fant Road would not be substantial enough, particularly when considered in the context of the adjacent buildings and its sympathetic detailing, to justify its refusal

- 7.04 As such, the proposal would accord with the requirements of Local Plan policies DM1, DM11 and the NPPF.
- 7.05 The amenity impact of the proposal would be acceptable and accord with Policy DM1 of the local Plan.
- 7.06 Given the sustainable location of the site, the parking provision and highway impact of the proposal would accord with policies DM1 and DM23, and the parking standards within the local plan, and is therefore considered acceptable.

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) The development shall be only be carried out in accordance with the following approved plans: AR.TPA.GA.201, 202, 203, 204, 205, 206A, 207A, 208A, 209

Reason: To clarify which plans have been approved.

- (3) Upon completion, no further development, whether permitted by Classes A, B, C or D of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order) or not, shall be carried out.

Reason: In the interests of the amenities of the area.

- (4) The development hereby approved shall not commence above slab level until, written details and samples of the materials to be used in the construction of the external surfaces of the building and the hard landscaping 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.

- (5) The development hereby approved shall not commence until a method statement for the demolition and/or construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved method statement. The method statement shall also include details of the timings of deliveries and construction works on site.

Reason: To ensure the construction of development does not result in harm to highway safety or neighbouring amenity.

- (6) The approved details of the parking areas shall be completed before the commencement of the use of the dwelling hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be

carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

INFORMATIVES

(1) The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

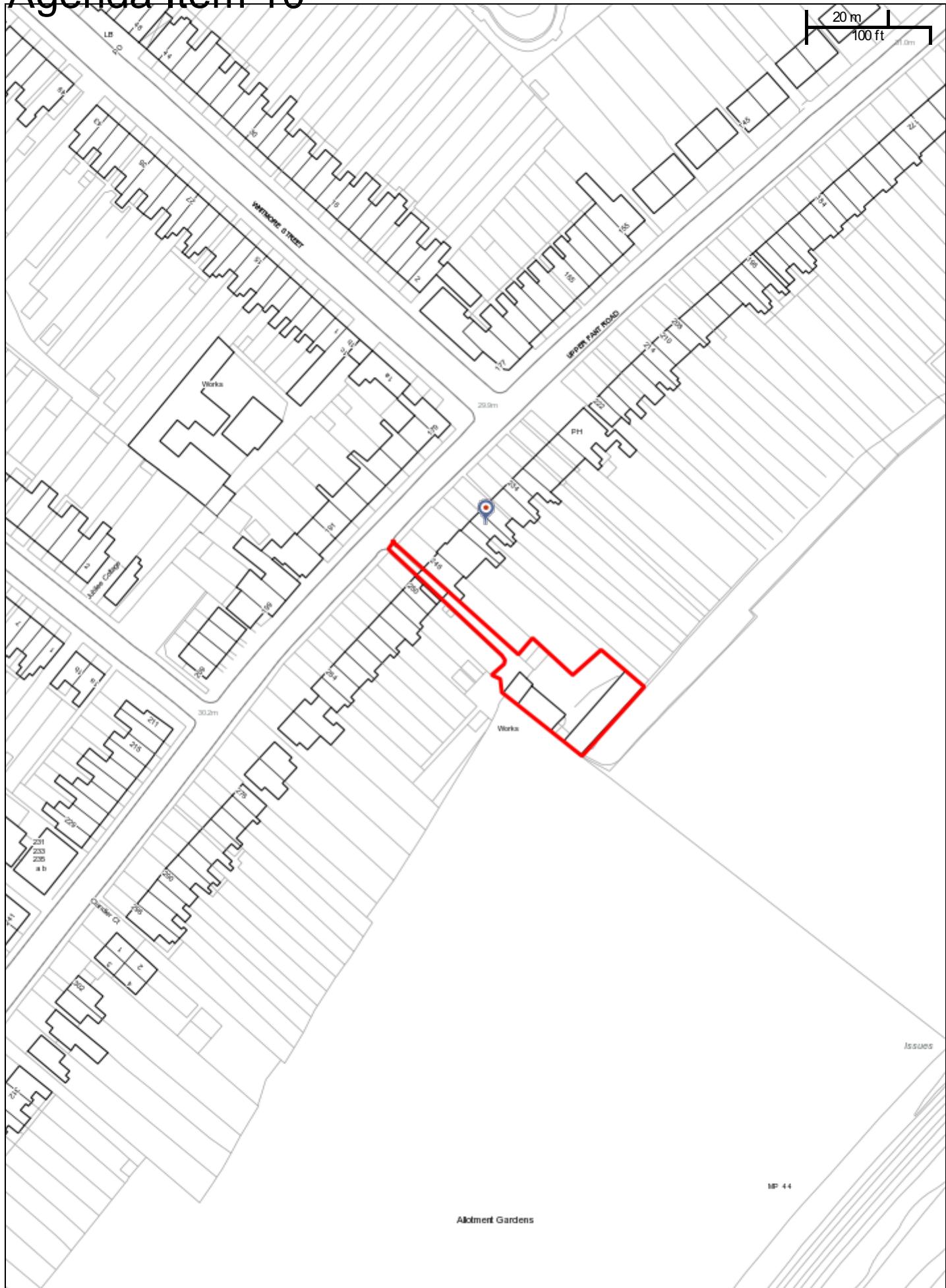
Item 14 - Pages 55 - 72
18/503410/FULL
130 Upper Fant Road, Maidstone, Kent ME16 8BU

One letter has been received in support of the application from the mother of the applicant. She raises the following points:

- She currently lives in her sons basement, which is damp.
- The proposal would allow her and her daughter to live next door to her son.
- Her daughter currently sleeps on the sofa of the applicant. She does not drive.

Officer recommendation remains unchanged

Agenda Item 10



REFERENCE NO - 18/503763/FULL		
APPLICATION PROPOSAL Erection of two new dwellings.		
ADDRESS Land To The Rear Of 244 - 250 Upper Fant Road Maidstone Kent ME16 8BX		
RECOMMENDATION Grant planning permission subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none">• The site has an existing use as an engineering workshop and this use would be more appropriate in the context of the locality.• Proposal relates to a redevelopment of the site to replace old and unsightly derelict buildings and enable a more efficient use of land in a sustainable location.		
REASON FOR REFERRAL TO COMMITTEE Cllr Harper requested the application is presented to the planning committee as he is concerned that it would have an adverse impact on the environment including the Fant Wildlife Site.		
WARD Fant	PARISH/TOWN COUNCIL n/a	APPLICANT Arrant Land AGENT Denizen Works
TARGET DECISION DATE 09/11/18	PUBLICITY EXPIRY DATE 13/11/18	

MAIN REPORT

1.0 BACKGROUND

- 1.01 This application was deferred at the Committee meeting on 29th November 2018 for the following reasons:
- Seek the submission of a reptile survey and integrated niches for wildlife (bat tubes or bird bricks);
 - Negotiate the incorporation of renewable energy measures such as decentralised energy generation within the development;
 - Negotiate the retention of a percentage of the cordwood on the site to provide habitat for wildlife; and
 - Seek vehicle tracking details.
 -
- 1.02 The original Committee report is attached as an appendix.

2.0 ADDITIONAL INFORMATION SUPPLIED

- 2.01 Additional drawings have been submitted following the deferral highlighting the provision of gaps in fencing for use by hedgehogs, along with the provision of bat/bird boxes. The email submitted with it reiterated previous information and confirmed positive feedback for the project at pre-application stage.
- 2.02 Additional statement explaining the fabric first approach to the development proposal in relation to sustainability.
- 2.03 No information was provided in relation to the request for the retention of cordwood as the site currently comprises hardstanding throughout. In addition, other biodiversity enhancements have been added to the proposal including the incorporation of bat and bird boxes and openings in boundary fences to provide access for hedgehogs.
- 2.04 Additional drawings and a statement have been provided with regard to vehicle tracking on site vehicle manoeuvring .

3.2 CONSULTATIONS

KCC Highways – Confirmed that they have no further comments with regard to this application.

4.0 APPRAISAL

- 4.01 Following deferral of the application at the committee meeting of the 29th November 2018, the following responses are provided.

Reptile survey and integrated niches for wildlife (bat tubes or bird bricks)

- 4.02 A reptile survey was requested however, this information had been submitted at the time of the application.

- 4.03 Having assessed the stage one ecological survey, KCC Ecology assessed the information submitted at the start of the application, and found that there may be some areas of the site suitable for reptile use (made especially likely due to the adjacent Local Wildlife Reserve). However, as the application site is relatively small, it is unlikely that there would be a resident reptile population. Nevertheless, as reptiles are protected, the following precautionary measures are advised.

- Operational works will adhere to the precautionary measures in paragraph 4.4 of the Preliminary Ecological Appraisal and Bat Report (KB Ecology Ltd – July 2018). If reptiles are found during the works, the applicant is advised to stop work and follow advice from an independent ecologist.

Reason: To avoid an adverse impact on biodiversity as a result of the development.

- The development hereby approved shall not proceed past slab level until details of a sensitive lighting plan to minimise disturbance to foraging bat behaviour as well as averting glare that would be likely to result in an adverse impact on neighbouring amenity has been submitted to, and approved by, the Local Planning Authority. This will include the location and type of lighting to be installed and consideration of bat-sensitive areas to be illuminated. The approved plan will be implemented prior to the occupation of the properties and will be retained thereafter.

Reason: To avoid an adverse impact on biodiversity in addition to residential amenity as a result of the development.

- Prior to the first occupation of the development herby approved, details of how the development will enhance biodiversity shall be submitted to, and approved in writing by, the Local Planning Authority together with a timetable for implementation. This will include the implementation of at least four of the recommendations in paragraph 4.10 of the Preliminary Ecological Appraisal and Bat Survey (KB Ecology Ltd. Jul 2018) and a timetable for implementation. The approved details will be implemented in accordance with the approved timetable and thereafter retained.

Reason: To protect and enhance the ecology and biodiversity on the site in the future.

- 4.04 The applicant has confirmed that bird boxes and bat boxes are to be installed and integrated into the fabric of the scheme and hedgehog openings provided in the boundary fencing. While the principle of these proposals

would be likely to be acceptable the proposed condition is considered necessary as insufficient information has been received.

Renewable energy measures

- 4.05 Members requested officers discuss the incorporation of renewable energy measures such as decentralised energy generation into the development.
- 4.06 The current Government planning policy in the NPPF and NPPG supports the transition to a low carbon future and increased production of energy from renewable sources by support for renewable and low carbon energy and associated infrastructure.
- 4.07 Paragraph 153 of the NPPF states that in determining planning applications, there should be account taken of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 4.08 As background, the Code for Sustainable Homes was developed as a planning policy in the late 2000's with the last version being Technical Guidance published in 2010. The Code was a national standard for rating and certifying the performance of new homes with a view to encouraging continuous improvement in sustainable home building.
- 4.09 Essentially the Code set standards relative to the baseline position of Building Regulations. In response, LPAs generally imposed planning conditions to secure, inter alia, energy efficiency and renewable or low carbon energy.
- 4.10 In a Deregulation Act in 2015, LPAs were not allowed to require any level of the Code for Sustainable Homes to be achieved by new development in emerging Local Plans or SPD. There was a presumption against imposing planning conditions requiring the Code for Sustainable Homes unless there was a robust local evidence base.
- 4.11 The Government formally withdrew the code and the technical guidance as part of their Deregulation strategy because the Building Regulations had improved since 2010 and would be regularly updated.
- 4.12 In early 2016, the Government diverted from a "zero carbon homes policy" saying that they would keep energy efficiency standards under review, recognising that existing measures to increase energy efficiency of new buildings should be allowed time to become established. Essentially, the rationale was to rely on Building Regulations in terms of the 'fabric first' approach.
- 4.13 Therefore the energy efficiency of houses is under increasing scrutiny through the Building Regulations with SAP (Standard Assessment Procedure) testing of insulation and boilers etc so that there is a lessened need for 'renewables' because of the focus having been made on reducing the consumption of energy.
- 4.14 In summary, the NPPF expects local planning authorities when setting any local requirement for a building's sustainability to adopt nationally described standards. Local requirements should only form part of a Local Plan following engagement with appropriate partners, based on robust and credible evidence and with careful attention to viability.

Retention of a percentage of the cordwood on the site

- 4.15 Members requested the retention of a percentage of the cordwood on the site to provide habitat for wildlife. No cordwood is on the site as it currently comprises hardstanding and, although there is some shrubbery growing on the site due to lack of maintenance, there are no trees to be felled.
- 4.16 Some provision has already been proposed for biodiversity enhancements, and it would not be considered reasonable to enforce the provision of cordwood by condition. For this reason, it has not been added to the list of conditions at the end of the report.

Details of a vehicle tracking

- 4.17 Members requested vehicle tracking diagrams to show how vehicles would manoeuvre on the site and these have been provided:

The additional information received shows the garage door to unit one in two parts; these both now slide horizontally rather than vertically upwards. The garage opening is will extend the entire width of the front elevation in addition a portion of the north east side. This arrangement results in an improvement to the vehicle turning curve and would not now require the use of any land which the applicant does not have a right of access.

- 4.18 Two tracking drawings for unit two, show that vehicles can manoeuvre into the car parking spaces provided without the need to use land which the applicant does not have a right of access. It should be noted that KCC Highways do not object to the application.

OTHER MATTERS

- 4.19 KCC Highways have requested a condition is added to provide details for the provision of loading and unloading of construction vehicles. However, this is covered by the Highways Act 1980 and, for this reason, a condition to cover this matter is not necessary.
- 4.20 A previous condition relating to details of foul and surface water drainage has been removed as this is covered by the Environmental Protection Act 1990.

5.0 CONCLUSION

- 5.01 Previous concerns raised by Councillors and neighbours are noted, however, it is considered that the proposal would not result in any unacceptable highway safety issues to warrant refusal of the application on this ground.
- 5.02 The site specific impacts have been assessed and there are no issues that would suggest the site either would not be suitable for development or that the site cannot accommodate the proposed development. The ecological issues have been addressed by the ecological assessment and subsequent conditions recommended by KCC Ecology. Overall, the development proposal would be considered policy compliant and, as such, would be recommended for approval.
- 5.03 It is considered that the site accords with the development plan and other material considerations weigh in favour of the development. Therefore it is

recommended that permission is granted subject to the imposition of the appropriate planning conditions.

6.0 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) The development hereby approved shall not commence until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.
Reason: To ensure that features of archaeological interest are properly examined and recorded.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1 , Classes A – E (inclusive) to that Order shall be carried out without the permission of the local planning authority;
Reason: To safeguard the character, appearance and functioning of the surrounding area.
- 4) The development hereby approved shall not commence until, details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the local planning authority and the development shall be completed strictly in accordance with the approved levels;
Reason: In order to secure a satisfactory form of development having regard to the topography of the site.
- 5) Notwithstanding the details submitted, the development hereby approved shall not commence above slab level until written details and samples of the materials to be used in the construction of the external surfaces of the buildings 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.
- 6) No additional windows, doors, voids or other openings shall be inserted, placed or formed at any time in the northeast and northwest facing walls of dwellings 1 and 2 at first floor level and above, and the southwest facing wall of dwelling 2 at first floor level and above hereby permitted;
Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of their occupiers.

- 7) Before the development hereby permitted is first occupied, the proposed first floor bathroom window on the northwest facing wall of dwelling 1, the translucent corrugated cladding on the upper section of the garage belonging to dwelling 1, and the first floor WC window on the northeast facing wall of dwelling 2 shall be obscure glazed and shall subsequently be maintained as such to the satisfaction of the local planning authority.
Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective occupiers.
- 8) The approved details of the parking/turning areas shall be completed before first occupation of the buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;
Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.
- 9) The development hereby approved shall not commence until (including site clearance and demolition) an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority. The AMS should detail implementation of any aspect of the development that has the potential to result in the loss of, or damage to trees, including their roots and, for example, take account of site access, demolition and construction activities, foundations, service runs and level changes. It should also detail any tree works necessary to implement the approved scheme, include a tree protection plan and provide details of the foundations in relation to the tree roots.
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development
- 10) The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed provide details of on site replacement planting to mitigate any loss of amenity and biodiversity value [together with the location of any habitat piles] and include a planting specification, a programme of implementation and a [5] year management plan. The landscape scheme shall specifically address the following:
To reduce the amount of landscaping at the front of the application site
Reason: In the interests of landscape, visual impact and protection of the amenity of the area and neighbouring gardens and to ensure a satisfactory appearance to the development
- 11) The approved landscaping associated with individual dwellings shall be in place at the end of the first planting and seeding season following completion of the relevant individual dwelling. Any other communal, shared

or street landscaping shall be in place at the end of the first planting and seeding season following completion of the final unit. 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. Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

- 12) Each individual dwelling hereby approved shall not be occupied until a minimum of one electric vehicle charging point has been installed on the given buildings with dedicated off street parking, and shall thereafter be retained for that purpose.
Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with paragraph 35 of the NPPF.
- 13) The development hereby approved shall not proceed past slab level until details of a sensitive lighting plan to minimise disturbance to foraging bat behaviour as well as averting glare that would be likely to result in an adverse impact on neighbouring amenity has been submitted to, and approved by, the Local Planning Authority. This will include the location and type of lighting to be installed and consideration of bat-sensitive areas to be illuminated. The approved plan will be implemented prior to the occupation of the properties and will be retained thereafter.
Reason: To avoid an adverse impact on biodiversity in addition to residential amenity as a result of the development.
- 14) Prior to the first occupation of the development hereby approved, details of how the development will enhance biodiversity shall be submitted to, and approved in writing by, the Local Planning Authority together with a timetable for implementation. This will include the implementation of at least four of the recommendations in paragraph 4.10 of the Preliminary Ecological Appraisal and Bat Survey (KB Ecology Ltd. Jul 2018) and a timetable for implementation. The approved details will be implemented in accordance with the approved timetable and thereafter retained.
Reason: To protect and enhance the ecology and biodiversity on the site in the future.
- 15) Operational works will adhere to the precautionary measures in paragraph 4.4 of the Preliminary Ecological Appraisal and Bat Report (KB Ecology Ltd – July 2018). If reptiles are found during the works, the applicant must stop work and follow advice from an independent ecologist.
Reason: To avoid an adverse impact on biodiversity as a result of the development.
- 16) The development hereby approved shall not commence 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:
a) 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.
- b) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c) 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.

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

Reason: In the interests of protecting the health of future occupants from any below ground pollutants.

- 17) A Closure Report shall be submitted upon completion of the works. The closure report shall include full verification details as set out in part c of the preceding condition. 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: In the interests of protecting the health of future occupants from any below ground pollutants.
- 18) The development hereby approved shall not commence above slab level until details of all fencing, walling and other boundary treatment to be constructed will be submitted to, and approved in writing by, the Local Planning Authority. This will include details of openings to enable creatures to pass through amenity areas. The boundary treatment will be constructed before the occupation of the properties and will be maintained at all times.
- Reasons: In the interests of biodiversity and to avoid any loss of privacy for neighbours
- 19) Prior to the first occupation of the dwellings hereby approved, delivery and servicing arrangements shall be in place that are in accordance with a delivery and servicing plan that has previously been submitted to and approved in writing by the Local Planning Authority, with the arrangements maintained for the lifetime of the development.
- Reason: In the interests of neighbourliness and to keep the highway clear of obstruction.
- 20) The development hereby permitted shall be carried out in accordance with the following approved plans:

16 Jul 2018	P011 Rev A	Proposed First Floor Plan
16 Jul 2018	P012	Proposed Roof Plan
16 Jul 2018	P031	Proposed Elevation NW 2
16 Jul 2018	P033	Proposed Elevation SE

16 Jul 2018		Preliminary Ecological Appraisal & B...
16 Jul 2018		Design and Access Statement
20 Jul 2018		Planning statement
20 Sep 2018	E000 Rev B	Location Plan
20 Sep 2018	P001 Rev A	Proposed Site Plan Amendment
18 Jan 2019	P010 Rev B	Proposed Ground Floor Plan
18 Jan 2019	P030 Rev A	Proposed Elevation NW
18 Jan 2019	P032 Rev A	Proposed Elevation SW
18 Jan 2019	P034 Rev A	Proposed Elevation NE
18 Jan 2019	P040 Rev A	Proposed Site Section A
18 Jan 2019	P041 Rev B	Proposed Section AA
18 Jan 2019	P042 Rev B	Proposed Section BB
18 Jan 2019	Cover Emails	
18 Jan 2019	26930-700 1	Swept Path Analysis Private Vehicle
18 Jan 2019	26930-701 1	Swept Path Analysis Private Vehicle
18 Jan 2019	26930-702 1	Swept Path Analysis Private Vehicle

Reason: To clarify which plans have been approved.

INFORMATIVES

- 1) The applicant is advised to discuss all drainage and sewerage matters further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk or email developerservices@southernwater.co.uk
- 2) This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.
- 3) It is the responsibility of the applicant to ensure that before the development hereby approved is commenced, all necessary highway approvals and consents where required are obtained, and that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>
- 4) The applicant is reminded that broad compliance with the Mid Kent Environmental Code of Development Practice is expected.

Case Officer: Jocelyn Miller

APPENDIX

REFERENCE NO - 18/503763/FULL		
APPLICATION PROPOSAL Erection of two new dwellings.		
ADDRESS Land To The Rear Of 244 - 250 Upper Fant Road Maidstone Kent ME16 8BX		
RECOMMENDATION Grant planning permission subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none">The site has an existing use as an engineering workshop and this use would be more appropriate in the context of the locality.Proposal relates to a redevelopment of the site to replace old and unsightly derelict buildings and enable a more efficient use of land in a sustainable location.		
REASON FOR REFERRAL TO COMMITTEE Cllr Harper requested the application is presented to the planning committee as he is concerned that it would have an adverse impact on the environment including the Fant Wildlife Site.		
WARD Fant	PARISH/TOWN COUNCIL n/a	APPLICANT Arrant Land AGENT Denizen Works
TARGET DECISION DATE 09/11/18	PUBLICITY EXPIRY DATE 13/11/18	

Relevant Planning History

MK/1/48/146 Use of land and existing premises as an engineering workshop and store Granted 08.02.4915/508874/FULL 4 x three bedroom houses Refused 10.03.2016 for the following reasons:

1. The proposals represent an excessive density that would result in a cramped and over-intensive form of backland development which would detract from the character and appearance of the surrounding area and the height of the proposed 3 storey development would be incompatible with the prevailing 2 storey height of development in the immediate vicinity of the site, along the south side of Upper Fant Road, contrary to the relevant guidance in the NPPF.
2. The scale of the proposed development is considered to be inappropriate on this sensitive backland site and would result in an unacceptable loss of residential amenity due to its overbearing impact and overlooking of the rear of the adjoining properties to the north, contrary to the relevant guidance in the NPPF.

Appeal History:

15/508874 Appeal against the refusal for 4 three bedroom houses dismissed 12.08.2016

In her report the Inspector agreed with the officer's assessment, commenting on the cramped nature of the plot being out of keeping with the pattern and layout of surrounding development. It was also noted that the three storey development proposal would not accord with the two storey properties in the locality and would have a harmful effect on the character of the area. In terms of the amenity of neighbouring properties, the excessive fenestration would overlook the gardens resulting in visual intrusion by the occupiers of the proposed development.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site lies on the south-east side of Upper Fant Road to the rear of Nos 244 – 250 which are terraced properties fronting the road. The site measures approximately 23 metres x 24 metres and is served by an existing narrow access from Upper Fant Road. The under croft access from Upper Fant Road is at lower ground floor level at No 248 Upper Fant Road, a two storey mid-terraced property on the road frontage.
- 1.02 The backland application site was previously used as a vehicle repair business for which permission was granted in 1949. The commercial use appears to have ceased trading some time ago and the site is now derelict and overgrown. The remains of the buildings used in conjunction with the former use can be seen on the site.
- 1.03 The vehicle access also serves several lock up garages close to the site entrance that are located in the rear gardens of neighbouring properties and outside the application site boundary. The site is within the Maidstone Urban Area with the rear site boundary adjoining Fant Nature Reserve and allotment gardens with the railway line beyond.

2. PROPOSAL

- 2.01 The proposal is for the erection of two new dwellings. Dwelling 1 would be sited in a similar position to the original structure (on the right hand side as you get to the end of the access road) and dwelling 2 would be located on the opposite side of the site to your left as you get to the end of the access road.
- 2.02 Dwelling 1 would have a garage on the front boundary facing Upper Fant Road, with the dwelling positioned closely behind it. A side gate adjacent to the garage allows an access to the enclosed site with the front door immediately beyond it. The utility room and WC are enclosed, with the kitchen/diner overlooking the nature reserve and the living area to the rear of the property overlooking the amenity area. The stairs to first floor are located opposite the front door.
- 2.03 On the first floor, a family bathroom is located at the front of the property with the window facing the access road. Bedroom 3 is adjacent to it, with a window overlooking the nature reserve, and bedroom 2 is beyond it, with similar fenestration. Bedroom 1 is at the rear of the property with an ensuite and a balcony above the amenity area.
- 2.04 Dwelling 2 would have two parking spaces within the external circulation space. The front door is located at the southwestern corner of the property facing the access road. A bathroom is opposite and the first floor access is located to the side, with the study beyond it.
- 2.05 Bedroom 2 has views over the nature reserve with access out to the amenity area beyond. Another bathroom is located between this bedroom and the

study. Bedroom 1 is at the southernmost part of the dwelling, also with access out onto the amenity area.

- 2.06 At first floor level a utility area and WC are located on the northernmost area of the property with a window serving the bathroom to the northeast. The remaining floorspace would provide an open plan kitchen/dining/living area, with a balcony off it. The fenestration serving the space would face the northeast and southeast.

Figure 1: proposed site layout



3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Maidstone Borough Local Plan 2017 SS1, SP1, DM1, DM2, DM3, DM5, DM12, DM23

Supplementary Planning Documents Maidstone Landscape Character Assessment 2012.

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 5 representations received from local residents raising the following (summarised) issues:
- Poor access, and visibility to/from access
 - Concerns re. pedestrian safety
 - Insufficient space for vehicles to turn in the area to enter and exit the proposed garages.
 - No visitor parking
 - No space for refuse bins
 - Detrimental impact on wildlife
 - Loss of trees
 - Loss of views

- Out of character with pattern of development
- Loss of privacy, light, outlook
- Noise, smells and disturbance from activities and traffic movement
- Cramped development
- Risk of flooding
- Poor water pressure worsened
- Detrimental impact on separate garden area serving 248 Upper Fant Road
- Construction traffic will put further strain on the access road and safety of pedestrians
- Cramped overdevelopment
- Inadequate amenity space
- Excessive height
- Poor choice of materials
- Lack of boundary screening

5. CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

Environmental Services

5.01 No objection subject to conditions and informative

KCC Highways

5.02 No objection subject to conditions and informative

Southern Water

5.03 Suggested informatics should the application be granted

Archaeology

5.04 A watching brief condition is required before development commences.

KCC Ecology

5.05 Conditions relating to the protection of species and enhancement of the application site in terms of biodiversity is required before development commences.

Trees and landscaping

5.06 The trees in the vicinity are not of sufficiently high amenity value to warrant any objections in terms of future pruning/lopping in order to maintain light to the new dwellings. However, an arboricultural method statement would need to be provided in order to demonstrate root protection during the course of construction. A landscaping condition should also be added to ensure a satisfactory finish to the development.

6. APPRAISAL

Main Issues

6.01 The key issues for consideration relate to:

- Principle of development
- Neighbour amenity
- Character of the locality

- Design
- Density
- Trees and landscaping
- Biodiversity
- Drainage
- Highway issues

Principle of development

- 6.02 Policy SS1 highlights that the urban area of Maidstone is the most sustainable location for new development. The urban area is the focus for a significant proportion of new housing as it is considered to be a good place to live and work. Policy SP2 acknowledges that local services are easily accessible in this location either on foot or from frequent public transport in the area.
- 6.03 DM1 encourages high quality design that respects the character of the area as well as the amenities of neighbouring properties. The locality will be adhered to, with regard being paid to scale, height, materials, detailing, mass, bulk, articulation, and site coverage. DM2 relates to sustainable design, along with the NPPF which references the social, economic and environmental roles of sustainable development.
- 6.04 The current use of the land as an engineering workshop would not be appropriate in this location in terms of noise and disturbance if a planning application for this use was being considered now. The subsequent change of use of the land and erection of two dwellings in this sustainable location within the urban area of Maidstone would be acceptable in principle providing the proposals would comply with the remaining relevant policies.
- 6.05 DM5 encourages development on previously developed land in Maidstone urban area, providing the site is not of high environmental value and the development proposal would be of an appropriate density. The existing site is largely covered with a concrete base. It currently comprises derelict buildings, overgrown with weeds. Formerly used as an engineering workshop, it has been vacant for some years. The land would not be considered to be of high environmental value.
- 6.06 Policy DM12 identifies an expectation of achieving net densities of 35 dwellings per hectare. This site achieves a density of 42 dwellings per hectare which is compliant with the Maidstone Local Plan and therefore considered acceptable in policy terms. The earlier proposal was refused permission due to excessive density, the current proposal has sought to address these concerns with a reduction from a density of 84 dwellings per hectare.

Neighbouring amenity

- 6.07 The neighbouring properties in Upper Fant Road are separated from the application site by long rear gardens. Some of these neighbouring gardens include garages.
- 6.08 The second reason why the earlier permission was refused related to a loss of residential amenity in terms of overbearing impact and overlooking of the rear of the adjoining properties to the north. This revised application has sought to overcome these concerns with the changes outlined below.

- 6.09 The reduction in the height and size of the development proposal would reduce the adverse impact on the neighbouring properties that was highlighted by the Inspector's decision.
- 6.10 The revised scheme has substantially reduced the number of windows facing the neighbouring properties. The front elevations include a bathroom window on dwelling 1 and a landing window on dwelling 2. A condition is recommended to ensure that both of these windows are fitted with obscure glass, with another condition recommended to ensure no other windows are added.
- 6.11 The distance from the northwest (front) elevations of dwelling 2 to the rear elevations of the properties on Upper Fant Road would be approximately 41 metres and to the rear boundaries of their gardens the distance would be 4.0 metres. From dwelling 1 those distances would be 33 metres and 11 metres respectively.
- 6.12 Windows to the northeast (side) elevation of dwelling 2 comprise a WC and a secondary window to the living area and would potentially have long views across the ends of the amenity areas of the Upper Fant Road properties. Again, both of these windows could be obscure glazed and a restriction on no further windows added to the elevation.
- 6.13 Fenestration on the southeast of both properties would face the nature reserve which would be acceptable. The adjacent garden of No 248 is approximately 9.0 metres from the nearest part of dwelling 1. Any potential loss of privacy from fenestration on the southwest elevation of dwelling one (relating to the bedroom windows) would be from oblique views owing to the angled relationship of dwelling 1 with the amenity area. In addition to this, the existing trees would further prevent any issues in this regard.
- 6.14 The separation distance between the rear elevation of existing properties on Upper Fant Road and the new building elevation would exceed the 21 metres usually considered to be acceptable in terms of privacy-related issues. The usable space within the amenity areas, although closer (including the garden area for No 248), would not be unduly affected by the development proposal. The garden area for No 248 is located to the southwest of the application site and, as such, there would be insufficient adverse impact to warrant a refusal.

Design

- 6.15 The dwellings in this locality are largely terraced and uniform in design and set evenly back from the highway on both sides of the road. The dwellings in the surrounding area are of traditional design and materials. The existing buildings along the road are generally two storeys in height with pitched roofs.
- 6.16 The drawings shown on the existing site section include single storey structures, ranging from 5.0 metres in height with lean-to roofs down to 3.0 metres. The proposed dwellings are of contemporary design, being simple, timber clad utilitarian buildings with lean-to roofs of corrugated sheet metal cladding. The highest part of the building 1 would be 9.0 metres and the lower part of the lean-to would be 5.8 metres. Building 2 would be 8.3 at the highest part and 5.4 metres at the lowest.

- 6.17 The previously refused application (referenced 15.508874) related to the proposed erection of four terraced dwellings that stretched across almost the full width of the site with a height of 10.8 metres. Although the slope of the site resulted in them being nearly 3.0 metres lower than the dwellings on Upper Fant Road, the development proposal was considered to be cramped form of development, visually harmful and detrimental to the neighbouring properties.
- 6.18 The current application would be 1.8 metres lower than the previous application, with lean-to roofs that reduced in height a further 5.4 metres. In addition to the reduction from three storeys to two storeys, there would also be a reduction in the number of proposed units from four to two which would result in more space around the site. The lean-to roofs, coupled with the additional space around the units, would reduce the cramped appearance on the site, bringing it in line with the heights of the surrounding properties on Upper Fant Road. In addition, the fenestration has been reduced and relocated to ensure that the visual intrusion that formed one of the issues with the previous application was addressed appropriately.
- 6.19 Given the height of the existing buildings on Upper Fant Road and the steady downward slope of the land from the properties to the application site, the proposed development, when seen from any vantage points from the wildlife site or allotments, would be viewed against the backdrop of the existing buildings. The site would be largely obscured from views from Upper Fant Road due to the uniform terraces along it. The reduced size, height and form of the units would be screened by trees from the footpath adjacent to the River Medway, 125 metres away. and would not be out of character with the locality.
- 6.20 The contemporary buildings would be constructed using materials that are not consistent with the surrounding properties, however, they would be more appropriate on this modern form. The use of the natural timber cladding would compliment the backdrop of the nature reserve, especially once the materials have weathered, and the lean-to roof would have a less obtrusive effect than a traditional pitched one. Notwithstanding this, a condition for the submission of material samples would ensure the final construction would be appropriate. The corrugated sheet metal cladding would be located on the lean-to roofs and, set at this shallow pitch, would be less obtrusive than a traditional pitched roof which would require a steeper pitch to successfully accommodate the tiles.
- 6.21 In terms of the scale and form of the two units, they have now been reduced in size to two storey buildings which emanate those fronting upper Fant Road. The space around the buildings would result in a less cramped development proposal and the materials would give the impression of a lighter structure, unlike a solid brick and tile form. In the proximity of a nature reserve, these materials provide a more natural alternative, yet their utilitarian form serves as a reminder to the more industrial use of the from which the site originated.
- 6.22 While it is acknowledged that this is a backland location, the land is previously developed and was in use as a vehicle repair garage that could have resulted in nuisance to neighbouring residential occupiers. The current application will remove this non-conforming use with a modest residential

development that is an appropriate scale and design in this backland location.

Trees and landscaping

- 6.23 Additional information was included during the course of the application to set out the issues with regard to the trees and landscaping on the site. Further conditions are required to provide an arboricultural impact assessment with information to specifically identify any potential impact on the trees as a result of the laying of foundations.
- 6.24 Overall, it is considered that the amenity value of the trees adjacent to the site is not great enough to warrant a refusal of the application, this includes pressure to lop/prune them in order to retain sufficient light into the properties. However, a landscaping scheme would also be required incorporating one or two trees (such as Silver Birch or Rowen) and some native hedging, along with a condition to replace any lost or damaged/diseased planting following the construction in order to further enhance the development proposal and increase biodiversity on the site.

Biodiversity

- 6.25 Policy DM3 seeks to ensure that new development would protect and enhance the natural environment wherever possible.
- 6.26 The preliminary ecology survey submitted to the Ecology Section suggested the presence of bats. For this reason, the Ecology Section requested that, in order to protect them, the Bat Conservation Trust's Bats and Lighting in the UK guidance should be adhered to in the lighting design. A condition has been added to ensure that the development will not harm the wildlife here.
- 6.27 The majority of the site comprises hard standing, although since it becoming vacant, it has become overrun with weeds. Having consulted with KCC Ecology, we have been advised that it is possible that some parts of the site are suitable for reptile use (made especially likely due to the adjacent Local Wildlife Reserve).
- 6.28 Due to the modest size of the site it is unlikely that there is a resident reptile population. However, as reptiles are protected, a condition will be added requiring construction works to stop should any wildlife be found on the site, and appropriate authorities contacted for advice. In addition, a further condition will be added to identify ecological enhancements such as swift boxes etc.
- 6.29 Finally, bearing in mind the ecological implications adjacent to the site, it should be noted that the original use (a garage repair workshop) would result in a higher likelihood of contamination than the current proposal. Environmental Services have requested a condition to ensure that all contaminants have been removed before commencement of construction, and this condition would have positive environmental implications as a result of these measures. The change of use to residential occupation would also reduce the chances of further contamination in the future.

Drainage

- 6.30 Concerns have been raised by Southern Water with regard to drainage in the area, and they have requested informatives relating to the need to protect any sewers within the construction site, the need to apply to Southern Water to connect to them, and the importance of long term maintenance plans for SUDs. An informative has been added requesting the applicant discusses these matters with Southern Water.

Highways

- 6.31 Policy DM23 states that 1 car space should be allocated for a two bedroom house in a suburban location, and 1.5 spaces should be allocated for a three bedroom house. Dwelling 2 has two spaces which exceeds the requirement for a two bedroom property. Dwelling 1 (a three bedroom property) has two spaces, however, it has not been demonstrated by a tracking programme that two cars would be able to manoeuvre adequately to leave the site in a forward gear. Notwithstanding this, the application site is located within a sustainable location where using public transport is encouraged. There is a frequent bus service into Maidstone on this route, and the bus stop is located approximately 100 metres from the application site. For these reasons it is considered that sufficient parking has been supplied.
- 6.32 The proposed development would be accessed via an existing track off Upper Fant Road, and provides a straight route extending under an existing terraced property. The access is existing and previous discussions have resulted in an agreement to insert additional fire prevention equipment within the dwellings during the construction process.

Other Matters

- 6.33 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

7. CONCLUSION

- 7.01 The application includes a more modest development proposal than the previously refused scheme, including the omission of two units, a reduction in height, bulk, massing and width of the building, and the relocation and reduction in fenestration, particularly on the boundaries which would result in adverse impact on the neighbouring properties.
- 7.02 For these reasons, it is considered that it has overcome the previous issues raised in the original planning application. Overall, the development proposal would be considered policy compliant and, as such, would be recommended for approval.

8.0 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) The development hereby approved shall not commence until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.
Reason: To ensure that features of archaeological interest are properly examined and recorded.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1 , Classes A – E (inclusive) to that Order shall be carried out without the permission of the local planning authority;
Reason: To safeguard the character, appearance and functioning of the surrounding area.
- 4) The development hereby approved shall not commence until, details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the local planning authority and the development shall be completed strictly in accordance with the approved levels;
Reason: In order to secure a satisfactory form of development having regard to the topography of the site.
- 5) Notwithstanding the details submitted, the development hereby approved shall not commence above slab level until written details and samples of the materials to be used in the construction of the external surfaces of the buildings 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.
- 6) No additional windows, doors, voids or other openings shall be inserted, placed or formed at any time in the northeast and northwest facing walls of dwellings 1 and 2 at first floor level and above, and the southwest facing wall of dwelling 2 at first floor level and above hereby permitted;
Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of their occupiers.
- 7) Before the development hereby permitted is first occupied, the proposed first floor bathroom and first floor landing windows on the northwest facing walls of dwellings 1 and 2, and the WC and dining area windows on the northeast facing walls of dwelling 2 shall be obscure glazed and shall subsequently be maintained as such to the satisfaction of the local planning authority;
Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective occupiers.

- 8) The approved details of the parking/turning areas shall be completed before first occupation of the buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

- 9) The development hereby approved shall not commence until a method statement for the demolition and/or construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved method statement. Details submitted in respect of the method statement, incorporated on a plan, shall provide for the following:

- Submission of a Construction Management Plan before the commencement of any development on site including the provision of parking facilities for contractors during all stages of the development (excavation, site preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials.
- Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.
- Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.
- Should works be required in the highway a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

Reason: To ensure the construction of development does not result in an adverse impact on highway safety.

- 10) The development hereby approved shall not commence until (including site clearance and demolition) an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority. The AMS should detail implementation of any aspect of the development that has the potential to result in the loss of, or damage to trees, including their roots and, for example, take account of site access, demolition and construction activities, foundations, service runs and level changes. It should also detail any tree works necessary to implement the approved scheme, include a tree protection plan and provide details of the foundations in relation to the tree roots.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

- 11) The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed provide details of on site replacement planting to mitigate any loss of amenity and biodiversity value [together with the location of any habitat piles] and include a planting specification, a programme of implementation and a [5] year management plan. The landscape scheme shall specifically address the following:
Hard landscaping at the front of the application site
Reason: In the interests of landscape, visual impact and protection of the amenity of the area and neighbouring gardens and to ensure a satisfactory appearance to the development
- 12) The approved landscaping associated with individual dwellings shall be in place at the end of the first planting and seeding season following completion of the relevant individual dwelling. Any other communal, shared or street landscaping shall be in place at the end of the first planting and seeding season following completion of the final unit. 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.
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development
- 13) Each individual dwelling hereby approved shall not be occupied until a minimum of one electric vehicle charging point has been installed on the given building(s) with dedicated off street parking, and shall thereafter be retained for that purpose.
Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with paragraph 35 of the NPPF.
- 14) The development hereby approved shall not commence above slab level until details of a sensitive lighting plan to minimise disturbance to foraging bat behaviour, will be submitted to, and approved by, the Local Planning Authority. This will include the location and type of lighting to be installed and consideration of bat-sensitive areas to be illuminated. The approved plan will be implemented and thereafter retained.
Reason: To avoid an adverse impact on biodiversity as a result of the development.
- 15) Prior to the first occupation of the development hereby approved, details of how the development will enhance biodiversity shall be submitted to, and approved in writing by, the Local Planning Authority. This will include the implementation of at least four of the recommendations in paragraph 4.10 of the Preliminary Ecological Appraisal and Bat Survey (KB Ecology Ltd. Jul 2018) and a timetable for implementation. The approved details will be implemented in accordance with the approved timetable and thereafter retained.
Reason: To protect and enhance the ecology and biodiversity on the site in the future.

- 16 Operational works will adhere to the precautionary measures in paragraph 4.4 of the Preliminary Ecological Appraisal and Bat Report (KB Ecology Ltd – July 2018). If reptiles are found during the works, the applicant is advised to stop work and follow advice from an independent ecologist.
Reason: To avoid an adverse impact on biodiversity as a result of the development.
- 17 The development hereby approved shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.
Reason: To ensure adequate sewage disposal and drainage arrangements.
- 18 The development hereby approved shall not commence 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:
- 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.
 - A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 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.
- Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.
Reason: In the interests of protecting the health of future occupants from any below ground pollutants.
- 19 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: In the interests of protecting the health of future occupants from any below ground pollutants.

- 20 The development hereby approved shall not commence above slab level until details of all fencing, walling and other boundary treatment to be constructed will be submitted to, and approved in writing by, the Local Planning Authority. This will include details of openings to enable creatures to pass through amenity areas. The boundary treatment will be constructed before the occupation of the properties and will be maintained at all times. Reasons: In the interests of biodiversity and to avoid any loss of privacy for neighbours
- 21) The development hereby permitted shall be carried out in accordance with the following approved plans:
- | | | |
|-------------|------------|---|
| 16 Jul 2018 | P010 Rev A | Proposed Ground Floor Plan |
| 16 Jul 2018 | P011 Rev A | Proposed First Floor Plan |
| 16 Jul 2018 | P012 | Proposed Roof Plan |
| 16 Jul 2018 | P030 | Proposed Elevation NW 1 |
| 16 Jul 2018 | P031 | Proposed Elevation NW 2 |
| 16 Jul 2018 | P032 | Proposed Elevation SW |
| 16 Jul 2018 | P033 | Proposed Elevation SE |
| 16 Jul 2018 | P034 | Proposed Elevation NE |
| 16 Jul 2018 | P040 | Proposed Site Section A |
| 16 Jul 2018 | P041 Rev A | Proposed Section AA |
| 16 Jul 2018 | P042 Rev A | Proposed Section BB |
| 16 Jul 2018 | | Preliminary Ecological Appraisal & B... |
| 16 Jul 2018 | | Design and Access Statement |
| 20 Jul 2018 | | Planning statement |
| 20 Sep 2018 | E000 Rev B | Location Plan |
| 20 Sep 2018 | P001 Rev A | Proposed Site Plan Amendment |
- Reason: To clarify which plans have been approved.

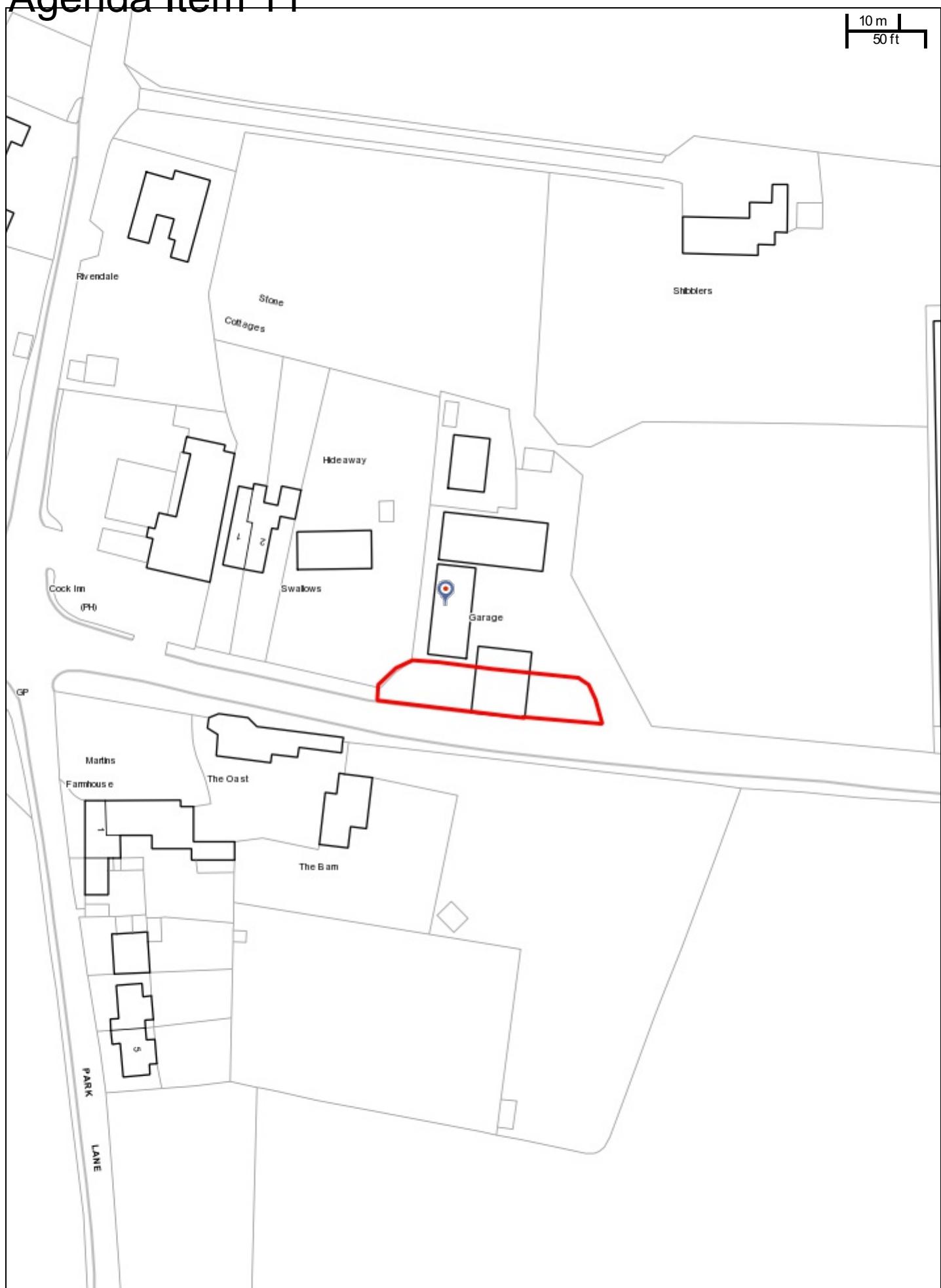
INFORMATIVES

- 1) The applicant is advised to discuss all drainage and sewerage matters further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk or email developperservices@southernwater.co.uk
- 2) This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.
- 3) It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained, and that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>
- 4) The applicant is reminded that broad compliance with the Mid Kent Environmental Code of Development Practice is expected.

Case Officer: Jocelyn Miller

Agenda Item 11

10 m
50 ft



18/505205/FULL Boughton Service Station

Scale: 1:1000

Printed on: 11/2/2019 at 12:05 PM by SummerF

REFERENCE NO - 18/505205/FULL		
APPLICATION PROPOSAL Change of use of redundant petrol station forecourt to car wash and valet services (resubmission of 18/501945/FULL).		
ADDRESS Boughton Service Station Heath Road Boughton Monchelsea Maidstone Kent ME17 4JD		
RECOMMENDATION Grant Permission subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The development is not considered to have a detrimental impact upon the character and appearance of the application site or the adjacent conservation area, nor will it have a detrimental impact upon neighbouring amenity. It is considered that sufficient information has been provided to indicate the development would not have a detrimental environmental impact in terms of drainage or an impact upon the wider highway network.		
REASON FOR REFERRAL TO COMMITTEE <ul style="list-style-type: none"> The development would have a detrimental impact upon the character and appearance of the conservation area. The development would have a detrimental impact upon road safety in the area. 		
WARD Boughton Monchelsea And Chart Sutton	PARISH/TOWN COUNCIL Boughton Monchelsea	APPLICANT Boughton Service Station AGENT Mr C Smith
TARGET DECISION DATE 06/02/19	PUBLICITY EXPIRY DATE 09/11/18	

Relevant Planning History

15/501979/FULL

New hand car wash area with associated canopy.

Decision Date: 18.10.2016

18/501945/FULL

Change of use of redundant petrol station forecourt to car wash and valet services.

Refused Decision Date: 20.06.2018

Appeal History:

No relevant appeal history available

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 This application relates to a former petrol station canopy and forecourt. To the East/North East is an area of car sales and to the North a shop building and a workshop and MOT station, also previously used for servicing and repairs. The site lies in the open countryside in the parish of Boughton Monchelsea. To the West of the site is the Cock Street conservation area and Swallows, a grade II listed building. The site is accessed on a main road, Heath Road.

2. PROPOSAL

- 2.01 Planning permission is sought for the change of use of the redundant petrol station forecourt to a car wash with valeting services.
- 2.02 An application seeking the same development was refused on 20/06/2018. The sole reason for refusal was the following; In the opinion of the local planning authority, there is insufficient information to demonstrate that satisfactory and sufficient drainage facilities exist which can cope with the extent of run-off and which would prevent contamination and flooding. The application is therefore contrary to policies DM1 and DM3 of the Maidstone Local Plan 2017.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017: SS1 Maidstone borough spatial strategy, SP17 Countryside, SP18 Historic Environment, DM1 Principles of good design, DM3 Natural Environment, Development affecting designated and non-designated heritage assets, DM7 Non-conforming uses, DM23 Parking standards, DM30 Design principles in the countryside,
Supplementary Planning Documents: Cock Street Conservation Area Appraisal/Management Plan

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 4 representations received from local residents raising the following (summarised) issues
- Factual misrepresentation of the proposal, in this instance the accuracy of the plans themselves, this will be discussed below.
 - The plans do not provide any details with regards to proposed signage.
 - Plans do not accurately reflect parking on site and the development would have a detrimental impact upon highway safety in the area. This would occur as a result of increased vehicle movements on site and water run off reaching the highway.
 - The development would have an unacceptable impact on neighbouring amenity in terms of noise and odour.
 - The development would have an unacceptable impact upon the surrounding conservation area.

The first issue regarding the accuracy of the drawings is not considered to be a material planning issue in this instance, the other issues raised by neighbours will be discussed below

5. CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

Boughton Monchelsea Parish Council

- 5.01 *The Parish Council wish to see the application refused and request that it is taken to MBC planning committee for decision. The grounds for objection are as follows :*

We have concerns regarding road safety due to the lack of queueing space for drivers waiting to have their vehicles cleaned. The documents state that 10 spaces will be provided however only 6 spaces (for wait / wash / valet) are marked as such on the drawings. Other unmarked spaces appear to be located outside the change of use site marked in red. As a Parish Council we are very aware of the increased quantity and speed of traffic on Heath Road and the accidents that have occurred, most recently the serious RTC at the zebra crossing next to the primary school, where a child sustained a fractured skull after being hit by a car. Boughton Service Station is located in close proximity to the hazardous Heath Road / Brishing Lane / Green Lane junction.

In light of the above, the Parish Council is also concerned about the additional risk of water being transferred onto this busy B road, adding an additional problem for passing traffic, particularly during the winter months.

We feel that the proposal would intensify the use of the site to an unacceptable degree proposed access and egress to the site appears to be inconsistent with the existing business operations (garage / car sales / shop). Cars waiting to be washed and in the process of being cleaned would be blocking access to the site for vehicles trying to access other businesses on the site. Without a pedestrian space at this site this would add hazards for other road users.

The blue other ownership line on the drawings is not clear and it is therefore not possible to establish the extent of this from the information that has been provided

Point 4.3.6 of the Borough Council's emerging Cock Street conservation area management plan states :

The very large illuminated signs associated with the petrol station immediately outside the CA boundary (Fig. 3) are very prominent in views into and out of the conservation area from the east, and detrimental to the character and appearance. As and when the opportunity arises, every effort should be made to reduce the visual impact of signage on this site, and/or secure a use that is more sympathetic to the setting of the conservation area. The Borough Council should therefore seek the views of the conservation officer prior to deciding on this application

The emerging conservation area management plan also states : 4.2.1 The petrol station and its signage still dominate views into and out of the area to the east

4.3.2 Negative impact of the petrol station on the setting of the conservation area

4.3.2 The following have been identified as key opportunities for enhancement of the area..reduction in density of road signage

The above points should be taken into account prior to deciding the application

MIDKENT Environmental Health

- 5.02 Our main concern with this application is that it could lead to noise disturbance of nearby residential properties. We would therefore recommend the attachment of a noise condition to any consent given to the application.

Environment Agency

- 5.03 The submitted information indicates that there will be no break of the ground and foul and surface water will be discharged to mains sewer. We have no objection to this strategy.

However, if the above conditions change, we need to be re-consulted. We are generally not in a position to visit the site and verify any works undertaken, therefore the above comments are based solely on the submitted documents and

reported actions and no responsibility can be taken for the accuracy of any information submitted.

Southern Water

- 5.04 Southern Water proposes the following condition: "The developer should ensure that the trade effluent licence has been obtained before the connection to the public sewerage network can be approved."

KCC Highways

- 5.05 "*The proposals are for the change of use of redundant petrol station forecourt to car wash and valet services (resubmission of 18/501945/FULL).*

I note that it is proposed to access the development via the existing in/out access arrangement onto the B2163, Heath Road. Having checked the personal injury collision record at both these access points for the last 5-year period up to December 2017 via crashmap, www.crashmap.co.uk, I can confirm that no collisions have been recorded. Therefore, the access has a good personal injury collision record. Kent Highway Services document titled 'Guidance on Transport Assessments and Travel Plans' provides guidance on when a Transport Statement (TS) or Transport Assessment (TA) is required. In this instance the proposals do not exceed the threshold for either a TS or TA to be required. It should be noted that this application involves the change of use from a redundant petrol station forecourt, which would generate a number of vehicular movements, to use for car wash and valet services. As a result, any traffic generation from the proposals needs to be considered against the level of traffic that could be generated by the site's lawful (extant) use. In this instance, it is not considered that the proposals are likely to generate a significantly greater number and therefore intensification of vehicular movements either from the site or through either of the existing access points, when compared to its extant use.

The applicant has submitted a block plan (drawing number: 73/2A) to demonstrate the waiting arrangements for users of the car wash. It is noted that two spaces will be provided for vehicles to wait off the public highway, this is considered to be adequate for the likely operational requirements of the development. Finally, retention of the existing in/out access arrangement will continue to ensure that vehicles can egress onto the public highway in a forward manner.

It is not considered that the anticipated impact of the proposals could be reasonably described as 'severe' in accordance with paragraph 109 of the National Planning Policy Framework (NPPF). I refer to the above planning application and having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority, subject to the following condition:

-Provision of measures to prevent the discharge of surface water onto the highway."

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:

- Principle of the development
- Visual Impact

- Residential Amenity
- Environmental Issues
- Highways Impact

Principle

6.02 This is an existing commercial site and therefore, in principle, its reuse for another commercial purpose is considered appropriate.

Visual Impact

6.03 An application for the same development was refused under 18/501945/FULL. The officer report did not consider that the development would have an unacceptable visual impact in the area and the application was not refused on this basis. The hardstanding already exists and no additional buildings are proposed. The development would be seen within the context of commercial car related uses and as such would be in keeping with the existing character of the application site.

6.04 Given that the site is not within a conservation area, but does sit adjacent to one, the conservation architect has been informally consulted. The conservation architect the petrol station canopy. However the application site is shielded from the conservation area by the mature Leylandii trees bordering the neighbouring application site and the canopy is only significantly visible when entering the conservation area. Views from within the conservation area are limited. As such, it is considered to be unreasonable to request that the applicant entirely removes the petrol station canopy

6.05 The Cock Street management plan makes reference to the application site as a negative feature. It considers that the conservation area and the area surrounding the application site is rural in nature and a neighbouring car wash use and the application site is more associated with an urban area. The deterioration of the rural nature of the area is an issue that is specifically mentioned within the conservation area appraisal. Taking all the above into account, an alteration to the proposal has been agreed with the applicant, in order to achieve a betterment of the appearance of the site.

6.06 Should permission be forthcoming a condition will be imposed requiring the applicant to paint the sides of the canopy a 'dark green' colour within 3 months of the decision, so that it blends more appropriately into the surrounding vegetation. In light of the context of the application site (it is not actually within the conservation area) this would be sufficient to mitigate its impact upon the wider area.

6.07 Signage in particular cannot be considered as a reason for refusal, because the application is not seeking advertisement consent. Any new signage would need to be dealt with through submission of an application for advertisement consent separately.

On balance, taking into account the betterment of the site, the development would not have such a detrimental impact upon the application site or the wider area, including the conservation area, to warrant a refusal.

Residential Amenity

6.08 The car wash area is located immediately adjacent Heath Road on the northern side of the site, the garage/office is 2.00m to the north of the car wash area and the

Workshop is located to the north of the garage/office 18.00m to the north of the car wash area. The closest neighbouring property to the car wash area is 'The Barn' located 26.00m to the south west of the car wash area, it is separated from the application site by substantial hedging as well as Heath Road itself. Another property 'The Oast' is located immediately to the north west of 'The Barn' and located 28.00m from the car wash area.

- 6.09 'Swallows' is located 27.00m to the north west of the car wash area and separated from the area by the garage/office building and a row of mature Leylandii trees along the boundary of the neighbouring property and application site.
- 6.10 The previous application was not refused upon grounds of unacceptable impact upon neighbouring amenity.

As considered previously, in terms of residential amenity, the proposed use would be somewhat separated from surrounding dwellings by a reasonable distance.

Whilst it is accepted that there may be some noise and disturbance arising from the use, the existing context and also the fallback position must be considered. Firstly, the existing context is that the site is within an already commercial area including use for servicing, repairs and MOTs, which are generally uses which generate high amounts of noise. Also, the road outside the site is a class B road, carrying a significant volume of traffic and with a speed limit of 40 mph. Therefore, existing background noise is already likely to be significant in the vicinity.

Also, the fall back position appears to be that the lawful use of the area is as a petrol station which is a use which also generates significant noise from the pumps and traffic generation. Considering these points, on balance, it is not considered reasonable to attach a noise condition in this instance. However, the application indicates that the proposed hours of use would be 9 AM to 8 PM on Mondays to Saturdays and 9 AM to 5 PM on Sundays and bank holidays. Outside of these hours it is considered that background noise is likely to be significantly reduced, as the servicing/repair/MOT use is unlikely to be in operation and traffic levels, being outside of working and school hours, are likely to be significantly reduced."

Therefore, it is considered that this issue of noise could be dealt with by a condition restricting the use to the proposed hours, in order to maintain a satisfactory living environment for neighbouring occupiers. With regards to spray and also the issue of any odours from valeting products, given the separation from neighbouring properties, on balance, this issue is not considered to result in significant harm to the quality of residential amenity for neighbouring occupiers.

- 6.11 The proposals have not changed since the previous application and it is considered that the assessment previously carried out, and the conclusion reached remain sound.

Environmental Issues

- 6.12 The previous application was refused due to a lack of information from the applicant to demonstrate that surface water would not discharge onto the highway. The current proposal shows that drainage on site would be via a mains sewer and that there is an existing 3 chamber interception system on site and the block plan also shows the proposed direction of drainage.
- 6.13 No objections (subject to conditions) have been received from environmental consultees or KCC Highways.
- 6.14 As such, it is considered that any environmental impact generated by the development can be effectively mitigated by the use of planning conditions and that a refusal based on environmental impact would be unwarranted.

Highways

- 6.15 No objections were received from Highways Consultees for this or the previous application. The road has a 'good' personal injury record and parking availability on site is acceptable for this use. In relation to the number of spaces available on the site, given the use of the wider site as a garage forecourt, it is unlikely that the proposed development would cause an unacceptable level of traffic generation or obstructively parked vehicles.
- 6.16 The query over whether motorists obey traffic laws is not a material planning consideration and does not constitute grounds for refusing the application.
- 6.17 In light of the comments received from KCC Highways, subject to conditions, as requested by this consultee. It is not considered that the development would have a detrimental impact upon parking in the area or the wider highway network.

7. CONCLUSION

- 7.01 Subject to conditions, the proposed development is not considered to have a detrimental impact upon the character and appearance of the application site or character of the wider area. The development will not have an unacceptably detrimental impact upon the amenity of neighbouring properties, nor will it have an unacceptable impact upon parking in the area or the wider highway network. As such the development is considered to be in keeping with local and national planning policies and is recommended for approval.

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

Application for Planning Permission
73/1 Site Location Plan
73/2/Levels Levels Block Plan
73/2A Block Plan
Cover Letter
Heritage Statement

Reason: To ensure the appearance and the character of the buildings are maintained and in the interests of residential amenity.

- 3) The carwash hereby approved shall not be open for customers outside the hours of 09:00-20:00 Monday - Saturday and 09:00 - 17:00 on Sundays and Bank Holidays;

Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers.

- 4) The parking areas shown on the approved plans shall be provided before first operation of the development to which they relate. Thereafter parking areas shall be kept permanently available for parking use and no development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications) shall be carried out on those areas of land.

Reason: In the interests of road safety.

- 5) Within 3 months of the date of this decision, the sides of the petrol station canopy shall be painted Olive Green (RAL 6003). Thereafter the petrol station canopy sides shall be retained in that colour and not subsequently changed in colour.

Reason: To ensure a satisfactory visual relationship with the landscape and the wider area.

Case Officer: William Fletcher

Item 19, pages 144-152

18/505243/FULL

Boughton Service Station, Heath Road, Boughton Monchelsea, Maidstone, Kent, ME17 4JD

A pre-commencement condition was agreed with the applicant concerning the betterment of the existing petrol station. Specifically condition 5 which reads as follows:

"Within 3 months of the date of this decision, the sides of the petrol station canopy shall be painted Olive Green (RAL 6003). Thereafter the petrol station canopy sides shall be retained in that colour and not subsequently changed in colour.

Reason: To ensure a satisfactory visual relationship with the landscape and the wider area."

The applicant has noted that this is not a pre-commencement condition as it refers solely to the implementation within three months of decision date and not to pre-commencement of car wash activities.

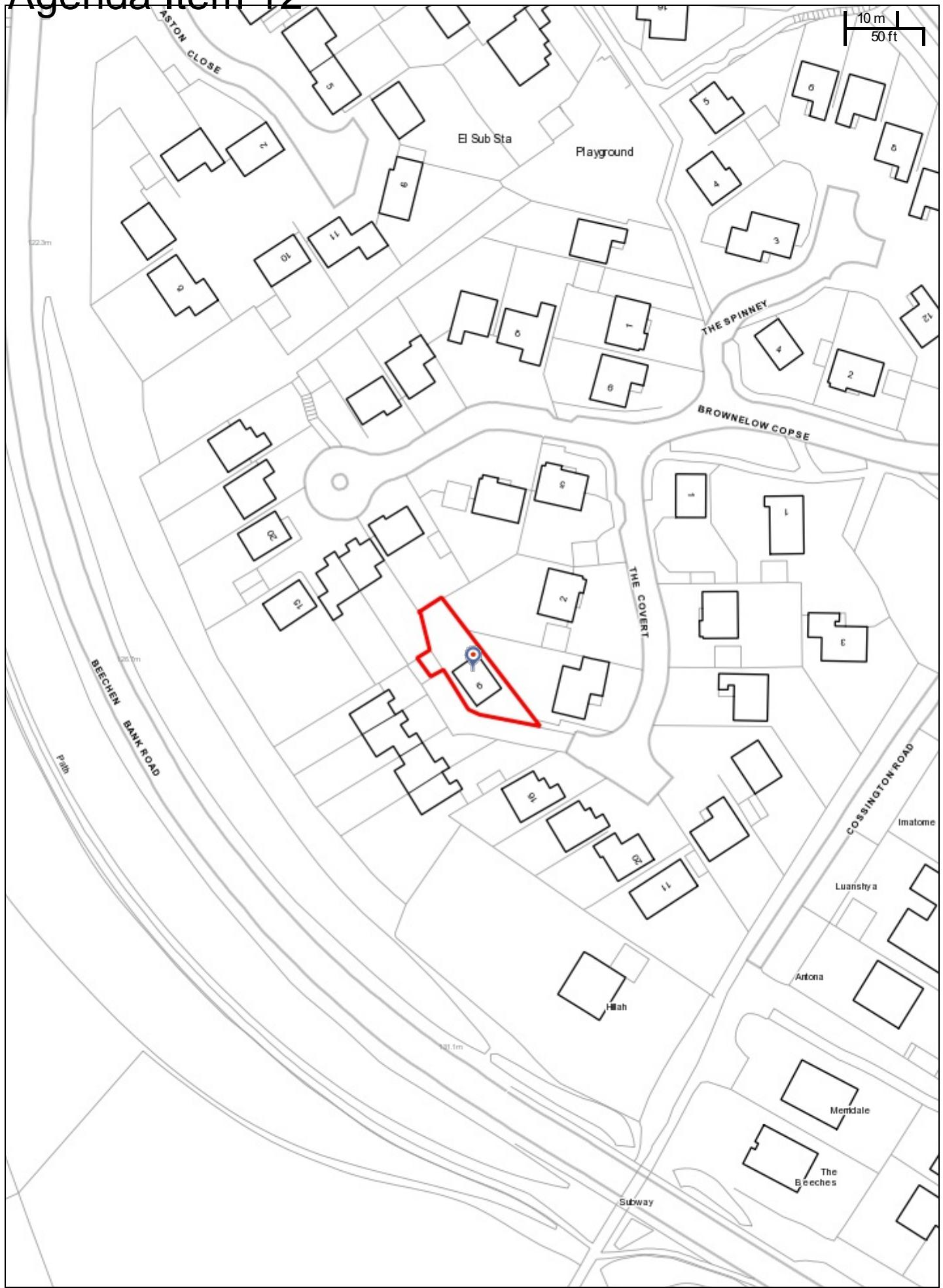
The case officer is in agreement and requests to update the condition to the following;

"Before first operation of car wash activities, the sides of the petrol station canopy shall be painted Olive Green (RAL 6003). Thereafter the petrol station canopy sides shall be retained in that colour and not subsequently changed in colour.

Reason: To ensure a satisfactory visual relationship with the landscape and the wider area."

Officer recommendation remains unchanged

Agenda Item 12



18/506178/FULL 6 The Covert

Scale: 1:1000

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REFERENCE NO - 18/506178/FULL		
APPLICATION PROPOSAL		
Two storey side and front extension combined with a first floor side extension above existing ground floor extension. (Resubmission of 17/506384/FULL and 18/503229/FULL)		
ADDRESS 6 The Covert Boxley Chatham Kent ME5 9JJ		
RECOMMENDATION Approve with conditions		
SUMMARY OF REASONS FOR RECOMMENDATION		
The proposal has been amended to sufficiently mitigate against the previous reason for refusal and now complies with Development Plan Policy, the aims of the Council's adopted residential extensions guidelines and Central Government Guidance.		
REASON FOR REFERRAL TO COMMITTEE		
The Parish Council consider that the new application does not address the main point raised by MBC (17/506384) and the Planning Inspectors previous refusal on 18/503229, which is the adverse impact on numbers 2 and 4 The Covert. They consider that properties in Brownlow Copse will also be affected by the bulk and massing of the proposed property along with loss of privacy to neighbouring properties will still occur making the application contrary to policies DM1 and DM9 of the Local Plan		
WARD Boxley	PARISH/TOWN COUNCIL Boxley	APPLICANT Mr Dean Simmons AGENT D.O. Facilities
TARGET DECISION DATE 22/01/19	PUBLICITY EXPIRY DATE 09/01/19	

Relevant Planning History

14/500734/FULL

Erection of single storey rear extension to replace existing conservatory

Approved Decision Date: 22.09.2014

17/506384/FULL

Two storey front/side extension combined with first floor side extension above existing ground floor extension and external alterations

Refused Decision Date: 12.02.2018

18/503229/FULL

Two storey side and front extension combined with a first floor side extension above existing ground floor extension. (Resubmission of 17/506384/FULL)

Refused Decision Date: 10.08.2018

This was refused on the following ground:

'The proposed extension, due to its height, bulk, and degree of projection and proximity to the common boundary, would have an unacceptably dominating, massing effect on the boundary with 4 The Covert, harmful to the residential amenities of its occupiers and their enjoyment of their property. To permit the proposal would therefore be contrary to Policies DM1 and DM9 of the Maidstone Borough Local Plan 2017, the Council's adopted residential extensions SPD, and the central government policy contained in The National Planning Policy Framework.'

Appeal History:

18/500102/REF

Two storey side and front extension combined with a first floor side extension above existing ground floor extension. (Resubmission of 17/506384/FULL)

Dismiss Decision Date: 15.11.2018

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is a detached dwelling located in a cul-de-sac within the Chatham urban boundary. It has an existing single-storey extension on its north-western side, and the garage, the right-hand one of a pair, is set at right angles to the front of this. There are significant differences in levels between the site and neighbouring properties. The estate is a relatively modern planned estate, with quite a mixed street-scene, and this dwelling does not form any part of a particular pattern. The whole area is covered by TPO No 1 of 1969.

2. PROPOSAL

- 2.01 Planning permission is sought to erect an extension on the north-west side of the dwelling. Part of this would be a first floor extension above the existing single-storey extension, and part would be a two-storey extension which would sit in the current gap adjacent to the dining room and would meet the flank wall of the existing garage.
- 2.02 The proposal is a resubmission of the previous application 18/503229/FULL. Amendments have been made to the refused scheme to address the reasons for refusal by setting the first floor element back by 1m on the boundary with No.2 and 4 The Covert.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017: DM1 and DM9
Supplementary Planning Documents: Maidstone Local Development Framework, Residential Extensions Supplementary Planning Document (adopted May 2009)

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 5 representations received from local residents raising the following (summarised) issues:

Overlooking and loss of privacy to 11 Brownelow Copse and 2, 8 and 10 The Covert back garden and dwelling.
Overshadowing and loss of light to No. 4 The Covert.
The extension is not in the best interest of people living around this property.
Detimental impact on natural light of 2 The Covert.
Impact on trees in garden of 2 The Covert.
Proximity and height of the proposal is largely unchanged from refused scheme.
The proposal would have an impact on No10 The Covert in terms of space and light
The proposal is an overdevelopment of the site, which cannot accommodate a house of this size, and will reduce the distance between No. 6 and No.10.
Loss of view from No. 8 The Covert

- 4.02 Councillor Bob Hinder has raised an objection to the proposal on the basis that it is an overdevelopment of the site and would seriously erode the light, view and privacy of No 2 and 4 The Covert.
- 4.03 1 notification of support for the proposal raising the following (summarised) issues:
- The proposal will have no detrimental impact on the neighbourhood and will, in fact, enhance it.
 - The extension will not be highly visible from the road and will be hidden by a double garage.
 - The amendments have been made following advice. There are no trees, drains or parking issues which would arise from the development.

5. CONSULTATIONS

Parish Council

- 5.01 The Parish Council have objected to the proposal, and stated that if the Planning Officer is minded to recommend approval then it should be reported to the Planning Committee. Members consider that the new application does not address the main point raised by MBC (17/506384) and the Planning Inspectors previous refusal on 18/503229, which is the adverse impact on numbers 2 and 4 The Covert. They consider that properties in Brownlow Copse will also be affected by the bulk and massing of the proposed property.
- 5.02 Loss of privacy to neighbouring properties will still occur making the application contrary to policies DM1 and DM9 of the Local Plan.
- 5.03 The Parish Council consider that Paragraphs 5 and 10 of the Planning Inspectors Appeal decision (15 November 2018) clearly identifies that the previous application 18/503229 would result in harm to the living conditions of the occupiers of number 4 The Covert and members consider that the minor amendments contained in the planning application do not change the situation.

Landscape Officer

- 5.04 On the previous application, the Landscape officer raised no objection subject to a condition requiring compliance with the Arboriculture Method Statement produced by GRS. This report has been resubmitted with the current application and remains of equal relevance.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- Previous appeal decision
 - Visual impact
 - Amenity impact
 - Other matters

Appeal decision

- 6.02 As outlined above, the proposal is a resubmission of previous application 18/503229/FULL. An appeal against the refusal of this was dismissed. The Inspector found:

'In my view, a combination of the site configuration and difference in levels, would mean that the development would significantly harm the outlook from both the rear garden of No 4, its ground floor rear facing room which has only one light source, and to a lesser extent, the rear first floor room of that property. Having a broadly west facing aspect at the rear, I also consider it likely that there would be some loss of sunlight to that property at different times of the year. For a combination of these reasons, there would be harm to the living conditions of the occupiers of No 4.'

- 6.03 In terms of other impact upon other nearby properties, the inspector stated:

'had I been minded to allow the appeal, I am satisfied that suitable conditions could have been imposed to safeguard privacy from proposed windows in the rear elevation. I also agree that spacing distances and presence of existing windows between properties on the opposite side of The Covert and also to the rear in respect of properties in Brownelow Copse, are adequate to ensure acceptable relationships in those respects.'

- 6.04 In response to this and advice given post appeal, the current revised scheme has been submitted. Its shows a similar proposal to that previously considered, but with the first floor element set back by 1m on the boundary with No.2 and 4 The Covert.
- 6.05 Given the relevance of the appeal decision to the current proposal, it is afforded significant weight in consideration of this proposal.

Visual Impact

- 6.06 Policy DM9 requires the scale, height, form, appearance and siting of proposed extensions to fit unobtrusively with the existing building. This aim is reflected in the Council's adopted residential extensions SPD.
- 6.07 This scheme shows the proposed extension to have a dropped ridge line and lower eaves than the existing dwelling, which is a technique advocated in the Council's adopted residential extensions SPD. It would break down the mass of the resultant building and ensure that the extension would appear subordinate. As previously considered, the proposal would successfully achieve this and although the resultant building would still be quite large, on balance, it would not represent an over-development of the site.
- 6.08 Given the siting of the extension, above an existing ground floor element, and tucked between this and the garage, the proposal would not cause harm to the street-scene in terms of spacing, rhythm or pattern of development, due to the mixed nature and layout of development in the cul-de-sac.
- 6.09 This accords with the conclusion reached by the Inspector previously who found that the proposal had an acceptable visual impact.

'The Council raises no objections from a design point of view. In that regard I consider the proposed extensions would be in keeping with the character of the property in terms of its overall size, lower ridge heights, complimentary roof forms and matching materials and I therefore concur with that assessment.'

- 6.10 . In light of the significant weight attached to the Inspectors conclusions and given the Councils previous assessment , both which considered the visual impact to be acceptable, it would be unreasonable to raise a new objection on this ground. Regardless, the visual impact of the proposal accords with Local plan policy.

Amenity Impact

- 6.11 Objections have been received from neighbouring occupiers regarding the impact of the proposal on 2, 4, 8 and 10 The Covert and 11 Brownelow Close. The current proposal would not have any greater impact than that considered previously, and by the appeal Inspector. It has been amended to reduce the impact on the shared boundary with No.2 and 4 The Covert.
- 6.12 As detailed above, the Inspector previously found that the proposal would not have a detrimental impact on the amenity of neighboring occupiers other than No.4 The Covert. He agreed with the Council's assessment that spacing distances and the presence of existing windows between properties on the opposite side of The Covert and also to the rear in respect of properties in Brownelow Copse, were adequate to ensure acceptable relationships in those respects.
- 6.13 The impact of the proposal has been reduced compared with the previously considered scheme. Along with the weight afforded to the Inspectors decision in this regard and in light of the Councils previous assessment of amenity impact, this element of the proposal continues to be considered to be acceptable
- 6.14 Turning to the impact on No 4 The Covert, in the previous appeal decision, the Inspector concluded that
'there would be harm to the living conditions of the occupiers of No 4 The Covert. It would therefore be in conflict with Policies DM1 and DM9 of the Council's Local Plan 2017, in that it would not respect the amenities of the occupiers of No 4 nor safeguard their outlook'
- 6.15 Number 4 stands on significantly lower ground than the application site. The first floor extension element of the proposal would be visible from this neighboring dwelling as it would extend across a portion of its rear boundary. No additional widows are proposed in the facing elevation and therefore there would be no reduction in the privacy or overlooking impact of No.4.
- 6.16 In response to the previous refusal and the dismissed appeal, the proposal now shows this element as set in from the flank wall of the ground floor extension by 1m. This would reduce the sense of enclosure, and pull back the massing and domination of that element of the proposal to the extent that the outlook from No.4 would be reduced to a minimal degree. Although the extension would still be visible from the rear of No.4, even taking account of the differences in ground levels, the amendment would mitigate the previously identified harm to an acceptable degree such that refusal could not be justified on this basis.
- 6.17 As required by policies DM4 and DM9, the proposal would not result in any loss of daylight or sunlight to neighboring occupiers, and would not have any overshadowing impact. The proposal passes the sunlight/daylight test.

Other Matters

- 6.18 The nature of the proposal is such that it does not affect the parking provision, and it is considered that sufficient parking provision exists to serve the extended dwelling.
- 6.19 Even though the area is covered by TPO No 1 of 1969, no important trees would be lost, and the Landscape Officer does not raise objection provided that the submitted Arboriculture Method Statement is complied with.

- 6.20 Due to the nature, siting and scale of the proposal there are no significant ecological issues to consider.
- 6.21 Drainage would be dealt with under Building Regulations.
- 6.22 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

7. CONCLUSION

Taking all of the above into account, the proposal has been amended to sufficiently mitigate against the previous reason for refusal and now complies with Development Plan Policy, the aims of the Council's adopted residential extensions guidelines and Central Government Guidance. It is therefore recommended that planning permission be granted for the proposal.

8. 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 additional windows, doors, voids or other openings shall be inserted, placed or formed at any time in any new facing first floor walls hereby permitted.

Reason: To prevent the overlooking of adjoining properties and to safeguard the privacy of their occupiers.

(3) All tree protection and supervision arrangements shall be carried out in accordance with the approved Arboricultural Method Statement unless the local planning authority gives written consent to any variation.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

(4) The development shall be carried out only in accordance with the following approved plans: 19490a, 19490B and 19490C

Reason: In the interests of clarity

Case Officer: Joanna Russell

APPENDICES



Appeal Decision

Site visit made on 7 November 2018

by Mr Kim Bennett DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2018

Appeal Ref: APP/U2235/D/18/3209878

6 The Covert, Chatham, Kent ME5 9JJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Dean Simmons against the decision of Maidstone Borough Council.
- The application Ref 18/503229/FULL, dated 14 June 2018, was refused by notice dated 10 August 2018.
- The development proposed is a two storey side and front extension combined with a first floor side extension above existing ground floor extension.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of No 4 The Covert.

Reasons

3. No 6 The Covert comprises a two storey detached house located at the end of the cul-de-sac and forms part of a small development of individually designed dwellings. It has a single storey extension on its northern side and an adjoining detached garage alongside that. To the rear there are residential properties forming part of Brownelow Copse. The topography varies within the immediate area, so that Nos 2 and 4 The Covert are set at a significantly lower level than No 6.
4. Planning permission was refused for an apparently similar proposal in 2017¹ for three reasons, namely; design, loss of privacy to Nos 2 & 4 The Covert and overbearing impact upon No 4 The Covert. The Council considers that the revised proposal overcomes the first two reasons, but not the third in respect of the impact upon No 4.
5. I took the opportunity at my site visit to inspect the site from both within the rear garden of No 4, as well as the ground and first floor rear facing rooms. It is evident that because of the significantly higher site level of No 6, it already has a dominating presence in relation to the outlook from the rear of No 4. That is accentuated by the nature of No 4's rear garden which narrows to a

¹ Application Reference 17/506384/FULL

point as it extends past No 6. Because of that, there is an additional enclosing effect caused by the extended rear wall of No 6, and the presence of large mature trees along the northern boundary with No 2 The Covert. In my view, a combination of the site configuration and difference in levels, would mean that the development would significantly harm the outlook from both the rear garden of No 4, its ground floor rear facing room which has only one light source, and to a lesser extent, the rear first floor room of that property. Having a broadly west facing aspect at the rear, I also consider it likely that there would be some loss of sunlight to that property at different times of the year. For a combination of these reasons, there would be harm to the living conditions of the occupiers of No 4.

6. Whilst I note that there has been some discussion between the appellant and the Council in terms of readjusting the first floor east facing wall of the proposed extension, such options are not before me and I have reached my findings based on the submitted drawings. For the avoidance of doubt these are drawing Nos 19485A, 19485B and 19485C.
7. In terms of other impact upon nearby properties, had I been minded to allow the appeal, I am satisfied that suitable conditions could have been imposed to safeguard privacy from proposed windows in the rear elevation. I also agree that spacing distances and presence of existing windows between properties on the opposite side of The Covert and also to the rear in respect of properties in Brownelow Copse, are adequate to ensure acceptable relationships in those respects.
8. The Council raises no objections from a design point of view. In that regard, I consider the proposed extensions would be in keeping with the character of the property in terms of its overall size, lower ridge heights, complimentary roof forms and matching materials and I therefore concur with that assessment.
9. Finally, although I have been referred to an apparently similar extension at No 15 Brownelow Copse, the specific circumstances of that development are not before me and such cases need to be considered on the basis of individual site circumstances and relationships to adjoining sites.
10. Whilst the proposal would be acceptable in some respects, for the above reasons, there would be harm to the living conditions of the occupiers of No 4 The Covert. It would therefore be in conflict with Policies DM1 and DM9 of the Council's Local Plan 2017, in that it would not respect the amenities of the occupiers of No 4 nor safeguard their outlook.
11. Accordingly, the appeal is dismissed.

Kim Bennett

INSPECTOR

NOTES FOR TECH		
APPLICATION PROPOSAL		Ref No 18/503229/FULL
Two storey side and front extension combined with a first floor side extension above existing ground floor extension. (Resubmission of 17/506384/FULL)		
ADDRESS 6 The Covert Boxley Chatham Kent ME5 9JJ		
RECOMMENDATION - Application Refused		
WARD Boxley	PARISH/TOWN COUNCIL Boxley	APPLICANT Mr Dean Simmons AGENT D.O. Facilities
DECISION DUE DATE 27/08/18	PUBLICITY EXPIRY DATE 08/08/18	

OFFICER SITE VISIT 18/07/2018

RELEVANT PLANNING HISTORY

17/506384/FULL – two-storey front/side extension combined with first floor side extension above existing ground floor extension and external alterations – REFUSED

14/500734/FULL – Single-storey extension to replace conservatory – APPROVED

Planning application 17/506384/FULL was refused for three reasons, which can be summarised as:

- the design of the extension, particularly in terms of its bulk and massing and failure to appear subordinate to the host building;
- loss of privacy to the rear gardens of 2 and 4 The Covert, from the proposed bedroom window in the rear elevation;
- overbearing impact, due to the dominating, massing effect of the extension on the boundary with 4 The Covert.

Subsequent to the determination of that application, the applicant sought pre-application advice to discuss how to overcome the above reasons for refusal.

Some of the advice given is reflected in the current application, but that in relation to the third reason for refusal is not.

RELEVANT PLANNING CONSTRAINTS

Within Chatham urban boundary

Area TPO No 1 of 1969

POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Maidstone Borough Local Plan 2017: DM1, DM9

Supplementary Planning Documents: Maidstone Local Development Framework, Residential Extensions Supplementary Planning Document (adopted May 2009)

LOCAL REPRESENTATIONS

	COMMENTS RECEIVED
Boxley Parish Council	Can see no material planning reason to object.
Residential Objections Number received: 5	Representations received from 2, 4, 10 & 12 The Covert and 11 Brownelow Copse raising objection on the following summarised grounds: 1.loss of privacy; 2.loss of light/overshadowing; 3.overbearing; 4.overdevelopment; 5.loss of view; 6.water drainage and run off; 7.impact on trees; 8.impact on wildlife;

	<p>9.topography accentuates impact; 10.lack of parking.</p>
Residential Support Number received: 1	<p>A representation of support was received from 14 The Covert making the following summarised points:</p> <p>11.extension will enhance the area; 12.no harm to neighbours as hidden behind existing garage and vegetation, so no issues over light or privacy; 13.ample parking exists; 14.lots of houses already overlook each other; 15.the houses have their own individual look and none of the extensions in the area have had negative effect; 16.a recently-built house overlooks this property and the occupant was told this was not something she could object to at the time; 17.no harm to trees or wildlife; 18.no issues with flooding and drains are sufficient.</p>

Loss of view is not a material planning consideration.

I am also in receipt of further comments and photographs from the applicant, submitted in response to the objections received from neighbours.

CONSULTATION RESPONSES

COUNCILLOR WENDY HINDER: Has serious concerns about this application. Considers the proposal would cause over-development of the site and would be detrimental to neighbours and the street scene.

LANDSCAPE OFFICER: No objection subject to a condition requiring compliance with the Arboriculture Method Statement produced by GRS.

DESCRIPTION OF SITE

This application relates to a detached dwelling located in a cul-de-sac within the Chatham urban boundary. It has an existing single-storey extension on its north-western side, and the garage, the right-hand one of a pair, is set at right angles to the front of this. There are significant differences in levels between the site and neighbouring properties. The estate is a relatively modern planned estate, with quite a mixed street-scene, and this dwelling does not form any part of a particular pattern. The whole area is covered by TPO No 1 of 1969.

PROPOSAL AND RELEVANT PLANNING HISTORY

Planning permission is sought to erect an extension on the north-west side of the dwelling. Part of this would be a first floor extension above the existing single-storey extension, and part would be a two-storey extension in front of that, projecting out to meet the flank wall of the existing garage.

The application is a resubmission of a previous application for a part two-storey/part first floor extension in the same location (17/506384/FULL). That application was refused for the following three reasons:

(1)The proposed extension would not appear subordinate to or fit unobtrusively with the existing building, due to its bulk and massing and the length of the main ridge. The resultant dwelling would appear excessively bulky and horizontal and as such the proposal represents poor design, contrary to Policies DM1 and DM9 of the Maidstone Borough Local Plan 2017, the Council's adopted residential extensions SPD, in particular paragraphs 4.37 to 4.42, and the central government policy contained in The National Planning Policy Framework.

(2)The proposed window to bedroom 2 would result in a harmful loss of privacy due to the unacceptable degree of overlooking that it would afford of the rear gardens of 2 and 4 The Covert. To permit the proposal would therefore be contrary to Policies DM1 and DM9 of the Maidstone Borough Local Plan 2017, the Council's adopted residential extensions SPD, and the central government policy contained in The National Planning Policy Framework.

(3)The proposed extension, due to its height, bulk, and degree of projection and proximity to the common boundary, would have an unacceptably dominating, massing effect on the boundary with 4 The Covert, harmful to the residential

amenities of its occupiers and their enjoyment of their property. To permit the proposal would therefore be contrary to Policies DM1 and DM9 of the Maidstone Borough Local Plan 2017, the Council's adopted residential extensions SPD, and the central government policy contained in The National Planning Policy Framework.

The applicant has since received pre-application advice on how to overcome the above reasons for refusal. Some of the advice given is reflected in the current application, but that in relation to the third reason for refusal is not.

APPRAISAL

The most relevant Local Plan Policy is DM9, which deals with extensions and additions to residential properties within the built-up area. The proposal is assessed against its criteria as follows: -

Impact on the Existing Dwelling and Street-scene

Criterion i. of Policy DM9 requires the scale, height, form, appearance and siting of proposed extensions to fit unobtrusively with the existing building, and this aim is reflected in paragraphs 4.37 to 4.42 of the Council's adopted residential extensions SPD. Paragraph 4.39 states that "*An extension should not dominate the original building... and should be subservient to the original dwelling*" and paragraph 4.42 that "*The form of an extension should be well proportioned and present a satisfactory composition with the existing property. The respective forms of the existing property and extension should be in harmony; their combination not discordant.*"

This amended scheme shows the proposed extension to have a dropped ridge line and lower eaves than the existing dwelling, which is a technique advocated by the Council's adopted residential extensions SPD to break down the mass of the resultant building and ensure that the extension would appear subordinate. I consider that the current proposal would successfully achieve that. As such, I consider that the first reason for refusal, relating to the design of the extension in terms of its bulk and massing, has been overcome.

Although the resultant building would still be quite large, on balance, I do not consider the proposal represents over-development.

I do not consider that harm would be caused to the street-scene in terms of spacing, rhythm or pattern of development, due to the mixed nature and layout of development in this cul-de-sac.

Impact on Boundary Treatment

There would not be any impact on traditional boundary treatments.

Impact on the Neighbours – 2 & 4 The Covert

These dwellings stand on significantly lower ground to the north-east (no 2) and east (No 4) of the proposed extension. Currently, the only opening on the wall of the application building facing these properties is a window serving the staircase, a transient area, not a habitable room.

The proposal would see a new window to a study inserted into the existing facing wall of the dwelling. However, the plans show that this would be fitted with frosted glass to obscure views out of it, and would be incapable of being opened other than a high-level fanlight. This arrangement would allow light to enter the study without affording views over the neighbouring gardens, and can be secured by a planning condition. The plans also show a proposed, openable roof light on the roof slope facing these properties, which would provide further light and ventilation to the study. This is not indicated as being obscure-glazed, however given its height above inside floor level, the angle of the roof slope and the difference in levels between the application site and the neighbouring gardens, it would not result in them being overlooked, but would only afford views of the sky. On considering these points, it is my view that the second reason for refusal, relating to the loss of privacy to the rear gardens of 2 and 4 The Covert has been overcome, subject to the imposition of an appropriate condition securing the obscure-glazed and fixed-shut nature of the window to the study.

Although the window and roof light would be visible to users of the gardens of 2 and 4 The Covert, which could create an impression of being overlooked, now that the actual overlooking from the window has been eliminated, I do not consider this in itself to justify refusal of planning permission.

The significant difference in levels means that the ground protection is roughly on a level with the first floor of 4 The Covert, and consequently due to its proximity to the rear boundary, the applicant's house already towers above the garden of that property and dominates the view from the lounge and to a lesser extent the bedroom above it. However, some relief is given by the single-storey nature of the extension at the north-western end, which enable some sky to be seen above it and lessens the enclosed feel of that garden. The proposal would infill that space above the existing extension, taking the built development up to two-storey height in the same close proximity to the boundary and extending it a further 4 m along the boundary with 4 The Covert. To my mind, this would have an unacceptably dominating, massing effect on the boundary of 4 The Covert, to the detriment of the occupiers' enjoyment of their property. I note that the lowered eaves and ridge and the proposed boarding would break up the extended rear elevation and so represent some improvement on the previously refused scheme in that respect, but in view of the degree of projection of the extension from the side elevation of the original building, and the difference in levels between the application site and the neighbouring garden, I do not consider that it would be sufficient to mitigate the harm to a satisfactory degree. In my view, the amended proposal would still have an unacceptably dominating, massing effect on the boundary of 4 The Covert, to the detriment of the residential amenities of its occupiers and their enjoyment of their property, and as such, the third reason for refusal has not been overcome.

The degree of separation would be sufficient to prevent a significant loss of light to these properties.

Impact on the Neighbours – 8, 10 & 12 The Covert

These dwellings face the application building across the cul-de-sac and stand on higher ground (approx. 1 - 1.5 m). In view of the separation distance being in excess of 10 m and the difference in levels, I do not consider that the proposal would cause a significant loss of light or degree of overshadowing to these properties. For the same reasons, I do not consider that it would be overbearing for their occupants.

Concern has been raised in representations regarding loss of privacy. Although the degree of separation from 8 The Covert would be less than 21 m, in view of the difference in levels and the fact that the application building already has a bedroom window facing this property in a broadly similar position to the proposed window to bedroom 1, (which would be replaced with a bathroom window - which can be conditioned to be obscure-glazed - as a result of this

proposal, so there would not be an increase in the number of windows facing), on balance I do not consider that the impact on privacy would be sufficiently more detrimental to justify a refusal of planning permission that could be sustained at appeal.

Similarly, since the degree of separation and the angle involved would be greater in relation to 10 and 12 The Covert, I do not consider that a refusal on the grounds of privacy for occupiers of these properties could be sustained at appeal either.

Impact on the Neighbours – 9 Brownelow Copse

This property lies to the north-west of the site, and the wall to wall distance between its rear elevation and the flank of the proposed extension would be approximately 23 m. As such, I do not consider that the development would have any significant impact on light for the occupiers of that property, and in view of the distance of the extension from the common boundary, neither do I consider that it would have a significantly detrimental impact on outlook.

In terms of privacy, the application building already has a bedroom window facing this property, and although the development proposes a window set closer to it, at approximately 23 m, the distance between the facing windows would be sufficient to prevent a significantly detrimental impact. Although the rear garden of 9 Brownelow Copse is set closer to the boundary than the dwelling, I saw from my site visit that this can already be overlooked from the existing bedroom window, so I do not consider that the proposal would have a significantly more detrimental impact to such a degree as to justify a refusal of planning permission on this basis.

Impact on the Neighbours – 11 Brownelow Copse

This dwelling is positioned slightly closer to the application building than 9 Brownelow Copse, albeit at a slight angle. The position of the existing bedroom window and the resulting angle of view are sufficient to prevent a significant degree of overlooking. The angle of view from the proposed window to bedroom 2 would be similar to that, so I do not consider that the impact would be significantly different.

The separation distance between the proposed extension and 11 Brownelow Copse would be sufficient to prevent a harmful loss of light or outlook for its occupants.

Impact on Parking

The nature of the proposal is such that it does not affect the parking provision, and it is considered that sufficient parking provision exists to serve the extended dwelling, had the proposal been acceptable in all other respects.

Other Matters

Even though the area is covered by TPO No 1 of 1969, no important trees would be lost, and the Landscape Officer does not raise objection provided that the submitted Arboriculture Method Statement is complied with.

Due to the nature, siting and scale of the proposal there are no significant ecological issues to consider.

Drainage would be dealt with under Building Regulations.

CONCLUSION

Taking all of the above into account, I conclude that the proposal does not comply with Development Plan Policy, the aims of the Council's adopted residential extensions guidelines and Central Government Guidance, and that there are no overriding material considerations to justify approval that outweigh the harm identified above. I therefore recommend refusal for the reason set out below.

RECOMMENDATION – Application Refused subject to the following conditions/reasons:

(1) The proposed extension, due to its height, bulk, and degree of projection and proximity to the common boundary, would have an unacceptably dominating, massing effect on the boundary with 4 The Covert, harmful to the residential amenities of its occupiers and their enjoyment of their property. To permit the proposal would therefore be contrary to Policies DM1 and DM9 of the Maidstone Borough Local Plan 2017, the Council's adopted residential extensions SPD, and the central government policy contained in The National Planning Policy Framework.

The Council's approach to this application

Note to Applicant

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

In this instance:

The application was not considered to comply with the provisions of the Development Plan and NPPF as submitted, and would have required substantial changes such that a new application would be required.

Delegated Authority to Sign:	Date:
 PRINT NAME: J Russell	9.8.18

Agenda Item 13



18/506206/FULL Golden Oaks

Scale: 1:2500

Printed on: 11/2/2019 at 10:41 AM by SummerF

REFERENCE NO - 18/506206/FULL			
APPLICATION PROPOSAL Removal of existing outbuilding and erection of a single storey pitched roof outbuilding for use ancillary to the domestic occupation of the site.			
ADDRESS Golden Oaks, Pye Corner, Ulcombe, Kent, ME17 1ED			
RECOMMENDATION APPROVAL			
SUMMARY OF REASONS FOR RECOMMENDATION The proposal is considered to comply with the policies of the adopted Maidstone Borough Local Plan (2017) and the provisions of the NPPF and there would appear to be no material planning considerations that would justify a recommendation of refusal.			
REASON FOR REFERRAL TO COMMITTEE The recommendation is contrary to the views expressed by Ulcombe Parish Council who wish to see the application refused.			
WARD Headcorn	PARISH/TOWN COUNCIL Ulcombe	APPLICANT Mr & Mrs Gilham AGENT DHA Planning	
TARGET DECISION DATE 04.02.2019	PUBLICITY EXPIRY DATE 18.01.2019		

Relevant Planning History

18/500379/SUB - Submission of details pursuant to Condition 7 (Landscaping scheme), Condition 9 (Details of boundary treatment) and Condition 10 (Details of hard landscaping) for planning permission 17/501477/FULL – Approved 07.02.2018

17/501477/FULL - Use of land for the siting of 1no. mobile home, parking for 1no. touring caravan and erection of an amenity building for a member of the travelling community – Approved 29.12.2017

Enforcement History:

None.

Appeal History:

N/A.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site comprises an irregular shaped plot of land located to the northern side of Eastwood Road. The site is well screened from the highway by established landscaping. There is a gated vehicular access into Golden Oaks at the western end of the site. The site currently includes a timber shed adjacent to the western boundary; a mobile home together with an associated amenity building.
- 1.02 The site is located within the open countryside. Adjacent to the western boundary is a pair of semi-detached residential dwellings. On the opposite side of the road is a horse riding/livery complex. A public footpath runs across the northern boundary of the site.

2. PROPOSAL

- 2.01 This submission proposes to remove the existing timber outbuilding along the western boundary of the site and to replace it with a single storey, pitched roof, outbuilding adjacent to the southern boundary of the site with Eastwood Road, approximately 20m to the south of the existing mobile home. The existing timber building was in situ prior to the present occupation of the site and was identified in the application for the siting of the mobile home as providing storage for maintenance equipment and animal feed. The building measures 4.42m in depth; 5.040m in width; and has a monopitch roof with a maximum height of 2.45m.
- 2.02 The proposed building is detailed as being 16.5m in width; 6m in depth; 2.5m in height to eaves; and 4.05m to the ridge. A section of the building measuring 7m in width will provide a domestic storage area/workshop to replace the building being demolished. The remainder of the proposed building will be used as stables, a tack room and a feed store with a walkway. The exterior of the building will be timber clad and the roof will be finished with stable roof sheets.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017: SP17; DM1; DM15; DM32; DM41.
Supplementary Planning Documents: N/A

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 No representations received from local residents.

5. CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

Ulcombe Parish Council

- 5.01 Ulcombe Parish Council wishes to see this application refused for the following reasons:

- 1) it is an overdevelopment of the 0.75 hectare site of which nearly 50% is occupied by 2 caravans and hardstanding
- 2) we consider the glazed doors and windows are inappropriate because they look domestic.

Maidstone Local Plan policy DM41 says that new stables and associated buildings " are not of a degree of permanence that could be adapted for other use in the future ".

- 3) We consider this 16.5m building to be too big for the site and will be a loss of amenity (MBC Local Plan 2017 policy DM1, particularly sections ii and iv). In the previous application 17/501477, MBC said that no more than 2 caravans shall be stationed on the site "to safeguard the amenity character and appearance of the area"

- 4) the proposed workshop and feed store also contradicts MBC's decision (17/501477) "No commercial activities shall take place on the land, including the outdoor storage of materials.
- 5) the planning application is misleading on 2 points:
 - a) para 10 - contrary to the declaration " No", there is a magnificent 70 year old mature oak tree adjacent to the proposed workshop/stable block, and close to Eastwood road . It is important "as part of the local landscape character". The proposed building will affect the root system of this tree a few feet away and "should influence the development". The tree needs protecting.
 - b) para 22 - the site is indeed visible from the country lane (Eastwood Road) and from PROW KH321 which runs along the northern boundary of this site, and which is also Ulcombe's historic burial path leading to its Grade 1 church on the Greensand Ridge LLV.
- 6) We are concerned about the noise, activity and light pollution that could result from this workshop/stable block. It will affect the immediate 5 neighbours' amenity, in a tranquil area and which is also dark landscape. (NPPF 2018 para 180, MBC Local Plan 2017 policies DM 1, 3 and 30)

Ulcombe Parish Council wishes this application referred to the Planning Committee should the planning department not agree with us.

KCC Public Rights of Way Officer

- 5.02 Public Rights of Way KH321 footpath runs inside the north eastern boundary of the site and should not affect the application.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:

- The principle of the development in the countryside;
- The design and visual impact of the proposal;
- Neighbouring amenities;
- The impact upon the mature oak tree.

Principle of the Proposal

- 6.02 Policy DM15 of the adopted Maidstone Borough Local Plan (2017) refers to proposals for gypsy, traveller and travelling showpeople accommodation but does not specifically relate to applications for associated outbuildings. Accordingly, as a site with planning permission for the existing use, it would be appropriate to consider the proposal against those policies within the Local Plan that deal with rural developments in general.
- 6.03 Policy SP17 specifies that development proposals in the countryside will (amongst other things) not be permitted unless they accord with other policies in the plan and will not result in harm to the character and appearance of the area. Accordingly, Policy DM32 is supportive of extensions to dwellings (including outbuildings) in the countryside provided that they are subservient in scale, location and design to the host dwelling and cumulatively with the host dwelling

remain visually acceptable in the countryside. Furthermore, Policy DM41 is also supportive of equestrian development in the countryside.

- 6.04 The previous approval for the use of the site for the stationing of a mobile home accepted the retention of the existing timber building for the storage of land maintenance equipment. The current building is noted to be too small to accommodate the equipment required to maintain the overall site which covers an area of 7,500 sq.m. The present building is also too small to provide space for maintaining the required equipment. The applicant also keeps two ponies/horses which require stabling. These are kept on a domestic basis only.
- 6.05 Accordingly, the principle of the proposed building would accord with the relevant policies for acceptable development in the countryside in that the building is identified as being required in connection with the domestic use of the site which is an accepted form of rural development by virtue of policies DM32 and DM41. The applicant's agent has confirmed in a letter dated 23.01.2019 that there is no commercial aspect to this scheme. The specific details of the design and visual impact will be considered below.

Design and Visual Impact

- 6.06 The proposed building will measure 16.5m x 6m with a maximum height of 4.05m. The demolition of the existing store, albeit a smaller building, will see the consolidation of the requirements for outbuildings on the site in one location, closer to the approved mobile home and amenity building. This grouping of development within the site will give the impression of a courtyard arrangement which is characteristic of many rural sites.
- 6.07 The design and appearance of the building with its timber cladding and stable roof sheets will identify its status as an ancillary building that incorporates stables. The Parish Council have raised concern over the incorporation of windows and a part glazed door for the store/workshop area as well as the extent of development within the site, particularly in the context of Local Plan Policy DM1 (ii) which relates to scale and site coverage. There are two windows and a part glazed door at one end of the building only and these face into the site. The applicant's agent has noted that the purpose of the glazed element is to allow natural light into this area when equipment is being maintained. There are no openings on the rear (Eastwood Road) elevation or the eastern elevation. Furthermore, the boundary with Eastwood Road is defined by soft landscaping and this is maintained as part of the landscaping condition attached to the 2017 permission for the use of the site for the stationing of a mobile home.
- 6.08 In terms of site coverage, the entire site area is 0.75ha. In taking into account the total amount of development on the site, this would not exceed 3% of the total area. The concentration of development to one area of the site will also positively protect the openness of the countryside.
- 6.09 The height of the building at 4.05m in combination with the external materials and landscaping along the boundary will see that the building is not excessively prominent in the views from Eastwood Road or indeed from the public footpath to the north. This type of outbuilding is not uncharacteristic of a rural setting and therefore it will not appear incongruous. In determining this issue, I have considered that there is a development of stables (Kent Liveries) directly opposite.
- 6.10 In conclusion on this point, there would not appear to be substantive reasons to consider a decision of refusal based on the design and visual impact of this proposal.

Neighbouring Amenities

- 6.11 The Parish Council have raised concerns that the proposal will result in noise, activity and light pollution that will impact upon the amenities of the immediate 5 neighbours to the site. The closest neighbouring properties are Rose Cottage to the west and Vale Beck to the south west as well as the stables to the south. The closest dwellings are approximately 50m away. This proposal will also see the removal of the existing storage building which is positioned much closer to the neighbouring property at Rose Cottage. The plans and application form do not indicate that there is an intention to install outside lighting and indeed, the original planning permission for this site includes a restrictive condition in this regard. This condition should also be included on this recommendation. The site will also be ancillary to the current domestic use and will not therefore generate any discernible increase in activity.
- 6.12 In view of these circumstances, it would appear that there are no material reasons to consider a refusal based upon neighbouring amenities, subject to the imposition of appropriate conditions regarding the domestic use of the building and control over external lighting.

Landscaping and Protection of Trees

- 6.13 The objection from the Parish Council raises the issue of the mature oak tree within the site that is located near to the proposed development. This is noted to be an important part of the local landscape and it is asserted that the development will affect the root system of the tree. The tree is said to need protection.
- 6.14 The applicant's agent has responded to this concern with the statement that the proposed building has been sited to take account of the proximity of the oak tree. Furthermore, it is noted that the nature of the building is such that it will not require significant foundations. The building will not exceed the maximum allowable incursion into the trees root area and can be constructed without harm to the tree, in accordance with BS5837.
- 6.15 This established oak tree is denoted on the landscape scheme for the original planning consent for this site. Arguably, it is an important feature in the character of this part of Eastwood Road. There is no evidence put forward to dispute the agent's assertion that the root protection area of the Oak tree has directed the location of the proposed building. I would however recommend that suitably worded conditions are added to the decision to ensure that the tree is appropriately protected during the construction phase of the development.

Suitability for the Stabling of Horses

- 6.16 Policy DM41 sets out the criteria for assessing proposals for the stabling of horses. A number of the requirements relate to design, siting and landscaping, which have been considered above. The remaining issues from this policy relate to the provision of a suitably designed area for the reception of soiled bedding materials as well as provision for foul and surface water drainage together with the provisions relating to the safety and comfort of the horses.
- 6.17 As the stables will be located adjacent to their owners and the total land area is 0.75ha, it can be considered that the safety and comfort of the horses is adequate. I do however note that the plans do not indicate a suitable area for soiled bedding materials and details of any foul drainage are included. Accordingly, I recommend the imposition of a suitable condition to require this information before the building is first used.

Other Matters

- 6.18 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

7. CONCLUSION

- 7.01 In balancing the issues of this case, it is my assessment that the nature of this proposal can reasonably be considered to fall within the limits of acceptable development within the countryside, as directed by policies SP17; DM32; and DM41 of the adopted Local Plan. I am satisfied that the openness and character of this countryside location will be maintained and that suitable conditions relating to the protection of the mature Oak tree on the site will ensure its long term health. The amenities of the nearby residents are unlikely to be compromised by this proposal but to ensure this position, I would recommend that suitable conditions are attached relating to the domestic use of the building only and external lighting. In terms of the intended use for the stabling of horses, the proposal would appear to be sufficient in this regard, subject to the inclusion of conditions requiring details of the management of waste and any foul drainage.
- 7.02 In view of the above assessment, I recommend that this application is approved.

8. 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) The development hereby permitted shall be carried out in accordance with the following approved plans: 0001 Revision C; 0002 Revision C; 0003 Revision C; Supporting Statement Dated 29.11.2018; Supporting Letter Dated 23.1.2019.
Reason: To clarify which plans have been approved.
- 3) The materials to be used in the development hereby approved shall be as indicated on the application submission unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development.

- 4) The building hereby approved shall be used for domestic purposes only and not in connection with, any livery, business or commercial use;

Reason: To prevent the introduction of an inappropriate commercial use onto the site.

- 5) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter;

Reason: In the interest of amenity.

- 6) Prior to commencement of the use of the stables hereby approved, details of the storage and disposal of associated waste and foul water drainage shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details thereafter.

Reason: To ensure the appropriate management of waste in the interests of the local environment.

- 7) All adjacent trees must be protected from damage during the construction phase of the development hereby approved in accordance with the current edition of BS5837.

Reason: In the interests of landscape, visual impact and amenity of the area.

Informative:

The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

Case Officer: Georgina Quinn

Agenda Item 14

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 21st February 2019**

APPEAL DECISIONS:

- 1. 18/503033/FULL** Erection of a detached bungalow.

APPEAL: Dismissed

77 Poplar Grove
Maidstone
Kent
ME16 0AN

(Delegated)

-
- 2. 18/500553/FULL** Demolition of existing dilapidated stable block and adjacent pre-fabricated garage. Change of use and creation of new single-storey link-detached block containing 3no holiday let chalets.

APPEAL: Dismissed

Avon Bank
Holm Mill Lane
Harrietsham
Maidstone
Kent
ME17 1LA

(Delegated)

-
- 3. 18/500220/ADV** Advertisement consent for to display 1no. Hoarding board.

APPEAL: Dismissed

Land At The Oast House
Barty Farm
Roundwell
Bearsted
Maidstone
Kent
ME14 4HN

(Delegated)

- 4. 18/503363/FULL** Demolition of conservatory and erection of a single storey rear extension together with hip to gable roof on main dwelling to provide additional loft accommodation and the addition of 7 roof lights.

APPEAL: Dismissed

Raglands
Dickley Lane
Lenham
ME17 2DD

(Delegated)

- 5. 17/500629/CHANGE** Breach of planning control as alleged in the notice

APPEAL: Enforcement notice is found to be invalid and is quashed.

Broken Tree
Forstal Lane
Coxheath
Kent
ME17 4QF

(Enforcement)

- 6. 18/502320/FULL** Erection of 3 detached houses with associated garages on vacant land to the east of The Groves Care Home, with a new entrance and drive off of Bower Mount Road.

APPEAL: Allowed and planning permission granted subject to conditions

Land East To The Grove Residential Home
6 Bower Mount Road
Maidstone
Kent
ME16 8AU

(Delegated)
