

REPORT SUMMARY

REFERENCE NO - 14/504931/OUT		
APPLICATION PROPOSAL Outline application (all matters reserved) for the erection of one 4 bedroom dwelling as shown on Design and Access Statement received 23/10/14, drawing no. DHA/10372/04 received 10/11/14 and drawing nos. DHA/10372/01, 02 and 03 received 17/12/14.		
ADDRESS Medway Cottage Forstal Road Sandling Kent ME14 3AR		
RECOMMENDATION – Approve with conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development is not in accordance with Development Plan policy. However, in the context of a lack of 5 year housing supply, it is considered that the low adverse impacts would not significantly and demonstrably outweigh the benefits of this proposal. For the reasons set out, the proposal is considered to accord with the National Planning Policy Framework and represent circumstances that can outweigh the existing Development Plan policies and there are no overriding material considerations to indicate a refusal of planning consent.		
REASON FOR REFERRAL TO COMMITTEE - It is a departure from the Development Plan.		
WARD Boxley	PARISH COUNCIL Boxley	APPLICANT Mr McFarlan AGENT Mr Collins
DECISION DUE DATE	PUBLICITY EXPIRY DATE 11/01/15	OFFICER SITE VISIT DATE 05/12/14
RELEVANT PLANNING:		

None.

1.0 Relevant policy

Development Plan: ENV6, ENV28, ENV31, ENV34, T13
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Draft Local Plan: SP5, H1, DM2, DM4, DM5, DM30

2.0 Consultation responses

- 2.01 **Boxley Parish Council:** Does not wish to object.
- 2.02 **KCC Highways Officer:** Raises no objection.
- 2.03 **Environmental Health Officer:** Raises no objection.
- 2.04 **Landscape Officer:** Raises no objection.

3.0 Neighbour representations

- 3.01 1 representation received raising concerns over land ownership (which has been dealt with), and loss of privacy.

4.0 Site description

- 4.01 The proposal site is a parcel of land that is currently garden land associated to 'Medway Cottage'. The land is to the west of this property,

with its south-western boundary adjacent to Lock Lane. To the north is neighbouring property 'Willow Lodge'; to the west is the Kent Museum of Kent Life; and to the north are a hotel with car park, and the Malta Inn public house.

- 4.02 For the purposes of the Maidstone Development Plan, the application site is within the designated countryside that falls within the North Downs Special Landscape Area and Strategic Gap as shown by the Maidstone Borough-Wide Local Plan 2000 (MBWLP).

5.0 Proposal

- 5.01 This proposal is an outline application for the erection of a single dwelling with all matters reserved for future consideration. Indicatively, the proposal shows a 4-bed detached chalet-style bungalow sited to the west of 'Medway Cottage', with a new vehicle access and parking/turning area.

6.0 Principle of development

- 6.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.

- 6.02 The application site is outside of the defined settlement boundary of Maidstone. It is therefore upon land defined in the Local Plan as countryside.

- 6.03 The starting point for consideration is saved policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 which states as follows:-

"In the countryside planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers, and development will be confined to:

- (1) That which is reasonably necessary for the purposes of agriculture and forestry; or*
- (2) The winning of minerals; or*
- (3) Open air recreation and ancillary buildings providing operational uses only; or*
- (4) The provision of public or institutional uses for which a rural location is justified; or*
- (5) Such other exceptions as indicated by policies elsewhere in this plan.*

Proposals should include measures for habitat restoration and creation to ensure that there is no net loss of wildlife resources."

- 6.04 The proposed development does not fit into any of the exceptions set out in policy ENV28, which is why it has been advertised as a departure from the Development Plan. The proposal site is also within a Strategic Gap, and policy ENV31 seeks to resist development which significantly extends the built up extent of any settlement or development.

- 6.05 It is necessary therefore to consider two main issues in relation to the proposals. Firstly, whether there are any material considerations that

would indicate that a decision not in accordance with the Development Plan is justified, and secondly whether the development would cause unacceptable harm. Detailed issues of harm will be discussed later in the report.

- 6.06 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states that Councils should;

"Identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;"

- 6.07 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was completed in January 2014. This work was commissioned jointly with Ashford and Tonbridge and Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the borough for the 20 year period of the emerging Local Plan (2011 -31). The SHMA (January 2014) found that there is the "objectively assessed need for some 19, 600 additional new homes over this period which was agreed by Cabinet in January 2014. Following the publication of updated population projections by the Office of National Statistics in May 2014, the three authorities commissioned an addendum to the SHMA. The outcome of this focused update, dated August 2014, is a refined objectively assessed need figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014.

- 6.08 Most recently calculated (April 2014), the Council had a 2.1 year supply of housing assessed against the objectively assessed housing need of 18,600 dwellings. The Council is unable to demonstrate a 5 year supply of housing land.

- 6.09 This lack of a five year supply is a significant factor and at paragraph 49 of the NPPF it states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a five year supply cannot be demonstrated. The presumption in favour of sustainable development in this situation means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.

- 6.10 Whilst it is acknowledged that the proposal site is within 300m of a bus stop on either side of Forstal Road that are served by regular bus services between Maidstone and Chatham, I am of the view that it is not in a

particularly sustainable location, however it is not so unsustainable to warrant refusal given the current policy climate and the lack of a five year land supply. I would also add that putting it into context this proposal is for a single dwelling only which would not generate significant numbers of vehicle movements to and from the site.

- 6.11 For the above reasons, I consider the policy principle of residential development at the site to be acceptable. The key issue is whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole. I will now go on to consider the key planning issues.

7.0 **Visual impact**

- 7.01 In terms of the proposal's impact on the wider area, the proposal site is bordered by road to the south and west, and immediately beyond this are various buildings and areas of hardstanding and car parking (randomly dispersed) associated to the Kent Museum of Life, the hotel and the public house. In addition, the site's northern and eastern edges are bounded by the remaining garden area of 'Medway Cottage' and the front garden of 'Willow Lodge'; and beyond this is Forstal Road and the M20. With this considered, the proposal is not seen as a significant development that would prejudice the character and independence of Maidstone as a settlement. Moreover, views of the site would only be from short distance, what with it being well screened from Forstal Road and beyond; and given the site's location I cannot argue that a development of this nature here would erode the countryside hereabouts or have a significant impact on the character and appearance of the countryside that falls within a Special Landscape Area and Strategic Gap. The proposal site cannot be considered as 'isolated' in terms of the NPPF, and given the extent and variation of built development around the site I am satisfied that the indicative layout shown here would not be at odds with the prevailing pattern and grain of development in the area.
- 7.02 Indicatively, in terms of scale the proposal is for 1 detached dwelling that is 1.5 storey, measuring approximately 6.5m in height, and some 9m by 13m (117m²) in its footprint. The proposal site is relatively flat, and in my view a chalet-style bungalow design, with its low eaves height; the potential set back of 15m or more of the property from the road; the appropriate boundary treatments; and the retention and enhancement of the established landscaping, would minimise the visual impact of the proposed development on the wider area. Given the likely harm a dwelling taller than a chalet-style bungalow could have on the amenity of the area and the living conditions of the neighbours, I do consider it reasonable to ensure its scale by way of condition. With everything considered, I therefore raise no objection to there being a dwelling of this scale on this site.
- 7.03 Indicatively, in terms of layout the proposal shows a single detached property located close to the eastern boundary of the site, with a driveway and parking/turning area to the front; and its main garden area would be

to the south of the property. In my opinion the layout shown could be further improved by way of reducing the width of the driveway and the level of hardstanding shown; and by softening the scheme through appropriate native planting throughout the site. This said, the layout shown is indicative only and I am satisfied that it demonstrates that a proposal for a dwelling here is possible without the development appearing dominant, cramped, over engineered, or awkward in terms of layout. This said, I do consider it reasonable to control the siting of the dwelling, and in my view a minimum of a 10m set back from the proposal site's south-western boundary would ensure the visual amenity of the surrounding area, whilst also reflecting the generous set back of both 'Medway Cottage' and 'Willow Lodge'.

7.04 In terms of appearance, the applicant has not specifically shown what palette of external materials would be used (except for tile hanging elements and use of ragstone), both in terms of the building and the areas of hardstanding. However, I am satisfied that the the external built form of the development, in terms of its architecture, materials and surrounding finishes can be sufficiently dealt with by way of condition to ensure a satisfactory appearance to the development.

8.0 Access

8.01 The applicant has indicatively shown an access (both vehicle and pedestrian) into the site from the south-western boundary. On other highway matters I am of the view that adequate parking and turning facilities would be possible within the site; and the local road network would be able to cope with the addition of 1 new dwelling in this location. The KCC Highways Officer also raises no objection on these issues. The KCC Highways Officer also raises no objection to the proposal in terms of access and highway safety and I consider the details for this matter to be acceptable.

9.0 Landscaping

9.01 In terms of landscaping, the applicant has indicatively shown the existing south-western boundary to be enhanced with additional planting, although no other details have been provided.

9.02 There are no protected trees on or adjacent to the site, and the Landscape Officer raises no objection to the application on arboricultural grounds. As layout is not for consideration at this stage, I am satisfied that any potential impact on existing trees can be dealt with at the reserved matters stage. It is also important to ensure appropriate native planting on the site boundaries, and so a relevant landscaping condition will be duly added. Details for all boundary treatments would be secured by way of condition to ensure a satisfactory appearance to the development.

10.0 Other considerations

10.01 The application is in outline with all matters reserved, and so it is not known at this stage the position, design and scale of the dwelling.

However, I am of the view that a chalet-style bungalow could be sited here without causing unacceptable harm to the living conditions of the existing neighbouring properties; and without having an adverse impact on the residential amenity of future occupants. I therefore raise no concerns on this issue at this stage.

- 10.02 Given the scale, nature and location of the site, I am satisfied that there is unlikely to be potential harm caused to protected species and their habitats and therefore consider it unreasonable to request further details in this respect at this stage. However, in the interest of ecological enhancements, a condition will be imposed to ensure that when the reserved matters are submitted, the appearance of the building will include details of bat and/or bird boxes and swift bricks.
- 10.03 The applicant has confirmed that the proposal would achieve a minimum of code level 4 in terms of the Code for Sustainable Homes and this will be conditioned accordingly.
- 10.04 The Council's Environmental Health Officer raised no objections to the proposal and I am satisfied, given the proposal's location that no further details are required regarding noise, land contamination and air quality.
- 10.05 The site is within Flood Zone 1, as designated by the Environment Agency and the proposed dwelling would make use of a soakaway. With this considered, I am of the view that the proposal would not be prejudicial to flood flow, storage capacity and drainage within the area.

11.0 Conclusion

- 11.01 The issues raised by the 1 neighbour have been dealt with in the main body of this report.
- 11.02 The proposed development is contrary to policy ENV28 in that it represents housing development outside a settlement boundary in the Local Plan. However, in the absence of a five year supply of housing the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development, and policies such as ENV28 cannot form grounds to object in principle.
- 11.03 The proposal site is not considered to be so unsustainable as to warrant refusal given the current land supply issue; and the visual impact of the proposal would be localised and would not result in any protrusion into open countryside. There are also no residential amenity, highway, landscape/arboricultural and ecological objections. Considering the low level of harm caused by the development, in the context of a lack of 5 year housing supply, I consider that the low adverse impacts would not significantly and demonstrably outweigh the benefits of this proposal. On balance, I consider that compliance with policy within the NPPF is sufficient grounds to depart from the adopted Local Plan. I therefore recommend approval subject to the appropriate conditions.

RECOMMENDATION – THE HEAD OF PLANNING BE GIVEN DELEGATED POWERS TO GRANT PLANNING PERMISSION SUBJECT TO THE EXPIRY OF THE NEWSPAPER ADVERT AND NO NEW ISSUES RAISED:

(1) The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

a. Layout b. Appearance c. Landscaping d. Scale e. Access

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

(2) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

(3) The details of scale submitted pursuant to condition 1 above shall not have a dwelling exceeding 1.5 storey in height;

Reason: In the interests of visual amenity and to protect the amenities of the neighbouring occupiers.

(4) The details of layout submitted pursuant to condition 1 above shall have the dwelling set back a minimum of 10 metres from the south-western boundary of the site;

Reason: In the interests of visual amenity.

(5) The details of landscaping submitted pursuant to condition 1 shall provide for the following:

(i) Retention and strengthening of native planting along the south-western and south-eastern boundaries of the site.

Reason: To ensure a satisfactory appearance and setting to the development.

(6) The details of landscaping submitted pursuant to condition 1 above shall include a scheme of landscaping using indigenous species which shall be in accordance with BS:5837 (2012) 'Trees in relation to design, demolition and construction - Recommendations' with indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

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Reason: To ensure a satisfactory setting and external appearance to the development.

(7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development.

(8) The details of appearance of the building submitted pursuant to condition 1 above shall include details of bird and/or bat boxes/tubes/bricks and swift bricks;

Reason: In the interest of ecological enhancement.

(9) The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces 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.

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

Reason: In the interests of visual amenity, privacy and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings.

(11) The dwelling shall achieve at least Level 4 of the Code for Sustainable Homes. The dwelling shall not be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.

Reason: to ensure a sustainable and energy efficient form of development.

INFORMATIVES

(1) 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 limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

(2) Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228: 2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Team regarding noise control requirements.

(3) Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc. to nearby residential properties.

(4) Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

(5) Vehicles may only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

(6) Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.

Case Officer: Kathryn Altieri

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website. The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.