

REPORT SUMMARY

REFERENCE NO - 15/500137/FULL			
APPLICATION PROPOSAL Erection of a dwelling house			
ADDRESS Land Adjacent Amsbury Cottage, Amsbury Road, Coxheath, Kent, ME15 0QH			
RECOMMENDATION – Approve with conditions			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, the development is at a sustainable location, in proximity to an existing settlement, and is not considered to result in significant planning harm. Given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient grounds to depart from the Local Plan.			
REASON FOR REFERRAL TO COMMITTEE Departure from the Development Plan			
WARD Coxheath And Hunton Ward	PARISH/TOWN COUNCIL Coxheath	APPLICANT Mr T Newland AGENT Marcus Kidner	
DECISION DUE DATE 11/03/15	PUBLICITY EXPIRY DATE 11/03/15	OFFICER SITE VISIT DATE 28/01/2015	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
11/1615	An application for discharge of conditions relating to MA/10/1633 - being details of condition 7, site access width details, condition 8 - tree protection, condition 9 - log piles, bird/bat box locations, 10 - revised landscape scheme, condition 11 - internal site location.	Approved	06.01.2012
10/1633	Change of use of land for the stationing of two caravans (one static and one touring) for residential occupation by a gypsy family with associated hardstanding.	Approved	22.06.2011
04/1636	Erection of 1 no detached dwelling with attached garage.	Refused	19.10.2004
Summarised Reason for refusal: Site lies outside the limits of any settlement and the proposal would be detrimental to the character and appearance of the rural area and Special Landscape Area contrary to policies ENV28 and ENV34 of the Maidstone Borough Wide Local Plan 2000			
02/1936	Erection of 1 no. detached bungalow and 1 no. detached garage, and creation of new access.	Refused	04.12.2002
Refused for similar reasons to 04/1636			
02/0198	Erection of 1No. detached bungalow and detached single Garage.	Refused	27.03.2002
Refused for similar reasons to 04/1636			

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is located on the south side of Amsbury Road in the parish of Coxheath. The site is located approximately 350m west of the junction of Amsbury Road and Pippin Close and 500m east of the junction of Amsbury Road and Hunton Hill.
- 1.02 The site is roughly rectangular in shape and amounts to approximately 0.116ha in area being approximately 26m in width and between 39m and 50m in depth. The site has a gentle fall southwards away from Amsbury Road. The land beyond the southern site boundary falls more sharply as the crest of the Greensand Ridge is approached. Amsbury Wood, ancient woodland is located to the rear / south of the site.
- 1.03 The site lies approximately 120m from the settlement boundary of Coxheath on the south side of Amsbury Road, although there are a number of detached and semi-detached houses located on the north side of Amsbury Road opposite the site which are within the defined settlement boundary as set out in the Maidstone Borough-wide Local Plan 2000. The site is therefore located in the countryside and subject to saved policy ENV28 of the Borough-wide Local Plan 2000. It is also designated as part of the Greensand Ridge Special Landscape Area and thus subject to saved policy ENV34 of the Borough-wide Local Plan 2000.
- 1.04 The Amsbury Road boundary comprises a 3m high hawthorn hedge at the rear of a 2m wide grass verge with a 4m wide existing access centrally located. Along the eastern boundary of the site (adjacent to Amsbury Cottage), the fencing comprises 1.2m high post and wire fencing and a section of 1.8m high close boarded fencing. There are a number of Ash and Oak trees located towards the site frontage along this boundary. The southern site boundary backs onto woodland and there are oak and ash trees along the boundary. The western boundary is defined by 1.2m high post and wire fencing and a number of Alder and Buckthorn trees. The site is otherwise open and the site has been recently cleared of vegetation. The site has a mains sewer passing through it along its eastern side and is also connected to both water and electricity supplies.
- 1.05 Amsbury Cottage, a two-storey detached dwelling is located immediately to the east of the site and has a detached garage located between the house and the application site. The dwelling is sited approximately 15m from the site boundary. Amsbury Croft is a large detached dwelling situated in the centre of an extensive plot to the south west of the application site, approximately 45m from the closest point of the site boundary.
- 1.06 Numbers 86 to 92 (even) Amsbury Road are located on the north side of Amsbury Road opposite the site. They are set back approximately 12m from the highway. These date from the mid 1960s and have relatively open frontages with tree and hedge marking the boundary to Amsbury Road.
- 1.07 The site currently benefits from an extant planning permission for the stationing of caravans for a gypsy family. See above history.

2.0 PROPOSAL

- 2.01 Erection of a 1.5 storey detached dwellinghouse with living accommodation in the roof space. Four pitched roof dormers are proposed on the front roof slope and two pitched roof dormers are proposed on the rear. The dwelling would be set back some 17m from the Amsbury Road with the driveway / turning area to the front and side of the proposed house. The house would be some 8m above ground level to the ridge.
- 2.02 The existing central vehicle access point would be utilised and reduced to a width of 3m with enhancements to the existing hedgerow to plug the gap. New landscaping is proposed behind the front hedgerow boundary. New mixed hedgerow and hedge infilling is proposed along the east and west boundary. Bird / bat / dormice boxes are proposed at the rear of the site.
- 2.03 Materials to include; yellow stock facing brickwork, red/brown plain roof and dormer check tiles, windows formed of softwood with light sadeldec finish. The driveway would be finished in crushed limestone.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV34, ENV49, T13
- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Draft Maidstone Borough Local Plan: SS1, SP4, SP5, DM2, DM3, DM4, DM6, DM10, DM11, DM30
- Draft Coxheath Neighbourhood Plan

4.0 LOCAL REPRESENTATIONS

- 4.01 Three letters of representation have been received from neighbouring properties. Comments are summarised as follows:
- Two letters raise no objections
 - One letter raises objections to the proposal with no reasons stated.

5.0 CONSULTATIONS

- 5.01 **Coxheath Parish Council:** No objections
- 5.02 **MBC Landscape Officer:** No objections subject to conditions requiring an Arboricultural Method Statement in accordance with BS5837: 2012
- 5.03 **KCC Highways:** No objections
- 5.04 **MBC Environmental Health:** No objections

6.0 APPRAISAL

- 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. In this case the Development Plan comprises the Maidstone Borough-Wide Local Plan 2000, and as such the starting point for consideration of the proposal is policy ENV28 which relates to development within the open countryside. The policy states that:

- 6.02 *“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.”*
- 6.03 In this case, none of the exceptions against the general policy of restraint apply, and therefore the proposal represents a departure from the Development Plan. It then falls to be considered firstly whether there are any material considerations which indicate that a decision not in accordance with the Development Plan is justified in the circumstances of this case, and (if so) secondly whether a grant of planning permission would result in unacceptable harm, such that notwithstanding any material justification for a decision contrary to the Development Plan, the proposal is unacceptable.
- 6.04 The key material consideration outside of the Development Plan in the determination of applications for residential development in the open countryside is national planning policy as set out in the National Planning Policy Framework 2012 (NPPF) and the Council’s position in respect of a five year housing land supply.
- 6.05 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;”*
- 6.06 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. Since that date revised household projection figures have been published by the Government and as a result the SHMA has been re-assessed. At the meeting of the Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Councillors agreed a new OAN figure of 18,560 dwellings.
- 6.07 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.

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- 6.08 This lack of a 5 year supply is a significant factor and at paragraph 49 of the NPPF it is stated 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 5 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.
- 6.09 In respect of the circumstances of the specifics of this case, the proposal site is located on the edge of Coxheath Village boundary, in reasonable proximity to the wide range of key services in the village as well as good public transport links.
- 6.10 The draft Local Plan identifies Coxheath as a larger village and the Plan states the village has the advantage of a compact urban form and a good offering of key services and facilities. Healthcare services in the village are particularly strong and include two GP surgeries, a dentist, community trust clinic, chiropractic clinic and a pharmacy. Coxheath benefits from a regular bus service which connects the village to Maidstone town centre. The draft Plan also advises that Coxheath has the advantage of being in close proximity to the town centre, which affords good access to a number of secondary schools and other facilities. The roles of the larger villages such as Coxheath will be maintained through the delivery of limited development, where appropriate.
- 6.11 In this context, it is considered that the location of the site is sustainable in the terms of the NPPF as it is located on the edge of the Coxheath village boundary. The site is approximately 120m from the village boundary, some 800m from the centre of the village with shops and bus routes available and some 900m from the local primary school. The centre of Maidstone lies just over 6.5km by road to the north with its extensive range of shops, services and businesses. The route from the site to these services is along a lit pedestrian pavement located a few metres to the east of the application site.
- 6.12 The Council is not in a position to demonstrate a five year housing land supply, and as such normal restraints on residential development in the open countryside do not currently apply as the adopted Local Plan is considered out of date. In such circumstances the NPPF advises that when planning for development through the Local Plan process and the determination of planning applications, the focus should be on edge of town developments. The development of this site is therefore in accord with the objectives of the NPPF being located directly adjacent to the edge of the urban area of Maidstone and in a sustainable location.
- 6.13 As regard the draft Coxheath Neighbourhood Plan, the application site is not located within one of the development options within the Plan, however the site constitutes an infill site just outside the established village boundary and therefore does not constitute coalescence with adjoining settlements, which the neighbourhood plan seeks to prevent. The site is in a sustainable location and Coxheath Parish Council has not objected to this application.
- 6.14 A similar albeit larger scheme for a new house was refused under planning application 04/1636 in 2004 as it was considered to be contrary to policy ENV28. It is noted that the current shortfall in housing supply in the borough ENV28 is considered out of date when considering housing development. The current proposal is considered to be less visually harmful than the refused scheme due to the

changes to the roof form, reduced eaves height and chalet style roof accommodation.

- 6.15 For these reasons, it is considered that the principle of the development is, by virtue of national planning policy as set out in the NPPF and local planning policy as set out in the emerging Local Plan, acceptable in the circumstances of this case. In the circumstances of this case, the key planning issues are considered to be visual impact (including whether the site can suitably accommodate a new dwelling), residential amenity, access/highway safety and ecology.

Visual Impact

- 6.16 The site is located on the edge of Coxheath in the open countryside and within a Special Landscape Area. Saved policy ENV34 of the adopted Maidstone Borough-Wide Local Plan (2000) advises particular attention will be given to the protection and conservation of the scenic quality and distinctive character of these areas and priority will be given to the landscape over other planning considerations.
- 6.17 The site is a vacant greenfield site and its development for residential and other development would clearly have an impact visually on the site. It is important to assess the impact with regard to the coverage of the development proposed.
- 6.18 The proposal comprises a 1.5 storey detached dwelling and the overall height would be broadly in line with the height of the adjacent property.
- 6.19 The application site is boarded by residential properties on two sides (east and west) and there are residential properties located on the opposite / north side of Amsbury Road. The residential properties located on the north side of Amsbury Road stretch further westward into the open countryside than the application site.
- 6.20 The application site benefits from a good level of natural landscaping on all four boundaries and these boundaries would be maintained and enhanced as part of the development proposal. The natural vegetation along these boundaries would afford a good level of screening for the proposed dwelling.
- 6.21 The most prominent short range public vantage point of the proposed development would be from Amsbury Road, above the existing hedgerow and through the narrowed vehicle access. I do not consider that there would be any significant mid-long range views of the proposed development. Although the short range views of the proposed dwelling would be limited to Amsbury Road there would undoubtedly be a considerable change in the character of the site that would clearly have a visual impact.
- 6.22 Short range views are to be expected when developing a greenfield site for housing and in certain circumstances may generally be considered acceptable. In this instance the proposed dwelling house would be set back some 17m from the road frontage and the bulk of the 1.5 storey house would be screened by the existing boundary treatment. The house would not appear unduly prominent or overtly prominent within the streetscape as a result. Additionally, the dwelling would be seen against the backdrop of the neighbouring residential properties and, in my view, would constitute a residential infill development given the nature of the surrounding built development.
- 6.23 The visual impact of the development is therefore considered to be acceptable. Whilst it would change the character of the site, there would not be any significant

wider visual harm that would be unacceptably harmful to the character and appearance of the area. I consider that the general principle of development of this site to be acceptable in relation to the visual change to the site and, the development of this site represents an infill extension to the existing residential streetscape located on the south side of Amsbury Road.

Design and Appearance

- 6.24 The design and scale of the proposed dwelling is considered to be in keeping with the existing pattern of residential buildings in this section of Amsbury Road. The imposition of a condition requiring the submission of samples and details of external materials, including those to be used in the hard surfaced areas, would be attached to any permission in order to safeguard the appearance of the development and ensure a high standard of design. The 1.5 storey height and set back from the road frontage would reduce the visual impact of the development within the streetscene.
- 6.25 Amended drawings have been received which reduce the width of the vehicle access and size of the driveway, reducing the level of hardsurfacing on the site. The level of hardsurfacing proposed is considered to be the minimum required for vehicle parking / turning and would be significantly less than some of the detached properties located on the southern side of Amsbury Road.
- 6.26 The proposed four bedroom dwellinghouse would offer an acceptable level of living accommodation and outdoor amenity space for the future occupiers.

Residential Amenity

- 6.27 The proposed dwelling would be located a sufficient distance from neighbouring residential properties so as not to result in any unreasonable loss of residential amenity in terms of loss of light, outlook or privacy.

Highways

- 6.28 KCC Highways have not raised any objection to the proposal and the addition of one new dwelling is considered not to result in a significant increase in traffic generation on the local road network.
- 6.29 The proposal would not result in the loss of any off road or on-street parking and the level of parking provision provided on site is in accordance with the council's maximum parking standards.
- 6.30 The existing vehicle access would be reduced in width and would be relocated 2.5m further back into the site to provide acceptable visibility spays onto the road. Turning would be afforded on-site which would allow vehicle to enter / exit the site safely in forward gear.

Landscaping and ecology

- 6.31 Additional landscaping is proposed behind the front boundary hedgerow and new / infill hedgerow is proposed on the east and west boundary. The landscaping scheme would be secured via appropriate conditions.
- 6.32 No trees would be removed from the application site. Protection of the trees located on the boundaries of the application site would be secured by a suitably worded condition.

6.33 The application includes an ecological report which has been compiled by a suitably qualified specialist and advises that there are no protected species on the site. The proposal promotes ecological enhancement through the provision additional landscaping including new tree and hedgerow planting. The proposal would not unacceptably impact on the ancient woodland nearby and further ecological enhancements proposed are as follows:

- Bird / bat / dormice boxes
- Log piles

Other issues

6.34 The application site currently benefits from an extant permission for the stationing of caravans for a gypsy site as approved under application 10/1633. The relevant conditions have been discharged and the permission has been implemented by virtue of the works done to the access and gates in accordance with condition 7 of 10/1633. Notwithstanding this, as far as the council is aware, the site has never been occupied as a gypsy site since approval in June 2011. Whilst the loss of a permitted gypsy site would be regrettable, there are no policies to retain these sites, the site has never been occupied and, in this instance, given the councils lack of a five year housing supply, it is considered that the site would provide a sustainable location for residential development. It should be noted that this site has been assessed on its own merit and in this particular instance the loss of a gypsy site for residential use is considered acceptable for the above reasons.

6.35 The application form advises that the house would be connected up to the mains sewer and a formal application would need to be made to Southern Water for this. Foul and surface water details will be requested by condition.

7.0 CONCLUSION

7.01 Development of this site would constitute infill residential development in the open countryside with existing residential development located to the north, east and west of the site. The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, the development is at a sustainable location, in proximity to Coxheath Village and within safe walking distance of a number of services and facilities within the village, including the primary school and doctor's surgery and a well connected bus route. The development of this site for residential purposes would represent an example sustainable development and would conform to the aspirations of the NPPF and is not considered to result in significant planning harm.

7.02 Given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient grounds to depart from the Local Plan.

7.03 It is therefore considered that the development of the site for one dwellinghouse is acceptable and it is recommended planning permission is granted subject to conditions.

8.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS to include

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(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

(2) The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of 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;

The details and samples of the materials submitted shall include details of swift and / or bat bricks incorporated into the eaves of the proposed housing units;

Reason: To ensure a satisfactory appearance to the development and interest of ecological enhancement.

(3) The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

(4) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management.

The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment 2012 and shall include details of the repair and retention of existing hedgerows and tree lines within the site;

The landscaping of the site shall be carried out in accordance with the approved details over the period specified;

Reason: To safeguard existing trees and hedges to be retained and ensure a satisfactory external appearance to the development.

(5) 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 external appearance to the development.

(6) The development shall not commence until an Arboricultural Method Statement in accordance with BS5837:2012 has been submitted to and approved in writing by the Local

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Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory external appearance to the development and to safeguard the trees on site.

(7) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, no further development shall take place on the site without the prior written consent of the Local Planning Authority;

Reason: To ensure the appearance and the character of the building is maintained.

(8) Prior to the occupation of the dwelling details of the location and numbers of log piles, bird, bat and dormice boxes to be placed on the site shall be submitted to and agreed by the local planning authority. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: In the interests of biodiversity and ecology in accordance with the NPPF.

(9) The development shall not commence until details of a scheme of foul and surface water drainage for the site have been submitted to and approved by the local planning authority. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To ensure adequate drainage arrangements.

(10) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing Nos. 729ha; dated 4/02/2015 and 729hc, 729hd; dated 11/10/2014 and StreetWise Site Location Plan; received 05.01.2015 and Ecological Report; dated 19th June 2015;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

INFORMATIVES

to Applicant: APPROVAL

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

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

In this instance:

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

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

Case Officer: Andrew Jolly

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.