

REPORT SUMMARY

REFERENCE NO - 15/507189/FULL			
APPLICATION PROPOSAL Erection of a new detached four bedroom dwelling, erection of a single garage and creation of new vehicular access.			
ADDRESS Warmlake Farmhouse Maidstone Road Sutton Valence Kent ME17 3LR			
RECOMMENDATION Approve			
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 in a sustainable location, immediately adjoins 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 as it would constitute residential development in the open countryside. Sutton Valence Parish Council have requested that it is heard at Planning Committee.			
WARD Sutton Valence And Langley Ward	PARISH/TOWN COUNCIL Sutton Valence	APPLICANT Mr John Mason AGENT DHA Planning	
DECISION DUE DATE 03/11/15	PUBLICITY EXPIRY DATE 03/11/15	OFFICER SITE VISIT DATE 13/10/15	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
80/1673	Erect detached garage	PER	10/11/1980
07/2617	Erection of first floor side extension	WDN	
08/0442	Erection of first floor side extension (resubmission of MA/07/2617)	PER	23/4/08
11/2149	Extension to existing garage to include 4no additional bays	REF	22/2/12

1.0 DESCRIPTION OF SITE

- 1.1 This site is located to the south of Warmlake Farmhouse and is currently being used as part of the private garden to the existing house. Warmlake Farmhouse itself is a large two storey red brick building located to the west of Maidstone Road and approximately 140m north of the Warmlake crossroads. The existing house has a typical Kentish design, similar to other houses along this section of the road. It has a gabled roof and hung tiles to the northern extension.
- 1.2 The building is set back by 10m from the road with space for parking in front of the house and a single garage to the north west of the property. Properties along this road are generally arranged in the pattern of a ribbon development.

- 1.3 The site is largely flat in its topography and has a tree lined eastern boundary with a 1.8m high close boarded fence in front. The plot is irregular in its shape to the south in order to accommodate the large sycamore tree to the south of the site. To the rear of the site is an overgrown patio area, which is currently being used for storage.
- 1.4 There are no trees protected by TPO on or near to the application site and the closest listed building is the oast house, approximately 40m to the north. Warmlake Business Estate is located between the application site and the oast house.
- 1.5 The site is located within the open countryside, as defined by the Maidstone Borough Wide Local Plan 2000. No other designations apply to the site.
- 1.6 It must be noted that, on the opposite side of the road, ten large detached houses have recently been permitted at appeal under 14/0830 (APP/U2235/A/14/2228989). The Inspector found in this instance that the development amounted to a sustainable form of development in a sustainable location.

2.0 PROPOSAL

- 2.1 This proposal is for a single 4bed house adjacent to the existing farmhouse. The house would incorporate elements of vernacular architecture; red brick, tile hanging and a gabled roof with tiles to match Warmlake Farmhouse. In addition, this application seeks a single detached garage to serve the existing Warmlake Farmhouse.
- 2.2 It must be noted that during the process of this application, the proposed house has been reduced in scale at the request of MBC Planning. It has been set back by 1.5m from the road so as to lessen the impact from the south. In addition, the front projection was reduced in depth by 1.5m to reduce the prominence and better reflect the existing building line. The attached garage was changed from a double to a large single, which would see a reduction in width of 1.5m and the gable on the southern elevation was removed to further decrease the volume. It was also requested that the single storey garden room on the southern elevation was also removed in order to ensure the long term retention of the trees in the south of the site, which would no longer result in overshadowing to habitable rooms. This aspect of the proposal has also been amended by the applicant.
- 2.3 The front elevation, facing east, would have a ridge height of 8.5m. The left part of this elevation would have a gable end, which would be tile hung at upper storey. This gable end would be 5.5m in width with one window at upper storey and four narrow windows at ground floor. The set back part of this elevation would have one dormer window to the upper storey and one window at ground floor. The porch area would also be in this part of the elevation. A single garage would be on the right end of this elevation with a pitched roof, with the ridge set 1m below the main part of the house.
- 2.4 The hipped roof would be more evident to the north and south elevations. To the north elevation, there would be one window at upper storey, and this would be obscure glazed to the en suite bathroom. At ground floor, there would be one door to the side of the garage and two windows at ground floor. On the south elevation, there would be a patio door to the garden and two additional windows at ground floor. There would be four windows to the upper storey at this elevation, set within the hung tiles. The chimney would be visible from this location, extending 1.2m above the ridge height.

- 2.5 To the west elevation, the rear of the garage would be open. There would be one window to the rear of the garage element and a rooflight to the ensuite. The hung tiles would continue on the upper storey to the gable end, at the right end of this elevation. Two sets of patio doors would open on to the garden and three window would be at upper storey.
- 2.6 The proposed single garage to the south of the existing farmhouse would be set 2.6m behind the front building line of the existing house. It would be set 4m to the south of the house. It would have a pitched roof, which would reach a ridge height of 4.8m and an eaves height of 2.5m.
- 2.7 It is proposed that the entrance to the existing building is closed and the concrete apron removed. Native hedgerow is proposed to be planted and maintained to a height of 2m. A new 4.5m wide access point is proposed along Maidstone Road, which would be to the north of the proposed new dwelling. Resin bonded gravel would be placed in front of the proposed house and garage, with the existing pea shingle drive in front of Warmlake Farmhouse to remain.

3.0 PLANNING CONSTRAINTS

- 3.1 None relevant

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
 National Planning Practice Guidance (NPPG)
 Development Plan: ENV28 (Development in the Countryside); ENV6 (Landscaping, Surfacing and Boundary Treatment)

5.0 LOCAL REPRESENTATIONS

	COMMENTS RECEIVED
Sutton Valence Parish Council	The proposal would amount to overdevelopment of the site, the building line is not in keeping with the existing houses, poor access to the road, the building is too close to the building line. Wish to see it refused and will go to committee.
Residential Objections Number received: 2	Overdevelopment of the site, excessive scale and mass, erodes openness of the countryside, dangerous vehicular access, loss of trees in the future (privacy and wildlife/habitat concerns)
Residential Support Number received: 1	Does not amount to overdevelopment, would not be intrusive, would not create harm
Residential Comments Number received: 1	Questions the safety of access on the bend

6.0 CONSULTATIONS

KCC Highways: 25/9/15 No objection subject to:

- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
- Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
- Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the new dwelling commencing
- Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to use of the new dwelling commencing.
- Use of a bound surface for at least the first 5 metres of the access from the edge of the highway as shown
- The gradient of the access shall be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.

MBC Conservation (2/10/15) No objection

MBC Landscaping Officer: (9/11/15): Whilst there are no arboricultural objections I can raise to the development proposal, the layout can be improved. I have two areas of concern:

- Future pressure for removal of existing trees, particularly those to the south/west of the proposed dwelling, for example the garden room will be permanently in shade.
- The lack of appropriate replacement tree planting to mitigate the loss of amenity along the frontage adjacent to Maidstone Road.

In response to the above, the proposal was subsequently amended (12/11/15) and the landscaping officer updated the response:

“No objection to the proposal subject to standard landscape conditions which specifically include the requirement for an Arboricultural Method statement with a tree protection plan and a schedule of any required access facilitation pruning.”

MBC Environmental Health: (2/10/15) No objection

KCC Archaeology: (5/10/15) No objection

Southern Water: (5/10/15 and 16/11/15) The exact position of the public sewers must be determined on site by the applicant. Suggested condition:

“The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewers, prior to commencement of development”

Suggested informative:

“A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 3030119) or www.southernwater.co.uk”

7.0 BACKGROUND PAPERS AND PLANS

10844-T-01; DHA/10799/01; DHA/10799/02; DHA/10799/03 Rev B; DHA/10799/04 Rev B
DHA/10799/05 Rev B; DHA/10799/06 Rev B; DHA/10799/07

8.0 APPRAISAL

Principle of Development

- 8.1 This site is located in the open countryside, which means that Saved Policy ENV28 of the Maidstone Borough Wide Local Plan (hereafter the Plan) is of relevance. This policy places a restriction on development in areas outside settlement boundaries, which this is.
- 8.2 National Policy, however, places its emphasis in favour of sustainable development. At Paragraph 49 of the NPPF, it states that, “housing applications should be considered in the context of the presumption of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”. As ENV28 in this instance is a policy relating to the provision of housing, its relevance needs to be balanced against the provision of housing.
- 8.3 From this, it is therefore important to assess whether (a) the proposed housing site should be considered ‘sustainable’; (b) there is a 5 year housing supply in the Borough, and; (c) there is anything else in the NPPF that needs to be considered on this site.
- (a) *Sustainability of the site*
- 8.4 One of the National Planning Policy Framework’s core planning principles seeks to “actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable”.
- 8.5 This site is located on one of the main roads leading out of Maidstone, with a bus stop located at Warmlake crossroads approximately 140m to the south of the proposed site.
- 8.6 It was held by the Inspector in the appeal decision for the site at ‘The Oaks’ in April 2015, directly opposite this application site, that although the nearest settlement of Sutton Valence was more than the recommended 400m walking distance, it was still accessible from the site being only 1km away. It was considered that the route would not be particularly dangerous because it would be along a pavement. Therefore, between the services on offer in Sutton Valence and Warmlake itself, future residents would be able to access a reasonable range of services on foot.
- 8.7 In summary, therefore, whilst I acknowledge that this site is outside of a settlement boundary, I would not consider the location of this proposal to be isolated, nor remote. It is set on a busy main road, which offers numerous houses and buildings in other uses. The Inspector considered that the location is within walking distance to the nearest bus stop at the Warmlake crossroads, which can be accessed by footpath on the opposite side of Maidstone Road. This would mean that future occupants would not have to be reliant on a private vehicle. It would not conflict with the aims and principles of the Framework in this respect.

(b) *Five year housing supply in MBC*

- 8.8 The National Planning Policy Framework states that “relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites” (paragraph 49). The update of the Maidstone Strategic Housing Market Assessment (June 2015) established an objectively assessed need for housing of 18,560 dwellings between 2011 and 2031, or 928 dwellings per annum, and these figures were agreed by the Strategic Planning, Sustainability and Transportation Committee on 9 June 2015.
- 8.9 Taking account of the under supply of dwellings between 2011 and 2015 against this annual need, together with the requirement for an additional 5% buffer, the Council is able to demonstrate a housing land supply of 3.3 years as at 1 April 2015. The Council therefore cannot currently demonstrate a five-year supply of deliverable housing sites, and this position was reported to the Strategic Planning, Sustainability and Transportation Committee on 23 July 2015.
- 8.10 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 National Planning Policy Framework as a whole.

(c) *Other considerations on the site*

- 8.11 Whilst the above indicates that this location would be considered a suitable site for one additional housing unit it is still necessary to assess the proposal against other requirements of the adopted Local Plan and NPPF. Namely:
- Visual Impact
 - Residential Amenity
 - Highways
 - Landscaping

Visual Impact

- 8.12 The location of the proposed house has been amended throughout the planning process in order to maintain the existing building line along Maidstone Road. I consider that the amended proposal would ensure that the house would not appear incongruous in the setting. The houses are of consistent separation distances, with a similar distance from the roadside boundary.
- 8.13 Warmlake Farmhouse itself is only visible from Maidstone Road when almost directly adjacent to the house, travelling north. This is as a result of the existing tree line at the southern boundary of the application site, part of which is proposed to be retained as part of this development. Although some trees would be removed as a result of this proposal, a native hedgerow would be put in its place. I consider that this would offset the visual impact caused by the loss of trees along the roadside boundary and would, along with the re-erection of a section of 1.8m close boarded fence, screen the proposed development adequately from Maidstone Road.
- 8.14 The house would be more visible when travelling south along Maidstone Road, screened only by an Ash and the proposed hedgerow, but I would not consider the house to appear prominent in this location, as it would be set behind the existing Warmlake Farmhouse.

- 8.15 There are no public footpaths to any of the other boundaries that would be affected by the proposed development.
- 8.16 Although parts of the proposed house would be visible from Maidstone Road, I do not consider that this would have a detrimental impact on the streetscene by virtue of the design of the proposals. The proposed house would incorporate elements of vernacular architecture, including local materials. This is in accordance with the requirements of the NPPF with regard to high quality design.
- 8.17 The proposed single garage would be set between Warmlake Farmhouse and the proposed new dwelling. It would be visible from the proposed new junction, but I do not consider that it would appear imposing in this location. The materials proposed and the style of the building would appear sensitive in the location so that it would be subservient to Warmlake Farmhouse.
- 8.18 In summary, therefore, I would consider the layout and design of this proposal are appropriate in this setting so as to limit the visual impact of the development.

Residential Amenity

- 8.19 The proposed development has been carefully designed to ensure acceptable levels of residential amenity; the new dwelling would have reasonable levels of internal amenity space and a private garden space of a reasonable size.
- 8.20 The upper storey windows have been placed in order to reduce overlooking within the site, and separation distance between the neighbouring property of Cressy to the south and Westmead to the west would not result in a loss of amenity. Cressy, to the south is over 12m away from the proposed new dwelling. There is only one window to this elevation of Cressy, which is located in the roof of the property. By virtue of the reasonable separation distances between the properties and the limited number of windows, I do not consider that Cressy would be subject to a loss of amenity to habitable rooms or any other amenity space..
- 8.21 Westmead, to the west of the property would be 25m away from the proposed house, with a garage at the eastern boundary of the site. This is considered to be a reasonable separation distance between the properties so that it would not result in detrimental harm to the amenity of the occupiers of either property. Concerns have been raised that, should the trees be cut down in the future, then it would result in an unacceptable loss to privacy. I do not consider this to be the case, given the 25m separation between the houses.

Highways

- 8.22 The proposed development would require a new access point from Maidstone Road, and KCC have confirmed that they do not object to the proposals. The road frontage would be redesigned to incorporate a new access point; the existing access point to Warmlake Farmhouse would be closed.
- 8.23 Based on KCC Highway comments, I consider therefore that with the appropriate conditions attached, the amendments to the Maidstone Road frontage would be considered acceptable in terms of highway safety.

- 8.24 The parking arrangements and the internal turning area would be also be adequate for this scale of development.

Landscaping

- 8.25 *According to Saved Local Plan Policy ENV6,*

In appropriate cases, the Borough Council will require a landscape scheme, including surfacing and boundary treatments, to be carried out as part of development proposals. Where required, such schemes should:

(1) Incorporate the retention of existing trees, woodlands, hedgerows, natural and man-made features which contribute to the landscape character or quality of the area; and

(2) Provide a scheme of new planting of trees, hedgerows or shrubs as appropriate, using native or near native tree species, and wherever possible native or near native shrub species.

- 8.26 The landscaping on the site has been retained and enhanced as far as possible. In response to concerns raised relating to the future possible cut back of trees (which are not subject to a TPO) due to the overshadowing caused in the living space to the proposed new dwelling, the south elevation has been reduced and the sun room removed in its entirety. This would mean that any rooms affected by overshadowing, would be dual aspect and therefore benefit from adequate light levels without the need to cut down trees. The MBC Landscaping Officer is satisfied that this approach would be appropriate on this site and therefore I conclude that the landscaping proposed on site has been adequately addressed.

9.0 CONCLUSION

- 9.1 Without a five year housing supply in Maidstone Borough, a proposed new dwelling in a sustainable location is considered to be acceptable against the National Planning Policy Framework.
- 9.2 The design of the house is appropriate in this setting; using vernacular architecture and being of a similar scale to its neighbouring properties. Although it would be visible from the road, the impact would be minimised by the landscaping proposals along the roadside boundary. The retention of the trees at the southern part of the site is supported, and this would reduce the impact on the neighbouring properties, whose daylight and sunlight would not be affected in any case by virtue of the separation distance.
- 9.3 Subject to the conditions, the proposed new access is considered to be acceptable and would not result in any highways concerns.
- 9.4 For the reasons set out above, I can therefore conclude that this proposal would be acceptable and in accordance with the provisions of the National Planning Policy Framework.

10.0 RECOMMENDATION – GRANT 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: DHA/10799/01; DHA/10799/02; DHA/10799/03 Rev B; DHA/10799/04 Rev B; DHA/10799/05 Rev B; DHA/10799/06 Rev B; DHA/10799/07; 10844-T-01 P1

Reason: To ensure the quality of the development is maintained and to prevent harm to the open countryside

3. Prior to the commencement of the dwelling hereby permitted, an arboricultural method statement and tree protection plan must be submitted and approved in writing by the Local Planning Authority. A schedule of any required access facilitation pruning must be included. The provisions of the submitted arboricultural method statement and tree protection details must be strictly complied with throughout the course of development.

Reason: In the interests of tree protection and to ensure the quality of the development is maintained.

4. The development hereby permitted shall not be occupied until a scheme of landscaping has been submitted and approved, in writing, by the local planning authority. This should include details of any trees and planting to be retained together with measures for their protection in the course of development and a programme of maintenance. All planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding season following commencement of the development (or such other period as may be agreed in writing by the Local Planning Authority) and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the proposed development is satisfactorily integrated with its immediate surrounding and provides for adequate protection of trees.

5. No development above ground level shall take place until written details and samples of the materials to be used in 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 of the development.

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

Reason: In the reason of amenity.

7. Notwithstanding the provisions of the Town and Country Planning (general Permitted Development)(England) Order (or any order revoking and re-enacting that order with

or without modification) no extensions shall be carried out without the permission of the local planning authority;

Reason: To safeguard the character of the open countryside.

8. Prior to the first use of the building hereby permitted, bat boxes shall be installed in the eaves, the details of which shall first be submitted to, and approved in writing by the Local Planning Authority;

Reason: In the interests of biodiversity.

INFORMATIVES

1. Planning permission does not convey any approval for construction of the new vehicular crossing proposed, or any other works within the highway, including closure of the existing access. A statutory licence must be obtained and applicants should contact Kent County Council - Highways and Transportation (web www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack. It is likely that in order to ensure satisfactory standards for the redesign of this road frontage (over approximately 50m in length), that the applicant will need to enter into a S278 agreement with this authority, should this application be approved.
2. 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.
3. A formal application for connection to the public sewage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 0330 3030119) or www.southernwater.co.uk
4. The surface to the entrance of the site must be a bound surface for at least the first 5 metres of the access from the edge of the highway, as shown by the plans. The gradient of the access shall be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.

Case Officer: Flora MacLeod

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.