

REPORT SUMMARY

REFERENCE NO - 15/507194/FULL		
APPLICATION PROPOSAL Construction of a detached house and a pair of semi-detached houses with associated parking as shown on drawing numbers 2018-100 Rev E; received 4.01.2016 and 2018-103 Rec A and 2018-104 Rev A; received 11.09.2015.		
ADDRESS Land Adj Ulcombe C Of E Primary School The Street Ulcombe Kent ME17 1DU		
RECOMMENDATION Permission		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposed development is located within the village envelope of Ulcombe and the principle of sustainable residential development is accepted in accordance with policy H27 of the Local Plan 2000 and the aims and objectives of the NPPF.		
REASON FOR REFERRAL TO COMMITTEE Ulcombe Parish Council wish to see the application refused and request the application is heard at planning committee.		
WARD Headcorn	PARISH/TOWN COUNCIL Ulcombe	APPLICANT Mr Lee Selling AGENT Ray Rhodes Associates
DECISION DUE DATE 04/11/15	PUBLICITY EXPIRY DATE 04/11/15	OFFICER SITE VISIT DATE 17/09/2015
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): 15/505524/FULL - Divert public right of way – Pending consideration. This application is currently being processed by the council legal department. 15/504762/REM - Approval of Reserved Matters for the erection of two semi-detached houses and one detached house with access road to associated parking and landscaping. (all matters being sought) – Withdrawn by the applicant. The outline planning permission (11/1339) had expired before the reserved matters application was submitted. The applicant was advised to submit a full planning application. 11/1339 - An outline application with all matters reserved for future consideration for a residential development of two semi-detached houses and one detached house with access road to associated parking and landscaping – Permitted under delegated powers. 10/1320 – Outline application for the construction of 4no. two storey semi-detached houses with parking, garages and landscaping with all matters reserved for future consideration – Refused due to overdevelopment of the site. 11/1339 was submitted as a response to overcome the reasons for refusal.		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The application site is located on the west side of The Street within the bounds of Ulcombe village. The site is within the Greensand Ridge Special Landscape Area. The site involves an overgrown disused play area previously associated with

Ulcombe Primary school which is located adjacent the site to the south. There are a number of trees on the site; one of which is a TPO Dawn Redwood. Residential properties lie to the north and opposite the site and farmland to the west.

- 1.2 In practice Public Right of Way (PROW) KH320 runs along the southern edge of the site, but from the council records and previous applications on this site, the legal route runs across the application site. The KCC PROW Officer raises no objection to the development but notes the footpath (in its present location) should be kept free during construction and once the development is complete. It is therefore assumed that the proposed development would not affect the PROW.

2.0 PROPOSAL

- 2.1 The application proposes the erection of a detached two storey house toward the front of the site aligned east/west and a pair of semi-detached two storey houses further back into the site aligned north/south. The houses are a simple cottage style with half hipped roofs, formed of facing bricks, tile hanging, and tiled roofs. Two parking spaces are proposed for each dwelling with the access road running along the southern edge of the site. The development would share the existing vehicle access from The Street with the school, with a separate entrance into the site set back from the road frontage.

3.0 AMENDMENTS

- 3.1 An amended block plan (ref: 2018-100 Rev E) was received on 4 January 2015 altering the layout of the three proposed dwellings and indicating the root protection area (RPA) of the TPO Dawn Redwood. The revised layout seeks to retain the Dawn Redwood on site. Additional consultation was undertaken for 14 days, including consultation with the Council Arborist.

4.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough-Wide Local Plan 2000: H27, ENV6, ENV26, ENV34, T13
- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)

5.0 LOCAL REPRESENTATIONS

- 5.1 One letter of objection has been received from neighbouring properties. Comments are summarised as follows:

- Overdevelopment of the site.
- Highways safety in relation to the vehicle access onto The Street.
- Planning permission has not been granted for the removal of the substation.
- Removal of trees.
- Correspondence from past application should be reviewed when determining this application.

- 5.2 **Ulcombe Parish Council:** Objects to the proposal on the following (summarised) grounds:

- Highways highway safety / vehicle access.
- Overdevelopment of the site.

6.0 CONSULTATIONS

- 6.1 **KCC Highways:** Raise no objections subject to conditions.
- 6.2 **MBC Environmental Health:** No objections subject to informatives.
- 6.3 **MBC Landscape / Tree Officer:** No objections to the amended layout which would allow for the retention of the Dawn Redwood on site. The revised layout is acceptable in RPA terms providing the new hard surfacing is no-dig construction and that the whole construction of the driveway will need to be permeable with suitable load spreading mechanisms. The distance from the tree to the properties is probably the best that can be achieved on this site and that shadowing of the properties and gardens is unlikely from the tree. The tree is likely to get significantly larger than its current size, so there is the chance of future pressure for inappropriate works/future occupiers being apprehensive about the possibility of failure in adverse weather.
- 6.4 **Southern Water:** No objections. Request an informative is attached.

7.0 APPRAISAL

Principle of Development

- 7.1 The site is located within the defined village envelope of Ulcombe where the principle of additional housing is accepted in accordance with the Local Plan and NPPF. The site is identified as appropriate for minor residential development as set out in Policy H27. Outline permission for broadly the same development was approved on this site in 2011.
- 7.2 The site was previously owned by the school and formed part of a play area with play equipment. KCC previously obtained outline planning permission for three dwellings on this site (11/1339 – lapsed permission) and the land is therefore deemed surplus to the requirements of the school and not required for educational purposes.
- 7.3 I consider the key issues to be the impact upon the character and appearance of the area, the impact upon neighbour amenity, highways safety and parking congestion and impact on trees.

Visual Impact

- 7.4 The application site is located within Ulcombe village envelope. The site is also located in a Special Landscape Area, although given that that the site is within the village envelope the principle of additional residential development is accepted and less weight is therefore afforded to rural policies.
- 7.5 Lapsed outline permission 11/1339 demonstrated that 3 residential units could be successfully accommodated on the application site. This application proposes a semi-detached pair and a detached house in broadly the same location and footprint as the indicative layout / design as the outline consent and, I have no reason to come to a different conclusion than before and therefore consider that the three houses could be accommodated on the site without having a detrimental impact on the character of the wider village or immediate streetscape. Plot 1 would be set back from The Street with the principle elevation fronting onto and connecting with the streetscene. Plots 2 and 3 would be located toward the rear of the site and views from The Street would largely be screened by Plot 1. All three plots have spacious gardens, including a large front garden at Plot 1 and the application site would not

appear overly cramped as a result. The immediate section of The Street to the north of the application site is characterised by a number of backland developments such that the proposed layout would not appear out of keeping with the surrounding pattern of development. In addition, the development would not project further west than the school buildings located to the south.

- 7.6 The proposed palette of materials, form, scale and design is considered acceptable for this location and would be in keeping with character of the village and surrounding residential development. A simple unobtrusive residential design is proposed and the half hipped roofs would help reduce the overall scale of the houses. A condition will be attached to ensure a high standard of building materials are used to compliment the surrounding residential area.
- 7.7 The internal room sizes and private outdoor amenity space proposed is considered to offer an acceptable standard of living accommodation for future occupants.
- 7.8 Overall the design, scale, layout and palette of material proposed are considered to be in keeping with the character of the surrounding residential area.

Residential Amenity

- 7.9 Ulcombe School is located to the south of the application site and farmland is located to the west. Properties to the north are separated from the application site by The Street, a public highway.
- 7.10 A detached property known as Waterside, with a long rear garden, is located to the north of the application site. The first floor rear windows of the semi-detached pair of houses would afford views towards the rear garden of Waterside. However, views would not be toward the private outdoor amenity areas directly at the rear of the neighbouring property and there would be no direct view into habitable rooms. Additionally levels of overlooking into the rear garden area of Waterside would not be significantly worse than current levels of mutual overlooking between neighbouring residential properties in a residential area such as this. Given the separation distance from the neighbouring boundary and limited views into the rear garden area I do not consider that the proposed development would result in an unreasonable loss of privacy. Further, given the separation distances between Waterside and the proposed development I do not considered there would be an unreasonable loss of outlook or light to any neighbouring properties.

Highways

- 7.11 The proposal includes two off-street parking spaces for each property in accordance with the Councils parking standards.
- 7.12 Objections from the Parish Council and local residents have been raised with regard to highways safety in relation to the proposed access onto The Street. In this regard it is noted that an existing access onto The Street would be utilised and shared with the adjacent school. KCC Highways Authority is not a statutory consultee for developments of this size (less than 5 units) but has nevertheless been consulted. KCC Highways Authority has not raised any objections in terms of highways safety on the grounds that the development would not result in a significant increase in vehicle movements and would utilise an existing vehicle access onto The Street. Objections on highways safety grounds could therefore not be sustained.

- 7.13 The proposed vehicle access through the site southern side of the site would share the current route of the PROW and the KCC PROW officer has not raised any objections to the proposed development in terms of the impact on the PROW providing the route remains clear during construction. An application is currently with the council legal department to formalise the diversion of the PROW to its current route.
- 7.14 A condition will be attached to secure cycle parking and refuse storage as part of the development to promote sustainable modes of travel and protect the visual amenity of the area. I am of the opinion that sufficient space could be provided on site.

Landscaping and ecology

- 7.15 No ecology survey has been submitted and no survey was deemed necessary during the previous permissions on this site. It is acknowledge that the site is somewhat overgrown, however, the site is within a built up area and is partially managed by the electricity company for access to the substation and, in my view, is unlikely to constitute a significant habitat. In coming to this conclusion I have had regard to the previous applications on this site and the fact that protected species and their habitat are protected by other legislation.
- 7.16 The application involves the removal of a number of trees on the site but a revised layout showing the RPA and the retention of the TPO Dawn Redwood have been submitted. The Tree officer does not object to the removal of trees on the site and is of the view that the Redwood has significant amenity value and has confirmed that the revised layout is acceptable with regards to the RPA and over shadowing of the proposed properties. The Tree Officer raises concern about future pressure to undertake works to the tree when at full size, which does weigh against the proposal. Notwithstanding this any future works to the tree would require consent from the Council and any requests to remove the tree at a later date would most likely require a replacement specimen to be replanted. In this instance there is a need to come to a balanced view regarding the proposed development and the potential impact on the TPO Dawn Redwood. To my mind the public benefits arising from the additional three houses in a sustainable village location are significant and given the TPO status of the Dawn Redwood any future tree works could be closely controlled by the Council to ensure long term protection of the tree.
- 7.17 The proposal includes an element of soft landscaping at the front of the houses which is considered to enhance the character and appearance of the area. A condition will be attached to ensure native species are planted. Boundary treatment is shown on the site plan, however, further details will be requested by condition to ensure the boundary treatment along The Street is not too high or dominant.

Other Matters

- 7.18 The issues regarding the relocation of the electricity sub-station are matters for the electricity supplier and not the planning system. The substation would be relocated outside the site. If the size of the relocated substation falls within the GPDO permitted size then it will be carried out by the electricity company as a Statutory Undertaker, otherwise it would be subject to another planning application for the LPA to consider.

8.0 CONCLUSION

8.1 The proposed development is located within the village envelope of Ulcombe and the principle of sustainable residential development is accepted in accordance with policy H27 of the Local Plan 2000 and the aims and objectives of the NPPF.

9.0 RECOMMENDATION – GRANT Subject to the following conditions/REFUSE for the following reasons:

CONDITIONS to include

- (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) Prior to any works above dpc level, 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 building;

Reason: To ensure a satisfactory appearance to the development and to preserve the setting of nearby listed buildings.

- (3) Prior to any works above dpc level, details of the cycle and refuse storage have been submitted to, and approved in writing by, the Local Planning Authority. The approved facilities shall be provided before the first occupation of the buildings hereby permitted and maintained thereafter.

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

- (4) The development shall not commence until details of the proposed slab levels of the building(s) 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 and neighbouring buildings.

- (5) Prior to any works above dpc level, 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.

- (6) Prior to any works above dpc level, 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, shall be submitted to and approved in writing by the Local Planning Authority

The landscape scheme shall be designed using the principle's established in the Council's adopted Landscape Character Assessment 2012 and shall include details of:

- Landscaping adjacent the vehicle access and details of the landscaping along the east and west boundary of 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.

- (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 external appearance to the development.

- (8) 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.

- (9) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: In the interest of highways safety.

- (10) 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.

Planning Committee Report

- (11) No development shall take place until a method statement detailing the materials and construction of the hard surfaces in accordance with the principles set out in the current edition of BS 5837 and other current best practice guidance, has been submitted to and approved in writing by the local planning authority.

Reason: To protect the RPA of retained trees on the site.

- (12) The development shall not commence until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter;

Reason: To ensure an energy efficient form of development.

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

2018-100 Rev E; received 4.01.2016 and 2018-103 Rec A and 2018-104 Rev A; received 11.09.2015.

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

INFORMATIVES

- (1) A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

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:

Amendments were received.

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

Planning Committee Report

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.