

REPORT SUMMARY

REFERENCE NO - 15/510461/FULL			
APPLICATION PROPOSAL Minor material amendment to application 14/503167/FULL for residential development for 36 units and re-alignment of Cripple Street - with amendment to proposed plans as shown on drawing numbers 14032/C102F, 14032/C101D, 14032 P199 B, 14032 P132 B, 14032 P131 C, 14032 P129 B, 14032 P128 C, 14032 P127 D, 14032 P126 A, 14032 P124 B, 14032 P122 B, 14032 P120 A, 14032 P118 B, 14032 P116 F, 14032 P113 C, 14032 P111 C, 14032 P110 B, 14032 P102 R; received on 17.12.2016 and 14032 P133 C; received on 7.01.2016			
ADDRESS Land At Cripple Street, Cripple Street, Maidstone, Kent, ME15 6BA			
RECOMMENDATION			
SUMMARY OF REASONS FOR RECOMMENDATION The proposals constitute minor material amendments to the previously approved scheme on this site for 36 residential units and the changes proposed are not considered to result in significant planning harm.			
REASON FOR REFERRAL TO COMMITTEE Councillor Derek Mortimer has requested the application be reported to Committee for the reasons set out below.			
WARD South Ward	PARISH/TOWN COUNCIL Tovil	APPLICANT Millwood Designer Homes Ltd AGENT	
DECISION DUE DATE 04/04/16	PUBLICITY EXPIRY DATE 04/04/16	OFFICER SITE VISIT DATE	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
14/503167/FULL	Residential development for 36 units and re-alignment of Cripple Street.	Approved at appeal	5.10.2015
<i>Summarise Reasons</i> Approved at appeal. The Inspectors decision and conditions are attached at appendix 1			

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The site is located to the west of the urban boundary and lies within a countryside location. The site comprises a broadly rectangular shaped plot sited to the west of Bockingford Farmhouse, a Grade II listed building which is located within the urban boundary. The site is located within the open countryside, an Area of Local Landscape Importance and to the east of the Loose Valley Conservation Area.
- 1.2 The site comprises rough grassland with established landscaped borders and is adjacent to the urban area and the properties of Broadoak Avenue, Buxton Close and Richmond Way. The land has a gently sloping topography with the land sloping west towards the Loose Valley. This is a slight gradient which increases further to the west of the site.

- 1.3 Within the vicinity to the west there are a small number of residential properties sporadically placed with most fronting Cripple Street including the grade II listed Bockingford House and Little Bockingford. The area to the west of the site is designated as the Loose Valley Conservation Area.
- 1.4 The area to the east of the site comprises a residential area of 1960's construction with the houses on Broadoak Avenue, Buxton Close and Richmond Way backing onto the PROW which abuts the application site. Bockingford Farmhouse is the exception with frontage onto the PROW and faces toward the application site. This residential area is a mixed area of single storey and two storey properties with the scale and density reducing to the west of this area.
- 1.5 To the north of the site is an area which received planning permission under 12/1848 for a residential development of 127 dwellings and landscape works. This area only was allocated under policy H1 of the MBWLP 2000. Beyond this the urban area extends north with further urban residential development. The area directly north of the site is comprises Site Allocation H1 (20) as mentioned above.
- 1.6 A public right of way (PROW) abuts the north and east boundary of the application site running from north to south and east to west.

2.0 PROPOSAL

- 2.1 Minor material amendment to application 14/503167/FULL for residential development for 36 units and re-alignment of Cripple Street - with amendment to the approved plans.
- 2.2 The following minor material amendments are proposed:
 - Replace Plots 2 & 35 with new house type
 - Hand Plot 8
 - Revise garage arrangement for Plots 9 & 11
 - Replace Plot 11 with new house type
 - Replace semi-detached Plots 12 & 13 and 24 & 25 with link-detached units
 - Raise eaves line to Plots 29 & 30 while maintaining consented ridge level
 - Plot 1, 4, 10, 22, 36 - chimney deleted at minor internal ground floor alterations
 - Plot 16 and 17 - barn hip omitted and porch canopy removed
 - Plot 26 barn hip omitted
 - Plot 28 roof height raised
- 2.3 The above changes are considered to constitute minor material amendments and can be considered under the Section 73 application.

3.0 POLICY AND OTHER CONSIDERATIONS

- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV26, ENV28, ENV35, T13
- Supplementary Planning Documents: Affordable Housing Development Plan Document (2006), Open Space Development Plan Document (2006)
- Maidstone Borough Local Plan Publication (Regulation 19) February 2016
- North Loose Neighbourhood Development Plan

4.0 LOCAL REPRESENTATIONS

- 4.1 **Cllr Derek Mortimer:** *'Should you be minded to approve I wish it called in to committee for the following reasons.*

- 1. Plots 29 & 30 increased height of the eaves would impact directly upon the surrounding properties.*
- 2. Plots 2 & 35 proposed increase in size would have a detrimental impact upon the street scene and make them more visible from the other side of the valley.*

I would also add that local associations, Tovil parish council, councillors and many local residents have fought to protect this field from development but we finally lost the battle at appeal. In all representations the impact upon amenity and views across the surrounding countryside have been paramount. So increasing eave heights and mass of properties will impact further. This area is also classified in the new emerging Landscape of Local Value and I would expect this now to carry significant weight since the Local Plan went to Regulation 19'.

- 4.2 **North Loose Association:** No objections.

- 4.3 **Local Residents:** Eight letters of objection have been received from neighbouring properties. Valley Conservation Society also objects. Comments are summarised as follows:

- Increased eaves and rooflines would harm amenity value.
- Impact on Cripple Street from larger housing units.
- Highways safety along Cripple Street.
- Congestion.
- Housing need in the borough is met in Local Plan Regulation 19.
- Development on a greenfield site.
- Lack of infrastructure.
- Impact on drainage.
- Loss of a view (*not a material planning consideration*)
- Impact on Loose Valley conservation area.
- Loss of wildlife.
- Development would be out of keeping with surrounding area.

5.0 CONSULTATIONS

- 5.1 **KCC Highways:** No objections

- 5.2 **MBC Conservation Officer:** *'These amendments will cause no additional harm to the setting of the adjacent listed building or to the setting of the nearby conservation area'.*

6.0 APPRAISAL

- 6.1 The applicant has applied to vary the approved drawings (condition 15) of planning permission 14/503167/FULL to include the above changes. Under the terms of the Section 73 application only the above proposed changes will be assessed. The principle of the housing development, including (inter alia) the highways impacts, landscaping, ecology, drainage and planning obligations, will not be revisited as these aspects are not considered to be affected by the proposed amendments. As such I consider the key considerations to be design, heritage impact, amenity impacts and parking provision.

Visual impact

Replace Plots 2 & 35 with new house type

- 6.2 The houses would be visible from the re-aligned Cripple Street and would have an impact on the character of the streetscape. The amendments are considered to represent an acceptable design standard (subject to material samples) and the front elevation and flank wall adjacent the public roads would have active frontages at the entrance to the site. The replacement houses would be higher than the two approved properties, however, it is considered the additional height could be successfully accommodated in this location given the set back from the street and proposed roof form. The height of the two replacement houses would be comparable to the houses on either side along Cripple Street and the additional height is not considered to have a significant visual or harmful impact on the countryside.

Hand Plot 8

- 6.3 Plot 8 is located centrally within the site and the changes to this property would not be significantly visible from any public vantage points save from within the site. The design of the house remains as previously approved and is considered to be acceptable within the context of the housing development.

Revised garage arrangement for Plots 9 & 11

- 6.4 The approved scheme sees Plot 9 and plot 11 share a double garage. The amendments propose a single bay garage with parking at the front for Plot 9 and forecourt parking for plot 11. The proposals would result in a reduction of built development in this section of the site and the design of the new single bay garage would be in keeping with other garage units in the development.

Replace Plot 11 with new house type

- 6.5 The amended design would have an active east flank facing the access road to give an appropriate frontage onto the streetscene. The revised design is considered to be of an acceptable standard and would be in keeping with other houses in the development.

Replace semi-detached Plots 12 & 13 and 24 & 25 with link-detached units

- 6.6 The garages would be relocated from the side of each house and would instead be centrally located forming a link between the semi-detached houses. The proposed amendments would reduce the roof mass as originally proposed and would open up views through the site from east to west and reduces the visual impact of these units from the PROW running parallel to the east boundary of the site.

Raise eaves line to Plots 29 & 30 while maintaining consented ridge level

- 6.7 Plot 29 and plot 30 would be visible from the PROW running parallel to the east of the site. The overall height of the units would not increase and the proposed design is considered to be of an acceptable standard. The additional roof bulk at eaves level is not considered to have a harmful impact on the surrounding countryside and would be in keeping with the context of the housing development.

Plot 1, 4, 10, 22, 36 - Chimney deleted at minor internal ground floor alterations

- 6.8 These are considered to be acceptable minor material amendments and would not have a harmful design or visual impact on the countryside.

Plot 16 and 17, 26 and Plot 28

The changes to the house design are considered to be acceptable in the overall context of the site and the increased ridge height at plot 28 would not be readily discernible when viewed from the PROW and could be successfully accommodated

in this location of the site. Plot 28 would be an affordable unit with parking at ground level and living accommodation in the roof space.

Residential Amenity

- 6.8 The proposed amendments, by reason of the acceptable design, scale and separation distances, would respect the amenities of adjoining residents regarding privacy, daylight, sunlight and maintenance of a pleasant outlook.

Highways

- 6.9 The proposed changes to the garage and parking provision / turning areas would be in accordance with KCC parking standards. The proposal would not result in any unacceptable highway safety issues compared to the approved scheme. KCC Highways has been consulted and do not raise any objections on highways safety or parking grounds.

Heritage Assets

- 6.10 The conservation officer has advised that the amendments would cause no additional harm to the setting of the adjacent listed building or to the setting of the nearby conservation area'.

7.0 CONCLUSION

- 7.1 The principle of residential development at this site has been accepted by the Planning Inspectorate and it is considered that the development of the site for residential purposes is acceptable and it is recommended subject to completion of a section 106 agreement (Deed of Variation) planning permission be granted. The S106 Deed of Variation will tie the decision for this application to the previously agreed and signed S106 in order to secure the agreed contributions / obligations.
- 7.2 Where an application under Section 73 is granted, the effect is the issue of a fresh grant of permission. A decision notice describing the new permission should be issued, setting out all the conditions pertaining to it.

- 8.0 RECOMMENDATION – GRANT** Subject to the following conditions and Deed of Variation and Supplemental Deed linking the varied agreement to the Section 73 Application.

CONDITIONS

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

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

- (2) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg. furniture, play equipment, signs, lighting etc); proposed and existing functional services above and below ground (eg. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.

Reason: To ensure a satisfactory appearance.

- (3) Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme. Details shall include indications of all existing trees and hedgerows on the land and details of those to be retained, together with measures for their protection during construction. The details shall also include the long term management, design objectives, management responsibilities and maintenance for all landscaped areas, other than small, privately owned domestic gardens.

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

- (4) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the local planning authority.

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

- (5) 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 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.

- (6) The development shall not commence until there has been submitted to and approved in writing by the local planning authority a habitat management plan detailing how all ecological enhancements and protected species mitigation will be managed in the long term. The site shall be managed in accordance with the approved habitat management plan thereafter.

Reason: To ensure a satisfactory appearance and setting to the development and in the interests of biodiversity protection and enhancement.

- (7) If ground works do not commence within 2 years of the Ecology Report dated August 2014, a further reptile survey of the site shall be undertaken and submitted to and approved in writing by the local planning authority. Any works required shall be undertaken in accordance with a timetable to be agreed in writing by the local planning authority.

Reason: To ensure a satisfactory appearance and setting to the development and in the interests of biodiversity protection and enhancement

- (8) The development shall not commence until details for the provision of cycle storage have been submitted to and approved in writing by the local planning authority. The cycle storage shall be provided in accordance with the approved details prior to the first occupation of the development and thereafter retained.

Reason: To provide adequate transport arrangements.

- (9) The development shall not commence until details for the provision of refuse/recycling storage as well as site access design arrangements for waste collection have been submitted to and approved in writing by the local planning authority. The refuse/recycling storage and access arrangements shall be provided in accordance with the approved details prior to the first occupation of the development and thereafter retained.

Reason: In the interests of amenity and to safeguard the appearance of the area.

- (10) The development shall not commence until details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details.

Reason: In order to secure a satisfactory form of development.

- (11) No development shall take place until the implementation of a programme of archaeological works has been secured, the details and timing of which shall have been submitted to and approved in writing by the local planning authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

- (12) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.

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

- (13) None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason: To ensure suitable foul and surface water sewerage disposal is provided.

- (14) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development.

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

14032/C102F, 14032/C101D, 14032 P199 B, 14032 P132 B, 14032 P131 C, 14032 P129 B, 14032 P128 C, 14032 P127 D, 14032 P126 A, 14032 P124 B, 14032 P122 B, 14032 P120 A, 14032 P118 B, 14032 P116 F, 14032 P113 C, 14032 P111 C, 14032 P110 B, 14032 P102 R; received on 17.12.2016 and 14032 P133 C; received on 7.01.2016

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

- (16) No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) a timetable for its implementation, and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

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.