

REPORT SUMMARY

REFERENCE NO - 16/505695/FULL		
APPLICATION PROPOSAL Erection of two semi-detached dwellings with garaging, parking, provision and landscaping works utilising existing highway access.		
ADDRESS - 1 Fancy Row Thurnham Lane Thurnham Kent ME14 4PL		
RECOMMENDATION - PERMIT		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development is not in accordance with Development Plan policy. However, the proposal site benefits from an extant permission for 1 dwelling; the proposal would not appear significantly more visually harmful than the development already approved on site; there are no highway safety or residential amenity objections; and the site is considered to be in a sustainable location. I therefore recommend approval of the application on this basis.		
REASON FOR REFERRAL TO COMMITTEE - It is a Departure from the adopted Local Plan.		
WARD Detling And Thurnham	PARISH COUNCIL Thurnham	APPLICANT Mr R Bentley AGENT Consilium Town Planning Services Limited
DECISION DUE DATE 12/09/16	PUBLICITY EXPIRY DATE 14/10/16	OFFICER SITE VISIT DATE 29/07/16
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

- 15/509836 – Dwelling – Approved
- MA/01/0411 – 2 dwellings – Refused
- MA/87/0980 – Outline for dwelling – Refused
- Land at northern end of Fancy Row Cottages
- 14/500927 – Dwelling – Refused (Allowed on appeal)

MAIN REPORT

1.0 Site description

- 1.01 The application site is located on the eastern side of Thurnham Lane and is some 470m to the north of Bearsted Green; it has a site area of approximately 0.05ha; and it is screened by a mature hedgerow along the southern boundary. Thurnham Lane has a semi-rural character with linear development along the eastern side comprising a group of terraced dwellings (Fancy Row) and then numerous detached and semi-detached dwellings. The application site is located at the southern end of the row cottages, on land between 1 Fancy Row and a detached dwelling known as 'Thurnham House'. There is an extant planning permission for 1 house on this site (15/509836).
- 1.02 The application site comprises the side garden of 1 Fancy row, which is an end of terrace property. Properties on Fancy Row have a shared access driveway which runs to the rear of the terrace leading off Thurnham Lane, providing car parking for each dwelling. This private driveway borders the application site to the east and to the south. For the purposes of the Development Plan the site is located in open countryside that falls within a Special Landscape Area and a Strategic Gap; and the site also falls within an Area of Archaeological Potential.

2.0 Relevant background

2.01 There is an extant planning permission for 1 house on this site (15/509836) and here is summary of the main differences between the extant scheme and what is proposed here:

- Approved dwelling and its detached garage would have footprint of approx. 125m² and this proposal's footprint measures approximately 164.5m², which is a modest increase of some 39.5m².
- Both schemes have similar depth of building and proposed scheme measures some 5m more in terms of width.
- Both schemes are the same height, although proposed scheme does have larger roof space.
- Proposed development will not have new access puncturing front boundary planting, making use of existing access to parking areas to rear.

2.02 In addition, on the northern side of the Fancy Row terrace, between 8 Fancy Row and 'Claymore', planning permission was recently allowed at appeal for the erection of a detached dwelling (reference 14/500927). Opposite the application site, on the western side of Thurnham Lane, is the 'Old School House' and the 'School Yard'. The School site has planning permission for a new detached dwelling on the site and conversion and enlargement of the Old School House to a single dwelling. This work (under MA/14/1265) is nearing completion.

3.0 Proposal

3.01 The proposal is for the erection of a pair of semi-detached (4-bed) houses with pedestrian access to the front and parking area to the rear (4 spaces), making use of the existing access road to the immediate south of the site.

3.02 The proposal would have a ridge height is some 9m from ground level and the eaves height some 5m; the proposal would be set back from the front of the row of cottages to the north; and it would be constructed from facing brick, plain concrete roof tiles and elements of tile hanging at first floor level. The proposal would have a barn-hipped style roof, a gable-end projecting element to the front, side chimneys, half dormer windows to the front, and a single storey element and dormer windows to the rear. The existing Laurel boundary hedge will be retained and a Beech hedge will be planted to the front.

4.0 Policy and other considerations

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV31, ENV34
- National Planning Policy Framework
- National Planning Practice Guidance
- Submitted version Maidstone Local Plan: SP17, DM1, DM34

5.0 Consultations

5.01 Thurnham Parish Council: No representations made.

5.02 KCC Biodiversity Officer: Raised no objection under 15/509836.

5.03 Landscape Officer: Raises no objection.

5.04 Environmental Health Officer: Raises no objection.

5.05 KCC Highways: Raises no objection.

5.06 KCC Archaeology Officer: Does not wish to comment.

5.07 Neighbour representations: 5 representations received raising concerns over visual impact; principle is unacceptable; poor design; parking provision; highway safety; intensification of use of access; inadequate outdoor amenity space; disruption during construction; and lack of school places.

6.0 Relevant policy/guidance

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

6.02 For the purposes of the Local Plan, the application site is in the designated countryside and a Special Landscape Area and so saved policies ENV28 and ENV34 of the adopted Local Plan are of relevance. The proposed development does not fit into any of the exceptions set out in policy ENV28, which is why it has been advertised as a departure from the Development Plan. Notwithstanding this, a material planning consideration in the determination of this application is the fact there is an extant permission for a dwelling on this site.

6.03 It should be noted again that the application site already benefits from an extant planning permission for a dwelling; and that in March 2015 (under reference 14/500927), the Planning Inspector allowed 1 detached house on land adjacent to 8 Fancy Row. These are material considerations in the determination of this application, and the Inspector (under 14/500927) determined that "*...the site is a sustainable one and considerable weight therefore arises in favour of the scheme*". The proposal site is within walking distance of Bearsted with its train station and variety of shops and services and the so Council considers the site to be in a sustainable location; and this has been previously accepted by the Planning Inspector.

6.04 The submitted version of the Local plan went to the Secretary of State for examination in May 2016 and formal examination is currently being undertaken. This Plan and its policies are considered to hold significant weight; and policy SP17 of this Plan seeks to restrict development in the countryside. Furthermore, the emerging Plan allows the Council to consider that it can demonstrate a 5 year supply of deliverable housing sites.

7.0 Visual Impact

7.01 The application site is bordered to the north, west and south by residential housing, and this part of Thurnham Lane is characterised by ribbon development. In my view the Beech hedge to be planted at the front and the retained Laurel hedge along the southern boundary of the site would help to screen and soften the development from short distance views; and whilst there may be long distance public views of the site, the development would be very much read in context with the existing residential development and would not appear dominant or visually incongruous within the landscape. The Landscape Officer also raises no objections subject to appropriate conditions requiring a landscaping scheme and Arboricultural Method Statement.

7.02 In terms of the extant permission for a dwelling on this site, it is my view that the footprint of this proposal is not too dissimilar to that of the approved detached dwelling and its detached garage; and the use of a parking area to the rear avoids the need to puncture a large gap in the front boundary hedge (as was approved for

access under 15/509836). In addition, the proposal takes elements from the previously approved house, such as its 9m ridge height; its barn-hipped front projecting element that has dropped its eaves down from the main house; and the half dormers to the front puncturing the eaves. The dormer windows, the front projection, the use of tile hanging at first floor level, the chimneys; and the 2-storey high bay window elements all help to articulate the frontage of the building which does maintain the set back from the road as previously approved. The use of appropriate materials and the safeguarding of boundary planting will be secured by way of condition. I therefore consider the scale and design of the proposal to be appropriate in this setting, where there are varying housetypes within the vicinity, and I am satisfied that whilst a larger building, it would not be significantly more visually harmful than the single dwelling that has already been approved in this setting and context. As a result, it is considered that this proposal would not adversely harm the character and appearance of the countryside hereabouts.

8.0 Residential Amenity

- 8.01 The proposal, given its 3m set back from the shared northern boundary; its orientation; and fenestration detail (with flank openings to be fixed shut and obscure glazed), would not have a detrimental impact upon the amenity of local residents. I am also satisfied that the proposal would provide acceptable living conditions for future occupants, in terms of internal living space and private outdoor amenity space. No objection is therefore raised in this respect.

9.0 Highway safety implications

- 9.01 The proposal would provide 2 off-road parking spaces for each property which is considered acceptable; there would be adequate turning provision within the site; the houses would make use of the existing access which serves the neighbouring row of cottages; and the Highways Authority did comment under 15/509836 that the access road does have a good crash history. I am therefore satisfied that this scheme for 2 houses would not have a detrimental impact upon highway safety and I raise no objection in this respect.

10.0 Other considerations

- 10.01 The applicant has submitted the same Preliminary Ecological Appraisal report that was submitted under 15/509836, which was undertaken in September 2015. This report is only a year old and consider its findings to still be relevant; and I am satisfied that there continues to be no requirement for additional specific species surveys to be carried out as part of the application. As under 15/509836, conditions will be imposed to ensure the development is carried out in accordance with the recommendations set out, and a scheme of biodiversity enhancements for the site is submitted to the local planning authority for approval.
- 10.02 The Environmental Health Officer raises no objection in terms of noise, air quality, land contamination and foul sewage disposal; and the issues raised by local residents have been addressed in the main body of this report.
- 10.03 Thurnham Parish Council has not commented on this application and the issues raised by local residents have been addressed in the main body of the report. I would add that a proposal for 2 dwellings is not expected to provide any community contributions including monies towards education; and any potential disturbance during construction is not a material planning consideration.

11.0 Conclusion

11.01 The proposal will not appear significantly more visually harmful than the development already approved on site; it is in a sustainable location as stated by the Planning Inspector; and it would not have an adverse impact upon the residential amenity of adjacent properties or upon highway safety. Therefore, notwithstanding the fact that the Council considers it is able to demonstrate a 5 year supply of housing and draft Local Plan policies attract significant weight, I consider it acceptable to depart from the Local Plan in this instance and recommend approval on this basis.

12.0 RECOMMENDATION –GRANT Subject to the following conditions:

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) Before the development hereby permitted is first occupied, all openings in the northern and southern elevations of the buildings shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such;

Reason: To safeguard the privacy of residents.

- (3) The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

- (4) No building works above ground level shall commence until written details and samples of the materials to be used in the construction of the external surfaces of the buildings and hard surfaces 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 to the development.

- (5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development within Schedule 2, Part 1, Classes A, B, C, D, E, F, G, H shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by existing and prospective occupiers.

- (6) No building works above ground level shall commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species. The scheme shall be designed using the principles established in the Councils adopted Landscape Character Assessment and Landscape Guidelines and shall include:

- a) Details of new beech hedge to front boundary and rear boundary of gardens;
- b) Retention of Laurel hedge along southern boundary;
- c) Retention of Maple trees in north-western corner of site;
- d) Details of replacement native planting along western boundary of site.

Reason: No such details have been submitted and to ensure a satisfactory setting and external appearance to the development.

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

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

- (8) The development shall be undertaken in accordance with the recommendations set out in the approved Preliminary Ecological Appraisal, received on 25th November 2015.

Reason: To ensure appropriate mitigation and protection of species.

- (9) No building works above ground level shall commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of biodiversity enhancements for the site. The scheme shall be based on the recommendations of the Preliminary Ecological Appraisal received on 6th July 2016.

Reason: No such details have been submitted and to ensure appropriate mitigation and protection of species.

- (10) No building works above ground level shall commence until there has been submitted to and approved in writing by the Local Planning Authority an Arboricultural Method Statement in accordance with BS5837:2012, which shall include details on the root protection areas of all retained trees and details on method of root protection;

Reason: No such details have been submitted and to ensure a satisfactory setting and external appearance to the development.

- (11) The development hereby permitted shall be carried out in accordance with the following approved plans; 26/34/01B, 03A and 04 A received 26/09/16; and 26/34/02B received 28/09/16;

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

INFORMATIVES

- (1) Clearance and burning of rubbish must be carried without nuisance from smoke etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the EHM.
- (2) Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.
- (3) Vehicles may only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.
- (4) 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.
- (5) Provision shall be made for construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
- (6) Provision shall be made for parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
- (7) Provision shall be made of wheel washing facilities prior to the commencement of work on site and for the duration of the construction.
- (8) The following recommendations should be considered (where applicable) when designing any lighting scheme:
 - a) Low pressure sodium lamps or high pressure sodium must be used instead of mercury OR metal halide lamps where glass glazing is preferred due to its UV infiltrations characteristics.
 - b) Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each light to direct the light and reduce spillage.
 - c) The times during which the lighting is on must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to the minimum to reduce the amount of 'lit time'.
 - d) Lamps of greater than 2000 lumens (150W) must not be used.
 - e) Movement sensors must be used. They must be well installed and well aimed to reduce the amount of time a light is on each night.
 - f) The light must be aimed to illuminate only the immediate area required by using as sharp a downward angle as possible. This lit area must avoid being directed at, or close to, any bats' roost access points or flight paths from the roost. A shield or hood can be used to control or restrict the area to be lit. Avoid illuminating at a wider angle as this will be more disturbing to foraging and commuting bats as well as people and other wildlife.
 - g) The lights on any upper levels must be directed downwards to avoid light spill and ecological impact.

h) The lighting must not illuminate any bat bricks and boxes placed on the buildings or the trees in the grounds.

(9) Bats and Lighting in the UK - Bat Conservation Trust and Institution of Lighting Engineers

Summary of requirements

The two most important features of street and security lighting with respect to bats are:

1. The UV component. Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas.

2. Restriction of the area illuminated. Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas illuminated. The aim is to maintain dark commuting corridors for foraging and commuting bats. Bats avoid well lit areas, and these create barriers for flying bats between roosting and feeding areas.

UV characteristics:

Low

- Low pressure Sodium Lamps (SOX) emit a minimal UV component.
- High pressure Sodium Lamps (SON) emit a small UV component.
- White SON, though low in UV, emit more than regular SON.

High

- Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps
- Mercury lamps (MBF) emit a high UV component.
- Tungsten Halogen, if unfiltered, emit a high UV component
- Compact Fluorescent (CFL), if unfiltered, emit a high UV component.

Variable

- Light Emitting Diodes (LEDs) have a range of UV outputs. Variants are available with low or minimal UV output.

Glass glazing and UV filtering lenses are recommended to reduce UV output.

Street lighting

Low-pressure sodium or high-pressure sodium must be used instead of mercury or metal halide lamps. LEDs must be specified as low UV. Tungsten halogen and CFL sources must have appropriate UV filtering to reduce UV to low levels.

Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each lamp to direct light and contain spillage. Light leakage into hedgerows and trees must be avoided. If possible, the times during which the lighting is on overnight must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to reduce the amount of 'lit time' and provide dark periods.

Security and domestic external lighting

The above recommendations concerning UV output and direction apply. In addition:

- Lighting should illuminate only ground floor areas - light should not leak upwards to illuminate first floor and higher levels;

- Lamps of greater than 2000 lumens (150 W) must not be used;
- Movement or similar sensors must be used - they must be carefully installed and aimed, to reduce the amount of time a light is on each night;
- Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;
- Light must not be directed at or close to bat roost access points or flight paths from the roost - a shield or hood can be used to control or restrict the area to be lit;
- Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife;
- Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.

Case Officer: Kathryn Altieri

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.