

## REPORT SUMMARY

<b>REFERENCE NO - 16/507379/FULL</b>			
<b>APPLICATION PROPOSAL</b> Amendment to planning approval 15/507189/FULL for the erection of a new detached four bedroom dwelling and detached garage and amendment to approved access			
<b>ADDRESS</b> Warmlake Farmhouse Maidstone Road Sutton Valence Kent ME17 3LR			
<b>RECOMMENDATION</b> THE HEAD OF PLANNING BE GIVEN DELEGATED POWERS TO GRANT PLANNING PERMISSION SUBJECT TO THE EXPIRY OF THE NEWSPAPER ADVERT AND NO MATERIAL NEW ISSUES RAISED:			
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b> <ul style="list-style-type: none"> <li>• Changes to the footprint, dimensions and appearance of the new dwelling are minor from that approved under 15/507189</li> <li>• There have been no objections raised from Highways to the revised access arrangements – i.e. maintaining single access points rather than the approved shared access.</li> </ul>			
<b>REASON FOR REFERRAL TO COMMITTEE</b> Called in by Sutton Valence Parish Council on highways grounds.			
<b>WARD</b> Sutton Valence And Langley	<b>PARISH/TOWN COUNCIL</b> Sutton Valence	<b>APPLICANT</b> Mr John Mason <b>AGENT</b> JK Designs	
<b>DECISION DUE DATE</b> 08/12/16	<b>PUBLICITY EXPIRY DATE</b> 11/11/16	<b>OFFICER SITE VISIT DATE</b> 02.11.16	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
15/507189	Erection of a new detached four bedroom dwelling, erection of a single garage and creation of new vehicular access.	Approved	15.01.2016
<i>Summarise Reasons</i>  <i>The proposed development did not conform with policy ENV28 of the Maidstone Borough-wide Local Plan 2000. However, the development was considered to be in a sustainable location, immediately adjoining an existing settlement, and was not considered to result in significant planning harm. Given the shortfall [at the time of the decision] in the required five-year housing supply, the low adverse impacts of the development were not considered to significantly outweigh its benefits. As such, the development was considered to be in compliance with the National Planning Policy Framework and this was sufficient grounds to depart from the Local Plan.</i>			
11/2149	Extension to existing garage to include 4no. additional bays and games room over, as shown on drawing numbers 1890/000 Rev P/00, 1890/001 Rev P/00, 1890/004 Rev P/00	Refused	22.02.2012

	and 1890/005 Rev P/00 received on 16/12/11.		
<i>Summarise Reasons</i>			
<i>The proposed building was of excessive scale and mass, failed to appear subordinate to the main house and would have eroded the openness of the countryside, contrary to policies ENV28 and H33 of the Maidstone Borough Wide Local Plan 2000, policy C4 of the South East Plan 2009 and the advice given in the Supplementary Planning Guidance Document 'Residential Extensions'.</i>			

## **MAIN REPORT**

### **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 at "The Oaks", ten large detached houses were permitted at appeal under 14/0830 (APP/U2235/A/14/2228989). That site is currently under construction.

### **2.0 PROPOSAL**

- 2.1 The application is a resubmission of an approved scheme from 2016 and seeks to vary the approved access arrangements, along with some alterations to the design of the new house. As such, there is a strong fall-back position for this dwelling as there is a live planning permission which could be commenced lawfully subject to all outstanding conditions being discharged.
- 2.2 The previous 2015 scheme was revised during the course of that application following local concerns, to omit the originally applied for new access and resorted to shared use of a new access, with the existing access serving Warmlake Farmhouse being close up. It should be noted that there was not an objection from KCC

Highways to the original access arranged proposed in 2015. This application seeks to vary the approved arrangements and retain the existing access for Warmlake Farmhouse while allowing for a new access solely for the use of the new dwelling.

2.3 The following changes to the design of the dwellinghouse have been proposed:

- Maximum depth of house increased by 0.3m to 13m and addition of bay window to the front elevation of the living room.
- Maximum width of house increased by 1.3m to 15.5m.
- Central section of house (kitchen area) increased in width by 2.1m to 7.6m at ground floor only with three new roof lights over the lean-to area created. French doors changed to bi-fold doors. Rear of garage also squared off with the omission of the log store.
- Increase in height of garage roof.
- New roof light on front cat-slide roof.
- Eaves line raised on rear elevation and lowered on front elevation.
- Windows on ground and first floor flank elevations relocated.
- Chimney re-sited along south flank wall.

### 3.0 PLANNING CONSTRAINTS

Open Countryside  
Potential Archaeological Importance

### 4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF): 17, 57, 58  
National Planning Practice Guidance (NPPG)  
Development Plan: ENV28  
Emerging Policy: SP17, DM1, DM34

### 5.0 LOCAL REPRESENTATIONS

5.1 Parish Council: The Parish Council resolved that this application be refused and are prepared to go to Committee. The Parish Council do not wish to see another access on this dangerous stretch of the road.

5.2 Neighbours: Two neighbours have raised objection on the following grounds (in summary):

- The provision of two accesses close to the bend in the road would be hazardous.
- The existing access should be used to serve both houses.
- The approved application required the closing up of the existing access, to keep two would be hazardous.
- Warmlake Crossroads has been designated as a "Crash Remedial Measures Site"

### 6.0 CONSULTATIONS

6.1 KCC Highways: *Original Comments*: No objection. The application proposes to retain the current vehicular access to Warmlake Farmhouse rather than close it, as previously approved under application 15/507189/FULL. The crash record for this location is low, with one slight injury crash in the last 10 years. I note there are no

amendments proposed to the new access. I therefore write to confirm that I raise no objection on behalf of the local highway authority.

*Additional Comments:* I can confirm that the junction of Warmlake Road, Chartway Street, Maidstone Road and North Street is identified as a crash remedial site and remedial measures are planned for this site by the KCC Schemes Team. This application (16/507379) lies approximately 130m north of the crossroads and therefore falls outside of the identified crash remedial site. I appreciate the site is located on the busy A274 road however as previously stated the crash record for this stretch of road is low with one personal injury crash recorded in the last 10 years. This occurred on the bend opposite The Oaks and was not associated with the proposed application site.

A new shared access was approved under application 15/507189 with the condition to close an existing access. Given this application (16/507379) seeks to retain the existing access which has a good crash record, I confirm that this highway authority has no grounds for sustaining an objection.

- 6.2 Environmental Health: No comments or objections
- 6.3 Conservation Officer: No objection. The proposal will have no significant impact on the setting of the listed Oasthouse at Warmlake Farm which will be separated from the development by the farmhouse and modern farm buildings.
- 6.4 Landscape Officer: No objection. This proposal to amend the original planning approval, 15/507189/FULL, with a revised access arrangement does not appear to cause any additional arboricultural implications.
- 6.5 Southern Water: Comments received in relation to the existing public sewer which may need to be diverted.

## **8.0 BACKGROUND PAPERS AND PLANS**

- 025.1113.03A Proposed Floor Plans (13.10.16)
- 025.113.04A Proposed Elevations (13.10.16)
- 025.113.06 Proposed Site Plan (13.10.16)
- 025.1113.01 Site Location Plan (13.10.16)
- 025.1113.07 Proposed Detached Garage (13.10.16)
- 025.1113.05 Proposed Roof Plan (13.10.16)
- 025.1113.02 Existing Site Plan (13.10.16)

## **9.0 APPRAISAL**

### **Principle of Development**

- 9.1 The principle of development was established through the granting of the previous planning application. Since January 2016 when the extant permission was approved, the Council has submitted its new Local Plan to the Inspectorate and held most of the hearings for the Examination in Public. The Council can now demonstrate a 5.17 years housing land supply and, sites such as this would now have to be assessed against up to date policy on development within the countryside, in this case Policy

ENV28 of the adopted Maidstone Borough Wide Local Plan 2000 (MBWLP) and emerging Policy SP17 of the Draft Maidstone Local Plan 2016 (Submission Version). However, the existence of the extant permission overrides the need to reconsider the principle of development in this particular instance.

### **Visual Impact**

- 9.2 The changes proposed to the overall size and external appearance of the proposed dwelling are minor and, as such, the proposal will continue to respect the character and appearance of the locality. In this respect, the proposal will continue to accord with Paragraphs 57 and 58 of the NPPF and emerging policies DM1 and DM 34 of the Draft Maidstone Local Plan 2016 (MLP) in terms of good design. Similarly, the proposal would not harm the character and appearance of the area or the rural amenities of the countryside any more so than the approved scheme and therefore continues to comply with the aims of adopted Policy ENV28 of the MBWLP.

### **Residential Amenity**

- 9.3 Whilst the proposal seeks to alter the ground and first floor flank windows, the changes would have no greater impact on the privacy of neighbouring properties over and above the approved scheme. In this respect the proposal would not give rise to any worsening in the amenities of neighbours over and above the approved scheme and I therefore consider the proposal accords with Paragraph 17 of the NPPF and emerging Policy DM1 of the MLP. Similarly, the proposal would not give rise to harm to the amenities of surrounding occupiers as required by Policy ENV28 of the MBWLP.

### **Highways**

- 9.4 As stated in Section 2 above, the proposal seeks to secure an independent access to the site while allowing for the existing access to Warmlake Farmhouse to remain in use. This proposal is an alternative to the approved new shared access. It is acknowledged that the site is located on the busy A274 and close to a bend in the road.
- 9.5 It should also be noted that the Council has already accepted an access in this location, albeit a shared access, and the existing access to Warmlake Farmhouse has not presented any highway concerns over recent years, as set out by KCC Highways. It is therefore unlikely that the provision of a new access and the retention of the existing access would have a worse impact than one new shared access, as approved.
- 9.6 KCC Highways have confirmed that 130m to the south at the Warmlake Crossroads there is a "Crash Remediation Site" but the current application site falls outside of this remedial area and the history for crashes in the vicinity of the site is said to be low. In this respect, KCC Highways do not consider an objection can be substantiated on the grounds of highway safety. Without an objection from KCC Highways the proposal cannot be regarded to give rise to severe harm and therefore accords with the requirements of Paragraph 32 of the NPPF.

### **Landscaping**

- 9.7 A detailed landscaping scheme is proposed to be required by condition which is the same as required for the extant permission. In addition, Condition 3 below seeks

arboricultural details to safeguard existing trees. I am satisfied that the use of conditions is appropriate as the site is already well landscaped.

## 10.0 CONCLUSION

- 10.1 In light of the above considerations, I am satisfied that minor revisions to the design are acceptable and, on the basis of the advice received from KCC Highways, that no severe impact would result from the new access, the position of which is as previously approved through 15/507189. I therefore recommend permission is granted.
- 10.2 Condition 9 (low carbon/decentralised power) has been carried forward from the previous permission as it was added by Members' at Planning Committee in January this year.

**11.0 RECOMMENDATION** – Members be **RESOLVED** to give delegated powers to the Head of Planning to **GRANT Planning Permission** subject to no new material being received from the press advert and 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. The development hereby permitted shall be carried out in accordance with the following approved plans: 025.1113.03A Proposed Floor Plans (13.10.16), 025.113.04A Proposed Elevations (13.10.16), 025.113.06 Proposed Site Plan (13.10.16), 025.1113.07 Proposed Detached Garage (13.10.16), 025.1113.05 Proposed Roof Plan (13.10.16)  
  
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.

9. No development above ground level shall take place 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.

## 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](http://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](http://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: Lucy Harvey

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