

REPORT SUMMARY

REFERENCE NO - 16/504047/FULL		
APPLICATION PROPOSAL Demolition of existing dwelling and redevelopment of a site to provide 3 residential dwellings		
ADDRESS Crossways, Maidstone Road, Sutton Valence, Kent, ME17 3LR		
RECOMMENDATION		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal, by virtue of being well screened and set back from the A274, the relatively sustainable location (as found by the Inspectors determining the appeals at The Oaks, Land at The Wind Chimes and Land at Four Wents Orchard, located near to this site), the retention of existing planting/hedging along the A274 and additional planting, the use of the existing vehicle access and pattern of neighbouring residential development, results in negligible impact on the openness or rural amenities of the countryside thereby, in the particular circumstances of this case, resulting in grounds to override Policy ENV28 and emerging Policy SP17 and grant planning permission.		
REASON FOR REFERRAL TO COMMITTEE Called in by Sutton Valence Parish Council who have recommended permission is refused. The proposal is also a departure from the development plan.		
WARD Sutton Valence And Langley	PARISH/TOWN COUNCIL Sutton Valence	APPLICANT Burbridge AGENT Prime Building Consultants Ltd
DECISION DUE DATE 06/07/16	PUBLICITY EXPIRY DATE 09/12/16	OFFICER SITE VISIT DATE 13/06/2016
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): 85/1213 - Two storey rear extension, single storey kitchen and erection of detached double garage – Permitted		

1.0 DESCRIPTION OF SITE

- 1.1 The site is located on the east side of the A274 (Maidstone Road) just north of the Warmlake Crossroads (Maidstone Road). The site comprises a two storey detached residential property located on a large plot of approx. 0.3 hectares. The existing dwelling on the site is set back some 30m from the road behind a mature hedge / tree lined front boundary. Glimpses of the house are afforded from the vehicle access onto the A274. Behind the house adjacent the east and north boundary is a tennis court. There is a small cluster of single storey outbuildings located on the northwest boundary. A majority of the site boundary is comprised of mature trees and hedgerow. Vehicle access is taken from the A274.
- 1.2 To the south, west and east of the site are further residential properties. To the northeast and west of the site are fields and open countryside. This area has been described as semi-rural in character and relatively sustainable in recent housing development appeals. The site is located within the open countryside as designated in the Local Plan 2000 and emerging new local plan.

2.0 PROPOSAL

- 2.1 Demolition of the existing house and erection of three five bed detached houses (one with attached garage), two double garages, parking and turning areas and additional trees and landscaping.
- 1.2 The existing vehicle access off the A274 would be utilised. The vehicle access would be upgraded to tarmac and granite set for the first 5m from the road and the remaining driveway finished in gravel. The existing entrance and driveway would be widened to approx 3.7m.
- 1.3 Plot 2 and 3 would be located side by side towards the back / eastern boundary of the site. These two houses would be located some 45m distance from the A274. New tree planting is proposed in the front of these two houses adjacent the shared driveway. Plot 1 would be located adjacent the south boundary and would be set back some 18m distance from the A274 and west boundary of the site.
- 1.4 The three dwellings would be a traditional design and materials are proposed to be facing brickwork, clay hanging tiles and plain roof tiles and painted timber windows.

2.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: ENV28
Emerging Local Plan: Draft Policy SP17, DM1 and DM34

3.0 AMENDMENTS

- 3.1 Amended plans were received on 29.10.2016 reducing the proposal from four to three houses. Neighbours, the Parish Council and original consultees were re-consulted on the amended plans.

4.0 LOCAL REPRESENTATIONS

- 4.1 Parish Council: *'The Parish Council resolved that this application be refused and are prepared to go to Committee. This is back garden development, over development of a semi rural site, access on to a dangerous road and the accumulative effect of yet another application in this area is detrimental to the character landscape and urbanising this area'*.
- 4.2 Neighbours: Some five neighbours have objected raising the following summarised comments:
 - Dangerous access on the A274.
 - Additional traffic generated.
 - Unsustainable location.
 - Overdevelopment of the site.
 - Design is not in keeping with the area.
 - Erosion of the environment.
 - This is back garden development not brownfield development.
 - Loss of privacy and outlook.
 - Increased pressure on local services and facilities.
 - Contrary to saved policy H27.
 - The council can demonstrate a 5 year supply of housing.

5.0 CONSULTATIONS

- 5.1 KCC Highways: No objection subject to conditions.
- 5.2 KCC Heritage: No comments to make.
- 5.3 Environmental Health: No objections subject to conditions.

6.0 APPRAISAL

Principle of Development and Policy Background

- 6.1 The site lies within the open countryside where Saved policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 states:-

In the countryside planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers, and development will be confined to:

- (1) That which is reasonably necessary for purposes of agriculture and forestry; or*
- (2) The winning of minerals; or*
- (3) Open air recreation and ancillary buildings providing operational uses only; or*
- (4) The provision of public or institutional uses for which a rural location is justified; or*
- (5) Such other exceptions as indicated by policies elsewhere in this plan.*

Proposals should include measures for habitat restoration and creation to ensure that there is no net loss of wildlife resources.

- 6.2 The proposed development does not fit into any of the exceptions set out in policy ENV28 hence why it will need to be advertised as a departure if approved.
- 6.3 In terms of emerging policies from the submitted version of the Draft Maidstone Local Plan 2016, policy SP17 seeks to protect the countryside from harm and sets out development which will be considered acceptable, again, the current proposal does not fall within any of the prescribed criteria; policy DM1 sets out principles of good design and policy DM34 allows for high quality of design development in the countryside provided certain criterion are met.
- 6.4 Paragraph 17 of the NPPF requires planning to “take account of the different roles and character of different areas... recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities.”
- 6.5 Paragraphs 57 of the NPPF attaches great importance to the design of the built environment and considers it key to sustainable development. It is indivisible from good planning and should contribute positively towards making places better for people.
- 6.6 Paragraph 58 of the NPPF states that developments should function well and add to the overall quality of an area, establish a strong sense of place, optimise the potential of the site to accommodate development, respond to local character and history, create safe and accessible environments and be visually attractive as a result of good architecture and appropriate landscaping.
- 6.7 Recent appeals for housing developments have been granted in proximity to the application site at The Oaks located to the north of the site, Land at The Wind

Chimes located to the south of the site and Land at Four Wents Orchard located to the east of the site and the Inspectors found this area to be a sustainable location. A recent application for a new house in the residential garden at The Gable adjacent Five Wents Cross Road was approved at committee as it was found to be at a sustainable location and acceptable in terms of the impact on the open countryside even though the council can currently demonstrate a 5 year supply of housing.

Visual Impact and Impact on Character and Appearance

- 6.8 It is acknowledged that the site lies outside any defined settlement boundary and accordingly fails to comply with Policy ENV28 and emerging Policy SP17. However, the main aim as identified in ENV28, is to protect the countryside from harm to the character and appearance of the area or the amenities of surrounding occupiers. The proposal should therefore be assessed on the basis of whether actual harm to the character and appearance of the area or impact on neighbours can be identified. Paragraph 111 NPPF provides that brownfield land is where development ought to be prioritised.
- 6.9 In the circumstances of this application, the proposal would not open the site up to the Maidstone Road as the existing vehicle access would be utilised. In addition, the existing mature boundary treatment along the west and northwest boundary of the site would be maintained and would serve to screen and soften the impact of the proposed development. The proposed houses would be set back some 45m and 18m from the road frontage behind existing and proposed tree and hedgerow planting. As a result of the set back from the road and landscape screening it is considered that the proposed development would not appear significantly dominant or prominent within the streetscape. The existing house is located in a central position within the site and glimpsed views of the house are afforded from the entrance driveway and gates. The proposed location of the three replacement houses are considered to be no more prominent within the streetscape than the existing property by reason of the siting, set back and boundary screening or indeed those of the adjoining properties.
- 6.10 The three houses would have a typical residential design and would not appear significantly out of keeping with the surrounding area as a result.
- 6.11 The two properties towards the rear of the site would be broadly located on site of the existing tennis courts. This section of the A274 and Warmlake crossroads is characterised by various backland residential developments (including a scheme for 9 new house currently under construction at The Oaks to the north of the application site) and the proposal is considered to be in keeping with the pattern of the surrounding residential developments and would also mean that the proposal is not encroaching in to the open countryside but merely making use of the large garden of the application site. The proposed dwelling located towards south boundary of the application site would be set slightly further forward than the neighbouring house to the south of the site but would be in keeping with the general building line along this part of the A274 so as not to appear incongruous within its setting. The third dwelling would also be well screened from the road by the existing mature tree and hedgerow along the west boundary of the site and would not form a prominent part of the streetscape.
- 6.12 It is for these reasons that the proposal is not considered harm to the character and appearance of the area or the openness of the surrounding countryside. In the absence of harm I am of the view that material considerations exist to override the exceptions set out within adopted Policy ENV28 as the main thrust of the policy

would be met, as would the aims of draft Policy SP17 which also seeks to prevent harm.

- 6.13 In addition to the above, the design of the dwelling and the proposed double garage, in terms of their scale, form, aesthetic and materials would also be in keeping with the locality thereby respecting the site and its surroundings. For these reasons the proposal would accord with Paragraphs 17, 57 and 58 of the NPPF and Emerging Policies DM1 and DM34 in relation to design and visual amenity.

Residential Amenity

- 6.14 The houses on plots 2 and 3 would be located well away from any neighbouring residential properties and would not give rise to any unacceptable amenity issues. The house at plot 1 would be located some 9m distance from the neighbouring property to the south of the site with the flank wall of the proposed house facing the flank wall of the neighbouring property. One window is proposed at first floor level on the southern elevation of plot 1 and this window would serve a bathroom and an obscure glazing condition would overcome any perception of overlooking towards the shared boundary ver. Given the orientation of the house at plot 1 coupled by the existing boundary treatment and separation distances the proposal is not considered to result in any unacceptable loss of residential amenity in terms of loss of light, outlook or privacy.
- 6.15 Overall it is therefore considered that the proposed development would not have an unacceptable impact on residential amenity thereby complying with the neighbour amenity requirements of saved policy ENV28 and emerging Policy DM1 and in turn the proposal would accord with Paragraph 17 of the NPPF.

Accessibility/Highways

- 6.16 The site lies between Warmlake and the Sutton Road end of Maidstone where there are good bus links to Maidstone and Headcorn and occupiers could access the services at Sutton Valance on foot. For these reasons future occupiers would not be totally reliant on the private motorcar. This assessment accords with that of recent Inspectors on nearby sites.
- 6.17 The existing vehicle access from the A274 would be utilised. Adequate parking and turning areas would be provided on the site allowing vehicles to enter and leave the site in forward gear. KCC Highways have assessed the proposed access and raise no objection on highway safety grounds. For these reasons it is considered that the proposal would accord with Paragraph 32 of the NPPF and criteria ix of Draft Policy DM1 of the emerging Local Plan.

Landscaping

- 6.18 The application has been accompanied by a tree Survey which confirms a majority of the existing trees would be retained and no trees of significant amenity value would be removed. Further additional tree planting is proposed within the site to soften the visual impact of the development and as mitigation for trees that would be removed to facilitate the development. The tree survey constraints plan is considered to be acceptable and would ensure that the main trees on the site, and those within the highest amenity value to the public domain, are retained and protected for the life of the build.

6.19 A landscaping scheme could be secured by condition to ensure the proposed tree and landscaping comprise suitable native species. Overall I am therefore of the view that the proposal would be appropriate in terms of trees and future landscaping.

Other Matters

6.20 The site lies within an area of archaeological protection however in this instance KCC Heritage have not requested a watching brief. The development has no effects on the setting of any listed buildings to the west and northwest due to the distance an intervening development.

6.21 A preliminary ecological appraisal, reptile survey and bat survey have been undertaken and submitted in support of the proposal. No bats were found to be present on the site, including within the house. A majority of the site comprises managed garden, hard tennis courts, buildings and parking and turning areas, however, there are small pockets of unmanaged land in the southeast corner and an area adjacent the tennis courts. The proposal will entail the loss of a small amount of reptile habitat although the reptile report acknowledges that this reptile habitat is currently of poor quality, consisting of an area of cut bramble, weeds with piles of cut grass and a bonfire situated there, as well as a small area of uncut grass/nettles. The reptile survey recorded a low population of slow worms on the site. The report advises that it is possible to maintain the population on site by trapping and securing species prior to development and then providing a reptile habitat such comprising a strip of meadow grassland along the southern boundary of the site, outside the area of development. The layout has been amended since the reptile survey and report was undertaken. The southern part of the site identified in the report would still be suitable as a trapping area and future reptile habitat. However, the habitat proposed behind the garages at plot 3 and 4 would be lost, although in my view these would not have provide long term habitats as this area would have been located in private gardens. The revised layout frees up a piece of land in the south east corner of the site from development which may be better suited as a long term reptile habitat once the development is complete and I feel an update to the reptile report could be secured by condition to cover this matter. A condition could also secure further ecological enhancements within the site.

7.0 CONCLUSION

7.1 In light of the above considerations, whilst the site falls within the countryside, due to the particular circumstances of the site, the retention of the existing Maidstone Road frontage landscaping and trees, the set back from the road and screening, and the conformity with the existing building line and pattern of development; the proposal would not result in an unacceptable level of harm to the character or appearance of the surrounding area or the openness of the countryside.

7.2 Appeals at nearby sites; including The Oaks, Land at The Wind Chimes and Land at Four Wents Orchard, found this area to a sustainable location for housing development. A recent application for a new house in the residential garden of a property known as The Gable located adjacent Five Wents Cross Road was approved at committee as it was found to be at a sustainable location and acceptable in terms of the impact on the open countryside even though the council can currently demonstrate a 5 year supply of housing

7.2 The proposal would respect the amenity of neighbouring properties and protect the significant trees on the site; provides a safe access with ample on-site parking and turning; and is at a relatively sustainable location. In addition, the overall design of

the new dwellings is considered to be appropriate for the site in terms of siting, scale, layout and materiality.

- 7.3 These circumstances specific to this application are considered sufficient grounds to depart from policy ENV28 in respect of the types of developments listed under this policy, and emerging Policy SP17 of the Draft MLP; and accords with paragraphs 17, 32, 57 and 58 of the NPPF and policies DM1 and DM34 of the Draft MLP. As such permission is recommended subject to the following conditions.

- 8.0 RECOMMENDATION** – The Head of Planning & Development be given delegated powers to grant planning permission subject to the expiry of the newspaper advert and no material new issues raised, and subject to the following conditions:

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements 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:

014.1678-004 Rev P2, 014.1678-005 Rev P2, 014.1678-006 Rev P2; received 29.10.2016 and 014.1657-PL.001, 014.1678-PL.020, 014.1978-PD.003, CW/TSP/1147-01, ALS7123/100/01, 014.1657-PL.002, CW/TCP/1147-02; received 10.05.2016

Reason: To clarify which plans have been approved.

3. The development shall not commence above slab level until written details and samples of the materials to be used in the construction of the external surfaces of the building(s) 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.

4. The development shall not commence above slab level until, 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.

5. Prior to the commencement of development above slab level details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved shall be 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.

6. 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) (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.

7. No development including site clearance and demolition shall take place until an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority. The AMS should detail implementation of any aspect of the development that has the potential to result in the loss of, or damage to trees, including their roots and, for example, take account of site access, demolition and construction activities, foundations, service runs and level changes. It should also detail any tree works necessary to implement the approved scheme and include a tree protection plan.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

8. Prior to the occupation of the buildings hereby permitted, a minimum of one electric vehicle charging point shall be installed upon or within the approved garage buildings at each of the properties. The charging point shall be maintained and retained in perpetuity.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with paragraph 35 of the NPPF.

9. The development shall not commence above slab level until details for a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity by means such as swift bricks, bat tubes or bricks, hedgehog nesting boxes and the provision gaps under any new fencing to allow hedgehogs access onto all garden areas. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

Reason: To protect and enhance the ecology and biodiversity on the site in the future.

10. No development shall take place above slab level until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed. It shall include a planting specification, a programme of implementation and a 5 year management plan.

Reason: In the interests of visual amenity and landscape impact.

11. All planting, seeding and turfing specified in the approved landscape details shall be completed no later than the first planting season following occupation. All such

Planning Committee Report

landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: In the interests of visual amenity.

12. Prior to the commencement of development and site clearance an updated reptile survey, identifying an area of reptile habitat along the southern boundary / southeast corner of the site, shall be submitted to and approved in writing by the local planning authority. The development and site clearance shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

Reason: To protect and enhance the ecology and biodiversity on the site in the future.

Case Officer: Andrew G J 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.