

## REPORT SUMMARY

<b>REFERENCE NO - 16/508382/OUT</b>		
<b>APPLICATION PROPOSAL</b> Outline Application (with all matters reserved except access) for redevelopment of the site consisting of the demolition of an existing commercial storage and distribution unit and external yard and the construction of eight dwellings in order to ensure the retention of five existing B1 commercial units		
<b>ADDRESS</b> Warmlake Business Estate, Maidstone Road, Sutton Valence, Kent, ME17 3LQ		
<b>RECOMMENDATION</b> – Approve with conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b> The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, the development comprises the redevelopment of part of an existing brownfield site and is at a 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), and benefits from an extant outline planning permission for five houses. The proposal is not considered to result in any significant planning harm, and these matters, and that the development is considered to be in compliance with the National Planning Policy Framework is sufficient grounds to depart from the Borough-wide Local plan 2000.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Sutton Valence Parish Council wish to see the application refused for the reasons set out below.		
<b>WARD</b> Sutton Valence And Langley	<b>PARISH/TOWN COUNCIL</b> Sutton Valence	<b>APPLICANT</b> Paice Pension Trust <b>AGENT</b> Bloomfields
<b>DECISION DUE DATE</b> 22/03/17	<b>PUBLICITY EXPIRY DATE</b> 09/03/17	<b>OFFICER SITE VISIT DATE</b> 16/02/17
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b> There is a lengthy planning history for this site; generally with regard to commercial development. The most relevant element of the planning history involves an extant outline planning permission on this site for 5 detached houses:  15/509960/OUT - Outline application for the redevelopment of the site consisting of the demolition of an existing commercial storage and distribution unit and external yard and the construction of five dwellings in order to ensure the retention of five existing B1 commercial units. (Access to be considered at this stage and all other matters reserved for future consideration) – Approved  12/1484 - Subdivision of Unit 11 into two units with new access door for Class B1 use – Approved  MA/13/1723 - Retrospective application for the change of use of unit 8 to use class B8 and extension of outdoor storage compound - Approved		

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.1 The application site is a roughly rectangular area of land at the western end of the Warmlake Business Estate, located off the west side of the A274, approx. 0.7km to the north of the defined boundary of Sutton Valence village. This is therefore land within the defined countryside and subject to policies and guidance aimed at development restraint.
- 1.2 The site involves the western extremity of a large commercial building and attendant compounds in the southern part of the land with a landscaped parking area to the north and west of that structure. The site is quite well screened by natural vegetation with hedging/trees to the south, west and north. The parking areas are, to a certain extent, set down below low grassed embankments.
- 1.3 The site currently operates as a centre of operations for a scaffolding business with an outdoor compound used for 'open' storage. Access runs along the north side of the site, to the north of a converted oast (that is Grade 2 Listed), and onto the A274 via a wide access.

## **2.0 PROPOSAL**

- 2.1 This is an outline application for the removal of the existing unit at the end of the complex and the cessation of the scaffolding use; and replacement with 8 dwellings. All matters are reserved except for access: the plans show access in the same location but re-arranged in a more regular, linear form, slightly north of the existing route. Illustrative plans show 6 detached and 2 semi-detached arranged around a curved cul-de-sac vehicle access road terminating in the southern section of the site. There is an indication of significant landscaping being put in place to supplement existing around the boundaries of the site and along the access track as far as the oast.

## **3.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Development Plan: ENV6, ENV28, T13  
Supplementary Planning Documents: SP1, SP17, DM1, DM3, DM4, DM12, DM13, DM21, DM27, DM34

## **4.0 LOCAL REPRESENTATIONS**

- 4.1 Sutton Valence PC: Objects.
- 4.2 *'The Parish Council resolved that this application be refused and are prepared to go to Committee. The Parish council agreed with the inspectors decision for five and believes that eight is over development of site. This increase will only add to the urbanisation of the once rural Warmlake area. Currently within 100 metres of this site permission has been given for an additional 56 dwellings. This is an increase of over 200%. The inspectors interim report of the Local Plan has confirmed that Maidstone Borough Council has its housing numbers, therefore this increase is not needed'.*
- 4.3 Some 2 Neighbour objections have been received and are summarised below:
  - Overdevelopment.
  - The application is a Trojan Horse.
  - Increased traffic
  - Highways safety.

## **5.0 CONSULTATIONS**

- Natural England has no comment.
- Environment Agency has no objection
- KCC Highways and Transportation has no objection.
- The KCC Senior Archaeological Officer has no comment.
- Southern Water has no objection.
- SGN has no objection.
- UK Power Networks has no objection.
- MIDKENT EHSS has no objection.
- The MBC Landscape Officer has no objection subject to detail (to be the subject of future applications).

### **APPRAISAL**

#### **6.0 Principle of Development**

- 6.1 The principle of residential development at this site has been established under extant outline planning permission 15/509960/OUT which grants consent for 5 detached houses. This application seeks to establish whether the site is capable of accommodating three additional units.
- 6.2 This site is 'previously developed land' that currently accommodates a scaffolder's yard with a building, open storage and the potential for the parking of a significant number of vehicles in the substantial parking area to the north and west of the building. The operation is controlled by the terms of the planning permission but the unattractive building, open storage of plant and materials and lorry and van movements should be recognised in terms of the negative impacts on the appearance of the countryside and the amenities of local residents.
- 6.3 Since the previous outline permission was granted the emerging local plan has advanced and the council is now in a position that it considers that it can demonstrate a 5 year supply of housing which has been confirmed at numerous appeals. Warmlake Business Estate has been allocated as an economic development site under policy DM20 of the emerging local plan which seeks to retain the site for business use. In addition, DM4 of the emerging local plan supports the redevelopment of brownfield sites in sustainable location subject to visual and environmental enhancements. The emerging allocation of the Warmlake Business Estate was assessed under the previous application when it was considered that the proposal would involve the loss of only a peripheral element of the overall site such that an objection on economic grounds could not be justified. There is also an extant planning permission for residential use on this part of the site which conflicts with the emerging allocation.
- 6.4 Overall, given the fact there is an extant outline planning permission on this site for 5 dwellings the principle of the redevelopment of the site for residential use has already been accepted and it still relevant.

- 6.5 The key issue for the assessment of this application are considered to be the additional impact of the three additional units on visual impact of the countryside, highways safety and parking and amenity.

## **7.0 Visual Impact**

- 7.1 The application is in outline with all matters reserved save for the access. As such the drawings in terms of layout that have been submitted are illustrative in form and designed to show how a development of eight dwellings could be accommodated on the site. The approved outline scheme was supported by an indicative plan which demonstrates how 5 units could be positioned on site.
- 7.2 The latest submission proposes additional landscaping on the north and west boundary compared to the previously approved scheme and although the number of units has increased the footprint of each unit has reduced in the latest scheme. In addition, the indicative plan demonstrates that the eight houses would be located further away from the sensitive north and west countryside boundaries than the previously approved scheme, which has been achieved by altering the vehicle access inside the site.
- 7.3 In terms of impact on the character of the area, this will largely be determined through the design of the reserved matters. From the information available thus far I consider the character of the area likely to improve, not least through enhanced landscaping. The setting of the listed oast would not be adversely affected.
- 7.4 Overall it is therefore considered that the additional three houses would not have a significantly greater visual impact on the character of the open countryside than the extant consent to warrant reason for refusal and the scale, design and layout are to be reserved for later determination.

## **8.0 Residential Amenity**

- 8.1 This site has no close residential neighbours and there would be no adverse impact on local residents in terms of loss of light, loss of privacy, excessive noise and disturbance, etc. Since the previous outline permission was granted there has been an appeal allowed (ref: 15/509996) on the neighbouring site to the north for 6 detached houses. Given the separation distances involved and boundary screening there would be no unacceptable amenity impacts. I am satisfied that the occupants of the dwellings would enjoy at least a reasonable living environment with little road noise and the potential for reasonable private garden areas.

## **9.0 Highways**

- 9.1 The application site is located in the rural area beyond the defined bounds of any settlement but this is a locality that is reasonably close to the basic services offered by Sutton Valence to the south and to the public transport opportunities along the A274 to which the site has direct access. There is a roadside footway along the A274 into Sutton Valence. There are opportunities here for accessing services on foot, cycle, bus or shared motor vehicle trips and I consider the site to be in a reasonably sustainable location in the sense that there would not be an over-reliance on the private motor car. Although each site is different, the Inspector on The Oaks, Maidstone Road appeal (to the east of this site) concluded that that site was sufficiently well located to allow a major new housing site.
- 9.2 The existing access onto Maidstone Road would be utilised and the vehicle access onto Maidstone Road would be the same as the access approved for the five unit

scheme on this site. No highways safety objections are raised to the access which has been found to be acceptable previously. Compared to the approved scheme for five units on this site it is considered that the additional 3 houses would not result in a significant increase in traffic generation to warrant an objection on highways grounds. The indicative site plan indicates that sufficient parking and turning areas could be provided within the site.

## **10.0 Landscaping and Ecology**

10.1 On more detailed matters, it must be recognised that the only issue to be determined here is access with a reworked access along the northern boundary of the land to serve the development. In terms of ecology, a 'Preliminary Ecological Appraisal' has been submitted which, as may be expected, indicates that the site is of low ecological value. A reptile survey has also been carried out and no reptiles were found on site. The conclusion of these documents is that all that is required is enhancement in the form of a variety of measures including bird boxes, bat roosting spaces/boxes and enhanced landscaping. Against this background I consider there to be no justifiable reason to object on ecology grounds.

10.2 Similarly landscaping is not being considered at this stage however the indicative site plan indicates that there is space to provide additional landscaping on the north and west boundary compared to the extant permission. Landscaping could also be planting along part of the vehicle access road to soften the impact of the approach into the site. A suitably worded condition / reserved matters would secure native landscaping on this site.

## **11.0 Other matters**

11.1 Several neighbours have raised concerns that this application with a revised vehicle access road has been submitted to link up with an adjoining site to the rear of Redic House which benefits from an appeal approval for a new dwelling in the rear garden. Concerns are that the revised access could enable further development at the adjoining site. However, this application can only be assessed on its own merits as currently proposed.

12.1 Due to the proximity of the adjacent business use I consider it would be prudent to attach a condition to safeguard future occupiers in terms of potential noise and disturbance from the neighbouring business uses.

## **12.0 CONCLUSION**

12.1 In all, it is considered that the redeveloped of the site presents benefits to the character of the countryside, ecology and the amenities of local residents. In addition the proposal would not result in any significant harm to the character of the open countryside, highways safety or neighbour amenity, compared to the extant permission on this site.

12.2 The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, the development comprises the redevelopment of part of an existing brownfield site and is at a 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), and benefits from an extant outline planning permission for five houses. The proposal is not considered to result in any significant planning harm, and these matters, and that the development is considered to be in compliance with the National Planning Policy Framework is sufficient grounds to depart from the Borough-wide Local plan 2000.

**13.0 RECOMMENDATION – GRANT** Subject to the following conditions:

- (1) The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

a. Appearance b. Landscaping c. Layout d. Scale

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 2 years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

- (2) Before development commences on the application site full details of the layout, means of surfacing and landscaping of the retained parking and turning area for the remaining commercial units shall be submitted to and approved by the Local Planning Authority. The approved parking and turning area shall be ready for use before development commences on the application site 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. These details are necessary before development commences as they relate to the safe operation of the commercial units.

- (3) Before development commences on the application site full details of the proposed elevational treatment (following demolition) of the western end elevation of the retained commercial units shall be submitted to and approved by the Local Planning Authority;

Reason: In the interests of visual amenity. These details are necessary before development commences as they raise fundamental issues as to the appearance of the retained units.

- (4) Before the first occupation of the new dwellings full details of proposed ecological enhancement works (including a timetable for implementation and management) shall be submitted to and approved by the Local Planning Authority;

Reason: In the interests of ecology.

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

Reason: To ensure an energy efficient form of development. These details are necessary before development commences as they raise fundamental issues as to the design of the proposed dwellings.

- (6) The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: In order to deal properly with potential contamination. These details are necessary before development commences as they raise fundamental issues as to health and safety.

- (7) Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: To ensure adequate sewerage is provided.

- (8) The development hereby approved shall not commence until, a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in back garden and other relevant amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, have been submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

## Planning Committee Report

Reason: In the interests of aural amenity.

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

Drawing nos. 1251 P001C, 1251 P002C; received 21.12.2017 and 1251 P002C; received 26.04.2017

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

### INFORMATIVES

1. Should the reserved matters scheme comprise a development which has a combined floorspace of greater than 1,000m<sup>2</sup> (gross internal area), the council will require the delivery of affordable housing in accordance with the emerging affordable housing policy.

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.