

**REPORT SUMMARY**

<b>REFERENCE NO:</b> 16/505598/FULL		
<b>APPLICATION PROPOSAL:</b> Erection of a pair of three bedroom semi-detached dwellings.		
<b>ADDRESS:</b> Cricket And Tennis Club, Frittenden Road, Staplehurst, Kent, TN12 0DH		
<b>RECOMMENDATION:</b> REFUSE PLANNING PERMISSION		
<b>SUMMARY OF REASONS FOR REFUSAL:</b> The proposal by reason of the poor layout, building orientation, poor design and loss of trees and boundary hedging in this prominent location outside the settlement boundary would be harmful to the character and appearance of the street scene, harmful to the character of the countryside, with a negative impact on the setting of the Staplehurst Conservation Area and contrary to the National Planning Policy Framework 2012, policy ENV6 of the Maidstone Borough Wide Local Plan 2006 and policies DM1, DM3 and DM34 of the Maidstone Borough Local Plan Submitted Version May 2016 and policy PW2 of the Staplehurst Neighbourhood Plan.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> Councillor Louise Brice has requested that the application is determined by the Planning Committee if officers are minded to refuse planning permission.		
<b>WARD:</b> Staplehurst	<b>PARISH COUNCIL:</b> Staplehurst	<b>APPLICANT:</b> Staplehurst Cricket And Tennis Club <b>AGENT:</b> Sonnex Surveying Ltd
<b>DECISION DUE DATE:</b> 31/08/16	<b>PUBLICITY EXPIRY DATE:</b> 29/07/16	<b>OFFICER SITE VISIT DATE:</b> 28/03/2017
<b>RELEVANT PLANNING HISTORY (inc. appeals and relevant history on adjoining sites):</b> None relevant		

**MAIN REPORT**

**1.0 DESCRIPTION OF SITE**

- 1.01 The triangular application site covers an area of 0.12 hectares and is located on the east side of Cranbrook Road (High Street/A229) on the corner with Frittenden Road. The site is outside, but adjacent to the Staplehurst settlement boundary. Brandon House and Ash House immediately to the north of the site are within Staplehurst Conservation Area.
- 1.02 The site forms part of the Staplehurst Cricket and Tennis Club and has been used partly as allotment gardens. Whilst there are no protected trees or other landscape designations, there are ten individual trees and a group of semi-mature ash on the site. A mixed species hedge approximately 2 metres in height is along the Frittenden Road frontage.
- 1.03 Public Right of Way path KM308 runs adjacent to the south west boundary of the site between the site and the 2 storey Cricket Lodge in use as residential accommodation. The site is not located in a designated flood zone.

## **2.0 PROPOSAL**

- 2.01 Erection of a pair of 3 bedroom semi-detached houses with a new access from Frittenden Road. The two houses provided with rear gardens are orientated to face south east, away from the two road frontages and towards a new off street parking area for 4 cars. A driveway to the front of the properties provides access on to Frittenden Road with two 5 metre by 2.5 metre deep turning areas.
- 2.02 Three of the ten trees and part of the Ash group that are currently on the site are to be retained with a new entrance with necessary sightlines formed in the existing boundary hedge in Frittenden Road.
- 2.03 The planning application has been submitted by a trust providing sports facilities for Staplehurst Village. The profit from these two dwellings will go into the Trust for the development of the leisure and open space facilities for Staplehurst.

## **3.0 POLICY AND OTHER CONSIDERATIONS**

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV49, T13 and CF1
  - National Planning Policy Framework (NPPF)
  - National Planning Practice Guidance (NPPG)
  - Supplementary Planning Documents: Open Space Development Plan Document (2006)
  - Maidstone Borough Council Local Plan Publication (submission version) February 2016; SP5, SP17, DM1, DM2, DM3, DM7, DM11, DM22, DM24, DM25, DM27, DM34 and ID1
  - Staplehurst Neighbourhood Plan: PW2; PW4 and H1;
- 3.01 In the Regulation 19 version of the emerging Local Plan, policies which do not have proposed main modifications will not be subject to further public consultation. The implication is that the Local Plan Inspector does not consider that changes are required in order for these policies to be considered sound. Whilst the position will not be certain until the Inspector issues his final report, a reasonable expectation is that these policies will progress unaltered into an adopted Local Plan. In these circumstances, it is considered that approaching full weight can be afforded to these policies in the determination of planning applications.
- 3.02 In relation to the weighting there are no major modifications proposed to policies SP5; DM1; DM2; DM25; DM27. Major modifications are proposed to policies SP17, DM3, DM7 DM11; DM24, DM34; and ID1. The final inspector's report is due at the end of July with adoption of the plan anticipated in mid September 2017.

## **4.0 LOCAL REPRESENTATIONS**

- 4.01 The planning application has been advertised with individual letters sent to adjoining properties, a site notice and a press notice.
- 4.02 **Local residents:** Three representations received from local residents objecting to the proposal on the following grounds (summarised):
- Overlooking and loss of privacy;
  - Site located outside of the village boundary;
  - Would set a precedent;
  - Increased traffic;
  - Not identified for development in the Neighbourhood Plan;
  - New vehicular access is dangerous;
  - Contrary to policy PW2 of the Neighbourhood Plan.

- 4.03 **Local resident:** Six representations (including the chair, vice chair and three members of the cricket and tennis club) has been received in support of the proposal on the following grounds (summarised):
- To support the future vitality of the club and community.

## 5.0 **CONSULTATIONS**

*(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)*

- 5.01 **KCC Public Rights of Way Officer:** No objection subject to no works undertaken on a Public Right of Way without the express consent of the Highways Authority;
- 5.02 **Kent CC Highways:** No objection subject to provision of car parking, turning areas and sightlines.
- 5.03 **Cllr Bryce:** Supports the application due to the local investment it would create in one of the most vital village sporting resources. If refusal recommended then Cllr Bryce would like it brought to committee.
- 5.04 **Staplehurst Parish Council** Recommend approval and do not wish the application to be reported to Planning Committee

## 6.0 **APPRAISAL**

### **Main Issues**

- 6.01 The key issues for consideration relate to:
- The principle of development;
  - Visual impact and design of the development;
  - Impact of the development on biodiversity; and
  - Impact of the development on the living conditions at neighbouring properties.

### **Principle of Development**

- 6.02 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that all planning applications must be determined in accordance with the Statutory Development Plan unless other material considerations indicate otherwise.
- 6.03 In this case the Development Plan consists of the Maidstone Borough-Wide Local Plan 2000 and as such the starting point for consideration of the proposal is policy ENV28 which relates to development within the open countryside. The policy is generally restrictive to development outside the settlements, unless it is related to agriculture or forestry. The relevant policy in the emerging plan is policy SP17.
- 6.04 The neighbourhood plan strongly supports the protection of the wider countryside outside the areas identified for new development. There is a presumption against the development of any land other than those sites identified as suitable for development within this neighbourhood plan (Policy PW2). The proposal is therefore considered to be contrary to the adopted development plan including the neighbourhood plan.

### **Visual impact and design**

- 6.05 Proposals should have high quality design and respond positively to, and enhance the character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation, and site coverage, incorporating a high quality modern design approach (emerging policy DM 1). Avoid inappropriate development

likely to have significant adverse effects on designated heritage assets and their settings (emerging policy DM 3).

- 6.06 The vision for preparing the Staplehurst Neighbourhood Plan includes an aim of enforcing the quality of new development through use of materials, details and inclusive design that responds to context (Staplehurst NP page 9). A positive relationship between existing built areas and the new will be critical to the successful assimilation of new development (Staplehurst NP para 3.22). The design of new housing should be informed by the traditional form, layout, character and style of the village's vernacular architecture.
- 6.07 The proposed semi detached buildings are orientated to face away from the main road frontages in both Cranbrook Road and Fittenden Road, with proposed rear and side elevations to these boundaries. This introspective layout is considered poor design and will result in poor relationship with existing development, poor visual appearance and dead street frontages. The design of the new housing fails to respect the traditional form, layout, character and style of the village's vernacular architecture.
- 6.08 This arrangement would provide poor amenity for future residents with private gardens immediately adjacent to the public road. The layout and siting of the houses also results in a large area of hardstanding to the front of the properties to provide off street car parking and the necessary access to these car parking spaces and vehicle turning areas.
- 6.09 In addition to an allotment, the application site is currently occupied by ten trees and an Ash group. The proposal involves removal of seven of the existing ten trees and part of the Ash group. The proposed new access is on to a stretch of road with a speed limit of 60 miles per hour. In order to maintain highway safety KCC Highways require visibility splays of 45 metres in both directions from the centre of the new access and a distance of 2.4 metres from the back edge of the highway. These sightlines will require a significant reduction in the existing boundary hedge along Frittenden Road to a height of a metre.
- 6.10 Whilst they have no formal protection, the trees on the site and the existing hedge form part of the character of the area and the setting to the adjacent Staplehurst Conservation Area. It is considered that the removal of the trees and the new entrance in the boundary hedging will have a detrimental impact on the character of the area.
- 6.11 The proposal fails to create high quality design and fails to respond positively to, or enhance the character of the area. The proposals fail to add to the overall quality of an area and fail to address the two main road frontages. Whilst the loss of the trees and the boundary hedge will have a detrimental impact on their own, the impact will be heightened by the poor design of the proposed dwellings and the removal of the potential screening of the rear and side elevations .

#### **Residential amenity**

- 6.12 The NPPF sets out that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 17 of the NPPF states that planning should seek a good standard of amenity for all existing and future occupants of buildings.
- 6.13 The closest existing residential property is Cricket Lodge located approximately 20 metres to the west on the other side of the public right of way footpath. A distance of

20 metres separates the rear first floor rear windows of the nearest house and the side window of Cricket Lodge. This distance is considered acceptable to maintain amenity.

6.14 The area between the new dwellings and Cricket Lodge is occupied by a public right of way approximately 3 metres wide. Mature planting, hedges and trees are also located to the western boundary of the application site which would obscure views and provide privacy screening. Whilst it is accepted that construction work may cause disturbance this nuisance will be short term and temporary and as a result would not be grounds to refuse planning permission.

6.15 In summary with the separation distance from other residential properties, the proposed development is acceptable in relation to residential amenity.

#### **Access/highway safety**

6.16 Paragraph 32 of the NPPF states that decisions should take account of whether safe and suitable access to the site can be achieved for all people; and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

6.17 The proposed layout shows 2 three bed houses with vehicular access from Frittenden Road. The proposal includes 2 parallel parking spaces for each house with a turning area for each house to allow ingress and egress in a forward gear. Visibility splays have been shown on the revised site layout plans of 45 metres in length. On the basis that the off street parking, turning areas and visibility splays are provided there is no objection to the development on highways grounds and no objection has been received from KCC highways.

#### **Ecology**

6.18 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising the impacts on biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are most resilient to current and future pressures.

6.19 An ecological assessment was submitted in support of the application. The assessment did not find any protected species either in the site or using it in passing. Should approval be given conditions should be used to boost biodiversity in the area.

### **7.0 CONCLUSION**

7.01 The proposed development represents poor design as it fails to address either of the two roads that the site has frontages. The inward looking development providing dead road frontages will have a negative impact on the street scene and the setting of the adjacent Staplehurst Conservation Area.

7.02 The negative impact of the development increased by the large amount of hardstanding that will be required for access, parking and turning, the removal of trees and the reduction in the boundary hedging that form part of the character of the area.

7.03 It is acknowledged that the proposed development is intended to provide much needed investment into the Tennis and Cricket Club. Whilst this aim is fully supported the negative impact from the proposed development outlined in this report is considered to outweigh any benefit generated by approving planning permission.

## **8.0 RECOMMENDATION**

REFUSE PLANNING PERMISSION for the following reasons:

The proposed development, by reason of the poor layout, building orientation, poor design and loss of trees and boundary hedging in this prominent location outside the settlement boundary would be harmful to the character and appearance of the street scene, harmful to the character of the countryside, with a negative impact on the setting of the Staplehurst Conservation Area and contrary to the National Planning Policy Framework 2012, policy ENV6 of the Maidstone Borough Wide Local Plan 2006 and policies DM1, DM3, DM34 and SP17 of the Maidstone Borough Local Plan Submitted Version May 2016 and policy PW2 of the Staplehurst Neighbourhood Plan.

### **INFORMATIVE**

In making this decision the following plans were considered 'KCC Highways Requirements' plan rec 17.08.2016; Site Location Plan; SS201402/1 (ground floor plan); SS201402/2 (first floor plan); and SS201402/3 (elevations).

Case Officer: Graeme Moore

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