

REPORT SUMMARY

REFERENCE NO - 17/502197/FULL		
APPLICATION PROPOSAL Construction of a 4 bedroom dwelling		
ADDRESS 13 Gordon Court Loose Maidstone Kent ME15 0QF		
RECOMMENDATION		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL		
REASON FOR REFERRAL TO COMMITTEE Proposal is a departure from the development plan		
WARD Loose	PARISH/TOWN COUNCIL Loose	APPLICANT Mr G Brown AGENT E P Architects Ltd
DECISION DUE DATE 19/06/17	PUBLICITY EXPIRY DATE 01/09/17	OFFICER SITE VISIT DATE 11/05/17

MAIN REPORT

1.0 SITE DESCRIPTION

- 1.1 The application site comprise part of the garden of 13 Gordon Court, an end of terrace dwelling forming part of the small and visually isolated residential enclave of Gordon Court located in open countryside lying within the southern anti coalescence belt . Gordon Court was used as a small hospital complex before being sold off by the MOD.
- 1.2 The edge of Coxheath is just under 500 metres to the west with the edge of Loose just over 500 metres to the north with a network of local footpaths giving access to both these settlements.

2.0 RELEVANT PLANNING HISTORY

- 2.1 **16/504069:** Convert existing single storey property into 2no 3-bedroom houses, including the insertion of dormer windows, re-tiling of the roof and alterations to existing window and doors. Erection of 1no. Cycle store **-A- July 2016**
- 2.2 Land abutting the site to the north west is subject to a TPO no 10 of 2002 being a group order consisting of 3 beech, 1 lime, 1 London Plane and 2 larch

3.0 PROPOSAL

- 2.1 The proposal involves severing the side garden area from 13 Gordon Court to create a building plot for a detached house.

2.2 It was also originally intended to erect a single detached garage in the front of the proposed dwelling but this has now been deleted from the proposal.

3.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Borough-Wide Local Plan 2000: ENV28, ENV32
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Draft Maidstone Local Plan (2011-2031): SP17, DM1, DM2, DM34

4.0 LOCAL REPRESENTATIONS

4.1 7 neighbouring properties consulted – no representations received.

5.0 CONSULTATIONS

5.1 **Loose Parish Council:** Wish to see application approved

5.2 **EHO:** No objection subject to imposition of site contamination condition

5.3 **Natural England:** No comment

6.0 APPRAISAL

Principle:

6.1 Proposed is an additional dwelling in a countryside location lying outside any settlement. Though the settlements of Coxheath and Loose are only relatively short distances away, access to them is via a narrow winding unlit country road. There is a local network of public footpaths giving access to both these settlements. In the circumstances it is possible for residents of the proposed dwelling to walk or cycle to nearby services on a day to day basis.

6.2 Paragraph 55 of the NPPF seeks to avoid isolated new dwellings in the countryside on sustainability grounds. Gordon Court is an isolated though concentrated and self contained small housing development situated in open countryside. Though the proposed development will extend Gordon Court given its close proximity to and relationship with the adjoining built mass comprising Gordon Court it will appear as part of the Gordon Court complex rather than as an isolated dwelling in the countryside. Furthermore given the proximity of Gordon Court to Loose and Coxheath and that it is connected to both these settlements by the local footpath network it has already been accepted that Gordon Court is sustainably located. It therefore follows the proposed development must also represent a sustainably sited development in accordance with the provisions of the NPPF. As such no objection is raised to the principle of the development on sustainability grounds subject to it passing the economic, environmental and social tests.

Impact on the character of the countryside and anti coalescence belt:

- 6.3 The site is subject to policy ENV28 of the adopted local plan relating to countryside protection and policy ENV32 relating to the anti coalescence belt. Policies SP17 and DM34 of the emerging local plan are essentially countryside protection policies. Policy SP17 has been amended by the Local Plan Inspector and the parts relevant to the current proposal are as follows:

The countryside is defined as all those parts of the plan area outside the settlement boundaries of the Maidstone urban area, rural service centres and larger villages defined on the policies map.

Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area.

Development in the countryside will retain separation of individual settlements

- 6.4 Policy DM34 (DM30 as modified) states amongst other things that where new buildings are proposed in the countryside, where practicable, they should be located adjacent to existing buildings or unobtrusively located and well screened by existing or proposed vegetation reflecting the landscape character of the area.
- 6.5 The application site falls within a small inward facing, well enclosed and isolated pocket of residential development sited within open countryside. As such, though the proposal will increase built mass in the vicinity of the Gordon Court development given its close proximity to Gordon Court, it will appear as part of this development.
- 6.6 As such it will not materially extend Gordon Court outside its current compact confines or materially increase the impression of built mass on adjoining open countryside. In the circumstances no harm is identified to the rural character of the area or function of the Southern Anti Coalescence Belt contrary to the provisions of policies ENV28 and ENV32 of the adopted local plan. In addition no conflict is identified with policies SP17 and DM34 of the draft local plan.

Design, siting and layout:

- 6.7 Though a detached dwelling is proposed given its 'flank to flank' setting and close proximity to 13 Gordon Court (13) and that it reflects the detailing and proportions of the front elevation of 13 (as approved under application ref:16/504069) it will 'read' more as an extension of 13 rather than an isolated dwelling in its own right.
- 6.8 Regarding the layout of the development, the size and proportions of the amenity area serving the proposed house and remaining with 13 are both acceptable while parking and turning for the proposed dwelling and also that remaining with 13 reflects existing parking arrangements at Gordon Court.

- 6.9 As such the proposal is seen to comply with the design guidance set out in the NPPF and policies DM1 and DM34 of the draft local plan.

Impact on neighbouring properties:

- 6.10 The property most directly affected by the proposal is 13, the adjoining property which has planning permission to be extended. However for the reasons set out above the impact on this property is acceptable. In relation to other properties in Gordon Court, given the acceptable design and layout of the proposed development any impact on dwellings on the opposite side of the access track falls within acceptable limits.

Impact on trees:

- 6.11 The area of land abutting the site to the north west has a number of TPO trees on it. The proposal does not directly affect these trees though the canopy of a TPO lime tree does partly overhang the site.
- 6.12 The submitted arboricultural assessment makes clear that no TPO trees will be directly affected by the proposal though the condition of one tree makes it long term retention problematic. Notwithstanding the trees on the adjoining site will not be directly affected tree protection measures are proposed which will be secured by a planning condition.

Ecology:

- 6.13 No specific impacts are identified and subject to the following proposed ecological enhancements being carried out:
- Provision of hedgehog nesting boxes
 - Provision of 12cm square gaps under any new fencing to allow hedgehogs access onto all garden areas.
 - Provision of ready-made bird boxes (sparrow terrace timber boxes or house martin nests for instance or mix of open-fronted and hole-nesting boxes and constructed from woodcrete)
 - Provision of ready-made bat boxes
 - Establish climbing plants on walls and other vertical structures.
 - Establish wildflower plug/bulb planting in amenity grassland.
 - Use of grid mesh system (or Ground Reinforcement Grids) with topsoil and seeding with a wildflower species mix, to car parking areas and new access drives to retain some vegetation as well as drainage.
 - Spring flowering bulbs and plugs of nectar rich flowering plants should be embedded into amenity grassland to increase the biodiversity and amenity value of the grassland and to provide early sources of nectar for insects. Suitable bulbs include Snake's head fritillary

It is considered the above measures secure sufficient wildlife enhancements proportionate to the scale of the development and as such satisfy the nature conservation requirements of the NPPF.

Highways:

- 6.14 Additional traffic generated by a single dwelling will not result in any material traffic increase which could be seen to harm the free flow of traffic or highway safety in the locality.
- 6.15 Regarding on site parking and turning the size and proportions of these elements is such that vehicles will be able to turn and leave the site in a forward direction.

Other matters:

- 6.16 Erection of a new dwelling in the countryside as proposed is contrary to countryside protection policies and as such represents a departure from the development plan. Given the small scale and impact of the proposal, no material harm is identified to the countryside or anti coalescence belt. Despite this the proposal stills need to be advertised as a departure from the development plan.
- 6.17 Renewable or low-carbon sources of energy within new development is considered intrinsic to high design standards and sustainable development in accordance with the provisions of the NPPF. A condition should therefore be appended to secure this as part of the proposal
- 6.18 There is also a requirement that surface water drainage be dealt with via a SUDS in order to attenuate water run off on sustainability and flood prevention grounds and is a matter that can also be dealt with by condition.

7.0 Conclusions:

7.1 These are considered to be as follows:

- The dwelling is considered to be sustainably sited while providing an additional dwelling in an environmentally acceptable manner and meets the other tests of sustainable development.
- It will have no material impact on the character setting or openness of the countryside or functioning of the anti coalescence belt.
- It is acceptable in size design and siting terms while not giving rise to any material harm to the outlook or amenity or adjoining residents.
- It is acceptable in highway terms.
- It is acceptable in its impact on existing trees and wildlife.

7.2 It is therefore considered that planning permission should be granted as a consequence.

8.0 RECOMMENDATION

8.1 Subject to the proposal being advertised as a departure from the Development Plan and no new material issues being raised as a consequence (acceptance delegated to the Head of Planning and Development) GRANT planning permission subject to the following conditions:

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 approved reaches damp proof course details of all external materials including those to be used for the parking and turning areas shall be submitted for prior approval in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: In the interests of amenity.

3. The development hereby approved shall not be occupied until the parking and turning areas shown on drawing no: 1726B.P.01 rev B have first been provided. The approved parking and turning areas shall be retained at all times thereafter with no impediment to their intended use.

Reason: In the interests of the free flow of traffic and highway safety.

4. The development shall not commence until the Tree Protection measures specified in appendix B of the Arboricultural Report by Sylvan Arb dated the 21st April 2017 have first been carried out. Any hard surfacing within root protection areas of retained trees should be of a permeable, no-dig construction and specialist foundations shall be designed for any buildings within root protection zones. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. No ground levels shall be changed or excavations made within these areas without the written consent of the Local Planning Authority;

Reason: To safeguard existing trees to be retained, ensure a satisfactory setting and external appearance to the development.

5. The ecological enhancements set out in the KB Ecology Preliminary Ecological Appraisal dated the 19th October 2016 shall be carried out as specified.

Reason: To make provision for wildlife in accordance with the provisions of the NPPF.

6. If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed.

Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
- b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.
- c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: In the interests of pollution prevention and public safety.

- 7. Prior to any part of the development hereby approved reaching damp proof course details of a decentralised and renewable or low-carbon sources of energy and how they will be incorporated into the development shall be submitted for prior approval in writing by the Local Planning Authority. The approved details will be in place before first occupation of any part the development hereby approved and maintained as such at all times thereafter.

Reason: To secure an energy efficient and sustainable form of development to accord with the provision of the NPPF.

- 8. Prior to any part of the development hereby approved reaching damp proof course a scheme for the disposal surface water (which shall in the form of a SUDS scheme) shall be submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure satisfactory drainage in the interests of flood prevention.

- 9. The development shall be carried at the levels shown on drawing no: 1726B.P.02 rev B.

Reason: In the interests of visual amenity.

- 10. The development hereby approved shall be carried out in accordance with the following submitted details being drawing nos: 1726B.LP.01, E.01, P.01 rev B, P.02 rev B, and trees survey and tree protection plans GC/TPP/1303-01 and 0202.

Reason: In the interests of amenity.

Highways:

Please note that planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

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.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land> 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.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

Following amendment the application was acceptable.

Case Officer: Graham Parkinson