

REPORT SUMMARY

REFERENCE NO - 17/503285/FULL		
APPLICATION PROPOSAL Erection of four dwellings with parking provision and highways access.		
ADDRESS Crispin Cottage 163 Heath Road Coxheath Maidstone Kent ME17 4PA		
RECOMMENDATION - APPROVE		
SUMMARY OF REASONS FOR RECOMMENDATION		
<ul style="list-style-type: none"> - Notwithstanding the site lies on land identified as countryside, given the built up character of the locality and that no harm was identified to countryside interests in connection with refused housing proposal abutting the site to the north no objection is identified to the proposal in principle. - No material harm is identified to the character, appearance or layout of the locality. - No material harm is identified to the outlook or amenity or dwellings overlooking or abutting the site; - Is acceptable in design and layout terms - Is acceptable in its highways and wildlife impacts. - Will make a valuable windfall contribution to the provision of smaller housing units within the Borough. 		
REASON FOR REFERRAL TO COMMITTEE – PART OF SITE OWNED BY COUNCILLOR		
WARD Coxheath And Hunton	PARISH/TOWN COUNCIL Coxheath	APPLICANT Esquire Developments AGENT
DECISION DUE DATE 22/08/17	PUBLICITY EXPIRY DATE 21/7/17	OFFICER SITE VISIT DATE 13/7/17

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The application site comprises part of the rear amenity areas of two houses (one detached one semi detached fronting Heath Road. The adopted local plan shows the application site immediately abutting though lying outside the settlement boundary of Coxheath in an area identified as part of the southern anti coalescence belt. The emerging local plan (EML) allocated land to the east and north of the application site for housing which is in the process of being implemented.
- 1.2 The application site and a larger area abutting it to the north is therefore enclosed by housing. Notwithstanding being wholly severed from open countryside the application site is still identified as falling within the countryside in the emerging local plan.

2.0 RELEVANT PLANNING HISTORY

- 2.1 There is no relevant planning history directly affecting the application site. However adjoining land abutting the application site to the north has been the subject of the following applications.

16/507895/OUT: Outline application (with all matters reserved) for erection of 14 dwellings on land fronting Aspian Drive with associated access, parking and landscaping – REFUSED – 05/05/17 for the following reasons:

- Layout dominated by hardsurfacing and parking along with loss or future pressure on boundary trees and landscaping and the limited scope for replacement or enhancement planting would result in a cramped and overdeveloped site uncharacteristic of the surrounding area.
- Harm to the amenities of future occupiers of dwellings proposed to the north of the site along with insufficient residential amenity to the future occupiers of the proposed development in relation to overlooking, loss of privacy and visual intrusion.
- No legal agreement in place to secure affordable housing or community provision.

2.2 An appeal has been lodged against this refusal.

2.3 Under ref: 17/504314 an outline application (with all matters reserved) for erection of 10 dwellings (fronting Aspian Drive) comprising two detached and four pairs of semi detached homes of two storey design with associated access, parking and landscaping. (Resubmission of 16/507895/OUT) has been submitted. This application is undetermined.

3.0 PROPOSAL

3.1 The proposal seeks full planning permission to develop the application site for 4 no: 2 bedroom dwellings in a semi detached format in an east to west site alignment. Each dwelling will have 2 parking spaces. Site access will be gained between 161 and 163 Heath Road with the layout designed for a possible further northern extension.

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Adopted Local Plan: ENV28, ENV32
Emerging Local Plan: DM1, DM34, SP17

5.0 LOCAL REPRESENTATIONS

5.1 9 neighbouring properties notified – 3 objections received which are summarised below:

- The number of new houses built in Coxheath has already exceeded that envisaged in the parish council's neighbourhood plan.
- Even more development will place further strain on local services
- No planning site notice has been posted in Aspian Drive even though the occupants of this development about the application site.
- Involves building on land outside of the current settlement boundary and not in an area identified for development in the emerging local plan.
- Layout designed to allow for further development to the north.
- Application previously refused on land below 161 Heath Road and this development's road layout would provide a link up and access.
- Will adversely affect the free flow of traffic and highway safety along Heath Road.
- Will have an impact on wildlife abutting the site

- Adversely outlook and amenity of houses abutting the site in Apsian Drive.
- Coxheath does not need more housing and certainly not in this location.

6.0 CONSULTATIONS

- 6.1 **Coxheath parish Council:** No objection - pleased to see the proposal is to build smaller two-bedroom houses, which should present an opportunity for first time buyers. Also happy to see that access will be via Heath Road rather than Apsian Drive, thereby minimising disruption to nearby residents during the construction stage.
- 6.2 **Kent Highways:** No objection subject to conditions to secure on site parking and turning in the construction phase, wheel washing and on site parking and turning on occupation,
- 6.3 **KCC Archaeology:** Site lies in an area of potential Iron Age activity. Undated remains were found in the adjacent site but there may be similar remains extending into this smaller site too. As such I recommend the following condition is placed on any forthcoming consent: Raise no objection subject to condition to secure an archaeological filed evaluation.

7.0 APPRAISAL

- 7.1 The key issues are considered to be those of principle, impact on the character and layout of the area, amenity, highway and wildlife.

Principle:

- 7.2 The adopted local plan identifies the site as falling within open countryside and southern anti coalescence belt and is therefore subject to policies ENV28 and ENV34 of the adopted local plan. The emerging local plan (EML) continues to identify the site as falling within the countryside. Notwithstanding the position that significant weight must now be given to the EML when determining planning applications, it is considered the following represents material considerations that need to be taken into account in assessing this proposal.
- 7.3 The application refused under ref: 16/507895/OUT for the erection of 14 dwellings also fell within the countryside though the reasons for refusing this did not include harm to the countryside. It was made clear that the developed character of the immediate area resulted in any contribution this site made to the rural character of the area being compromised. Given these circumstances and that the application site also falls within this area it is considered on the grounds of consistency that no objection can now be raised to development of this site on harm to the countryside.
- 7.4 The above comment acknowledges that the Local Inspector confirms the Council can demonstrate a 5 year supply of housing land. The positive contribution of windfall developments in meeting the demand for new housing within the Borough is also a factor in favour of the development.
- 7.5 Consideration therefore turns on matters of detail.

Impact on the character and layout of the area:

- 7.6 The application site is currently used as garden land serving 161 and 163 Heath Road. The proposal represents backland development being set behind the houses

fronting Heath Road. Backland or tandem development is not normally permitted unless site circumstances are such that no harm can be identified to the layout or character of the wider area or harm to the outlook or amenity of residents overlooking or abutting the site.

- 7.7 In this case, apart from the access, the application site is inward looking and well enclosed. The proposed houses will therefore have little impact on the street scene. It therefore remains to assess whether the layout of the wider area will be materially affected.
- 7.8 The proposed houses are modest two bedroom units representing an intense development format compared to the design and layout of the existing houses fronting Heath Road. However taking into account they will not be visible in the wider area and having regard to development that has occurred on adjoining land, arguments based solely on cramped and overcrowded development out of character with the immediate area would be hard to defend.
- 7.9 As such no harm is identified to the character or layout of the area. Concerns have been raised that the proposal shows clear intent to extend development further north into the adjoining site. Given there is no objection in principle to the development of this land it is prudent in planning terms to ensure development of the application site does not sterilise the development potential of this land.
- 7.10 As a further consideration, should either the refused application (and currently the subject of an appeal) and the undetermined application be permitted these could be implemented independent of the proposal under consideration and vice versa.

Amenity, layout and design considerations:

- 7.11 Though the proposal represents backland development the occupants of 161 and 163 Heath Road are both beneficiaries. As such they have already determined they find any visual impact and noise and disturbance associated with the development acceptable. Despite this, it still falls to assess whether the proposal meets the Council's normal layout standards to ensure development does not fall beneath an acceptable minimum. In this context the flank walls of both proposed blocks are in excess of 18 metres from the rear walls of 161 and 163 Heath Road. Subject therefore to conditions precluding the installation of 1st floor windows in these elevations on privacy grounds, any impact on the outlook and amenity of 161/163 Heath Road falls within acceptable limits. Regarding noise and disturbance from use of the proposed access, this would normally be an issue. However it is proposed to erect 1.8 metre high closeboarded fencing abutting the access road which should provide sufficient sound attenuation and screening for the occupants of 161/163 Heath Road.
- 7.12 Turning to the amenity of the residents of dwellings abutting the site who will not be beneficiaries of the development, 165 Heath Road is set at an oblique angle over 18 metres from the nearest dwelling. There is already hedging on the common boundary with additional hedging/tree planting proposed within the application site which can be secured by condition. Though some overlooking may occur from 1st floor windows into the rear garden of 165 Heath Road the affected area is over 12 metres away from the rear of the house. As such the impact on the outlook and amenity of 165 Heath Road falls within acceptable limits.
- 7.13 Regarding those residents abutting the western site boundary in Aspian Way, the property most affected is 42 Aspian Way. Other residents in Aspian Way are on the

opposite side of an access road giving a separation distance of over 20 metres across a public zone along which there is boundary planting. In relation to 42 Aspian Way, the nearest proposed dwelling is set over 6 metres in from the boundary and over 14 metres away from the rear of 42 Aspian Way at an oblique angle. Given the orientation, proposed separation distances and existing and proposed boundary planting, no material harm to amenity is identified.

- 7.14 The dwellings have been designed in a cottage style with tile hanging at 1st floor, casement windows, cantilevered porch over both front doors with a profiled brick plinth to all dwellings. This design approach is considered an acceptable design response to this small scale development.
- 7.15 In connection with the layout of the proposed development, this needs to be assessed on the basis it can secure an acceptable level of amenity for future residents. The 'face to face' distance between proposed dwellings is 8 metres and though tight is considered acceptable. Amenity spaces of approximately 5x6 metres are to be provided for each dwelling. Though small they are of usable size and proportions and also acceptable as a consequence. The amenity areas remaining with the existing dwellings are acceptable.
- 7.16 In conclusion the proposal is acceptable in design terms while no material harm is identified to the outlook or amenity of residents overlooking or abutting the site while securing an acceptable residential environment for future residents. The proposal is therefore considered to comply with policy DM1 of the EML.

Highways

- 7.17 The proposed development and both 161 and 163 Heath Road will all use a single central access. This access has good sight lines in both directions onto Heath Road. Given the nominal additional traffic likely to be generated by these 4 small dwellings the impact on highway safety and the free flow of traffic is likely to be minimal and this view is endorsed by Kent Highways. Proposed parking provision at two tandem spaces per dwelling is also acceptable.

Wildlife considerations:

- 7.18 The application site currently comprises well tended garden areas. As such there is little expectation the site will be a habitat for protected species and no wildlife survey has been submitted as a consequence. The NPPF seeks to secure wildlife enhancements as part of any development however the size of the site and nature of the layout provides limited opportunities to secure this. However the proposed boundary planting subject to it being native species along with the provision of bird/bat boxes is considered to be proportionate in responding to the needs of wildlife.
- 7.19 Concerns regarding the effect on wildlife on adjoining sites are noted. However the enclosed, inward looking and self contained nature of the proposed development makes it difficult to see any conflict could occur.

Other matters:

- 7.20 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 and policy DM1 of the EML. A condition should therefore be appended to secure this as part of the proposal

- 7.21 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.
- 7.22 Regarding limits on additional housing in Coxheath, the proposal represents an acceptable small scale windfall development which for the reasons amplified above will not result in any material harm to the locality and which applies equally to the impact on local services.
- 7.23 Though the proposal technically represents a departure from the development plan for the reasons set out above and that this small area can no longer be considered as countryside in planning terms there is considered to be no justification for advertising it as a departure.

8.0 CONCLUSION

8.1 The key conclusions are considered to be as follows:

- Notwithstanding the site lies on land identified as countryside, given the built up character of the locality and that no harm was identified to countryside interests in connection with refused housing proposal abutting the site to the north no objection is identified to the proposal in principle.
- No material harm is identified to the character, appearance or layout of the locality.
- No material harm is identified to the outlook or amenity or dwellings overlooking or abutting the site;
- Is acceptable in design and layout terms
- Is acceptable in its highways and wildlife impacts.
- Will make a valuable windfall contribution to the provision of smaller housing units within the Borough.

8.2 In the circumstances it is considered the balance of issues fall in favour of the proposal.

9.0 RECOMMENDATION – GRANT 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. The development hereby approved shall be carryout in the external materials specified in paragraph 4.6 of the planning statement by Consilium Town Planning Services dated June 22017

Reason: In the interests of amenity.

3. The development hereby approved shall not be occupied until the access, parking and turning areas shown on drawing nos: 023-11 and 500 both rev A have first been provided. The approved access, 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. 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.

5. 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.

6. Prior to the development commencing, on site provision shall be made (a) for the parking loading/unloading and turning of all construction and site personnel vehicles and (b) wheel washing facilities. These facilities shall be retained throughout the construction phase of the development hereby permitted.

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

7. No surface water shall discharge onto the public highway.

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

8. Prior to the commencement of development hereby approved the applicant, or their agents or successors in title, will secure and implement the following :

- (a) an archaeological field evaluation in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and;
- (b) further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure that features of archaeological interest are properly examined and recorded.

9. Native species hedging, the mix of which shall be agreed in writing before any part of the development reaches eaves level, sited as shown on drawing no: 023-11 rev A shall be planted in the first available planting season following first occupation of any of the dwellings. Any planting becoming dead diseased or dying within 5 years of planting shall be replaced by specimens of the same size, and species in the same location.

Reasons: In the interests of visual amenity.

10. Following first occupation of any of the houses hereby permitted the size, design and siting of two house sparrow boxes and two open fronted bird boxes shall be submitted

for prior approval in writing by the Local Planning Authority. The boxes shall be installed within 3 months of approval and retained as such at all times thereafter.

Reason: To ensure that adequate provision is made for wildlife in accordance with the provisions of the NPPF.

11. Before first occupation of the development hereby approved fencing as specified in paragraph 4.7 of the planning statement by Consilium Town Planning Services dated June 2017 shall be carried out and retained at all times thereafter.

Reason: In the interests of amenity.

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12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) (England) Order 2015 (as amended) (a) apart from those shown on the approved plans no windows or any other form of opening shall be installed above ground floor level on the north and south facing elevations of the houses hereby permitted or (b) enlargements to any of the dwellings shall be carried out without first obtaining the prior approval in writing of the Local Planning Authority.
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Reason: To maintain privacy and prevent overdevelopment of the site in the interests of amenity.

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13. The development hereby permitted shall be carried out in accordance with the following drawings nos: 023-10 revA, 11 revA, 100 rev A, 200 rev A, 500 rev A, 501 rev A, 502 rev A and 1000 rev A.
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Reason: In the interests of amenity.

INFORMATIVES:

1. Should works be required in the highway 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.
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.

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.

Planning Committee Report

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