

REFERENCE NO - 18/505541/FULL		
APPLICATION PROPOSAL Erection of a chalet style residential property with detached garage and landscaping.		
ADDRESS Land Opposite St Anns Chapel Lane Thurnham Kent ME14 4PF		
RECOMMENDATION Grant planning permission subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION		
<ul style="list-style-type: none"> • The proposed new dwelling is acceptable in terms of design and appearance, and there are no unacceptable impacts on the character, appearance and visual amenity of the locality generally. • Despite its location in the countryside, the development is within close enough proximity of the Maidstone Urban Area and the services found within, and it is not considered to be in an isolated location. • The proposals have been found to be acceptable in relation to parking and highway safety • The proposal is in line with the requirements of policy SS1, SP1, SP17, SP19, DM1, DM12 and DM30 of the adopted Maidstone Borough Local Plan (2017). 		
REASON FOR REFERRAL TO COMMITTEE Thurnham Parish Council have called the application into committee for the reasons set out at paragraph 5.01		
WARD Detling And Thurnham	PARISH/TOWN COUNCIL Thurnham	APPLICANT Mr & Mrs W Thackwell AGENT Consilium Town Planning Services Limited
TARGET DECISION DATE 06/02/19 – EOT (01/05/2019)		PUBLICITY EXPIRY DATE 18/12/18

Relevant Planning History

No relevant planning history

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is located immediately to the north of the existing residential properties at the end of the cul-de-sac Edelin Road. The site is on the western side of, and accessed from Chapel Lane (an unadopted road) that is immediately to the east of Edelin Road.
- 1.02 St Anns, is a detached three storey dwelling, located to the north east of the application site, with a row of two storey terrace dwellings to the north of St Anns. Beyond the terrace dwellings a cluster of buildings associated with Chapel Lane Farm are present.
- 1.03 The application site and the land immediately to the north is a relatively open grass covered field with trees scattered around the area. The application site has one mature

tree present with a number of smaller more recently planted saplings. There appears to have been some coppicing on the site with log piles present. There are no structures present on the application site or the field immediately to the north. Towards the south eastern portion of the application site is a large pond.

- 1.04 In policy terms whilst the application site is in the designated countryside, it is not an isolated location as it is next to existing houses in Edelin Road and is a 100m north of the Maidstone Urban Area boundary. The site is approximately 500m away from Bearsted railway station and the bus routes around the station, and it is possible to walk from the application site to these facilities via pavements along the roadside. Also within walking distance is the Bearsted Golf Club, the pubs and restaurants within Bearsted, as well as Roseacre Junior School and Thurnham Infants School. The site is within the KCC Minerals Safeguarding Area.
- 1.05 The site is not within an Area of Outstanding Natural Beauty, although land approximately 1 kilometre to the north is within an AONB. A site of ancient woodland is located approximately 400m to the north of the application site.

2. PROPOSAL

- 2.01 The application seeks the erection of a five bedroom residential property arranged over two floors with a detached three car garage, and associated landscaping and hardstanding.
- 2.02 In terms of materials, the applicant has proposed to use soft red stock brick and dark stained timber weatherboarding for the external surfaces, machine made clay plain roof tiles, timber window frames and timber doors, black UPVC rain water goods and sandstone paving slabs and permeable block paving in an Autumn Gold colour.
- 2.03 A new access would be formed onto Chapel Lane to serve the property. Plans indicate that the development would not involve the felling of any existing trees on the application site. The submitted proposal involves additional landscaping and tree planting around the boundaries of the application site.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Maidstone Borough Local Plan 2017
SS1- Maidstone borough spatial strategy
SP1 – Maidstone Urban Area
SP17 - Countryside
SP19 – Housing mix
DM1 – Principles of good design
DM12 – Density of housing development
DM30 – Design principles in the countryside

Supplementary Planning Documents
Kent Minerals and Waste Plan

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 14 representations received from local residents raising the following (summarised) issues
- The development would result in a detrimental loss of privacy
 - The development would not be in keeping with the character and appearance of the surrounding area.
 - The development would have a detrimental impact upon highway safety
 - The capacity of physical infrastructure, in this case water drainage at the site.
 - Loss or effect on trees
 - The development would result in a detrimental loss of light.
 - Factual misrepresentation of the proposal in this case that the development is within the green belt, it is not and it is assumed that the represented is referring to the fact that the plot is currently undeveloped.
 - The development would cause a detrimental level of air pollution, in terms of vehicle emissions.

- 4.02 Officer comment - Matters controlled under building regulations and private issues between neighbours are not material planning considerations and therefore cannot be taken into account in the determination of this application. A number of comments also make reference to drainage on site particularly with regard to works that the applicant has carried out that have possibly resulted in flooding. Whilst the capacity of physical infrastructure is a material planning consideration, this specific issue is not. The other matters raised by neighbours and other objectors are discussed in the detailed assessment below.

5. 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)

Thurnham Parish Council

- 5.01 Objects for the following reasons
- The development would be out of character and would set a dangerous precedent for future development.
 - The proposal would breach a natural boundary and would result in the erosion of the countryside, and may encourage similar future development.

KCC Highways

- 5.02 No objection

Public Rights of Way

- 5.03 No objection

Bearsted & Thurnham Society (Received 19/02/2019)

- 5.04 Objects for the following reasons:
- The development would not be in keeping with the character and appearance of the local area.
 - The development would be a purpose built and new property on a greenfield site, unlike the surrounding existing properties.
 - The scale of the development is not reflective of the surrounding properties
 - The development would not be a form of sustainable development.
 - Inadequate flood risk information provided.
 - Highways safety issues exiting and entering Chapel Lane.
 - Materials not in keeping with surrounding properties.

- The development would cause detrimental overshadowing.
- The application site is within an AONB (The AONB lies 1km to the north)
- Approving the application would set a detrimental precedent.

6. APPRAISAL Main Issues

6.01 The key issues for consideration relate to:

- Principle of development
- Design / impact on character of area
- Residential amenity
- Standard of accommodation
- Adjacent windows
- Highways issues

Principle of development

6.02 Paragraph 4.23 of the Maidstone Borough Local Plan (October 2017) states that “The town of Maidstone cannot accommodate all of the growth that is required on existing urban sites, and the most sustainable locations for additional planned development are at the edge of the urban area, expanding the boundary of the settlement in these locations. A characteristic of Maidstone is the way tracts of rural and semi-rural land penetrate into the urban area.

6.03 Paragraph 3 of Local Plan policy SS1 states “An expanded Maidstone urban area will be the principal focus for development in the borough”. Local Plan policy SP1 states that “As the largest and most sustainable location, Maidstone urban area, as defined on the policies map, will be the focus for new development.

6.04 The application site is approximately 100m north of the Maidstone Urban Area boundary. The council will support the development and redevelopment or infilling of appropriate urban sites in a way that contributes positively to the locality's distinctive character.

6.05 In policy terms the application site is located within the countryside. Local Plan policy SP17 states that “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”.

6.06 Whilst the application site is located in the countryside, the principle of an additional house is considered acceptable due to the close relationship of the site to the urban area and the access to facilities, services and public transport that the urban area offers.

6.07 The application site is located within a Minerals Safeguarding Area however the land lost to this development is considered to be insignificant as to the wider objectives of this zone.

6.08 Concerns have been raised regarding flooding in the area. The applicant has submitted documentation from the Environment Agency which indicates that the application site is within “flood zone 1, an area with a low probability of flooding. Should permission be forthcoming it would be under building regulations remit to ensure that adequate soakaways are installed to manage drainage on site.

Design/impact on character of area

- 6.09 Paragraph ii. of Local Plan policy DM1 states that development must “Respond positively to, and where possible enhance, the local, natural character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage”. Development will be expected to incorporate a high quality, modern design approach and to make use of vernacular materials where appropriate.
- 6.10 Paragraph v. of local plan policy DM1 continues that development must “Respect the topography and respond to the location of the site and sensitively incorporate natural features such as trees, hedges and ponds worth of retention within the site. Particular attention should be paid in rural and semi-rural areas where the retention and addition of native vegetation appropriate to local landscape character around the site boundaries should be used as positive tool to help assimilate development in a manner which reflects and respects the local and natural character of the area”
- 6.11 In terms of the character of the area despite its proximity to Ware Street, it is accepted that the area has a suburban or semi rural character. Whilst a change from suburban to semi rural character is evident when travelling north along Chapel Lane, the suburban cul de sac of Edelin Road is immediately to the south of the application site, and is visible from the application site and the surrounding area.
- 6.12 Other development along Chapel Lane is located on the eastern side of the road, with St Anns to the north east of the application site and the terrace row further to the north of St Anns. Buildings associated with Chapel Lane Farm are located on the western side of Chapel Lane at the far north of the road.
- 6.13 The dwellings highest eaves height found on the half hip on the western elevation of the dwelling is 5.10m with a maximum roof height of 7.40m. In terms of the external appearance of the dwelling, information in the planning statement submitted in support of the application indicates the following. “ *The proposal will incorporate a brick plinth with dark stained weatherboarding at round and also on the first floor level (on the gable ends shown on the drawings). The roof will be clay plain tiles. Windows to be timber framed. Sample materials to be agreed at a later date.*”
- 6.14 The design of the dwelling and the external facing materials are in keeping with the rural environment and would not look out of place in the context of the application site. The new house is set back from the road side in a manner similar to the property at St Ann’s.

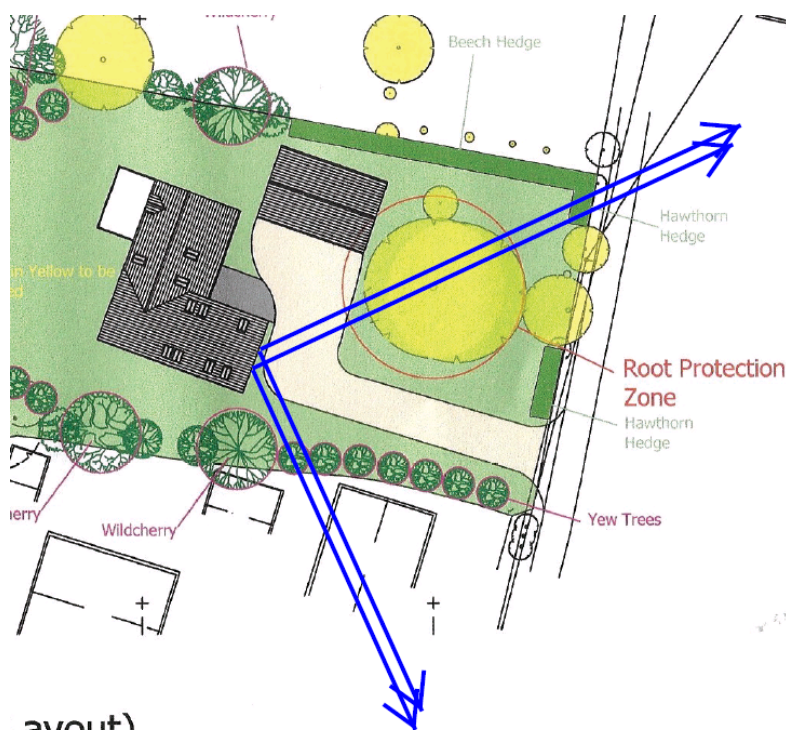
Standard of accommodation

- 6.15 In respect of the national technical standards which took effect from 1st October 2015, the Gross Internal Area (GIA) of the dwelling is far in excess of the 128m² minimum required for a dwelling of this size. All bedrooms in the property are in excess of minimum guidelines, found within the technical standards document and the dwelling itself is spacious with storage space detailed and served by numerous bathrooms with spacious living areas.
- 6.16 The proposed dwelling would have a rear garden with a depth of 25m and an area of approximately 700m² as well as space to the sides and front of the property. It is considered that this is more than enough amenity space for a dwelling of this size. As

such the proposed development provides an adequate standard of accommodation for future occupants and in this regard is in keeping with Policy DM1

Residential Amenity

- 6.17 Paragraph iv of Local Plan policy DM1 states that development must “Respect the amenities of occupiers of neighbouring properties and uses by ensuring that development does not result in, or is exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 6.18 The closest neighbouring properties to the development are along Edelin Road. The properties at 36 and 38 Edelin Road are approximately 11 metres and 16 metres away respectively.
- 6.19 Two small windows would be installed into the first floor eastern elevation of the proposed dwelling serving bedrooms and a number of skylights on the south facing roof slope, two serving a bathroom and two serving a bedroom
- 6.20 In terms of the impact generated by the bedroom windows installed onto the eastern elevation;



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- 6.21 Whilst these windows look out onto 36 Edelin Road (the dwelling to the south east of the proposed dwelling in the above image) they would not be capable of intruding upon this properties private amenity area, particularly when considering the soft landscaping that would be planted along the boundary.

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- 6.22 The skylights facing south would not have a detrimental impact upon the amenities of neighbouring properties. By their nature, they prevent direct views onto neighbouring properties. However should permission be forthcoming a condition will be imposed requiring any skylights serving bathrooms to be obscure glazed. It is considered that this will be sufficient to safeguard the privacy and amenity of neighbouring properties and of future occupants of the proposed dwelling.
- 6.23 With this separation distance this neighbouring property would continue to receive adequate natural sunlight from around and over the top of the proposed dwelling.
- 6.24 No.38 Edelin Road is, at its closest point, located 16 metres to the south of the proposed dwelling. Again, when considering this separation distance the neighbouring property would continue to receive adequate natural sunlight from around and over the top of the proposed dwelling.
- 6.25 St Anns itself is located 48 metres to the north east of the proposed dwelling itself. Due to this distance the proposed dwelling would not result in a loss of daylight or sunlight to this property.
- 6.26 When taking the above into account, it is not considered that the development would result in such a detrimental impact, upon neighbouring amenity that a refusal would be warranted on amenity grounds.

Highway safety, parking and servicing

- 6.27 DM1 states that development must safely accommodate vehicular movement generated by the proposal on the local road network and through the site access (ix) and provide adequate vehicular and cycle parking to meet adopted council standards (xiii) Adopted car parking standards are provided in appendix B of the Local Plan.
- 6.28 In terms of parking provision, plans indicate that the development would be served by a triple garage, as well as a driveway with a small parking area to the front of the garage. It is considered that this is sufficient for a five bedroom property and that the proposed development would not have a detrimental impact upon parking in the area or the wider highway network.
- 6.29 No objections have been received from highways consultees with regards to the new dwelling or the formation of a new access onto Chapel Lane.
- 6.30 One representation has been received in objection to the development that makes reference to an increase in pollution. Whilst it is accepted that there will be more vehicular movements as a result of the development, it is not considered that one additional dwelling would cause such a detrimental intensification of any pollution, vibrations or noise from vehicular movements that a refusal would be warranted on these grounds.
- 6.31 A planning condition is recommended seeking the submission of details relating to refuse storage and collection for future occupiers of the dwelling.

Ecology and Biodiversity

- 6.32 A habitat survey has been submitted in support of the application. It concludes that "no rare or uncommon species or habitats have been recorded and no potential for

protected botanical species has been identified within the Site." It states that "Advice has been given to enhance biodiversity by inclusion of bird, bat and invertebrate boxes into the boundary features and trees as well as habitat creation within the Site".

- 6.33 Should permission be forthcoming it is suggested that details regarding bat and bird boxes are provided as part of the materials condition.

Other Matters

- 6.34 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

7. CONCLUSION

- 7.01 Overall, the proposed new dwelling is acceptable in terms of design and appearance, and there are no unacceptable impacts on the character, appearance and visual amenity of the locality generally.
- 7.02 Despite its location in the countryside, the development is within close enough proximity of the Maidstone Urban Area and the services found within, that it is not considered to be within an isolated location.
- 7.03 The proposals have been found to be acceptable in relation to parking and highway safety. The proposal is in line with the requirements of policy SS1, SP1, SP17, SP19, DM1, DM12 and DM30 of the adopted Maidstone Borough Local Plan (2017). I am satisfied that the proposed new dwelling is acceptable with respect to local and national planning policy and that no other material consideration would indicate a refusal of planning permission. In the circumstances, I recommend that this application is approved subject to conditions.

8. RECOMMENDATION

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) The development hereby permitted shall be carried out in accordance with the following approved plans/drawing numbers;
Application for Planning Permission
01 Rev 01 Site Location
02 Rev 03 Existing and Proposed Site Layout
05 Rev 2 Proposed Floor Plans
06 Rev 1 Proposed Elevations
07 Rev 01 Proposed Garage
Extended Phase 1 Habitat Survey Report
Flood Map for Planning
Landscape Planting Details

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Planning Statement

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

- 3) The materials to be used in the development hereby approved shall be as indicated on the submitted details

Reason: To ensure a satisfactory appearance to the development

- 4) The development hereby approved 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 with the details including gaps at ground level to allow the passage of wildlife 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, to safeguard the enjoyment of their properties by existing and prospective occupiers and in the interests of wildlife.

- 5) Landscaping shall be implemented within the first planting season following occupation of the dwelling in accordance with the approved Landscape Planting Details and associated landscape and arboricultural details dated 12 November 2018.

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

- 6) An ecology scheme shall be implemented prior to the occupation of the dwelling within in accordance with the approved Extended Phase 1 Habitat Survey Report dated 12 November 2018

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

- 7) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter;

Reason: In the interest of amenity.

- 8) The development shall not be occupied until the parking spaces shown on the approved plans have been provided. They shall be kept available for the parking of vehicles connected to the occupiers of the approved development at all times and permanently retained as such thereafter.

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

- 9) Prior to occupation of the proposed new dwelling a minimum of one electric vehicle charging point shall be installed and ready for use and in accordance with details that have previously been submitted to and approved in writing by the local planning authority with the details including a programme for installation, maintenance and management with the points retained thereafter and maintained in accordance with the approved details.

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

- 10) The development hereby approved shall not commence above slab level until, details of satisfactory facilities for the storage of refuse on the site have been submitted to and approved in writing by the local planning authority and the approved facilities shall be provided before the first occupation of the building and maintained thereafter;
Reason: No such details have been submitted and in the interest of amenity.

- 11) The dwelling hereby permitted shall not be occupied until sustainable surface water drainage works have been implemented in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The submitted details shall:
- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site, including any requirement for the provision of a balancing pond and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation in relation to the development; and,
 - iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker, or any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: In the interests of pollution and flood prevention pursuant to the National Planning Policy Framework 2012.

Case Officer: William Fletcher