

<b>REFERENCE NO - 19/506070/REM</b>		
<b>APPLICATION PROPOSAL</b> Approval of Reserved Matters for the erection of 9no. detached residential dwellings (layout, scale, landscaping and appearance being sought, with access already approved as part of the earlier outline approval) following 15/507493/OUT (allowed on appeal APP/U2235/W/16/3145575). (Resubmission of 19/504293/REM) and approval of condition 3 of APP/U2235/W/16/3145575.		
<b>ADDRESS</b> Wind Chimes Chartway Street Sutton Valence Maidstone Kent ME17 3JA		
<b>RECOMMENDATION : GRANT</b> subject to the planning conditions set out in Section 8.0 of the report		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The application site benefits from outline permission for the erection of up to 9 dwellings on the site, such that the principle of residential development has been established. The proposed scheme for 9 dwellings is considered to be acceptable in terms of the reserved matters scale, appearance, layout and landscaping such that the development would not cause undue harm to the visual amenity of the street scene and character of the area, to existing or future residential amenity and would be acceptable in terms of highways impacts and all other material planning considerations such that the proposed development would be in accordance with current policy and guidance.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> The recommendation is also contrary to the views of Sutton Valence Parish Council who have requested the application be presented to the Planning Committee		
<b>WARD</b> Sutton Valence and Langley	<b>PARISH/TOWN COUNCIL</b> Sutton Valence	<b>APPLICANT</b> Sheer Ambition Ltd <b>AGENT</b> Peter Court Associates
<b>DECISION DUE DATE</b> 03/03/20	<b>PUBLICITY EXPIRY DATE</b> 10/02/20	<b>OFFICER SITE VISIT DATE</b> 13/12/19

### Relevant Planning History

19/504293/REM : Approval of Reserved Matters for the erection of 9no. detached residential dwellings (layout, scale, landscaping and appearance being sought) following 15/507493/OUT (allowed on appeal). – Withdrawn

18/500063/MOD106 : Modification of Planning Obligation under reference APP/U2235/W/16/3145575 to include a financial contribution towards off-site affordable housing. – Withdrawn as could not deal with modification through an application as legal document referred to is a Unilateral Undertaking, however modification agreed to by mutual agreement.

15/507493/OUT : Outline planning application for residential development of up to nine dwellings considering access from Chartway Street with all other matters (appearance, landscaping, layout and scale) reserved for future consideration. – Refused for following reason (allowed at appeal):

*'The proposals would consolidate existing development and result in the urbanisation of the site, which would be harmful to the character and appearance of the countryside, contrary to*

*Policy ENV28 of the Maidstone Borough Wide Local Plan 2000, the NPPF 2012 and the NPPG 2014. Any planning benefits would not outweigh the planning harm.'*

Various applications relating to the history of Wind Chimes itself, these include for the original dwelling, extensions, access and stables.

### **Appeal History:**

APP/U2235/W/16/3145575 in relation to 15/507493/OUT : Outline planning application for residential development of up to nine dwellings considering access from Chartway Street with all other matters (appearance, landscaping, layout and scale) reserved for future consideration. – Appeal ALLOWED

## **MAIN REPORT**

### **1. DESCRIPTION OF SITE**

- 1.01 The application site relates to a parcel of land sited on the junction of North Street (A274), to the west and Chartway Street, to the north. The site measures approximately 0.9 hectares and its authorised use is equestrian purposes (as approved under application 04/0268 and varied by application 13/0461). There is an existing menage and single storey stable building to the south of the site, with an access from Chartway Street dissecting the site. The access currently serves the stables and the residential dwelling Wind Chimes.
- 1.02 There is existing sporadic residential development along Chartway Street itself and along the eastern part of North Street to the south of the site. Warmlake Nursery and Warmlake Place (Residential home) are located to the west of the application site. The land to the east of the site is open fields with Public Rights of way located across.
- 1.03 The site is outside the settlement boundary of Sutton Valence, which lies approximately 600m to the south of the site.
- 1.04 The site is enclosed by mature trees and planting along the northern and western boundaries, with fencing. The southern boundary with Grey Walls is enclosed by fencing and mature hedging. To the east there is open wooden post fencing, affording views in and out of the application site. The site is relatively flat and predominantly laid to grass.
- 1.05 Outline planning permission was granted for up to 9 dwellings in 2016.

### **2. PROPOSAL**

- 2.01 The application seeks approval of the reserved matters not considered at outline stage, these being, layout, scale, landscaping and appearance.
- 2.02 The proposal is for 9no detached residential dwellings.

#### *Layout*

- 2.03 Means of access from the highway was approved as part of the outline stage. The proposed layout would utilise this access point from Chartway Street and would

create a linear access drive through the centre of the site which would serve the new dwellings, together with the existing dwelling at Wind Chimes to the south of the site.

- 2.04 7 private accesses would be taken off the internal road, 5 would serve individual dwellings and the other 2 would serve 2 dwellings.
- 2.05 2 dwellings would be orientated north/south and face towards Chartway Street. The other 7 dwellings would be orientated east/west, with the frontages facing towards the internal access road.
- 2.06 Each dwelling would benefit from a surfaced driveway and would have either a single or double garage which would be either detached, integral or link detached.
- 2.07 Each dwelling would have a private enclosed garden and would be predominantly 2-storey.

#### *Scale*

- 2.08 Nine detached dwellings are proposed, these would all be 2-storey and would have eaves heights between approximately 4.4m-5.1m, with ridge heights of between approximately 8.3m-9.3m.
- 2.09 The dwellings would be a mix of 3, 4 and 5 bedroomed units.

#### *Landscaping*

- 2.10 The site currently benefits from 'buffer' planting along the northern and western boundaries. This is approximately 10m deep on the North Street frontage and approximately 13m deep fronting Chartway Street. This is proposed to be retained with the application accompanied by a tree survey report. Condition 4 of the outline consent requires the submission of a woodland management plan to secure the long-term retention of this planting.
- 2.11 Hedge planting is proposed along the eastern boundary, together with tree planting which would consist of silver birch, oak and sweet cherries.
- 2.12 Planting within the site would consist of hedges demarcating boundaries to the side and rear, together with frontage and 'street trees and shrubs' consisting of field maples, cherries and lavender.
- 2.13 The landscaping strategy plan and landscape planting plan also identifies methods to promote biodiversity enhancement (as required by condition 3 of the appeal decision). The plan identifies the provision of log piles to the woodland area around the perimeter of the site, together with bat and bird boxes. Bat and bird boxes would also be attached to the dwellings as shown on the site context plan. Hedgehog movements would also be made possible with gaps under fencing.

#### *Appearance*

- 2.14 The nine dwellings would be individually designed with a contemporary appearance utilising varied roof pitches, materials and fenestration. The palette of materials would be consistent across the development, consisting of wooden cladding, PV roof tiles, aluminum windows, facing brickwork and white render.

### **3. POLICY AND OTHER CONSIDERATIONS**

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

Maidstone Borough Local Plan 2017 Policies SS1, SP17, SP19, DM1, DM2, DM3, DM12 and DM30

#### 4. LOCAL REPRESENTATIONS

##### Local Residents:

- 4.01 Six representations (two objections and four in support) received from local residents raising the following (summarised) issues

##### *Objections*

- No provision to extend footpath eastwards (objector owns land to the east)
- Impact on overstretched infrastructure
- Erosion of countryside
- Traffic survey is out of date, 5 years old
- Concerns about the legitimacy of the applicant

##### *Support (letters of support received from the current land owner and residents of Kingswood)*

- Well planned development
- Supports the needs of Sutton Valence
- The mix and varied materials proposed are in keeping with surrounding area
- Revised scheme is more favourable with softer boundaries and improved landscaping
- No negative impact on traffic
- Likely to increase house values
- Proposed widening of road favoured
- Modest development in keeping with area

#### 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)

##### 5.01 Sutton Valence Parish Council

1. The issue of the external landscaping that abuts the A274 and Chartway Street has still not been addressed. More specifically ownership and maintenance. On the plans it states that it is a public verge, this is not the case it is within the boundary of the application. There needs to be a condition placed on this development that covers the landscape maintenance.

2. The Parish Council would like to see condition that the tree/hedge line should be retained in perpetuity to ensure the current street scene of North St and Chartway Street is maintained.
3. The Parish Council believe that the dropped kerb at the existing access point should be removed.
4. The Parish Council is concerned that the public verge and fencing does not continue on the East side of plot 3.

5.02 Kent Police  
Recommends higher boundary treatment

5.03 KCC Highways  
Following amended plans and additional information

Now consider that the reserved matters proposed within the site, in highways terms are acceptable. Applicant needs to consider wheel washing, highways matters relating to construction and condition 11 of the outline consent relating to a S278 application.

5.04 Natural England  
No comments

5.05 Southern Water  
No objection

5.06 Landscape Officer

With regards to the above application, the submitted tree protection details and proposed landscaping for the site (both supplied by LaDellWood) are considered acceptable.

No details submitted for conditions 4 and 14.

## **6. APPRAISAL**

### **Main Issues**

6.01 The key issues for consideration relate to:

- Principle of development
- Reserved Matters details (Layout, Scale, Appearance, Landscaping)
- Residential amenity
- Highways matters
- Other matters

### **Principle of development**

6.02 The application site benefits from an extant outline consent for residential development for up to 9 dwellings. This consent was granted on 9 December 2016 by the Planning Inspectorate following the refusal of application 15/507493/OUT.

This approval reserved all matters (layout, scale, appearance and landscaping), other than access which was approved as part of the outline consent.

- 6.03 Due to the extant outline consent the principle of residential development on the site remains and it is solely now for considerations as to whether those matters reserved are considered acceptable.
- 6.04 This application is a re-submission of an earlier withdrawn scheme, the key changes to this scheme include greater landscaping along the eastern boundary of the site, further landscaping details, reduced scale of some of the larger units (including the removal of flat roofs at roof apexes), provision of refuse turning and greater detail of materials, biodiversity enhancements, tree protection and layout changes to improve future residential amenity.

#### **Reserved matters details**

- 6.05 The Inspectors decision sets out some key points in considering the acceptability of developing the site for residential development, these include:

*'Whilst some degree of urbanisation would inevitably result from the proposed development through buildings, hardstanding and the access road the visibility of the site at the junction would not be material reduced as the boundary screening would be largely maintained. The removal of some trees on the Chartway Street frontage would be necessary to create the new access but subject to a suitable landscaping scheme the proposed access would not have an adverse visual impact. Consequently, the proposed development would have limited impact on this visual break in the existing built form.'* (Paragraph 11)

*'Additionally, with no more than nine dwellings the density of development would be low and not out of keeping with the immediate setting or harmful to the character of the countryside.'* (Paragraph 12)

*'The introduction of woodland planting on the eastern boundary could be secured through conditioning of the landscape strategy. This would ensure that the impact of the proposed development when viewed from outside of the site, and particularly from the public right of way would be limited. Consequently, with existing and proposed screening the visual impact of the proposed development would be acceptable.'* (Paragraph 13)

- 6.06 An indicative layout was submitted at outline stage which demonstrated that 8no. dwellings could be accommodated on the site, albeit the consent was granted for up to 9 units. This indicative layout followed a similar layout pattern to the scheme now proposed, whereby a central access through the site would facilitate access to dwellings facing either towards Chartway Street or internally towards the access road. This indicative layout also included retention of the woodland planting along the northern and western boundaries, together with planting along the eastern boundary and the provision of turning within the site for refuse vehicles. The Inspector in his decision did not explicitly refer to this plan, as it was not for consideration but would have been aware of it and it would be usual practice to address any concerns with the plans when determining the appeal.
- 6.07 The site occupies a prominent corner site, whereby there are two frontages one onto North Street and one onto Chartway Street. Both street scenes are varied with a mix of bungalows, chalet bungalows and 2-storey properties, together with commercial buildings and a mix of newer and older buildings. The proposed development would be seen in context of both these street frontages, but also as its own entity due to the nature of screening along the road frontages and the inwards looking nature of the development.

- 6.08 The main constraint when designing the layout for this site is the retention of access to the existing dwelling at Wind Chimes to the south of the site. This property currently benefits from an access track from Chartway Street which dissects the site north to south. The existing access is situated to the east of the proposed access from Chartway Street (as approved by the outline consent) and it is proposed that there would be a new internal road which would mirror the north to south layout of the existing access. From this access seven of the proposed dwellings would face inwards towards the road and two would face northwards towards Chartway Street and be served by a private driveway.

#### *Appearance*

- 6.09 The design of the proposed dwellings would be individual and although not a pastiche of Kentish vernacular would introduce a common palette of materials and design elements to provide a cohesive form of contemporary design. The dwellings would all be two-storey, the height of the dwellings varies slightly but within the wider street scene this would not be a discernible difference. The mix of roof pitches, fenestration and materials would allow for a visually varied appearance that would enable the development to be cohesively drawn together by landscaping and external finishes.

#### *Landscaping*

- 6.10 The proposed landscaping takes into consideration the comments made by the Inspector at appeal and retains the important screening to the road frontages, together with providing landscaping along the eastern boundary and within the site. It is considered that the proposed development takes advantage of the opportunities and constraints of existing landscaping and provides a development which would be acceptable in terms of landscaping and is supported by the tree/landscape officer.
- 6.11 The Parish Council has raised concerns regarding the long-term ownership and maintenance of the existing boundary planting. Condition 4 of the outline consent does require the submission of a woodland management plan, which should include details for the long-term retention and enhancement of the wooded eastern and northern boundaries. The condition however does not specifically address the matter of ownership. The submitted landscaping and site plan does demarcate this wooded area to be outside the curtilage of the plots, however to strengthen this and to ensure this in perpetuity it is considered necessary to attach a condition requiring details of land ownership and for this area to be outside the curtilages of the dwellings.
- 6.12 To further ensure that the landscaping along the eastern boundary provides the soft landscape screening considered necessary to satisfactorily assimilate the development with its setting and preserve views from the Public Right of Way to the east of the site it is considered that the maintenance of this boundary hedge at a height of 2.5m should be conditioned.
- 6.13 The landscaping plan and strategy also identifies methods for the enhancement of biodiversity (as identified in the proposal section above), as required by condition 3 of the outline consent. The details submitted are considered satisfactory such that the plans are acceptable to discharge this condition through this reserved matters application.

#### *Scale*

- 6.14 The Inspector did not consider it necessary that the scale of the development should be conditioned with parameters and commented that development on the site would not be visually harmful with nine dwellings being a reasonable density for the site.

As highlighted above, the street scenes along the A274 and Chartway Street are mixed, in the immediate vicinity there is a greater number of bungalows/chalet bungalows, however these are interspersed with 2-storey dwellings. The application site itself is generally flat, whereby the new dwellings would not be significantly elevated when compared to neighbouring properties and due to the enclosed nature of the site with the wooded boundaries the dwellings to some extent would be seen in their own context rather than compared to neighbouring properties. The cohesive design, lack of neighbouring dwellings to the immediate east and the road separation to the north are such that the 2-storey design is considered acceptable.

#### *Layout*

- 6.15 The proposed layout makes best use of the site and its constraints without visual harm to the character or visual amenity of the area. The site satisfactorily accommodates the proposed nine dwellings, enabling them to all benefit from private amenity space, car parking and suitable access/turning. The amenity (as discussed in further detail below) of the future occupiers would be acceptable. The layout has been slightly amended from the withdrawn submission to orientate all the dwellings to the west of the site internally, which although this would not be acceptable in all situations, in this enclosed site this would appear logical and two dwellings would still orientate towards Chartway Street allowing for there to be some context to the dwellings and relationship with the street scene.
- 6.16 Overall the proposed development in terms of those matters reserved, scale, layout, appearance and landscaping would be acceptable and would not harm the visual amenity of the street scene, character of the area and would result in a well designed development.
- 6.17 To ensure that the development remains of a satisfactory appearance and to not add undue additional pressures on the surrounding planting it is considered reasonable to remove permitted development rights for extensions, outbuildings and fencing, with fencing details to be conditioned to submit details (indicative details are shown on the submitted plans, which would consist predominantly of post and rail stock fencing).

#### **Residential amenity**

##### *Existing occupiers*

- 6.18 The nearest residential properties are to the south of the site (Grey Walls and Wind Chimes). Those to the north (Warmlake End and Windflowers) are considered to be a significant distance away from the proposed development due to the separation of Chartway Street. Similarly, the property to the east (East Went) is separated by a field access and approximately 40m from the nearest proposed dwelling such that no significant harm would result to neighbouring amenity.
- 6.19 The nearest proposed units to the south would be plots 6 and 5, there would be an approximate 30m separation between the dwellings themselves and approximately 6m to the boundaries. The side elevations of Plots 5 and 6 would have first floor windows serving the staircase, this would be vaulted into the ceiling, with glazing in both the flank wall and roof. Due to the non-habitable nature of the area that the windows would serve and the nature of the level changes of the staircase, it is not considered that there would be undue overlooking or harm from these windows.
- 6.20 It is not considered that the new dwellings would result in harm by reason of being unduly overbearing, overshadowing or cause loss of light due to their proposed siting, design and orientation.

*Future occupiers*

- 6.21 The scheme has been designed to ensure that each dwelling would benefit from private amenity space and has been oriented and designed to ensure that no dwelling would have an adverse impact on future neighbouring occupiers. Windows, balconies and other fenestration would not cause undue overlooking or loss of privacy to neighbouring occupiers, nor would the dwellings be unduly overbearing or overshadowing to each other.
- 6.22 It is considered that the development would provide a satisfactory amenity for the future occupiers.

**Highways matters**

- 6.23 Matters relating to access were approved at outline stage, together with improvements to the footpath link from the site to the existing footpath on the corner of Chartway Street and the A274. Details of which are to be approved through a S278 highways application and are conditioned by condition 11 of the outline approval.
- 6.24 Condition 6 of the outline permission requires the reserved matters application to show adequate land for parking or garaging and Condition 7 requires the application to show adequate land for vehicle loading/unloading and turning to meet the needs of the development.
- 6.25 KCC Highways are satisfied that the development provides adequate land for both parking, loading/unloading and turning. Each dwelling would benefit from a private drive, together with garaging and the layout shows a turning head within the site for a refuse vehicle, together with swept path analysis to demonstrate that the vehicle could practicably turn.
- 6.26 The Highways Officer has drawn attention to the need for reasonable attempts to prevent mud on the road and details of construction vehicles parking and turning. These matters are dealt with by condition 8 of the outline which requires details prior to commencement of development.
- 6.27 Overall it is considered that highways matters are satisfactorily dealt with through this application and those conditions attached to the outline approval.

**Other Matters**

- 6.28 Matters relating to biodiversity enhancement, archaeology, drainage, renewable energy, tree protection, long-term management of the woodland planting along Chartway Street and the A274 and arboricultural method statements are all conditioned on the outline consent with details required to be submitted either prior to commencement of development or before occupation. Indicative details have been provided which include the use of PV solar roof tiles,
- 6.29 The Parish Council has raised concerns regarding the development being gated from Chartway Street. The agent has confirmed that the development would not be gated, the visualisation indicating gates is those to serve Wind Chimes to the south of the site.

- 6.30 The proposed development would have been CIL liable, since 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. However, the application was approved at outline prior to the introduction of CIL and the application is subject to a Unilateral Undertaking to provide contributions towards education, libraries and off-site affordable housing.

### **PUBLIC SECTOR EQUALITY DUTY**

- 6.31 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

## **7. CONCLUSION**

- 7.01 The application site benefits from outline permission for the erection of up to 9 dwellings on the site, such that the principle of residential development has been established. The proposed scheme for 9 dwellings is considered to be acceptable in terms of the reserved matters scale, appearance, layout and landscaping such that the development would not cause undue harm to the visual amenity of the street scene and character of the area, to existing or future residential amenity and would be acceptable in terms of highways impacts and all other material planning considerations such that the proposed development would be in accordance with current policy and guidance.

## **8. RECOMMENDATION**

GRANT planning permission subject to the following conditions:

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Drawing No. 8884 01 Rev B (Site Plan)
  - Drawing No. 8884 14 Rev B (Site Plan context)
  - Drawing No. 8884 03 Rev A (Plot 1 Floor Plans and Elevations)
  - Drawing No. 8884 04 Rev A (Plot 2 Floor Plans and Elevations)
  - Drawing No. 8884 05 Rev A (Plot 3 Floor Plans and Elevations)
  - Drawing No. 8884 06 Rev A (Plot 4 Floor Plans and Elevations)
  - Drawing No. 8884 07 Rev A (Plot 5 Floor Plans and Elevations)
  - Drawing No. 8884 08 Rev A (Plot 6 Floor Plans and Elevations)
  - Drawing No. 8884 09 Rev A (Plot 7 Floor Plans and Elevations)
  - Drawing No. 8884 10 Rev A (Plot 8 Floor Plans and Elevations)
  - Drawing No. 8884 11 Rev A (Plot 9 Floor Plans and Elevations)
  - Landscape Strategy
  - Landscape planting plan
  - Tree Survey ReportReason: To clarify which plans have been approved.
- 2) 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 and the development shall be

carried out in accordance with the approved details before the first occupation of the building and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

- 3) The development hereby approved shall not commence above slab level until, written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

- 4) Prior to first occupation all planting, seeding and turfing specified in the approved landscape details shall be completed. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme.

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

- 5) The development hereby approved shall not commence above slab level until details of the land ownership of each plot have been submitted to and approved in writing by the Local Planning Authority. These details shall show the northern and western boundaries (the boundary woodland buffer) and include details of the extent of the buffer area and shall show the woodland outside the ownership of each individual plot including its long term management. Such details as agreed shall maintained as such.

Reason: To maintain the integrity of the woodland screen to these boundaries.

- 6) The proposed mixed native hedge identified on drawing number 0240/19/B/11 (Landscape planting plan) to the eastern boundary shall be allowed to grow to a height of 2.5m and then shall thereafter be maintained at a height of no less than this height (2.5m).

Reason: To protect local amenity and views from the Public Right of Way

- 7) No further development, whether permitted by Classes A, B, C, D or E of Part 1 and Class A of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order) or not, shall be carried out to the dwellings hereby approved.

Reason: In the interests of the amenities of the area and to protect adjacent tree planting from further undue pressure

**INFORMATIVES**

- 1) The applicant's attention is drawn to the conditions attached to application 15/507493/OUT and the need to discharge the details prior to commencement and/or occupation.
- 2) The details shown on Drawing Number 0240/19/B/11 (Landscape planting plan), 8884 14 Rev A (Site Plan (context)) and 0240/19/B/1 (Landscape strategy) are considered sufficient to discharge Condition 3 of application 15/507493/OUT) and is hereby approved.

Case Officer: Rachael Elliott