

<b>REFERENCE NO -</b> 20/505710/FULL					
<b>APPLICATION PROPOSAL</b> Erection of 1 no. four bedroom chalet bungalow with integral garage and associated parking. (Resubmission of 20/503671/FULL)					
<b>ADDRESS</b> 15 Amsbury Road Coxheath Maidstone Kent ME17 4DW					
<b>RECOMMENDATION</b> Grant Planning Permission subject to planning conditions					
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> An identical dwelling was granted on this site referenced 16/507443/FULL which was previously granted at committee taking into account the submitted version of the Maidstone Borough Local Plan. The proposed development complies with the policies of the adopted Maidstone Local Plan 2017 and policies within the NPPF and there are no over-riding material considerations to indicate a refusal of planning consent.					
<b>REASON FOR REFERRAL TO COMMITTEE</b> Coxheath Parish Council would like to see the application refused due to it being out of character with the surrounding area, over-development and poor access.					
<b>WARD</b> Coxheath And Hunton	<b>PARISH/TOWN</b> Coxheath	<b>COUNCIL</b>	<b>APPLICANT</b> Gordon	Mr	Robert
<b>TARGET DECISION DATE</b> 30/04/21			<b>PUBLICITY EXPIRY DATE</b> 22/02/21		

### Relevant Planning History

16/507443/FULL Erection of 1no. four bedroom chalet bungalow with integral garage and associated parking. Approved at committee 13.01.2017

20/503671/FULL

Erection of 1no. four bedroom chalet bungalow with integral garage and associated parking. Withdrawn Decision Date: 06.11.2020

### MAIN REPORT

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

1.01 The application site is located within the larger village of Coxheath, and comprises backland development within the garden area of 15 Amsbury Road. This area is residential in character and comprises a mix of detached and semi-detached bungalows and two storey dwellings. To the south of the site is open countryside with a public footpath (KM134) approximately 180 metres away.

1.02 The host property is a detached chalet bungalow set back from Amsbury Road by some 60 metres, and accessed by a private access road that runs between Nos 13 and 19. The access also serves No 17 Amsbury Road. The garden area lies to the east of No 15 and it is on this land that the proposed development is to be sited.

#### **2. PROPOSAL**

2.01 The proposal is for the erection of a detached, chalet bungalow with four bedrooms and an integral garage. The front elevation would face north and the driveway would be situated along the northern boundary of the site, with the integral garage complete with cycle storage projecting forward of the principle elevation.

2.02 The roof would include barn hips and several dormer windows on the north, south and west elevations. The front projecting roof would have a lower ridge than that of the main roof which would have a height of 7.2 metres. The materials have been identified as yellow facing bricks fibre cement roof tiles.

- 2.03 The ground floor would comprise a kitchen/diner and separate living room, utility, WC and study. The first floor would comprise four bedrooms all with en suite bathrooms.

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

Maidstone Borough Local Plan 2017 DM1, DM3, DM11, DM23, SP17

Neighbourhood Plans N/A

Kent Minerals and Waste Local Plan 2016

Supplementary Planning Documents Maidstone Landscape Character Assessment

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

### **4. LOCAL REPRESENTATIONS**

#### **Local Residents:**

- 4.01 4 representations received from local residents raising the following (summarised) issues
- Over-development
  - Over-bearance
  - Visual Impact
  - Overshadowing
  - Loss of Privacy
  - Loss of mature landscaping
  - Impact on wildlife
  - Highway safety, increase in traffic
  - Potential damage to drainage during construction
  - Noise and disturbance during construction

### **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)

#### KCC Ecology

- 5.01 Sufficient information has been submitted to satisfy the query relating to badger setts. However, a pre-commencement condition should be added, with mitigation if necessary, to ensure the protection of any new badger setts in close proximity of the development proposal. Biodiversity enhancements would also be required.

#### Trees

- 5.02 The trees in need of removal are not considered to be of sufficient quality to pose an arboricultural constraint on the development. The proposed service route and access drive to the new dwelling will go through the root protection area of a number of adjacent trees, however the submitted information provides satisfactory mitigation measures (in accordance with BS5837:2012) to ensure their construction/installation will not unduly compromise the trees long-term health. All construction works are to strictly adhere to the recommendations of the submitted AMS and Tree Protection Plan by way of a suitable condition.

#### Environmental Services

- 5.03 No objection in terms of air quality, noise and dust may be an issue during construction, details of any lighting should be submitted by condition.

#### Minerals and waste

- 5.04 No comment

- 5.06 KCC Highways

The development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

## **6. APPRAISAL**

### **Main Issues**

- 6.01 The key issues for consideration relate to:
- Visual amenity/design and layout/trees and landscape
  - Neighbour amenity
  - Biodiversity
  - Highways

### **Visual amenity/design and layout/trees and landscape**

- 6.02 Policy DM1 sets out that development proposals should respond positively to, and where possible enhance, the local, natural or historic character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation, and site coverage, incorporating a high quality, modern design approach and making use of vernacular materials where appropriate. DM11 sets out that the higher density of the site should not result in significant harm to the character and appearance of the area, or loss of amenity to adjoining properties. In addition, policy SP17 sets out that development proposals within landscapes of local value should, through their siting, scale, mass, materials and design seek to contribute positively to the conservation and enhancement of the protected landscape.
- 6.03 The application site is located on the edge of the settlement, with the southern boundary denoting the break between the larger village of Coxheath and the countryside. However, I note that the boundary of the Greensand Ridge Local Landscape Value overlaps the settlement boundary, stopping on the northern boundary of the application site.
- 6.04 The proposed dwelling is set in an 'L' shape, with an eaves height of 2.5 metres at the rear of the building and 3.5 metres at the front. The ridge height is 7.2 metres at the rear of the building and 6.7 metres at the front. The roofs are hipped with barn hips at each end. The access road is approximately 60 metres long, with the driveway located to the south of the application site. The dwelling is set back from the remaining dwellings on Amsbury Road on the periphery and within the settlement.
- 6.05 The style of development proposal is sympathetic with the mixed dwellings in the locality, which consist of two storey properties, chalet style dwellings and bungalows. The context would result in the proposed dwelling blending with the locality to the north of the application site and the host property to the east of the development.
- 6.06 The existing landscaping would be strengthened in conjunction with a landscaping condition that would require details to be submitted in accordance with the Maidstone Landscape Character Guidance, and this would help to alleviate any potential impact on the Landscape of Local Value to the south of the site. For this reason, the design and layout of the development proposal would be considered acceptable in terms of the rural character of the locality to the south of the site.

### **Neighbour amenity**

- 6.07 Policy DM1 encourages new development to respect the amenities of neighbouring properties and provide adequate residential amenities for future occupiers 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. The proposals should not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 6.08 I note a first floor bedroom window on the west elevation would face No 15, at a distance of 20 metres to the windows of bedrooms in the rear elevation of the property. This has the potential to give rise to overlooking issues to both the

neighbour and the future occupiers of the application site however, as it is a secondary window, a condition can be attached to obscure glaze and fix shut the one on the west elevation. The first floor landing velux window will have the same condition attached.

- 6.09 The two bedroom windows and the landing window on the first floor south elevation would be located at least 40 metres from the rear elevations of the neighbouring properties. Sufficient boundary treatment would be maintained in order for privacy to be retained for both occupiers of the neighbouring properties and future occupiers of the application site for any amenity issues to be minimised. From the first floor, the separation distances would be considered acceptable for any impact with regard to amenity issues to be minimised.
- 6.10 The eastern elevation will have two velux windows to en suite bathrooms at first floor level however, their siting and location, along with the fact that they are not serving habitable rooms, would minimise the likelihood of any loss in amenity. The ground floor windows of the proposed dwelling would not result in a loss of privacy due to the high hedge that is on the boundary. The separation distance of the dwelling would alleviate any issues in terms of privacy, for both the neighbours and future occupiers.
- 6.11 The separation distances between the proposed dwelling and the neighbouring properties would not, given the scale and siting of the dwelling, result in a loss of amenity in terms of overshadowing and over-bearing. The use of the access for one additional dwelling would not result in an unacceptable increase in noise and disturbance. I consider that, on balance, the introduction of a new dwelling in this location to be acceptable.

#### **Biodiversity**

- 6.12 Local Plan policy DM3 encourages development that responds to the natural environment by ensuring that it protects and enhances it where appropriate.
- 6.13 Due to the lack of information in the ecological survey considering the possibility of a badger sett being within the adjacent properties, officers visited the site on 10.03.2021 to give further consideration of whether it was likely that there was a badger sett present.
- 6.14 The main concern was the risk that the installation of the proposed utilities (rather than the proposed dwelling) would damage/impact a badger sett if present within the adjacent gardens. Although the visit did not comprise a detailed badger survey, all the neighbouring gardens visited (including the applicant's property, 13, 9 (which extends beyond the rear of 11) and 5) did not find/identify any features that would suggest that an active badgers sett is present which would result in the recommendation for an updated badger survey to be carried out prior to the determination of this application. However, badgers have been confirmed as foraging within all of the site so there is a sett present within the surrounding area.
- 6.15 A number of the gardens are overgrown so it is possible that a badger could establish within the site or surrounding areas in the future. The utilities for this application will be installed along the southern boundary therefore if a badger sett does establish there is a risk that the installation works will impact a badger sett. Therefore we would suggest that, if works have not commenced within 12 months of works planning permission being granted there would be a need for a pre commencement survey and, if required, a mitigation strategy could be required as a condition.
- 6.16 The submitted information has confirmed that badgers are foraging within the site and therefore we advise precautionary mitigation measures are included within construction management plan to ensure that badgers are not injured or killed

during the construction period (if granted) – it must be a specific requirement of the condition wording for the CMP.

- 6.17 Badgers have been confirmed as foraging/commuting within the site and the surrounding properties and therefore we advise that any boundary fencing must continue to enable the free movement of the badger population – we advise that this is incorporated into the requirement for the fencing.

#### Bats

- 6.18 Due to the location of the proposed development site it is likely that bats are present foraging within the site and therefore any artificial lighting may have a negative impact. For this reason, a site wide lighting condition has been advised that requires the lighting plan to follow the recommendations within the Bats and artificial lighting in the UK document produced by the Bat Conservation Trust and Institution of Lighting Professionals. This condition will also benefit the badgers.

#### Breeding birds

- 6.19 There is suitable habitat within the site for breeding birds. All breeding birds and their young are protected under the Wildlife and Countryside Act 1981 (as amended) and therefore we advise that an informative is included - Suggested wording at the end of the report.

#### Biodiversity enhancements

- 6.20 Planning applications are expected to provide a net gain for biodiversity and, as such, biodiversity enhancements would be expected as part of this application, and a condition will be added to ensure that this is the case.

#### **Highways**

- 6.21 Policy DM23 takes into account the accessibility of the development and availability of public transport, the type of the development, the level of car parking, cycle facilities on new developments and the incorporation of electrical vehicle charging infrastructure.

- 6.22 Access to the site is gained from the existing access to Nos 15 and 17 Amsbury Road. The access point is an existing one and defined already by two other properties. Ingress and egress from Amsbury Road has good visibility. The access link has good forward visibility and the chance of conflict will be minimal, as it serves only 3 properties.

- 6.23 The new dwelling would be served by two ~~external~~ parking spaces, with sufficient room for parking and turning of vehicles. There is also sufficient space for the storage and collection of refuse without harm to amenity, access or highway safety. It is not considered that the proposal will have any adverse impact on the highway network or highway safety, and there has been no objection received from KCC Highways. An electric vehicle charging point will be added as a condition.

#### **Other Matters**

- 6.24 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.

#### **PUBLIC SECTOR EQUALITY DUTY**

- 6.25 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 proposed development complies with the Maidstone Local Plan 2017 and there would not be any unacceptable impacts on the character, appearance and visual amenity of the locality. The development would not result in any adverse impact in terms of amenity to the occupiers of neighbouring properties. The proposals would not result in any parking or highway safety issues.
- 7.02 The proposal would be acceptable with regard to the Local Plan, the NPPF and all other relevant material considerations. There are no overriding material considerations to indicate a refusal of planning permission and the recommendation is to approve planning permission.

## **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:

01 Dec 2020 1735.P01 Site Location, Block Plans, Proposed Plans

01 Dec 2020 Supporting Correspondence

01 Dec 2020 Tree Survey

01 Dec 2020 Design and Access Statement

04 Jan 2021 Arbtech AIA 01 Arboricultural Impact Assessment

04 Jan 2021 Arbtech TPP 01 Tree Protection Plan

12 Jan 2021 Preliminary Badger Survey

18 Feb 2021 Ecological Consultant Letter

18 Feb 2021 Photos x 12

18 Feb 2021 Site Plan

03 Mar 2021 Email from Arbtech re: badgers

03 Mar 2021 V2 Site Plan Annotated

Reason: To clarify which plans have been approved.

- 3) The development hereby approved shall not commence above slab level until a hard and soft landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted for approval in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to the site and indicate whether they are to be retained or removed [provide details of on site replacement planting to mitigate any loss of amenity and biodiversity enhancements [together with the location of any habitat piles] and include a planting specification, implementation details and a 5 year management plan. [The landscape scheme shall specifically address the need to provide boundary treatment to the northern and western boundaries, and include details to demonstrate that the fencing will not prevent badgers accessing the application site or adjacent properties.

Reason: In the interests of landscape, ecology, neighbour amenity and to ensure a satisfactory appearance to the development.

- 4) The occupation of the development hereby permitted shall not commence until all planting, seeding and turfing specified in the approved landscape details has been 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 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 written details and samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted for approval 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.

- 6) No additional windows, doors, voids or other openings shall be inserted, placed or formed at any time in the east and west facing walls of the building hereby permitted at first floor level or above.

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of their occupiers.

- 7) Before the development hereby permitted is first occupied, the proposed bedroom and landing windows on the first floor west elevation shall be obscure glazed to Pilkington level 4 and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such;

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective occupiers.

- 8) The development hereby approved shall not commence until details of the proposed slab levels of the building and the existing site levels have been submitted for approval in writing by the local planning authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site.

- 9) 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 for approval 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.

- 10) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted for approval 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 external lighting shall be in accordance with the guidance issued by the Bat Conservation Trust and the Institute of Lighting Professionals. The development shall thereafter be carried out in accordance with the subsequently approved details

and maintained as such with no additional external lighting installed on the site thereafter;

Reason: In the interest of visual amenity and to protect ecology

- 11) Prior to the commencement of development, the development hereby approved shall be carried out in accordance with details relating to the submitted tree protection (TPP 01), arboricultural impact assessment (AIA 01) and arboricultural method statement by Arbtech referenced Matthew Middle Dip., (Arb.), Tech.Arbor.A. and dated 21st December 2020.  
Reason: In the interests of visual amenity and to safeguard the trees in this area. The dwelling hereby approved shall not be occupied until a minimum of one electric vehicle charging point has been installed and shall thereafter be retained for that purpose.  
Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with policies within the NPPF.
- 12) The development hereby approved shall not commence until a method statement for the construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved method statement. Details submitted should include (a) Routing of construction and delivery vehicles to / from site, (b) Parking and turning areas for construction and delivery vehicles and site personnel, (c) Timing of deliveries, (d) Provision of wheel washing facilities, (e) Temporary traffic management / signage, (f) Provision of measures to prevent the discharge of surface water onto the highway (g) Details for precautionary mitigation measures to avoid impacting badgers during construction.  
Reason: To ensure the construction of development does not result in an adverse impact on highway safety and biodiversity.
- 13) If all utility pipes (such as water, gas etc) have not been installed within 12 months of planning permission being granted a badger survey and details of any mitigation required must be submitted to the LPA for written approval prior to the commencement of development including ground clearance works. The survey must cover areas within 30 metres of the construction works and shall be carried out on and around the perimeters of the site in accordance with details that shall be submitted for approval in writing by the local planning authority.  
Reason: In the interests of ecology.
- 14) The development hereby approved shall not commence above slab level until details for a scheme for the enhancement of biodiversity on the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the new dwelling by means such as swift bricks, bat tube or bricks. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.  
Reason: To protect and enhance the ecology and biodiversity on the site in the future.
- 15) No demolition/construction activities shall take place, other than between 0700 to 1900 hours (Monday to Friday) and 0700 to 1300 hours (Saturday) with no working activities on Sundays, Bank or Public Holidays.

Reason: In the interests of aural amenity.

**INFORMATIVES**

- 1) 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 <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>  
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.
- 2) Breeding birds  
The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defense against prosecution under this act. Trees, scrub, hedgerows and buildings are likely to contain nesting birds between 1st March and 31st August inclusive. Vegetation is present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.
- 3) The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st 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.

Case Officer: Jocelyn Miller