

REFERENCE NO - 20/505710/FULL			
APPLICATION PROPOSAL Erection of 1 no. four bedroom chalet bungalow with integral garage and associated parking. (Resubmission of 20/503671/FULL)			
ADDRESS 15 Amsbury Road Coxheath Maidstone Kent ME17 4DW			
RECOMMENDATION Grant Planning Permission subject to conditions relating to landscape and ecological protection and enhancements, renewables, slab levels, construction method statement refuse storage and EV charging points.			
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> • An identical dwelling was granted on this site referenced 16/507443/FULL which was previously granted at committee taking into account 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 permission. 			
REASON FOR REFERRAL TO COMMITTEE The application was originally listed for committee on 22 April 2021 as Coxheath Parish Council felt the proposed development was out of character with the surrounding area, constituted over-development and the access was sub-standard. The application was subsequently deferred for the following reasons: <ul style="list-style-type: none"> • Seek comments from the Kent Fire and Rescue Service about safety, access to the dwelling for a Fire Engine, whether they can service the property in the event of a fire and whether a sprinkler system is required; • Seek confirmation as to whether the application site is located within the boundary of the larger village of Coxheath; and • Add conditions to secure biodiversity enhancements to include bird, bat and bee bricks; renewables (an exemplar scheme); and revision of the wording of the landscaping condition to include no Sycamore trees or plastic guards. 			
WARD Coxheath And Hunton	PARISH/TOWN Coxheath	COUNCIL	APPLICANT Mr Robert Gordon AGENT n/a
TARGET DECISION DATE (EOT) 30/07/21		PUBLICITY EXPIRY DATE 17/05/21	

MAIN REPORT

1. Background

1.01 This application was deferred at the Planning Committee meeting on the 22 April 2021. This report should be read in association with the original committee report that is included as an appendix.

1.02 The committee minutes recorded the following:

"RESOLVED: *That consideration of this application be deferred to:*

- *Seek comments from the Kent Fire and Rescue Service about safety, access to the dwelling for a Fire Engine, whether they can service the property in the event of a fire and whether a sprinkler system is required;*
- *Seek confirmation as to whether the application site is located within the boundary of the larger village of Coxheath; and*

- *Add conditions to secure biodiversity enhancements to include bird, bat and bee bricks; renewables (an exemplar scheme); and no Sycamore trees and plastic guards”.*

2. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 The neighbour responses in the attached appendices remain relevant in the assessment of this proposal.
- 4.02 Following the deferral of the application 2 further neighbour objections have been received relating to fire safety.

3. CONSULTATIONS

- 3.01 The consultation responses in the attached appendices remain relevant in the assessment of this proposal.
- 3.02 Following the deferral of the application, the following additional comments from Kent Fire and Rescue have been received.

Kent Fire and Rescue

- 3.03 The proposed development does not meet the requirements of The Building Regulations 2010 Approved Document B as it stands. On-site access is a requirement of the Building Regulations 2010 Volume 1 and 2 and must be complied with to the satisfaction of the Building Control Authority who will consult with the Fire and Rescue Service once a building Regulations Application has been submitted.
- 3.04 Following a meeting with the applicant and case officer on site, it was suggested that if sprinklers were fitted BS 9991:2005 (Paragraph 50.1.2) it would allow a Fire Service vehicle access to within 90 metres, rather than the normal 45 metres to all parts of the building. This could potentially overcome the issue, but it can only be assessed once the Building Regulations application has been submitted.

4. APPRAISAL

- 4.01 This appraisal section is structured using the 3 points that were outlined in the committee minutes for the meeting on the 22 April 2021.

Seek comments from the Kent Fire and Rescue Service about safety, access to the dwelling for a Fire Engine, whether they can service the property in the event of a fire and whether a sprinkler system is required.

- 4.02 In discussion with Kent Fire Service and Building Control, it was established that there was no objection to the site access, but the distance to the building was an issue. However, Kent Fire and Rescue commented that if sprinklers were fitted as part of the development proposal in accordance with BS 9991:2005 (Paragraph 50.1.2) this would allow a Fire Service vehicle access to within 90 metres, rather than the normal 45 metres of all parts of the building.
- 4.03 The Kent Fire and Rescue officer set out that there was no objection to the site access in conjunction with the use of sprinklers but full compliance could only be confirmed if planning permission was approved and a subsequent detailed Building Regulations application was made.
- 4.04 Building Control have confirmed that they will consult Kent Fire Brigade as part of any Building Regulations application. The applicant has also confirmed that he would be amenable to providing sprinklers in the proposed dwelling.

Seek confirmation as to whether the application site is located within the boundary of the larger village of Coxheath

- 4.05 The application site is within the settlement boundary of the larger village of Coxheath.
- 4.06 The settlement boundary for the larger village of Coxheath runs along western and southern boundaries of the application site. The property at 17 Amsbury Road to the west and the properties in Amsbury Road to the north are also within the settlement boundary.
- 4.07

Settlement boundary (black line) and application site (red line).



Add conditions to secure biodiversity enhancements to include bird, bat and bee bricks; renewables (an exemplar scheme); and no Sycamore trees and plastic guards”.

- 4.08 Biodiversity enhancements to include bird, bat and bee bricks are included in condition 9, condition 11 relates to renewables and condition 6 (landscape scheme) set out that Sycamore trees should not be specified or plastic guards used.

5. CONCLUSION

- 5.01 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.
- 5.02 The Kent Fire Service have indicated that the incorporation of a sprinkler system within the proposed dwelling would overcome the issues with regard to fire safety. This would be dealt with at Building Regulations stage, and an informative could be added to the decision notice on this matter. Clarification on the position of the settlement boundary and the Greensand Ridge Local Landscape Value is also within this report. Finally, conditions will be added with regard to renewables and biodiversity enhancements, and wording will be incorporated within the landscaping condition to ensure that sycamore trees and plastic guards are not part of any future landscaping details submitted.
- 5.03 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 would be required and the recommendation is to approve planning permission.

6. RECOMMENDATION

GRANT planning permission subject to the following conditions:

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- 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) Prior to the commencement of development, the proposed slab levels of the building and the existing site levels shall be submitted to, and approved 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.

- 4) Prior to the commencement of development, the tree protection measures set out in the submitted documents (tree protection (TPP 01), arboricultural impact assessment (AIA 01) and arboricultural method statement by Arbtech dated 21st December 2020) shall be in place. All trees to be retained must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

- 5) Prior to the commencement of development, a Construction Method Statement shall be 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. The Construction Method Statement shall 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 to include noise and dust mitigation measures during construction (h) 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.

- 6) 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 to, and approved 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. The details provided shall not include the provision of sycamore trees or incorporate the use of plastic guards.
Reason: In the interests of landscape, ecology, neighbour amenity and to ensure a satisfactory appearance to the development.
- 7) Prior to first occupation of the approved dwelling all planting, seeding and turfing specified in the approved landscape details shall have 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 the dwelling 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.
- 8) The development hereby approved shall not commence above slab level until written details and samples of external facing materials for the building hereby approved 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.
- 9) The development hereby approved shall not commence above slab level until details of a scheme for the enhancement of biodiversity on the site has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through at least one method integrated into the building structure such as swift bricks, bat tubes or bee bricks, and additionally through provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgerow corridors. The development shall be implemented in accordance with the approved details prior to first occupation of the building and all features shall be maintained permanently thereafter.
Reason: To enhance ecology and biodiversity on the site in line with the requirement to achieve a net biodiversity gain from all development.
- 10) The development hereby approved shall not commence above slab level until, details of satisfactory facilities for the storage of refuse and cycles 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 and sustainable travel.
- 11) The development shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, and these details shall be submitted to,

and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation and maintained thereafter;

Reason: To ensure an energy efficient form of development. Details are required prior to commencements as these methods may impact or influence the overall appearance of development.

- 12) The dwelling hereby approved shall not be occupied until a minimum of one electric vehicle charging point has been installed on the site, with the vehicle charging point thereafter 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.
- 13) 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.
- 14) 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.
- 15) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that shall be 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 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.
- 16) The conclusions of a badger survey (covering a 30 metre radius from all construction works and carried out by a qualified ecologist) and recommended mitigation measures and a timetable for implementation of the mitigation shall be submitted to, and approved in writing by the Local Planning Authority within one month of the failure to fully install all utility pipes (such as water, gas etc) associated with the development within 12 months of the date of the planning permission. The mitigation shall be installed in accordance with the approved details and timetable and retained as such thereafter.
Reason: In the interests of ecology.
- 17) 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

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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) 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 permission 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 applicant is reminded that a sprinkler system will be required at Building Regulations stage in order to comply with fire safety, as set out by the Fire Safety Officer.
- 4) 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