

APPLICATION: MA/12/0501 Date: 16 March 2012 Received: 22 May 2012

APPLICANT: Mr S Green

LOCATION: LAND SOUTH OF, CHARTWAY STREET, SUTTON VALENCE,  
MAIDSTONE, KENT, ME17 3JA

PARISH: Sutton Valence

PROPOSAL: Retrospective planning permission for the construction of a new access onto Chartway Street as shown on scale 1:1250 site location plan and supporting Design and Access statement received 16 March 2012 and additional 1:500 visibility splay drawing received 22 May 2012

AGENDA DATE: 26th July 2012

CASE OFFICER: Laura Gregory

The recommendation for this application is being reported to Committee for decision because:

- it is contrary to views expressed by the Parish Council

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV28, ENV43
- South East Plan 2009: CC1, CC6, C4
- National Planning Policy Framework 2012

## **2. HISTORY**

2.1 None

## **3. CONSULTATIONS**

3.1 **Sutton Valence Parish Council** – Recommend REFUSAL

*“The Parish Councillors recommended refuse and go to Committee on the above application. They believe that another access at this point on a very narrow road would be dangerous and would in fact compromise the existing accesses, especially in relation to the large amount of heavy goods vehicle movements in this road.”*

### 3.2 **Kent Highways** – No Objections Raised

*"Further to my previous consultation response concerning this application I can confirm that I am satisfied that the vision splay is satisfactory subject to the removal of the shrubs immediately to the east of the access in order that there is no obstruction above 900mm, with the exception of the oak tree, and this vision splay should be maintained.*

*Additionally the access should be properly consolidated for a minimum distance of 15m into the site and any gates should be set back a minimum distance of 5.5m from the edge of the carriageway and operate to open inwards away from the carriageway."*

## 4. **REPRESENTATIONS**

### 4.1 Two Letters of Representation received raising the following objections:

- No need of access.
- Mature trees and hedgerows have been removed as a result of the works which affect wildlife and the neighbourhood.
- Agricultural nature of field is compromised by access being used by householder and the intention is to build a house on the field.
- Access is a hazard to highways safety. There is a real likelihood that traffic travelling west from Kingswood will round the bend and pull out to avoid a vehicle emerging from this new access.
- It would appear that access already exists via the dwelling "Barchams" on North Street (A274) - a gateway can be seen when looking westward across the land from the adjacent public footpath. Access from North Street would be a lot safer.
- Paddock has not been used for equestrian purposes since the change of use for the keeping of horses (07.04.2004) and approved planning for a grasscrete drive for horsebox (29.06.2006). Any further change of use could prove detrimental to the enjoyment of their properties by adjoining residential occupiers and the general character and appearance of the surrounding area.
- Chartway Street is a busy road and suffers with large lorries going to and from the various farms and the packhouse at Winterwood Farm. Traffic queues build up during rush hour and this new entrance is close to the A274 junction which is also an accident blackspot.

## **5. CONSIDERATIONS**

### **5.1 Site Description**

5.1.1 The application site is situated on the south side of Chartway Street and lies within the open countryside. Located north of Sutton Valence village the site comprises a large paddock which extends out to the east behind 'East Went' 'Vanguard Farm' and 'Vanguard House', residential properties which front Chartway Street to the north.

5.1.2 The paddock is grazed by sheep and is bounded by post and wire fencing. It is partly visible from Chartway Street in the gaps between 'East Went' and 'Vanguard Farm' and is not subject to any landscape restrictions as designated within the Development Plan. Access is obtained off Chartway Street to the north, between 'East Went' and an existing access which serves 'Wind Chimes', a property placed between the western boundary of the application site and 'Greywalls' which fronts North Street.

### **5.2 Proposal**

5.2.1 Retrospective planning permission is sought for this access. Planning permission required because Chartway Street is a classified road, no C83. The access measures 5m wide and comprises of a 1.5m high steel five bar field gate which is set back some 10m from the edge of the road. No hardstanding has been laid down.

5.2.2 The access is required to provide the applicant with their own access to the paddock. At present the applicant rent their land to the occupiers of East Went who, allow them to use their access onto Chartway Street.

### **5.3 Planning Assessment**

5.3.1 The main issues to consider are the impact of the development upon the visual amenity of the area and surrounding countryside and the impact upon highway safety.

### **5.4 Principle of Development**

5.4.1 The development enables the applicants to access their land without requiring access and egress through the adjacent property, East Went. It allows the applicant permanent access to their land and the animals grazing it. Given that the animals require due care and attention and a permanent access allows the applicant to tend the animals as and when necessary, I consider that the proposed is reasonably justified.

## 5.5 **Visual Amenity Considerations**

5.5.1 Closed off by a steel five bar gate, the access has a low profile and bordered by shrubs and trees to the east and west, its appearance is thus softened and it does not cause significant or unacceptable visual harm. Given that there are existing accesses within the immediate vicinity of the site, I do not consider that the development appears out of character with its surroundings. The access is not unduly prominent in medium to long distance views along Chartway Street or within the wider area and therefore its impact upon the character and appearance of the surrounding countryside is minimal. The intrinsic character and natural beauty of the area is therefore suitably preserved.

## 5.6 **Highway Considerations**

5.6.1 The development has resulted in the introduction of a new access onto Chartway Street. Sutton Valence Parish Council believe that another access at this point on would be dangerous and would compromise the existing accesses, especially in relation to the large amount of heavy goods vehicle movements in this road.

5.6.2 The access is required to provide access to a paddock which is used for the grazing of animals only. The use of the land is such that it is unlikely to generate significant numbers of traffic movements or, additional heavy goods vehicles on the road. Considering that there have been no reported injury crashes along this section on Chartway Street in the latest 3 year period, Kent Highway Services raise no objections and are satisfied that the resultant increase in traffic is not detrimental to highway safety.

5.6.3 On the issue of visibility, the speed limit on this section of Chartway Street is 30mph. Considering that the road is has houses on either side and the junction between Chartway Street and Maidstone Road is approximately 100m to the west of the site, it is unlikely that traffic will be travelling at speeds which are

above this limit. Given that the Department of Transport's Manual for Streets advises that on a 30mph road, visibility splays should be not less than 43m in either direction and the access has visibility splays of more than 43m in both directions, the Highways Officer considers that the visibility distances from the access and forward visibility is acceptable for the use of the land.

5.6.4 Space is available within the site for vehicles to turn. This is acceptable and ensures that no turning in the road will take place and that vehicles will be able to enter and exit the site in forward gear.

5.6.5 In conclusion, given that the Kent Highways Services are satisfied with the proposed access arrangements in terms of visibility, traffic movements and highway safety, I consider that no objections can be raised on highways grounds

## 5.7 **Residential Amenity Considerations**

5.7.1 The development enables the applicant to access their land without requiring access and egress through the adjacent property, East Went. By reducing the need for vehicles associated with the application site to drive through the neighbour's property to access the paddock, the development improves the residential amenity of the adjacent neighbouring dwelling. With less noise and disturbance caused to the adjacent neighbouring dwelling, the proposal does not have any significant or detrimental impact upon residential amenity.

## 5.8 **Other Matters**

5.8.1 With regard to the neighbour's comments, the access is not required in connection with the neighbouring dwellings. I therefore do not consider that the agricultural nature of the field is compromised. The access is not required in connection with a new dwelling and in any case this would be subject to a separate application.

## 6. **CONCLUSION**

6.1 In conclusion considering the above, I conclude that for the reasons stated above the proposed development is in accordance with the provisions of the Development Plan and that there are no overriding material considerations to indicate a refusal. I therefore recommend approval with conditions as set out below.

## **7. RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following conditions:

1. Within one month of the date of this permission, the visibility splays shown on scale 1:500 visibility splay drawing received 22 May 2012 shall be provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

Reason: In the interests of highway safety and in accordance with advice contained within the National Planning Policy Framework 2012

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.