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| <b>REFERENCE NO - 18/504636/OUT</b>  |                           |  |
| <b>APPLICATION PROPOSAL</b><br>Outline planning permission with 'access matters' sought for the demolition of 466 Loose Road and the erection of six residential dwellings (one detached two storey dwelling fronting Loose Road and five bungalows within the rear). Matters of appearance, landscaping, layout and scale are reserved for future considerations. |                           |  |
| <b>ADDRESS - 466 Loose Road Maidstone Kent ME15 9UA</b>  |                           |  |
| <b>RECOMMENDATION - APPROVE</b>  |                           |  |
| <b>SUMMARY OF REASONS FOR RECOMMENDATION</b><br>The proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.  |                           |  |
| <b>REASON FOR REFERRAL TO COMMITTEE</b><br>Councillor Mortimer has called application to Planning Committee for the reasons set out at paragraph 5.01  |                           |  |
| <b>WARD</b> South  | <b>PARISH COUNCIL</b> N/A | <b>APPLICANT</b> Applecross Homes<br><b>AGENT</b> DHA Planning |
| <b>TARGET DECISION DATE</b> 22.02.19   |                           | <b>PUBLICITY EXPIRY DATE</b> 25.10.18                          |

### Relevant planning history

- 16/508051 - Demolition of dwelling and erection of 6 dwellings – Refused:
  - *Development constitutes poor design by virtue of number and scale of residential units and its layout, resulting in cramped form of development that would cause adverse harm to character and appearance of area*
  - *By virtue of its scale, design & close proximity of houses to plot 1, 464 Loose Rd, 1a & 1b Anglesey Ave & 7 Skye Close, it would have overbearing & oppressive impact on rear outlook of these properties, harmful to their living conditions*

The Planning Inspector agreed that the scale and layout of proposal would cause harm to the character and appearance of the area and it would result in unacceptable harm in residential amenity terms.
- MA/12/0766 - Demolition of 466, 468 & 470 Loose Rd & 10 dwellings – Refused

### MAIN REPORT

#### 1. Site description

- 1.01 For the purposes of the Maidstone Local Plan the application site is within the defined urban area of Maidstone, some 50m to the north of the junction with Anglesey Avenue. The proposal site incorporates land associated with 466

Loose Road and includes land behind 464, 468 and 470 Loose Road. 466 Loose Road is a relatively large two storey (detached) dwelling that is set back approximately 25m from Loose Road with off-street parking provision and vehicle access onto Loose Road.

- 1.02 Skye Close is found to the west of the site and Melrose Close to the north. The surrounding properties that will share a boundary with the application site are two storey, except for the bungalows fronting onto Anglesey Avenue; and the closest properties in Melrose Close do have additional living accommodation in the roof space.
- 1.03 The Purple Beech tree to the front of the site is protected under Tree Preservation Order no.11 of 2007.

## **2. Proposal**

- 2.01 This proposal is an outline application for the demolition of 466 Loose Road and for the erection of 6 dwellings, with access to be considered at this stage. Matters of appearance, landscaping, layout and scale are reserved.
- 2.02 The indicative layout shows a detached 2-storey house along the Loose Road frontage and then a cul-de-sac type layout behind, with 3 detached bungalows and a pair of semi-detached bungalows surrounding an access road. This new access road from Loose Road would be to the south of the new 2-storey house; and the existing access would be retained to serve this frontage property. The submission states that the 5 bungalows will be for persons over 55yrs of age.
- 2.03 For clarification, the development refused under planning reference 16/508051 was a full planning application for the demolition of 466 Loose Road and for the erection of 6 detached 2-storey houses.

## **3. Policy and other considerations**

Maidstone Local Plan (2017): SS1, SP1, SP19, DM1, DM6, DM11, DM12, DM23  
National Planning Policy Framework (2018)  
National Planning Practice Guidance  
Adopted North Loose Neighbourhood Plan (2016)  
Loose Road Character Assessment (2008)

## **4. Local representations**

- 4.01 7 representations received from residents raising following (summarised) issues:
- *Proposal is contrary to North Loose Neighbourhood Development Plan;*
  - *Would harm character and appearance of area/over development of site;*
  - *Traffic congestion/highway safety/access/parking provision;*
  - *Inappropriate development of residential garden;*
  - *Flood risk/drainage;*
  - *Residential amenity, including loss of privacy/outlook, being overbearing;*
  - *Pressure on local community infrastructure;*
  - *Air pollution;*

- Ecology;
- Plans are limited and misleading;
- Development would impact on permitted development rights of properties;
- Unsustainable location.

**4.02 North Loose Residents Association:** Object for the following (summarised) reasons:

- Application should not be considered in outline form;
- Maidstone can demonstrate 5yr housing land supply;
- Previous planning history has seen similar development dismissed at appeal;
- Site was rejected under the 2014 SHLAA consultation;
- Contradicting information submitted;
- How can over 55's accommodation be secured;
- Considered inappropriate development of residential garden land;
- Contrary to policy HD1 of North Loose Neighbourhood Development Plan;
- Not sustainable development;
- Out of keeping with character, appearance and pattern of development in area;
- Overdevelopment of site;
- Proposal not sympathetic to local character: as referenced in Loose Rd Character Assessment – loss of 466 Loose Rd is unacceptable;
- Highway safety/new access;
- No consultation with the local community at any stage of this application;
- Drainage/flood risk;
- Impact upon ecology and protected tree to front of site;
- Proposed Landscaping for site lacks ambition.

## **5. Consultations**

**5.01 Councillor Mortimer:** Wishes to see application reported to Planning Committee if recommendation is for approval;

*"Neighbouring residents of the site have expressed concerns and in light of previous applications and appeal, concern about development at this site remains. There are a number of factors development here would cause significant harm to the amenity, privacy and enjoyment of neighbouring properties. Another road junction at this point raises highway safety concerns for pedestrians and vehicles. There have also been two serious accidents in the past year close to this site. There is no need for back garden development and the application is contrary to MBC and the North Loose NP policy. MBC can now demonstrate a healthy land supply for sites to meet its future growth need throughout the Borough."*

**5.02 KCC Highways:** Raise no objection.

**5.03 Landscape Officer:** Raises no objection.

**5.04 Environmental Protection Team:** Raised no objection under 16/508051.

## 6. Appraisal

### Main issues

- 6.01 Please note that planning application 16/508051 was considered under the emerging Local Plan policies and the 2012 National Planning Policy Framework (NPPF). The Local Plan has now been adopted and the NPPF was revised in 2018.
- 6.02 Local Plan policy and central Government guidance within the revised NPPF prioritises new housing in sustainable urban locations like the current application site; this is an alternative to residential development in more remote less connected locations.
- 6.03 Local Plan policy also states that any new development in the urban area should be on appropriate sites, where it would contribute positively to the locality's character and would respect the residential amenity of local residents. Of most relevance, Local Plan policy DM11 allows for the redevelopment of residential garden land in the defined urban area provided its density would not result in significant harm to the character and appearance of the area; it would not have an adverse impact upon the amenity of neighbours; it would not result in a highway safety objection; and there would be no significant increase in noise or disturbance from traffic gaining access to the development.
- 6.04 Of most relevance in The North Loose Neighbourhood Development Plan (2016), policy HD1 states that garden development will be considered only in exceptional cases where:
- *There is demonstrable local need and development has acceptable impact on visual and landscape amenity of area*
  - *Higher density would not result in harm to character & appearance of area;*
  - *There is no significant loss of privacy, light or outlook to neighbouring properties;*
  - *Access of an appropriate standard can be provided to a suitable highway; and*
  - *There would be no significant increase in noise or disturbance from traffic gaining access to the development*
- 6.05 The Loose Road Character Assessment SPD encourages residential development to be in keeping with the local vernacular and appropriate to the surrounding area.
- 6.06 Whilst matters of appearance, landscaping, layout and scale are reserved for future consideration in this outline submission, an indicative layout has been submitted and the general scale of the properties is known.
- 6.07 The main issues for consideration, in accordance with current policy and guidance, are the proposal's visual impact; the arboricultural implications; and its potential impact in terms of residential amenity and highway safety.

### Visual impact

- 6.08 Although the submitted plans are indicative, it is accepted that a new 2-storey dwelling (that effectively replaces 466 Loose Road), could be sited

fronting onto Loose Road without appearing cramped or visually incongruous. Indeed, large detached properties are a strong characteristic along this stretch of Loose Road and its illustrative position demonstrates that it would fit-in with the existing Loose Road building line.

- 6.09 With regards to the bungalows to the rear of the site, restricting these units to single storey would ensure that this part of the development would no longer appear highly visible through the new access on Loose Road, from Melrose Close, and from Anglesey Avenue. Furthermore, the indicative layout demonstrates that 5 bungalows could sit within their plots without appearing cramped and also provide a good amount of prominent space for soft landscaping. The new access, which is for consideration at this stage, is also judged to be acceptable in visual amenity terms, given the existing character of the area and the landscape buffer to the front of the site that will help to soften its appearance.
- 6.10 It should also be noted that cul-de-sac type development is not unusual in the surrounding area, with Melrose Close and Skye Close examples of such existing development in close proximity to the proposal site, and so the principle of backland development here would be difficult to resist.
- 6.11 It is therefore considered that this proposal, unlike the refused scheme for 6 houses proposed under planning application reference 16/508051, would no longer significantly erode the sense of space in the area; it would no longer dominate the skyline from public vantage points; and it would sit better alongside the surrounding developments, in particular the adjacent bungalows in Anglesey Avenue.
- 6.12 With this considered, it is accepted that the loss of 466 Loose Road and a new detached (2-storey) house to the front of the site, together with a new access and 5 bungalows to the rear could be achieved and be acceptable in terms of its appearance, layout and scale. As such, it is considered that the proposal now being assessed has overcome the previous local planning authority and Planning Inspectorate objections, and would be in accordance with the provisions of the Development Plan which seeks new development to respond positively to the local character of the area.
- 6.13 Landscaping is a reserved matter for subsequent approval. The proposal plans show the retention of the protected Purple Beech tree to the front of the site; boundary hedge planting; front garden planting; and tree planting within the site. Based on the indicative layout, appropriate landscaping can be provided at reserved matters stage.

*Arboricultural implications*

- 6.14 The Purple Beech tree to the south-eastern (front) corner of the site is protected under TPO No.11 of 2007. This outline application is accompanied by an Arboricultural Report (including a Tree survey, Tree Location Plan, and Tree Protection Plan).
- 6.15 As access is for consideration at this stage, further details were requested and submitted to demonstrate that finished levels could be achieved within the root protection of the protected Beech tree without causing it harm. Indeed, the applicant has stated that 150mm Cellweb construction would be

suitable to take the load of construction vehicles and traffic, and that the access can be constructed without any excavation below existing sub base level.

- 6.16 The Landscape Officer finds this and the submitted Arboricultural Report to be acceptable in principle, and no objection is raised to this proposal on arboricultural grounds.

Residential amenity

- 6.17 Whilst scale, appearance, layout and landscaping are reserved matters, the 5 properties to the rear are proposed as bungalows. Being single storey in height, and with the indicative set back shown from the site boundaries and use of appropriate boundary treatments, it is considered that the proposal would not have an adverse impact upon the living conditions of surrounding neighbours.
- 6.18 Indeed, even when considering the change in land levels, the illustrative details demonstrate that 5 single storey properties can occupy the rear of the proposal site without appearing overbearing or oppressive to, or result in an unacceptable loss of privacy and overlooking to adjacent occupiers. These occupiers including 7 Skye Close, 1a and 1b Anglesey Avenue, and the future occupants of plot 1 of the proposal.
- 6.19 To further safeguard the amenity of surrounding occupants, an appropriate condition will be imposed to ensure that the 5 rearmost properties shall have living accommodation solely on the ground floor, and shall have an eaves height of no more than 2.5m from ground level, and shall have no openings in the roof space. It is also considered reasonable, given the change in land levels, to ensure that no new building is sited within 5m of the western boundary of the proposal site, to further protect the amenity of the occupants of 7 Skye Close.
- 6.20 There continues to be no objection raised on residential amenity grounds in terms of the proposal's potential impact upon any other neighbouring property, or in terms of the impact of the new access. Future occupants of the development would benefit from acceptable living conditions; and it is not accepted that the proposal would result in unacceptable noise and disturbance to any neighbouring property.
- 6.21 It is therefore considered that the proposal has overcome the previous local planning authority and Planning Inspectorate objections, and would be in accordance with the provisions of the Development Plan. The Development Plan seeking new development to not have an adverse impact upon the amenity of occupants of neighbouring properties.

Highway safety implications

- 6.22 Access is for consideration at this current outline application stage, and the submitted details show the proposed access to be sited along the southern boundary of the site. The existing access for 466 Loose Road is currently located along its northern boundary. As part of the application, plans showing proposed visibility splays and vehicle swept path analysis for refuse, pantechinon, and fire tender vehicles, have also been submitted.

- 6.23 Whilst appearance, landscaping, layout and scale are reserved matters, the Highways Authority has reviewed the application and is satisfied that such vehicles will be able to turn within the site and egress onto the public highway in a forward manner. Furthermore, the submitted details propose visibility sight lines of 2.4m by 43m from the proposed access road onto Loose Road. This is in accordance with the guidance in both Manual for Streets and Kent Design Guide Review; and the Highways Authority accepts that a level of visibility that accords with the required standards can be achieved at the site access (when measured from a setback distance of 2.4m).
- 6.24 The Highways Authority has also raised no objection in terms of pedestrian visibility splays at the site access. Whilst a heavy-duty vehicle crossover is recommended, no objection has again been raised on highway safety grounds in terms of bell mouth arrangement currently shown for the access. Whilst layout and scale are reserved matters, it is also considered that acceptable levels of parking provision would be achievable.
- 6.25 In terms of traffic impacts, the Highways Authority confirms that the proposal does not exceed the threshold for either a Transport Statement or a Transport Assessment. The traffic assessment and the current and likely future conditions on the local highway network have been considered, and this shows that the situation is likely to be worsened. Indeed, the residual impact of this development is likely to be characterised by additional local traffic generation and some consequent increase in congestion that cannot be fully mitigated against. However, the Highways Authority is not able to conclude that it will result in conditions that could be described as a *severe* impact on congestion or safety. The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are *severe*, and this can only be judged on a case by case basis, taking account of all material factors.
- 6.19 In conclusion, the Highways Authority has considered the proposal and its effect on the highway network, and has raised no objection. The suggested conditions relating to the construction phase of the development are not considered to meet the 6 tests for imposing planning conditions; and because layout and appearance are reserved matters, conditions cannot be imposed at this stage for the permanent retention of parking/turning areas.

Other considerations

- 6.20 The application states that the 5 bungalows to the rear will be for the occupation of persons over 55yrs of age. The supporting text for Local Plan policy SP19 acknowledges that older persons can have specific housing needs, with the policy itself signalling that the Council will work with partners to support the provision of specialist and supported housing for the elderly. Local Plan policy DM1 also considers high quality design to include proposals being flexible towards future adaptation in response to changing life needs. It can therefore be said that there is a generalised need for housing suitable for the elderly, and that this general need will be achieved through adopted policies SP19 and DM1, in conjunction with buyer demand. However, the Local Plan does not give precise details about the scale of the demand for homes suitable for the elderly; and there is no definite

numerical target the Local Plan is committed to reach. With this considered, and given the fact that the proposal is considered to be acceptable in any case, it is not considered reasonable or necessary in this instance to impose a condition that restricts the occupancy of the bungalows in this way.

- 6.21 The Environmental Protection Team previously raised no objection in terms of noise, land contamination and air quality; and an appropriate condition will be imposed requesting details of foul and surface water disposal. The site is within Flood Zone 1 and no objection is raised in terms of flood risk. In the interests of sustainability and air quality, conditions will also be imposed for the provision of operational electric vehicle charging points for low-emission plug-in vehicles.
- 6.22 After reviewing the submitted Preliminary Ecological Report, it is considered unnecessary to seek further ecological information prior to the determination of this application. Notwithstanding this, Local Plan policy and the revised NPPF seeks opportunities to incorporate biodiversity in new development, and ecological enhancements can be incorporated into the scheme at the reserved matters stage, once the appearance, landscaping, layout and scale of the development has been decided.
- 6.23 The issues raised by Councillor Mortimer, the NLRA and local residents have been considered in the assessment of this application. However, it should be noted that a development of this scale is not required to provide affordable housing or any open space contributions; and as previously accepted, no objection is raised in terms of the demolition of 466 Loose Road, which is not considered to be a heritage asset. Furthermore, it is not a justifiable reason to refuse this application on the grounds that the applicant did not consult with local residents before submitting it, or that it may impact upon future development opportunities for neighbouring properties; and even if the site was rejected during the 2014 SHLAA consultation process, every application must be considered on its own merits under current policy/guidance. The submitted information is also considered sufficient to assess the potential impacts of the proposal; and there is no planning reason to suggest that this proposal cannot be considered in outline form.
- 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.

## **7. Conclusion**

- 7.01 Whilst the local planning authority is satisfied that a 5-year housing land supply can be currently demonstrated, this does not mean that appropriate windfall sites that come forward should be rejected. The site is located in the urban area which is at the top of the sustainability hierarchy and subject to other policy considerations is the preferred location for new housing.

7.02 This proposal would not have an adverse impact upon the character and appearance of the surrounding area; the living conditions of local residents would not be unacceptably impacted upon; and there is no highway safety or arboricultural objection raised. The proposal is therefore acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. A recommendation of approval is made on this basis.

## **8. Recommendation**

8.01 GRANT planning permission subject to the following conditions:

1. The development hereby approved shall not commence until approval of the following reserved matters has been obtained in writing from the local planning authority:

- a. Appearance
- b. landscaping
- c. layout
- d. scale

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later;

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. The reserved matters submitted pursuant to condition 1 shall show the 5 rearmost properties having living accommodation solely on the ground floor, an eaves height of no more than 2.5m from ground level, and no openings in the roof space;

Reason: To safeguard the amenity of neighbouring properties and to ensure a satisfactory appearance to the development.

3. The reserved matters submitted pursuant to condition 1 shall have no building within 5m of the western boundary of the proposal site;

Reason: To safeguard the amenity of neighbouring properties.

4. Prior to the commencement of the development hereby approved an Arboricultural Method Statement (AMS), in accordance with BS5837:2012 and submitted drawing references: TR18-2837\_RUR\_CEL V1 (Cross sections of Cellweb construction during and after construction) received 28/11/18, shall be submitted to and approved in writing by the local planning authority. The AMS shall include details of the phasing of the access road construction and sectional drawings of its construction, and the development shall be built in accordance with the approved AMS;

Reason: To ensure long term retention of the Purple Beech tree that is protected under Tree Preservation Order No.11 of 2007.

5. Prior to the occupation of the development hereby approved, details of pedestrian visibility splays shall be submitted to and approved in writing by the local planning authority. The visibility splays shall be maintained in accordance with the approved details and in place prior to the occupation of the development and maintained as such thereafter;

Reason: In the interests of highway safety.

6. Prior to the occupation of the buildings hereby permitted, a minimum of one operational electric vehicle charging point per dwelling for low-emission plug-in vehicles shall be installed and shall thereafter be retained and maintained for that purpose;

Reason: To promote reduction of CO<sup>2</sup> emissions through use of low emissions vehicles.

7. The development hereby approved shall be carried out in accordance with the tree protection details, as set out in the submitted GRS Arb Consultant Report (ref: GRS/TS/TCP/AIA/TPP/19/18);

Reason: To safeguard the Purple Beech tree to the front of the site that is protected under Tree Preservation Order no.11 of 2007.

8. The access hereby approved shall be carried out in accordance with the Cellweb Technical Recommendation report and drawing references: TR18-2837\_RUR\_CEL V1 (during and after construction) received 28/11/18;

Reason: To safeguard the Purple Beech tree to the front of the site that is protected under Tree Preservation Order no.11 of 2007.

9. The access road onto Loose Road hereby approved and the visibility splays shall be carried out as shown on drawing reference: 11509-T-05 Rev P1 (received 15/11/18) prior to the occupation of the development hereby approved. The visibility splays shall be maintained in accordance with the approved drawing and kept free of obstruction over 0.6m above carriageway level within the splays prior to the occupation of the development and maintained as such thereafter;

Reason: In the interests of highway safety.

10. With regards to the access only, the development hereby permitted shall be carried out in accordance with the following approved details:

Site location plan (1:1250) and drawing reference 12/456/14A received 03/09/18; drawing reference: 11509-T-05 Rev P1, received 15/11/18; and Cellweb Technical Recommendation report and drawing references: TR18-2837\_RUR\_CEL V1 (during and after construction) received 28/11/18;

Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by existing and prospective occupiers, to safeguard the Purple Beech tree to the front of the site that is protected

## INFORMATIVES

1. To ensure a satisfactory appearance to the development, the details of the landscaping scheme should use indigenous species and include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with a programme for the approved scheme's implementation and long term management. The landscape scheme should be designed using the principle's established in the Council's adopted Landscape Character Assessment 2012 and it is advised to include the retention and reinforcement of outer boundaries of site with native planting; and provide native tree planting (of Select Standard size) within the site.
2. To ensure a satisfactory appearance to the development and in the interests of residential amenity, the applicant is advised that when the reserved matters are submitted to the local planning authority for consideration, the following information is submitted as part of any application:
  - Details of materials to be used in external surfaces of buildings and hardsurfacing
  - Details of all fencing, walling and other boundary treatments
  - Details of proposed slab levels of buildings and existing site levels
3. In the interests of biodiversity enhancement, the applicant is advised to incorporate the ecological enhancements that are recommended in the submitted KB Ecology Preliminary Ecological Appraisal into the detailed scheme.
4. 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>
5. Works to remove any trees/shrubs that have the potential to be used by breeding birds should be undertaken outside of the bird breeding season. The breeding bird season extends from March–August inclusive. It should be noted however that certain species are known to breed throughout the year (e.g. collard dove) and remain protected. If trees/shrubs cannot be removed outside of the bird breeding season, an inspection by a qualified ecologist should be completed a maximum of 48hrs before works commence. If during the inspection a nest considered to be in use is discovered, works must be delayed until the young have fledged.

Planning Committee Report

21<sup>st</sup> February 2018

6. 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: Kathryn Altieri