

## REPORT SUMMARY

<b>REFERENCE NO -</b> 17/505294/OUT			
<b>APPLICATION PROPOSAL -</b> Outline application for the demolition of existing stables, horse walker, cabins/container, shed and toilet with existing caravans removed to allow for construction of access road and erection of 3 detached single storey bungalows with garaging /car barn inclusive of ecological communal garden, with access, appearance, layout and scale to be considered at this stage and landscaping reserved for future consideration			
<b>ADDRESS -</b> Southfield Stables South Lane Sutton Valence Maidstone Kent ME17 3AZ			
<b>RECOMMENDATION -</b> GRANT PLANNING PERMISSION subject to conditions			
<b>SUMMARY OF REASONS FOR RECOMMENDATION –</b>  The current proposal overcomes the previous reasons for refusal and the reasons as to why the previous appeal was dismissed. It complies with the relevant policies of the development plan (Maidstone Borough Local Plan, 2017) and provisions set out in the National Planning Policy Framework and there are no overriding material considerations to indicate a refusal of planning permission.			
<b>REASON FOR REFERRAL TO COMMITTEE –</b> Sutton Valence Parish Council have requested that the application is reported to the Planning Committee if the Officer is minded to recommend approval			
<b>WARD</b> Sutton Valence And Langley	<b>PARISH/TOWN COUNCIL</b> Sutton Valence	<b>APPLICANT</b> Wealden Ltd <b>AGENT</b> Wealden Homes	
<b>DECISION DUE DATE</b> 15/12/17	<b>PUBLICITY EXPIRY DATE</b> 17/11/17	<b>OFFICER SITE VISIT DATE</b> 2/11/2017	
<b>RELEVANT PLANNING HISTORY</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
15/510509/OUT	Erection of 5 detached dwellings with garaging parking together with construction of access road.	REFUSED DISMISSED at APPEAL	19/09/2016
Development of this site for housing would erode the openness of the area currently separating Sutton Valence to the north and The Harbour to the south leading to increased coalescence between these two areas while also resulting in significant harm to the character of the countryside, landscape quality of the Greensand Ridge Special Landscape Area and setting of the Sutton Valence Conservation Area. The proposal is therefore contrary to policies ENV28 and ENV32 of the Maidstone Borough-Wide Local Plan 2000 and policies SP17 and DM34 of the Submission Version of the Maidstone Borough Local Plan (2016) and Heritage provisions of the NPPF.			
<b>HISTORY OF NEIGHBOURING SITES</b>			
14/504471/FULL	Erection of 4 linked detached two storey houses with garages, served by individual driveways off South Lane	REFUSED APPEAL DISMISSED	13/02/2015
14/501986/FULL	Erection of 12 dwellings with formation of access onto South Lane, Landscaping and Parking	REFUSED APPEAL DISMISSED	16/11/2014

## **MAIN REPORT**

### **1.0 DESCRIPTION OF SITE**

- 1.01 The application site is comprised of a series of stables with a ménage and other ancillary equestrian facilities located between the settlements of The Harbour and Sutton Valence (designated as a Rural Service Centre in the Local Plan). The site is located between the historic part of the settlement that contains the Sutton Valence Conservation Area approximately 110 metres to the north, and 'The Harbour' a predominately post war addition to the south. The site is lower on the slope of the hill in relation to village of Sutton Valence, including the Conservation Area, but is located on higher grounds in relation to the fields and roads to the east and west and The Harbour to the south. The site lies immediately adjacent to the residential property to the west which was used in connection with the running of the stables. The site is largely open and rural in character and sits to the west of South Lane and East of Headcorn Road. It is outside the defined settlement boundary as defined by the adopted local plan.
- 1.02 The existing stable blocks are located to the north and southern section of the build part of the complex. The northern group of stables abuts an exercise paddock to the north, with the southern stable block adjoining the existing dwelling to the west. Access to the site is gained from the southern part of the site from South Lane to the east. The site is slightly elevated in relation to the fields and roads to the east and west and The Harbour to the south, however, being surrounded by native hedges helps to screen it from the surrounding streets.
- 1.03 The site's former Special Landscape designation was not carried forward to the newly adopted Maidstone Borough Local Plan. The site is also outside the designated Greensand Ridge Area of Local Landscape Value.

### **2.0 PROPOSAL**

- 2.01 Outline planning permission is sought for the redevelopment of the southern part of the site occupied by the existing stables and other ancillary equestrian facilities for 3 detached single storey bungalows with garaging together with construction of access road. The proposal includes the creation of an ecological communal garden to the northern part of the site, with matters relating to landscaping reserved for future consideration.
- 2.02 The current application is significantly different from the previous application under reference number 15/510509/OUT which was refused and dismissed at appeal (See Appendix A). This previous scheme involved erection of five large detached dwellings with room in the roof, together with the formation of access roads. The current scheme which is of smaller scale in comparison was the subject of pre-application discussions which recommended a number of key amendments to the submitted scheme. The proposal was amended further to address concerns relating to the urban appearance of the two bungalows to the northern part of the site.
- 2.03. The application is accompanied by plans showing three traditionally designed low profile detached bungalows sited largely over the footprint of the existing buildings at the site. The bungalows would have a width of 8.5 metres and depths of approximately 10 metres. The proposed buildings would have a height just above 5.5 metres from the ground level to the highest part of the hipped roof, with eaves at 2.3 metres. The dwellings would have half hipped roof ends with traditional clay roof tiles. The element

involving the attached garaging would have a depth of 7 metres and width of 3 metres. The plans also show conservatories 4 metres in width and just above 4 metres in depth for each dwelling.

- 2.04. Although not for consideration at the stage, the submitted plans indicate a comprehensive landscaping scheme for the site to include an ecological communal garden which stretches from the edge of the rear gardens of the dwellings to the north to the northern boundary abutting Headcorn Road.

### **3.0 POLICY AND OTHER CONSIDERATIONS**

- 3.01 The National Planning Policy Framework (NPPF): Paragraph 49, 50, 53, 55, 56, 57 and 61 of the NPPF  
Development Plan: SP17, SP23, DM1, DM3, DM4, DM5, DM8, DM12, DM23 and DM30 of the adopted Maidstone Borough Local Plan

### **4.0 LOCAL REPRESENTATIONS**

- 4.01 **Local Residents:** 3 representations received from local residents raising the following (summarised) issues:

- Harm to conservation area
- Adverse impact on Greensand Ridge
- Overshadowing
- Overlooking and loss of privacy
- Parking and Highway Safety

### **5.0 CONSULTATIONS**

- 5.01 **KCC Highways and Transport:** No objection subject to condition on provision of sufficient on site parking and turning facilities.
- 5.02 **Sutton Valence Parish Council:** Recommends that the application is refused on grounds that the development would erode the openness of the area currently separating the two settlements. The Parish Council have requested that the application is reported to the Planning Committee if the officer is minded to recommend approval
- 5.03 **Southern Water:** No objection subject to informative requesting the applicant to submit a formal application for a new connection to the public foul sewer.
- 5.04 **Landscape Officer:** No objection to the indicative landscaping scheme on aboricultural grounds.

### **6.0 APPRAISAL**

#### **Main Issues**

- 6.01 The main issues for consideration in this submission seeking outline permission for redevelopment of this brownfield land are:

- Principle of Development
- Visual Impact
- Residential Amenity
- Access and Parking
- Heritage
- Landscaping (not for consideration at this stage)

### **Principle of Development**

- 6.02 The proposal is a full application in all but name with landscaping reserved for future consideration. The adopted Maidstone Local Plan (2017) identifies the site as falling in the open countryside outside the settlement boundary. The site is therefore subject to policy SP17 of the adopted Maidstone Borough Local Plan (10/2017) which states that 'development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area'. In this regard, the Local Planning Authority is satisfied that it is able to demonstrate a 5 year housing land supply and as such policy SP17 of the adopted Local Plan should be afforded full weight.
- 6.03 The National Planning Policy Framework (NPPF) states (para. 49) that housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF states (para. 55) that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
- 6.04 Previous decisions and appeals have established that the site the subject of this application is previously developed land (brownfield site) and therefore policy DM5 of the adopted Maidstone Borough Local Plan is relevant. This policy DM5 allows for the residential development on brownfield land in exceptional circumstances, where the outlined criterion is fully satisfied, and no harm is identified to the outlook or amenity of residents overlooking or abutting the site.
- 6.05 In respect of the first criterion, it is recognised that whilst the proposal site is located within an area of open countryside, it is not considered to be of high environmental value in view of the existing stable buildings and other ancillary equestrian facilities at the site. Considering that the proposed development and associated soft landscaping and ecological communal garden would lead to significant environmental improvements, at the site and retention of the gap between the two settlements, it remains to be assessed whether the scale, design and the location of the site makes it otherwise undesirable for a residential development.
- 6.06 The dwellings now proposed are low profile bungalows and as such they would not appear obtrusive or visually harmful within the context of the site and its vicinity or detract from the historical significance of the Sutton Valence Conservation Area to the north. The current proposal was the subject of pre-application discussions which recommended a number of amendments to the previously refused scheme under application reference number 15/510509/OUT.
- 6.07 The scale and low impact of the redesigned dwellings comply with the requirements set of policy out in DM12 of the adopted local plan. Moreover, the existing screening and indicative landscape scheme accompanying this submission would ensure that the development is well screened and integrated in its surroundings. As such, the

development would not appear unduly prominent or visually intrusive within its surroundings.

- 6.08 In terms of the visual quality of the landscape, the existing stable buildings, ménage and other ancillary equestrian facilities detract from the visual amenity of this rural location and its wider setting. Consequently, the proposed development and associated landscaping which includes the creation of an ecological communal garden would help secure significant environmental enhancements at the site, thereby contributing to the scenic beauty of the immediate vicinity and the wider countryside.
- 6.09 Furthermore, the proposal site is located within reasonable distance of the designated Rural Service Centre of Sutton Valence and is within walking distance of Headcorn Road which is well served by public transport. Sutton Valence as a rural service centre is second in the sustainable settlement hierarchy as set out in the adopted local plan. It has a number of facilities including a school, shop, post office, public house and doctor's surgery.
- 6.10 The residential dwellings would be located within 140 metres of the allocated housing site H1 (64) which lies immediately to the south east of the proposal site and the approved development at South Belrigham to the north. Given that the sustainability of these neighbouring sites have been accepted with the grant of planning permission, it is difficult to raise overriding planning objections to this application on these grounds. Therefore, the site is considered to be sustainably located and would support the objectives of the NPPF in this respect. The proposal complies with requirements of Policy DM5 of the development plan and provisions of the NPPF and is considered to acceptable as a consequence.

### **Visual Impact**

- 6.11 The application has been submitted in outline form with all matters for determination at this stage except landscaping. In line with adopted local plan policies, it needs to be determined whether the site is capable of accommodating the development currently proposed without a significant adverse impact on the wider landscape. In this regard, the acceptability of the scheme would largely depend on the visual impact on its countryside setting and its location in relation to the two settlements of 'The Harbour' and Sutton Valence.
- 6.12 The layout and design of the development generally reflects the enclosed and inward looking layout of the existing complex of buildings. The proposed bungalows are of a traditional design and would continue the relatively low density approach of the existing residential development to the south of the site. Whilst the layout would be informal, the development would not appear visually harmful when viewed in the context of the site and its vicinity. Moreover, the proposed development would be slightly lower in height when compared with the approved residential development at South Beringham.
- 6.13 With the existing buildings on the site the proposed development would not increase the visual impact of the site within the wider landscape. The screening provided by existing hedging would be complemented by native tree planting and the ecological communal garden. The footprint of the proposed buildings would not be cumulatively larger when compared with the footprint of the existing buildings at the site. The proposed bungalows would have low eaves height and would not be substantially greater in height. Therefore, the development would not materially compromise the

function of the undeveloped gap between The Harbour and Sutton Valence or cause harm to the Sutton Valence Conservation Area to the north of the site.

- 6.14 In terms of the potential for views of the proposed development from publicly accessible areas, the closest publicly accessible area to the application site is South Lane and Headcorn Road. The submitted landscape assessment indicates that views of the proposed development would be limited to long range glimpses from within the High Street, which is on elevated ground in relation to the application site. The landscape appraisal suggests that the limited glimpses from the High Street would be completely obscured after 5 – 10 years. The development would not obscure views of the surrounding countryside or detract from the ability to experience the Sutton Valence Conservation Area to the north of the site.
- 6.15 Proposed surfacing materials include traditional clay roof tiles and weatherboarding which would ensure that the development assimilates well within the local area. The development is a relatively small scheme on previously developed land and would be largely contained by the existing native hedge screening. In terms of visual impact, the proposed development clearly overcomes the previous reason for refusal and the reasons why the previous appeal was dismissed. It is considered acceptable on visual impact.

### **Residential Amenity**

- 6.16 In line with adopted Local Plan policies, the proposed development needs to be assessed on the basis it can secure an acceptable level of amenity for future occupants. The development would provide acceptable internal floor space compliant with national space standards for future occupants of the proposed 2 bedroom dwellings.
- 6.17 The proposed outdoor amenity area for all three dwellings are of generous proportions and would provide acceptable amenity space for future occupants of the dwellings.
- 6.18 The separating distances between the proposed dwellings and the existing dwelling to the west of the site would be approximately 23 metres. Considering the separating distances, orientation, positioning and angles of fenestration detailing, there would be no adverse impact on the amenities of the future occupants of the buildings or the neighbouring residential dwelling in terms of outlook, privacy, light or general disturbance. No other residential property in the vicinity of the site would be harmed by this proposal.

### **Parking and Highways Safety**

- 6.19 The proposed new dwellings would have adequate off street parking provision in compliance with requirements set out in policy DM23 of the adopted MBLP. It is proposed to use the existing access from South Lane which is to the east of the site. This access has good sightlines in both directions and given the nominal additional traffic likely to be generated by the proposed new dwellings, the impact on highway safety and the free flow of traffic is likely to be minimal. It is noted that KCC Highways and Transport does not raise any overriding objection to this proposal.

### **Heritage**

- 6.20 Considering that the current scheme is materially different from the previously refused applications in terms of scale, design and layout it is considered to overcome the previous reasons for refusal and the reason as to why the appeal was dismissed.
- 6.21 The landscaped and setting of the Sutton Valence Conservation Area is integral to its significance and special interest. The proposed development is of a low key design that would not be directly visible in views towards and out of the Sutton Valence Conservation Area.
- 6.22 The introduction of a new development at this location would not cause harm to the landscape or undermine its significance as a historic asset within the local area. Moreover, the development would not interrupt the rural setting of the Sutton Valence Conservation Area and ability to experience it from any location in the vicinity of the site. The Council's Conservation Officer does not raise any overriding planning objection to this proposal on heritage grounds.

### **Landscaping (not for consideration at this stage)**

- 6.23 There are no protected trees on or immediately adjacent to this site. The tree inspection report produced by Broad Oak Tree Consultants Limited appears to be acceptable in principle. Given that most of the individual trees are low grade there are no grounds to raise an arboricultural objection.
- 6.24 There appear to be no valid reason for the proposed removal of boundary hedgerow/trees to the north of the access road, which are capable of regeneration if managed appropriately. The tree inspection report states that majority of the trees present are less than 40 years of age with many having developed out from unmanaged hedgerows. Therefore, many of the hedgerows present could be brought back into active management by topping or layering.'
- 6.25 The MBC Landscape Officer has advised that the soft landscape proposals lack detail and appear to be predominantly ornamental. As the report does not clarify which hedgerows are to be retained, it is necessary that a condition is attached to the grant of permission requiring that any hedgerow proposed to be removed is replaced with appropriate native species to mitigate their loss. It is recommended that a Landscape condition requiring implementation details, maintenance and a long term management plan for the ecological communal garden is appended to the grant of planning permission to secure future management of the garden. The arboricultural issues raised by the Landscape Officer can be satisfactorily addressed at the reserved matters stage.

### **Other Matters**

- 6.26 The proposal represents an acceptable windfall development which for the reasons set out above, will not result in any significant material harm to the locality of the site. There would be no significant adverse impact on local services.
- 6.27 The issues raised by Sutton Valence Parish Council and the local residents have been addressed in the main body of this report.

## **7.0 CONCLUSION**

- 7.01 The current proposal overcomes the previous reasons for refusal and the reasons as to why the previous appeal was dismissed. Notwithstanding the fact the application site lies on land identified as open countryside, it is considered that given the scale and location of the proposal on previously developed land, there would be no harm to countryside interests.
- 7.02 The proposal is considered acceptable in design terms and there is no material harm to the character, appearance or layout of the vicinity of the site generally. The proposal does not result in any material harm to the Sutton Valence Conservation Area to the north of the site. It would not be detrimental to the outlook or amenity of neighbouring occupiers or raise any significant highways safety concerns. It accords with all the relevant policies of the development plan and the NPPF and will make a valuable windfall contribution towards the provision of housing units within the Borough. It is considered acceptable and approval is recommended.

## **8.0 RECOMMENDATION**

8.01 GRANT planning permission subject to the following conditions:

1. The development shall not commence until approval of the reserved matter of 'landscaping' has been obtained in writing from the Local Planning Authority. An 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.  
Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.
2. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;  
Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.
3. Notwithstanding the information on the approved plans, no development above damp proof course level shall take place until written details of samples of materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The details of the material shall include sparrow boxes/bricks incorporated into the development.  
Reasons: In the interest of amenity and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings.
4. Prior to any part of the development hereby approved reaching damp proof course details of a decentralised and renewable or low-carbon sources of energy and how they will be incorporated into the development shall be submitted for prior approval in writing by the Local Planning Authority. The approved details will be in place before first occupation of any part the development hereby approved and maintained as such at all times thereafter.  
Reason: To secure an energy efficient and sustainable form of development to accord with the provision of the NPPF.
5. No development shall take place above damp proof course level until there has been submitted to and approved in writing by the Local Planning Authority details of the

locations, heights, designs materials and types of all boundary treatments to be erected on site. The boundary treatments shall be completed in strict accordance with the approved details before the development hereby approved is occupied.

Reason: in the interest of the visual amenity, privacy and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings.

6. No external lighting shall be installed on the site without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity

7. Prior to occupation of the proposed new dwelling a minimum of one accessible electric vehicle charging point per dwelling shall be installed and ready for use and in accordance with details that have previously been submitted to and approved in writing by the local planning authority that includes a programme for installation, maintenance and management with the points retained thereafter and maintained in accordance with the approved details.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with paragraph 35 of the NPPF.

8. Prior to the commencement of the development hereby approved details of the foul and surface water drainage and an assessment of the hydro-geological context of the development, incorporating sustainable drainage principles and an assessment of the hydro-geological context of the development and the site, shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented in strict accordance with the approved plans prior to first occupation of the development hereby permitted.

Reason: To ensure that the principles of sustainable drainage are incorporated into this development and to ensure ongoing efficacy of the drainage provisions.

9. No development shall commence above damp proof course level until details of hard landscape works which shall include the use of permeable material upon the access and turning areas, 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 first occupation of the building or land;

Reason: To ensure satisfactory appearance to the development and in the interest of sustainable water drainage.

10. A landscape and ecological management plan, including long term design objectives, management responsibilities, access arrangements and maintenance schedules for the ecological communal garden, shall be submitted to and approved in writing by the local planning authority prior to first occupation of any dwelling on the site. Landscape and ecological management shall be carried out in accordance with the approved plan unless the local planning authority gives written consent to any variation.

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

11. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

12. Any existing trees or hedges retained on site which, within a period of five years from the first occupation of a property, commencement of use or adoption of land, die or become, in the opinion of the local planning authority, so seriously damaged or diseased that their long term amenity value has been adversely affected, shall be replaced in the same location during the next planting season (October to February), with plants of an appropriate species and size to mitigate the impact of the loss as agreed in writing by the local planning authority.

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

13. The use or occupation of the individual dwellings hereby permitted shall not commence until all planting, seeding and turfing specified in the approved landscape details has been completed. It shall incorporate native understorey planting beneath native trees and include drifts of meadow grass and native bulbs. 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 unless the local planning authority gives written consent to any variation.

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

14. The development hereby permitted shall be carried out in accordance with the following approved plans/drawing nos recived on 23 Jan 2018.

Drawing Number PL-SV-006 Rev A - Proposed Site Access Plan

Drawing Number PL-SV-010 Rev A - Plots 1&2 Proposed Plans

Drawing Number PL-SV-004 Rev A - Proposed Soft Landscaping

Drawing Number PL-SV-014 Rev A - Plot Layout Overlay

Drawing Number PL-SV-003 Rev A - Proposed Hard Landscaping

Drawing Number PL-SV-011 Rev B - Plots 1 & 2 Proposed Elevations

Drawing Number PL-SV-002 Rev A - Proposed Site Plan

Reasons: To ensure a satisfactory appearance to the development and to prevent harm to the character and appearance of the surrounding area.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Class(s) A,B,C, D and E to that order shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character, appearance and functioning of the surrounding area.

Case Officer: Francis Amekor

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.