

REPORT SUMMARY

REFERENCE NO - 18/500563/FULL		
APPLICATION PROPOSAL Construction of a pair of semi-detached cottages on northern section of plot including rooflights and associated parking. (Demolition of existing kennel buildings and garden wall)		
ADDRESS The Stables East Court The Street Detling Maidstone Kent ME14 3JX		
RECOMMENDATION – APPROVE		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal is similar to an extant planning permission (15/503966) for 2 dwellings; and it is not considered to adversely harm the character and appearance of the countryside and AONB hereabouts, or result in adverse harm to the amenity of any local resident, in accordance with the Maidstone Local Plan (2017) and the objectives of the NPPF.		
REASON FOR REFERRAL TO COMMITTEE - Detling Parish Council wish to see application refused and requested application is referred to committee for determination		
WARD Detling And Thurnham	PARISH COUNCIL Detling	APPLICANT Mrs Ellis AGENT Insight Architects
DECISION DUE DATE 04/04/18	PUBLICITY EXPIRY DATE 09/03/18	OFFICER SITE VISIT DATE 16/02/18
RELEVANT PLANNING HISTORY:		

- 17/504954 - 5 houses (inc. demolition of ‘The Stables’ and outbuildings) - Refused
This proposal covered a larger site area and was refused on 4 grounds:
 - loss of non-designated heritage asset known as ‘The Stables’
 - terrace of houses constituted over development of site
 - residential amenity impact of car park & terrace (general disturbance & overlooking)
- 15/503966 (Appendix A) - Pair of semi-detached houses - Approved
- MA/85/1614 - Erection of 15 unit cattery – Approved
- MA/85/0941 - Erection of 35 unit cattery - Refused
- MA/77/1145 - Reconstruction of stable to dwelling – Approved
- MA/76/1208 - Conversion of stable block to dwelling – Approved
- MA/75/1571 - 2 dwellings – Approved

MAIN REPORT

1.0 Site description

- 1.01 The application site is located on the northern edge of Detling village, on the southern side of The Street and with the A249 located to the north. The irregular shaped site does have a noticeable change in land levels, and the site is currently occupied by a collection of animal shelters in a general ‘L’ shape form around the northern corner of the site. There are a number of heritage assets within the vicinity of the application site, including the boundary wall at the front of ‘Tudor Gate’ which is grade II listed. The immediate surrounding area is predominantly residential.
- 1.02 For the purposes of the Maidstone Local Plan (2017), the proposal site is within the countryside that falls within the Kent Downs Area of Outstanding Natural Beauty (AONB); and the proposal site also partly falls within Detling Conservation Area (DCA). Part of the site (northern edge) is covered by woodland Tree Preservation Order no.10 of 1975; and an Area of Archaeological Potential is found to the south of where the proposed houses would be built.

2.0 Proposal

- 2.01 The proposal is for the construction of a pair of (4-bed) semi-detached houses that includes the demolition of the existing animal shelters and garden wall. The two houses would be formed of red stock bricks with hanging peg tiles and plan clay roof tiles. The development would utilise a stepped ridge level taking account of the gradient of the land and the proposed roofs would have a barn hip with a two storey gable section at the front.
- 2.02 The proposed houses are of the same design, scale and siting as approved under extant planning permission 15/503966. The main difference is that the 4 parking spaces to the front of the houses have now been placed to the south of 1-3 East Court Cottages, either side of the driveway that serves 'The Stables'.

3.0 Policy and other considerations

- Local Plan (2017): SS1, SP17, SP18, DM1, DM2, DM3, DM4, DM23, DM30
- National Planning Policy Framework (2012)
- National Planning Practice Guidance (2014)
- Detling Conservation Area Appraisal (2008)
- Detling Conservation Area Management Plan (2010)
- Air Quality Guidance SPD (2017)

4.0 Consultations

- 4.01 **Detling Parish Council:** Wishes to see application refused and reported to Planning Committee if case officer is minded to recommend approval:

- *Removal of Stables is clear dereliction of Council's principles and responsibilities to protect open and irregular nature of north end of The Street.*
- *PC concerned proposal does not comply with Conservation Area Management Plan.*
- *Development is out of scale, overbearing and out of character in terms of its design and appearance compared with existing development.*
- *Cause overlooking and loss of privacy to existing properties.*
- *Development would cause loss of existing views from neighbouring properties.*
- *Want clarification on land ownership issues*
- *Unacceptable parking provision - too far from houses & parked cars on-street would cause obstruction*
- *PC objects to demolition of historical front boundary wall*
- *PC supports local resident objections.*

- 4.02 **KCC Highways:** Raise no objection.

- 4.03 **Environmental Protection Team:** Raise no objection.

- 4.04 **Conservation Officer & Landscape Officer:** Raised no objection under 15/503966.

5.0 LOCAL REPRESENTATIONS

- 5.01 **Neighbour responses:** 6 representations received and concern is raised over;

- *Sewage disposal*
- *Visual impact/cramped development*
- *Residential amenity inc. position of refuse bins and parking spaces*
- *Land ownership/loss of front boundary wall (not in ownership of applicant)*
- *Traffic/highway safety/parking provision*
- *Impact upon trees*
- *Light pollution*
- *Loss of a view*
- *Heritage and AONB impacts*

6.0 APPRAISAL

Main Issues

- 6.01 The principal focus for residential development in the borough is the urban area, then rural service centres and then larger villages (sustainability hierarchy Local Plan policy SS1). In other locations, protection should be given to the rural character of the borough and development proposals in the countryside will not be permitted unless they accord with other policies in this Plan, they will not result in harm to the character and appearance of the area (Local Plan policy SP17), and they will respect the amenities of occupiers of neighbouring properties. Policies within the Local Plan also seek to ensure that new development affecting heritage assets (designated and non-designated) incorporates measures to conserve, and where possible enhance, the significance of the heritage asset and, where appropriate, its setting.
- 6.02 The existing extant permission (15/503966) for a pair of semi-detached houses here was considered by Planning Committee under the Maidstone Borough-Wide Local Plan 2000 on 10th September 2015. Whilst the proposal is now within the countryside and not within a defined village boundary as under the 2000 Local Plan, it is still a material planning consideration that there is an extant planning permission for a similar development on this site. This earlier extant permission is the fall-back position.
- 6.03 The details of this earlier planning application and the current proposal will now be considered.

Visual impact

- 6.04 As accepted under 15/503966, the design, scale, layout and palette of material proposed for the houses are considered to be in keeping with the character of the conservation area and in accordance with the Detling Conservation Area Appraisal/Management Plan. As previously found in the context of existing development, the 2 new houses would not have an adverse impact upon the character and setting of the AONB. Furthermore, no objection continues to be raised to the demolition of the stable block, or to the removal of the front boundary wall (which is not mentioned in the Detling Conservation Area Appraisal/Plan and where the Conservation Officer has raised no objection to its removal). The proposed parking area, set behind boundary walls, would also not cause unacceptable harm to the character and setting of the surrounding area and conservation area. It is also considered that the removal of the parking areas to the front of the houses represents a visual improvement.
- 6.05 It should also be noted that whilst the Detling Conservation Area Management Plan suggests an extension to the designated CA boundary (to include 'East Court', its grounds and outbuildings), since its adoption the grounds of 'East Court' have been developed and 3 new houses have been built.
- 6.06 Whilst the Council can now demonstrate a 5 year housing land supply and the new Local Plan has been adopted since the previous approval, significant weight must still be given to the extant planning permission, and as accepted under 15/503966 the scheme would not result in any adverse harm to the character and appearance of the countryside and AONB hereabouts. The proposal is therefore in accordance with policies SP17 and DM30 of the Local Plan.

Residential Amenity

- 6.07 As accepted under extant permission 15/503966, no objection is raised on residential amenity grounds for surrounding residents and future occupants of the 2 new houses, in terms of the scale, siting, design and layout of the 2 houses.
- 6.08 The potential impact of the location of the proposed parking area must also be considered. It should be noted at this point that under 17/504954 (refused application for 5 houses), the proposal showed a parking area in a similar location to that currently proposed. One of the earlier grounds for refusal here was that the close proximity of the car park to the rear gardens of 2 and 3 The Street and the associated general noise and disturbance, would result in a poor level of amenity for the occupiers of these houses when enjoying their garden areas and properties. However, this current application is for 4 parking spaces only (serving 2 houses), as opposed to 10 spaces (serving 5 houses), where 6 of these previously proposed spaces immediately abutted up to the neighbours gardens. The resultant comings and goings of 2 households from the 4 parking spaces is not considered to be as intrusive and harmful to the amenity of the occupiers of these houses and no objection is raised in this respect. The proposed parking area, given its location and context, would not have an adverse impact upon the amenity of any other neighbouring property.

Highway safety implications

- 6.09 The parking provision shown with this proposal (4 spaces) is in accordance with Local Plan policy and the Highways Authority has raised no objection to the proposal. As such, no objection continues to be raised in terms of highway safety.

Other Matters

- 6.10 As was the case under 15/503966, no objection is raised in terms of archaeology, biodiversity, landscape and arboricultural issues; and no objection is raised in terms of refuse storage/collection. As under 15/503966, a condition is recommended requesting details of a scheme of foul drainage.
- 6.11 The Environmental Protection Team have raised no objection in terms of land contamination and light pollution, but have requested conditions relating to noise and air quality, given the close proximity of the site to the A249. In accordance with the adopted Local Plan and the SPD on air quality, these conditions shall be duly imposed. However, a condition for hours of construction work is not considered to meet the tests of reasonableness for imposing planning conditions.
- 6.12 In accordance with Local Plan policy, 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, and for details of decentralised and renewable or low-carbon sources of energy.
- 6.13 The issues raised by Detling Parish Council and local residents have been fully considered in the determination of this application. However, it should also be noted that a loss of a view is not a material planning reason to refuse an application. Furthermore, in response to the land ownership issues raised, the applicant has demonstrated that the site-outline and the ownership certificate served is correct, that the front boundary wall is within the applicant's title ownership, and that the verge to the front of the site is adopted highway. There is no reason to pursue this matter further in planning terms, or delay the determination of this application for this reason.

7.0 CONCLUSION

- 7.01 The proposal is acceptable with regard to the relevant provisions of the Development Plan, the Detling Conservation Area Appraisal/Plan, the NPPF and all other material considerations such as are relevant. A recommendation of approval of this application is therefore made on this basis.

8.0 RECOMMENDATION

- 8.01 **GRANT** planning permission subject to following conditions:

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) Prior to commencement of works/development above damp-proof course (DPC) level, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces shall be 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 and interest of ecological enhancement.

- (3) Prior to commencement of works/development above damp-proof course (DPC) level on any individual property, details of all fencing, walling and other boundary treatments (incorporating gaps for the passage of wildlife) shall be 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 the first occupation of the building or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

- (4) Prior to commencement of works/development above damp-proof course (DPC) level, details of a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land and on adjoining sites, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management, shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment 2012. The landscaping of the site shall be carried out in accordance with the approved details over the period specified;

Reason: To ensure a satisfactory appearance to the development.

- (5) The approved landscaping associated with individual dwellings shall be in place at the end of the first planting and seeding season following completion of the relevant individual dwelling. Any other communal, shared or street landscaping shall be in place at the end of the first planting and seeding season following completion of the final unit. Any trees or plants, which, within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason: In the interest of visual amenity of the area.

- (6) The development hereby approved shall not commence above slab level until details for a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the extension by means such as swift bricks, bat tube or bricks. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

Reason: To protect and enhance the ecology and biodiversity on the site in the future.

- (7) Prior to the commencement of development, details of decentralised and renewable or low-carbon sources of energy to be used as part of the approved development shall have been submitted to and approved in writing by the Local Planning Authority including details of how they will be incorporated into the development. The approved measures shall be in place before first occupation of the development hereby approved and maintained as such at all times thereafter;

Reason: To secure an energy efficient and sustainable form of development. Details are required prior to commencement of development to ensure that the widest range of options are available (i.e. ground source heat pumps).

- (8) Notwithstanding the provisions of 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), no extension to any property or outbuilding shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by existing and prospective occupiers.

- (9) The development shall not commence until details of a scheme of foul drainage for the site have been submitted to and approved by the local planning authority. The development shall thereafter be carried out in accordance with the subsequently approved details;

Reason: To ensure adequate drainage arrangements. Details are required prior to commencement of development to ensure appropriate ground works are carried out.

- (10) Prior to the occupation of the buildings hereby permitted, a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in back gardens and other relevant amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter;

Reason: To ensure the quality of living conditions for future occupants.

- (11) Prior to the occupation of the buildings hereby permitted, a report shall be undertaken by a competent person in accordance with current guidelines and best practice, and submitted to the local planning authority for approval. The report shall contain and address the following:

1) An assessment of air quality on the application site and of any scheme necessary for the mitigation of poor air quality affecting the residential amenity of occupiers of this development.

2) An assessment of the effect that the development will have on the air quality of the surrounding area and any scheme necessary for the reduction of emissions giving rise to that poor air quality. The assessment should, where possible, quantify what measures or offsetting schemes are to be included in the development which will reduce the transport related air pollution of the development during construction and when in occupation.

Any scheme of mitigation set out in the subsequently approved report shall be implemented prior to the first occupation of the building and maintained thereafter;

Reason: To protect the health of future occupants.

- (12) 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 CO² emissions through use of low emissions vehicles.

- (13) The development hereby permitted shall be carried out in accordance with the following approved plans:

17-110 010 Rev P1 and 17-110 011 Rev P1

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

INFORMATIVES

- (1) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at:

<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>.

- (2) A formal application for the connection to the public sewerage system is required in order to service the development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW or www.southernwater.co.uk.

Case Officer: Kathryn Altieri

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