

PLANNING COMMITTEE – 7 MARCH 2024**DEFERRED ITEM**

Report of the Head of Planning

DEFERRED ITEMS

Reports shown in previous Minutes as being deferred from that Meeting

DEF ITEM 1 REFERENCE NO: 23/500878/REM		
PROPOSAL Approval of Reserved Matters for erection of 20 no. residential dwellings (Appearance, Landscape, Layout and Scale being sought).		
SITE LOCATION Land South of Dunlin Walk, Iwade, Kent ME9 8TG		
RECOMMENDATION Delegate to the Head of Planning to grant approval of reserved matters subject to appropriate safeguarding conditions as set out in the report, with further delegation to the Head of Planning / Head of Legal Services (as appropriate) to negotiate the precise wording of conditions, including adding or amending such conditions.		
APPLICATION TYPE Major - Approval of reserved matters		
REASON FOR REFERRAL TO COMMITTEE Deferred item from Planning Committee held on 11 th January 2024		
Case Officer Simon Greenwood		
WARD Bobbing, Iwade and Lower Halstow	PARISH/TOWN COUNCIL Iwade	APPLICANT Riverdale Developments AGENT John Brindley
DATE REGISTERED 22/02/2023	TARGET DATE 24/05/2023	
BACKGROUND PAPERS AND INFORMATION: All relevant background papers and information are available via the link below: - https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RZF44OTY0N800		

1. INTRODUCTION

1.1 This application was initially reported to Planning Committee on 11th January 2024, with a recommendation that the reserved matters be granted. The Planning Committee resolved to defer the application to secure revised details of tree screening (heavy standard) to the school grounds; lowering of the roof levels of the 2.5 storey houses and improvements to the design of the houses, in particular to provide more interesting elevational treatments. The design quality of the two affordable houses was identified as a particular opportunity for securing improvements.

1.2 The committee minutes set out the following resolution:

Resolved: That application 23/500878/REM be deferred to secure revised details of tree screening (heavy standard); lowering of the roof level and improved design in order to accord with Local Plan policy DM14.

1.3 The original Committee report is attached to this report as Appendix A.

2. REVISED PROPOSALS

2.1 The applicant has updated the reserved matters submission in response to the Planning Committee deferral as follows:

- Revised Detailed Planting Plan indicating 'semi-mature' tree planting;
- House type DW1 revised to feature half-hipped roof (reduced in height by 0.55m) and revised porch;
- House type DWAF1 amended to feature half-hipped roof (reduced in height by 0.59m), weather boarding and revised porch;
- House type DWAF2 amended to feature re-orientated roof (reduced in height by 0.59m), weather boarding and revised porch;
- House type DW2 amended to feature full hipped roof (reduced in height by 0.69m), revised door/porch and revised window arrangement;
- House type DW3 amended to feature revised half hipped roofs and crown roofs (reduced in height by 0.59m), revised porch, revised dormer windows and revised door/window arrangement;
- House type DW4 amended to feature re-orientated roof (reduced in height by 0.21m) and weatherboarding;
- House type DW5 amended to feature half-hipped roof (reduced in height by 0.55m) and weatherboarding.

3. APPRASIAL

3.1 The applicant has reviewed the design of all of the proposed house types and has submitted revised proposals which incorporate lower roof heights, the introduction of hipped, half hipped and re-orientated roofs, amended door, window and porch details and revised details of materials.

3.2 It is considered that the proposed revisions to the elevational treatment of the houses represent an improved standard of design and provide added interest to the street scene. Furthermore, the amendments to the roof designs and arrangements significantly reduce the bulk and massing of the development on the street scene and provide an improved appearance.

3.3 The applicant has submitted a revised landscaping plan indicating that the proposed tree planting for the boundary screening to the school grounds will now comprise 'semi-mature' trees with a girth of 18-25m and a height of 4.5-5.5m. The proposed trees are expected to reach a height of 6.75-7.75m after 5 years. The proposed tree planting

involves more mature specimens than the 'heavy standard' requested by the Planning Committee and the previously proposed tree planting. The applicant advises that it will be impractical for the developer to plant any larger specimens than those now proposed, whilst larger trees take longer to settle and grow again following planting. It is considered that these revised details will ensure that effective tree screening to the school grounds will be established sooner and will address concerns regarding overlooking of the school grounds.

4. ECOLOGICAL MITIGATION LAND

- 4.1 The discussion at the 11th January 2024 Planning Committee meeting involved a query regarding the parcels of land included within the application. The outline application had included a second site comprising an area of land identified for ecological mitigation to the rear of the Woolpack Public House, whereas this was not included within the reserved matters application. Officers confirmed that the ecological mitigation works on the second site would be secured under pre-commencement condition No. 15 which was attached to the outline consent. The applicant has provided further assurance that the ecological mitigation works can be secured through the submission as the land is in the ownership of the applicant.

5. CONCLUSION

- 5.1 It is considered that the proposed revisions satisfactorily address the design and landscaping concerns identified by Members at the 11th January 2024 Planning Committee. The details of reserved matters for 20 residential dwellings are considered to align with the development parameters established by the original outline planning consent. Furthermore, the reserved matters planning application is in accordance with national and local planning guidance in respect of matters associated with access, layout, scale, landscaping and appearance.
- 5.2 As such the proposals are considered acceptable and compliant with NPPF guidance and Local Plan policies. In view of the above it is recommended for that the reserved matters application be approved.

CONDITIONS/REASONS

1. The development hereby permitted shall not be carried out and maintained in accordance with the following approved plans and documents:

2263 / P / 10.01 Location Plan
2263 / P / 10.02 Rev. E - Site Layout
2263 / P / 10.03 Rev. E - Boundary Treatments Plan
2263 / P / 10.04 Rev. E - Secure by Design Principles
2263 / P / 10.05 Rev. E - Refuse Strategy
2263 / P / 10.06 Rev. E - Electric Charging Points Strategy
2263 / P / 10.07 Rev. E - Cycle Storage Strategy
2263 / P / 10.08 Rev. E - Materials Plan
2263 / P / 20.01 Rev. A - Type DW1 – Floor Plans
2263 / P / 20.02 Rev. A - Type DW1 – Elevations
2263 / P / 20.11 Rev. A - Type DW2 – Floor Plans
2263 / P / 20.12 Rev. A - Type DW2 – Elevations 1
2263 / P / 20.21 Rev. A - Type DW3 – Floor Plans

2263 / P / 20.22 Rev. A - Type DW3 – Elevations 1
2263 / P / 20.23 Rev. A - Type DW3 – Elevations 2
2263 / P / 20.31 Rev. A - Type DW4 – Floor Plans
2263 / P / 20.32 Rev. A Type DW4 – Elevations
2263 / P / 20.41 Rev. A Type DW5 – Floor Plans
2263 / P / 20.42 Rev. A Type DW5 – Elevations
2263 / P / 20.43 - Type DW5 – Elevations
2263 / P / 20.101 Rev. A - Type DWAF1 – Floor Plans
2263 / P / 20.102 Rev. A - Type DWAF1 – Elevations
2263 / P / 20.111 Rev. A - Type DWAF2 – Floor Plans
2263 / P / 20.112 Rev. A - Type DWAF2 – Elevations
2263 / P / 40.01 Rev. B - Street Scene
2263 / P / 40.02 - Street Scene Comparison
2263 / P / 50.01 Rev. A - Single Carport
2263 / P / 50.02 Rev. A - Twin Carport
2709-URB-ZZ-00-DR-L-498150-150-P00h – Detailed Planting Plan
14892-TDA-XX-XX-DR-C-56001 Rev. D - Vehicle Swept Path Analysis Refuse Vehicle
14892-TDA-XX-XX-DR-C-56002_A_Vehicle Swept Path Analysis Fire Tender

Reason: For the avoidance of doubt.

2. The area shown on the submitted layout as vehicle parking space, car ports, car barns or garages shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking and turning of vehicles is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity.

3. No dwelling shall be occupied until full details of the electric vehicle charging have been submitted to and approved in writing by the Local Planning Authority. The agreed details shall then be implemented for each house before the dwelling in question is first occupied. All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list:

<https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

Reason: In the interests of encouraging sustainable modes of transport and minimising the carbon footprint of the development.

4. No dwelling/building shall be occupied until space has been laid out within the site in accordance with the approved plans for cycles to be securely parked.

Reason: To ensure the provision and retention of adequate off-street parking facilities for cycles in the interests of sustainable development and promoting cycle visits.

5. Pedestrian visibility splays 2 m x 2 m with no obstruction over 0.6 m above the access footway level shall be provided at each private vehicular access prior to it being brought into use and shall be subsequently maintained.

Reason: In the interests of highway safety.

6. Before the first occupation of a dwelling / premises the following works between that dwelling / premises and the adopted highway shall be completed as follows: (A) Footways and/or footpaths shall be completed, with the exception of the wearing course; (B) Carriageways completed, with the exception of the wearing course, including the provision of a turning facility beyond the dwelling together with related: (1) highway drainage, including off-site works, (2) junction visibility splays, (3) street lighting, street nameplates and highway structures if any.

Reason: In the interests of highway safety.

7. Upon completion, no further development, whether permitted by Classes A, B, C or D of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order) or not, shall be carried out.

Reason: In the interests of the amenities of occupants of the dwellings and the amenities of the area.

8. Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within ten years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

INFORMATIVES

1. It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.
2. Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.
3. 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 public highway. Some of this highway land is owned by Kent County Council whilst

some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

4. Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.
5. Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.
6. Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
7. Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.
8. You are reminded that construction works should not commence until a Code of Construction Practice has been submitted to and approved by the LPA under condition 19 of the outline consent. Your attention is drawn to the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected. This can be found at: <https://tunbridgewells.gov.uk/environmental-code-of-development-practice>
9. No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority.
10. There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development.
11. Planning consent does not confer consent or a right to disturb or unofficially divert any Public Right of Way at any time without the express permission of the Highway Authority.
12. No trees or shrubs should be planted within 1.5 metres of the public right of way.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

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

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

