

**PLANNING COMMITTEE – 18 SEPTEMBER 2014**

Report of the Head of Planning

**PART 2**

Applications for which **PERMISSION** is recommended.

<b>2.1 SW/14/0486</b>		<b>(Case 13645)</b>		<b><u>Newington</u></b>
<b>APPLICATION PROPOSAL</b>				
Demolition of existing buildings on the site, closure of the existing access and the erection of fourteen dwellings, along with associated new access, garaging, parking and landscaping.				
<b>ADDRESS</b> Parsonage Farm, School Lane, Newington, Sittingbourne, Kent, ME9 7LB				
<b>RECOMMENDATION</b> Approval subject to a section 106 agreement				
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>				
The development is acceptable in principle given the housing need and my conclusion that this is a sustainable form of development. The proposed development would address School Lane and respect the established pattern of buildings in this way. The design of the buildings would be of a good quality and would respect the rural character of the area. The proposal has been carefully designed and amended to ensure that the impact on existing surrounding properties would be minimal in terms of overshadowing, overlooking and an overbearing impact. The development would have an adequate number of parking spaces and the access has been assessed by Kent Highway Services as being safe. The expected traffic generated from the housing development would be insignificant in terms of the impact on the wider highway network and the area outside of the primary school on School Lane. I have carefully considered the impact of the development on the setting of Parsonage House, a grade II listed building. I consider that the design of the development would be successful in respecting the setting, design and character of this listed building.				
<b>REASON FOR REFERRAL TO COMMITTEE</b>				
More than 3 objections and Parish Council objection				
<b>WARD</b> Hartlip, Newington & Upchurch	<b>PARISH/TOWN COUNCIL</b> Newington	<b>APPLICANT</b> Walker Residential Ltd <b>AGENT</b> Mr Eric Przyjemski		
<b>DECISION DUE DATE</b> 14 <sup>th</sup> July 2014	<b>PUBLICITY EXPIRY DATE</b> 4 <sup>th</sup> September 2014	<b>OFFICER SITE VISIT DATE</b> 1 <sup>st</sup> May 2014		
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>				
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>	
SW/09/0999	Variation of condition 4 of SW/09/0801 to allow for the cars to be taken out of the	Approved	27/11/09	

	building between 09:00 and 17:00 Monday to Friday for cleaning and washing in the farmyard adjacent to the building.		
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SW/09/0939	Variation of condition 3 of planning permission SW/08/1019 to allow vehicles stored within the units to be taken outside and washed/cleaned between 09:00 and 17:00 Monday to Friday.	Approved	27/11/09
SW/09/0801	Change of use of redundant farm building to storage of wedding/classic cars.	Approved	09/10/09
SW/08/1019	Change of use of redundant farm buildings and farmyard to B1 light industrial and/or B8 storage, with associated parking.	Approved	05/12/08
SW/07/1060	Change of use of redundant farm buildings and farmyard to light industrial and/or B8 storage, with associated parking.	Refused	31/10/07
SW/94/0730	Change of use of farmyard to parking for 3 residential caravans	Withdrawn	09/09/94

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## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

1.01 The application site lies just outside of the built-up area boundary to the northwest of Newington village, off School Lane and opposite Newington Primary School. Open agricultural land characterises the wider surrounding area. The site is bounded by residential properties to the north and east. Parsonage House, a grade II listed building lies immediately to the east of the site. The surface of the ground is mostly level but is raised above the level of the road – School Lane by approximately 2 metres at its highest. The road and site levels even out towards the western boundary adjacent to Shenley, the adjoining property. There are currently three large commercial buildings on the site, one centrally located and the others located towards the northeast corner. These are constructed of brick and metal sheeting. The ground consists of short grass, concrete and earth. The surrounding buildings are a mix of types and designs. A number of trees are present along the northern boundary of the site.

### 2.0 PROPOSAL

2.01 This application seeks planning permission for the demolition of the existing buildings on site, the closure of the existing access onto School Lane, adjacent to Shenley, and the erection of 14 no. 2 storey detached, semi-detached and terraced dwellings. These dwellings would have 3, 4 and 5 bedrooms. A new access would be provided which would be opposite the primary school on School Lane.

2.02 The layout of the development would consist of 7 dwellings fronting School Lane with the remaining 7 dwellings located within the application site and facing into a central courtyard. Each dwelling would have at least 2 parking spaces with garages and car barns provided throughout the development.

2.03 The dwellings are designed with traditional pitched roofs and finishing materials such as weatherboarding, stock bricks and rendering. The surface of the roads within the scheme would be a combination of block paving and bonded gravel.

2.04 The majority of the grass bank adjacent to School Lane would be retained with a narrow bonded gravel footpath running along the top to provide pedestrian access to the houses.

2.05 Existing trees along the northern boundary are to be retained and new trees and vegetation provided as part of the landscaping scheme.

2.06 The proposals also provide a new footway to link the development to the existing pedestrian facilities in School Lane, and this includes a traffic calming feature outside the school to keep vehicle speeds low and provide a safe crossing point.

### 3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	0.45ha	0.45ha	0
Approximate Ridge Height (m)	6.5m	10.4m	3.9m
Approximate Eaves Height (m)	3m	5.5m	2.5m
No. of Storeys	1	2	1
Parking Spaces		36	
No. of Residential Units		14	14
No. of Affordable Units		0	

### 4.0 PLANNING CONSTRAINTS

The A2 to the south of the site is allocated as an Air Quality Management Area.

Listed Building Affect Setting Grade 2

Newington Conservation Area lies 60m to the east of the application site.

Potential for archaeological finds – early prehistoric, Roman and Post medieval periods.

Planning Category District

Swale Borough Local Plan 2008 RC7 - Rural Lanes

## 5.0 POLICY AND OTHER CONSIDERATIONS

### The National Planning Policy Framework (NPPF)

The NPPF was released with immediate effect, however, **Paragraph 214** states that “for 12 months from this publication date, decision-makers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework.”

The 12 month period noted above has expired. As such, it was necessary for a review of the consistency between the policies contained within the Swale Borough Local Plan 2008 and the NPPF. This has been carried out in the form of a report agreed by the Local Development Framework Panel on 12 December 2012. All policies cited below are considered to accord with the NPPF for the purposes of determining this application and as such, these policies can still be afforded significant weight in the decision-making process.

The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219 of the NPPF, taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system. At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking. For **decision-taking** this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted.

The NPPF outlines a set of core land-use planning principles (**Para 17**) which should underpin both plan-making and decision-taking including to -Contribute to conserving and enhancing the natural environment and reducing pollution and encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high value.

Paragraph 47 states that planning authorities should meet local housing needs and identify a five year housing land supply with an additional 5% buffer. Paragraph 49 states that housing application should be considered in the context of the presumption in favour of sustainable development and that “*Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.*”

Paragraphs 56-68 deal with requirement for high quality design. In particular, paragraph 56 includes the following: “Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.’ The NPPF also considers the importance of the natural environment.

Paragraphs 47-55 of the NPPF seek to significantly boost the supply of housing.

Paragraph 129 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.

Paragraph 131 states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

The Council must have special regards to the statutory duty to preserve the setting of listed buildings and other heritage assets.

National Planning Practice Guidance (NPPG) - Conserving and enhancing the historic environment; Design; Determining a planning application; Open space, sports and recreation facilities; travel plans, transport assessments and statements in decision making.

Development Plan: - Swale Borough Local Plan 2008:

SP1 (sustainable development); SP2 (historic environments); SP4 (new housing); SH1 settlement hierarchy); E1 (general development); E6 (countryside); E14 (development affecting a listed building); E19 (high quality design); H2 (housing); T3 (vehicle parking); T4 (meeting the needs of pedestrians and cyclists); U1 (servicing developments); C2 (community services and facilities); C3 (open spaces) and B1 (supporting and retaining existing employment uses).

Supplementary Planning Documents: Developer Contributions 2009.

Relevant policies are: ST1 (sustainable development); ST2 (target for new housing); ST3 (settlement strategy); **ST4 (allocation of 14 new houses at Newington)**; CP3 (wide choice and quality of homes); CP7 (enhancing the historic environment); DM7 (vehicle parking); DM14 (general development); DM15 (high quality design); DM18 (open space); DM20 (sustainable design and construction); DM21 (water, flooding and drainage); DM31 (preserving the historic interest of listed buildings) and; **A9 (allocates Parsonage Farm for the development of 14 residential units)**.

## 6.0 LOCAL REPRESENTATIONS

Thirteen letters of representation have been received. A summary of their responses is as follows:

- Initial concern about overlooking and an overbearing effect from unit 1 into Shenley (this has been addressed by the applicant by removing the offending window and altering the roof design);
- Concern over the impact from the car barns on Shenley (the design of these has since been amended);
- The presence of the Greater Stag Beetle (a protected species) has been identified within the front garden of Shenley;
- Suggestion that units 1 and 2 should swap positions to reduce the impact on Shenley;
- Unacceptable impact on the setting of Parsonage House, 17<sup>th</sup> Century a grade II listed building. The building would be surrounded on all sides by development, removing its isolation and competing with it. A recently dismissed appeal for an extension to the residential property to the east considered that that development would diminish the building's significance and contribution to the character of the locality. The proposal therefore conflicts with the aims of policy E14.
- Unit 7 will have an overshadowing and overbearing impact on Parsonage House;
- The boundary wall along the western boundary of Parsonage House would have to be raised to ensure a level of privacy is achieved;
- Church Lane into School Lane is heavily congested with traffic and development has been refused on this issue before;
- Congestion with school parking will be compounded and access to the site will be dangerous at drop-off and pick-up times;
- Replacing the existing buildings with housing could improve the appearance of the area;
- The roof height of the buildings is significantly higher than Parsonage House.
- The roof lines are fussy and ugly;
- Units 8-11 would have the appearance of backland development;
- The development proposes tandem parking which is contrary to the guidance of KCC Highways;

- The Transport Statement should consider the congestion on Church Lane close to the A2;
- Disturbance to roads and pedestrian safety during construction;
- The application site falls outside of the built-up area boundary and should not be approved in principle;
- The land should remain in agricultural use;
- The development is 'not appropriate' for the area or the country lane;
- There will be an increase in traffic, not a decrease as the developer claims. The current use of the site generates very little traffic;
- Any additional street lighting would cause light pollution;
- Has provision been made for the removal of asbestos from the barn?;
- The executive housing proposed does not meet the needs of the village;
- Congestion on School Lane associated with the primary school;
- Provision for school drop-off and pick-ups should be catered for within the application site;
- There are potential archaeological finds at the site, specifically the village Tithe Barn;
- There is no additional capacity for utilities/infrastructure;
- Detrimental cumulative impact of developments in and around the village;
- The scheme is too dense with too few parking spaces;
- There are no appropriate play facilities close-by;
- Request that a 1 metre buffer is provided between the boundary of 8 School Lane and the new dwellings, that the boundary fence to no. 8 is reinstated where trees within the site have cause damage over the years and that planning permission is granted for an extension to their property as the proposed development would have the same impact on the listed building;
- Was the ecological report carried out before trees were removed on the site and the number of bats reduced?
- An Inspector has already considered the development of this site and concluded that it would lead to 'visual intrusion into this attractive landscape and its allocation as a housing site cannot be justified.'

## 7.0 CONSULTATIONS

7.01 Newington Parish Council object to the proposal on the following grounds: visual amenity – proposal is not in keeping within the properties in the immediate vicinity; loss of sunlight, overshadowing/loss of outlook to surrounding residents, overlooking and loss of privacy, highway issues – traffic generation, vehicular access and highway safety. They are concerned about the impact of increased traffic on the AQMA from this and other developments in the area; the impact on School Lane at school drop-off and pick-up times; the lack of public transport; the inadequacy of the drainage infrastructure, water systems and electricity supplies; the lack of children's play areas to the north of the village. They question whether there is potential for the site to accommodate additional housing in the future. The proposal would not address the Housing Needs Survey carried out by them in 2008 which identified a need for housing for the young and the elderly. The LDF states that the village cannot be considered for large-scale development because of the lack of suitable

road infrastructure and existing congestion. Unplanned and piecemeal development will fail to address the needs of the village.

7.02 The Head of Environmental Services has no objection but recommends conditions to address the potential for contamination at the site; the safe disposal of asbestos; restrictions on hours of construction and dust suppression.

7.03 Southern Water have no objection. They note that a formal application to them is required for connection to the public foul sewer. Surface waters should not drain to public foul sewers and soakaways should be checked by building control. A condition requiring the submission of foul and surface water drainage details is recommended. There is a water main close to the site and its exact location should be determined prior to development.

7.04 KCC require secondary education contributions at a total of £33,037.20, community learning contributions at £1,633.97, library contributions at £1,633.97 and adult social services at £1537.33 (total £36,815.33).

7.05 The Tree Consultant comments that there is very little tree cover on the site apart from a couple of larger specimens located along the northern boundary. These trees are to be retained and so he has no objection. However, he recommends conditions to ensure that the trees are protected during construction and the submission of a landscaping scheme.

7.06 The KCC Biodiversity Officer has reviewed the ecological information submitted and they are satisfied that the proposed development site has limited potential to be suitable for protected/notable species. The survey recommends precautionary mitigation for bats, breeding birds, badgers and reptiles and they advise that this is implemented is planning permission is granted. They also advise that lighting is designed to consider bats and that biodiversity enhancements are provided on the site.

7.07 The Kent Downs AONB unit comment that the site is outside of the AONB setting and refer the Council to the Kent Farmstead Guidance.

7.08 Kent Highway Services have no objection. They comment as follows:

*'Firstly, the principle of residential development is accepted, as the traffic generation would not be considered significant, with a development of this size likely to give rise to around 7 vehicle movements during each of the AM and PM peak hours. Considering the amount of traffic that would be associated with the school and existing residents in the area, the impact on Church Lane would be imperceptible. It should also be appreciated that the existing farm buildings would have been expected to generate vehicle movements associated with their use, and these would include a proportion of HGV trips that would be particularly intensive during the harvest period. As such, the residual impact of the proposed development would in fact be less than the 7 movements an hour during the peak periods, and the Transport Assessment suggests that it could even represent a total daily reduction of 5 movements over the extant uses. Therefore, it would not be reasonable to object to*



*the impact that the traffic volume of this development would have on the highway network.*

*Turning to the proposed layout of the development, it was agreed that the most suitable location for the vehicular access would be where it is now shown on the current drawings, as the existing access point at the far Northwest corner of the site is on the inside of a bend and is afforded very little visibility in either direction. The original proposal, as can be seen in. Section 3 of the Design and Access Statement, included two main access points from School Lane to serve the development, and an additional individual access for one dwelling where vehicles would have to reverse on or off School Lane. The submitted scheme has concentrated the access to a single point where adequate visibility sightlines can be provided in each direction, and ensured that all vehicles will be able to enter and exit the site in a forward gear.*

*Additionally, by retaining the highway verge embankment and setting the footway serving plots 1 to 4 behind this, vehicles associated with these dwellings will be less likely to park along School Lane, as they would not have direct pedestrian access available. The proposals also provide a new footway to link the development to the existing pedestrian facilities in School Lane, and this includes a traffic calming feature outside the school to keep vehicle speeds low and provide a safe crossing point. This footway is separated from plots 5 to 7 that face School Lane immediately alongside it, again to discourage residents from parking directly outside of their properties in preference to using their allocated spaces.*

*With respect to parking provision, the proposed amount meets the requirements of the adopted document, IGN3, as this suggests that 2 spaces would be appropriate for 3 and 4 bedroom dwellings in this location. It is noted that many of these units have actually been provided with 3 spaces, and although some of the provision has been arranged in tandem form, the units associated with these are not in positions where on-street parking is a more convenient option or parking elsewhere within the development would cause a problem. In addition to the allocated visitor spaces shown on the drawings, there appears to be adequate space available in the proposed layout to absorb further parking without obstructing movement, and it is understood that these areas are to remain in private management in any case.*

*Given the location of the site opposite the local primary school, and taking into consideration the restrictions along the route from the A2, including height, it would be appropriate to require the submission of a Construction Management Plan to ensure that the HGV movement associated with the development is properly managed to avoid conflict with school traffic and unsuitable roads. This should be secured by condition, as is normal practice.'*

They recommend conditions to ensure that the off-site highway works are carried out prior to commencement, to prevent mud on the road, to ensure that there is a Construction Management Plan and that there is parking for construction vehicles, that parking and cycle spaces should be retained, access details should be submitted and the existing access stopped-up, details of surface water should be provided and carriageway improvements/works should be completed.

## **8.0 BACKGROUND PAPERS AND PLANS**

Planning Statement; Design and Access Statement; Contamination Report; Archaeological Desk Based Assessment; Ecological Appraisal; Transport Assessment and; Foul and Surface Water Drainage Assessment.

## **9.0 APPRAISAL**

### **Principle of Development**

9.01 As noted above, the application site lies outside of the built-up area boundary as identified by the Swale Borough Local Plan 2008. Development outside of the built-up area boundary is restricted under policy E6 of the same plan which seeks to protect the character and appearance of the countryside. New residential development outside of the built-up area boundary would therefore normally be resisted. Although policy SH1 of the adopted local plan does make some allowances for development outside of the built confines on suitable sites that do not harm the settlement pattern of character of the countryside. There are also material planning considerations that weigh in favour of the residential development of this site. The NPPF clearly sets out the Government's expectations for the provision of new housing and requires local planning authorities to set housing targets and identify a five year (plus 5% buffer) supply of housing sites. This Council has not been able to meet these requirements and as such, new housing developments, if deemed to be sustainable development, should generally be permitted. I am mindful of the location of this application site which abuts the existing village envelope of Newington and is therefore well connected to the village and its services and facilities, including Newington Railway Station. In this respect I consider that the development is sustainable. The dwellings will be constructed to code level 3 of the Code for Sustainable Homes and in this respect, I consider that the development is sustainable. Also of significant weight in considering the principle of the development is the fact that it has been included within the housing site allocations within the emerging Local Plan (Policies ST4 and A9). The emerging local plan has been through public consultation and the allocation of the site remains within the draft to be submitted for inspection early next year. The allocation identifies that the site can accommodate 14 dwellings. The current proposal is for 14 dwellings and I consider that this density (29 dwellings per ha) is therefore appropriate. Although the emerging local plan can only be given limited weight in the decision making process, the allocation of the application site for housing in addition to the position that this Council is in, in respect of the five year housing land supply and the requirements of the NPPF, leads me to conclude that the development of this site for housing is acceptable in principle. I have given some thought in view of policy B1 to the loss of the employment uses at this site as a consequence of the housing development and consider that the need for housing outweighs the loss of the employment at this site. The number of employees at this site is very small and being so close to residential properties, any intensification of the commercial activities on this site could have a detrimental impact in terms of noise and disturbance. I therefore conclude that the loss of this employment site would be acceptable.

### **Visual Impact**

9.02 The presence of a housing development on this land would undoubtedly urbanise the appearance of the site. However, its impact on the landscape would be limited in my view by the presence of residential properties to the north, east and west. It would be seen within the context of the village of Newington and in this respect, I consider that it would not harm the landscape character or the appearance of the countryside. The layout of the development will ensure that buildings address the main highway and in this respect, the development would emulate the established pattern of development along School Lane. The provision of dwellings within the middle of the site/to the rear of the dwellings fronting School Lane would conform with the cul-de-sac developments along Church Lane and the courtyard arrangement would be akin to a farmyard with buildings facing onto a shared central space. I therefore consider that the development layout would be in-keeping with the surrounding area. Parking courts are not always considered to be appropriate but here they would be well overlooked by the proposed dwellings and they would each serve a small number of dwellings. The architecture of the dwellings would be of a high standard in my view with variety of design throughout. They would be of a rural appearance with mainly traditional features. This is entirely appropriate within this rural village in my view. I have recommended a condition to ensure that the finishing materials are agreed prior to commencement of development. I consider that the proposed surface material to the access and parking areas and the proposed landscaping would create a pleasant and pedestrian friendly environment. The development would have a distinctive character that enhances the appearance of the area in my view being set amongst existing houses of limited architectural merit. The retention of the grass bank will help to retain the rural character when travelling along School Lane .

### **Residential Amenity**

9.03 The proposal has been designed to limit the impact on neighbouring properties in terms of overshadowing, overlooking and an overbearing impact. The properties that will be affected the most are Shenley, Parsonage House and 8 School Lane. All three properties have objected to the proposal. The scheme has been amended to address many of the concerns of Shenley and so now, the proposed dwelling adjacent would have a hipped roof and there would be no facing first floor window. The scheme has also been amended to provide hipped roofs to the car barns adjacent to the boundary of this property and windows have been relocated. I now consider that the proposal would cause no harm to the amenities of this neighbouring property. With regards to Parsonage House, the closest proposed dwellings are plots 7 and 8. Parsonage House has a large side and rear garden which may slightly be affected by the proposal in terms of overshadowing some parts of the garden at certain points throughout the day. However, this overshadowing would be limited by the distance that the proposed dwellings would be from Parsonage House (12 and 15 metres respectively) and the fact that they are orientated to the west and north of Parsonage House. Both plots 7 and 8 would be at the same ground level as Parsonage House and would have hipped roofs, thereby limited any impact further. Plot 7 has no windows within the flank elevation facing Parsonage House and plot 8 has a small high level window serving the stairs. I have recommended a condition to ensure that this window is obscure glazed and fixed shut. I therefore consider that there would be no overlooking of Parsonage House from plots 7 and 8. Plots 8-11 would back onto the garden of no. 8 School Lane.

This property has a long rear garden and I am content that plots 9, 10 and 11 would be a sufficient distance and at a sufficient angle from this neighbouring property to ensure that overlooking is limited. Plot 8 has the potential to overlook no. 8 School Lane but this existing dwelling has a large rear extension that will ensure that some privacy is retained to the area immediately to the rear of this dwelling. Also of consideration is the broad line of tall trees along the boundary of this property which will ensure that privacy is maintained to a certain extent. I do not consider that the impact on no. 8 School Lane would be significant therefore. There will undoubtedly be some difference in the levels of noise and activity at this site but I do not consider that this would be to a harmful degree and am mindful that the former agricultural use and current commercial use will generate some noise and activity. The internal and external spaces provided for each dwelling would be of a good standard in my view and would function well for its future residents.

### **Highways**

9.04 Members will note the detailed response provided by Kent Highway Services above in respect of highway safety/amenity. I am in full agreement with the views given. I have inspected the site during school pick-up time and have witnessed the congestion and parking along School Lane close to the primary school. I can see why local residents are concerned about this element of the proposal. However, the scheme has been designed to meet the requirements of Kent Highway Services and I note the predicted amount of traffic generated by the housing development which is lower than residents fear. There is no doubt that there is an existing traffic problem associated with the primary school but it would be unjust to preclude development at the application site as a consequence, particularly as times of congestion on School Lane would be during week days, mostly at the peak drop-off/pick-up times and are therefore predictable and avoidable for residents of the new properties. I note the concerns of local residents in respect of increases in traffic impacting on the congestion at the top of Church Lane, close to the A2 where there is a pinch-point in the road. Whilst I appreciate that there are difficulties here, I am mindful of the expected number of vehicles generated by the proposed housing and consider that the impact of this development on that stretch of road would be inconsequential. The application would provide an improved pedestrian crossing point across School Lane and this would also act to slow traffic down. I consider that these highway alterations would be of benefit to the area. The number of parking spaces within the site is adequate and exceeds the requirements of Kent Highway Services. This level of parking provision will ensure that the need to park on School Lane is minimised. In addition, the development has been designed to discourage people from parking on School Lane through the retention of the steep bank at the edge of the development which creates a physical barrier between the road and the houses. As such, I consider that the proposed development would have no detrimental impact on highway safety/amenity.

### **Impact on setting of listed building**

9.05 Parsonage House is a grade II listed building which dates back to the 17<sup>th</sup> Century. The assessment submitted with the application documents notes that the farmhouse would have originally been orientated to front onto the farmyard and this has now been replaced with modern houses. The application site is occupied by

ugly functionally designed former agricultural buildings. I conclude that these buildings compromise the setting of the listed building somewhat and so their removal would be beneficial. I acknowledge that the openness of the application site is of benefit to the listed farmhouse as it results in the farmhouse appearing to be set apart from other dwellings to a degree. There is no doubt that this setting will be altered as a consequence of the proposal. However, the key test is whether the setting would be harmed by the proposed development. In my view, the architecture of the dwellings would be respectful of the historic rural appearance of the listed building. The gap between Parsonage House and the closest dwellings would maintain the sense of spaciousness around the listed building to a degree and it is of note that Parsonage House would be set closer to the road than the new dwellings. It would still therefore be a prominent feature when viewed from the west. I am of the view that the setting of the listed building would be preserved and also enhanced by the loss of the former agricultural buildings. The boundary wall between the application site and Parsonage House is historic and forms an important element of the setting of the listed building in my view. The wall would be unaffected by the proposal and it is likely that a 1.8m high close boarded fence would be provided on the application side of the wall to ensure privacy between the existing and proposed dwellings. I have recommended a condition to require details of the boundary treatments surrounding the site and so the exact arrangements will be considered in detail post decision. However, I do not consider that the historic wall would need to be altered as a consequence of the proposal, nor would its role in the setting of the listed building be compromised.

### **Other matters**

9.06 The applicant has agreed to the developer contributions as requested by KCC (see above). In addition, the developer has agreed to pay contributions towards bins (approx. £1,120), open space (£11,200) and a monitoring fee at 5% of the total figure. This will be the subject of a Section 106 Agreement, should Members resolve to approve this proposal.

9.07 The site has been the subject of an ecological survey and a further review following additional information about the presence of the Greater Stag Beetle. I am content that the development would have no detriment to ecology/biodiversity and have recommended an appropriate condition to secure the precautionary approach as recommended and biodiversity enhancements.

9.10 The small amount of traffic generated from the site would have an inconsequential impact on the Air Quality Management Area in my view. The Head of Environmental Services has not objected.

9.11 The lack of a children's play area close to the application site is a concern but not one that I consider to be overriding and I am mindful that the developer will be contributing approximately £11,200 towards open space/the improvement of play equipment in the village.

9.12 The need for housing nationally is unquestionable. However, objectors do not consider that the type of housing proposed is needed within the village. They would prefer to see housing for the young and the elderly. Whilst I am mindful of the

perceive need, there would be no policy basis in my view for refusing this application on the grounds that the 3, 4 and 5 bedroom houses are not needed.

9.13 I consider that the Newington Conservation Area is such a distance (60m) from the application site and separated by a number of buildings to ensure that its setting would be unaffected by the proposal.

9.14 With regards to the foul and surface water drainage, the application is accompanied by a drainage assessment. This concludes that there is adequate capacity within the existing sewer to accommodate the development. Soakaways and permeable paving is proposed allowing natural soakaway of rainwater. The assessment concludes that there is adequate space within the application site to capture that water falling on the site.

## **10.0 CONCLUSION**

10.01 Having considered the relevant planning policies, comments from consultees, local residents and the parish council, I am of the view that the development is acceptable in principle given the housing need and my conclusion that this is a sustainable form of development. The proposed development would address School Lane and respect the established pattern of buildings in this way. The design of the buildings would be of a good quality and would respect the rural character of the area. I therefore consider that there would be no harm to visual amenities. The proposal has been carefully designed and amended to ensure that the impact on existing surrounding properties would be minimal in terms of overshadowing, overlooking and an overbearing impact. I therefore consider that the proposed development would have no significant harm on residential amenities. The development would have an adequate number of parking spaces and the access has been assessed by Kent Highway Services as being safe. The expected traffic generated from the housing development would be insignificant in terms of the impact on the wider highway network and the area outside of the primary school on School Lane. I therefore conclude that there would be no detriment to highway safety/amenity. I have carefully considered the impact of the development on the setting of Parsonage House, a grade II listed building. I consider that the design of the development would be successful in respecting the setting, design and character of this listed building. I therefore conclude that the development would preserve the setting of the listed building.

**11.0 RECOMMENDATION – GRANT** Subject to a section 106 agreement securing contributions towards secondary education, community learning, local libraries and adult social services, wheeled bins, open space and a monitoring fee. Also subject to the following conditions:

CONDITIONS to include

(1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Grounds: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

(2) The development hereby approved shall be carried out in accordance with the following approved drawings: 2306 – 4, 2306 – 21A, 2306-03D, 2306-15A, 2306-02F, 2306-27, 2306-28, 2306-02F, 2306 – 20A, 2306 – 19A, 2306-18A, 2306-16A, 2306-17 A, 2306-14A, 2306-12, 2306-10A, 2306-11, 2306-13A.

Grounds: For the avoidance of doubt and in the interests of proper planning.

(3) Notwithstanding the provisions of Class A, Part 2, Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no gates, fences, walls or other means of enclosure shall be erected or provided in advance of any wall or any dwelling fronting on a highway without the consent in writing of the Local Planning Authority.

Grounds: In the interests of residential amenity.

(4) Before the development hereby permitted is first used, the proposed first floor window in the south elevation of plot 8 as shown on drawing no. 2306 - 16A shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such.

Grounds: To prevent overlooking of adjoining properties and to safeguard the privacy of neighbouring occupiers.

(5) Details in the form of cross-sectional drawings through the site, of the existing and proposed site levels shall be submitted to and approved in writing by the Local Planning Authority before work commences and the development shall be completed strictly in accordance with the approved levels.

Grounds: In order to secure a satisfactory form of development having regard to the sloping nature of the site.

(6) Prior to the commencement of development hereby approved, the applicant, or their agents or successors in title, shall secure the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Grounds: To ensure that features of archaeological interest are properly examined and recorded.

(7) Prior to the commencement of development hereby approved, a contaminated land assessment (and associated remediation strategy if relevant), being submitted to and approved in writing by the Local Planning Authority, comprising:

- a) A desk study and conceptual model, based on the historical uses of the site and proposed end-uses, and professional opinion as to whether further investigative works are required. A site investigation strategy, based on the results of the desk study, shall be approved by the Local Planning Authority prior to any intrusive investigations commencing on site.
- b) An investigation, including relevant soil, soil gas, surface and groundwater sampling, carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
- c) A site investigation report detailing all investigative works and sampling on site, together with the results of analyses, risk assessment to any receptors and a proposed remediation strategy which shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment, including any controlled waters.

Grounds: To ensure any land contamination is adequately dealt with.

(8) Before any part or agreed phase of the development is occupied, all remediation works identified in the contaminated land assessment and approved by the Local Planning Authority shall be carried out in full (or in phases as agreed in writing by the Local Planning Authority) on site under a quality assured scheme to demonstrate compliance with the proposed methodology and best practice guidance. If, during the works, contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority.

Grounds: To ensure any land contaminated is adequately dealt with.

(9) Upon completion of the works identified in the contaminated land assessment, and before any part or agreed phase of the development is occupied, a closure report shall be submitted which shall include details of the proposed remediation works with quality assurance certificates to show that the works have been carried out in accordance with the approved methodology. Details of any post-remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Grounds: To ensure any contaminated land is adequately dealt with.

(10) If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority, details of how this unsuspected contamination shall be dealt with.

Grounds: To ensure that the development complies with the approved details in the interests of protection of Controlled Waters.

(11) Prior to the commencement of development hereby approved, full details of the method of disposal of foul and surface waters shall be submitted to and



approved by the Local Planning Authority. The approved details shall be implemented before the first use of the development hereby permitted.

Grounds: In order to prevent pollution of water supplies and localised flooding.

(12) Prior to the commencement of development hereby approved, a programme for the suppression of dust during the demolition of existing buildings and construction of the development shall be submitted to and approved by the Local Planning Authority. The measures shall be employed throughout the period of demolition and construction unless any variation has been approved by the Local Planning Authority.

Grounds: In the interests of residential amenity.

(13) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:-

Monday to Friday 0730 - 1900 hours, Saturdays 0730 - 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Grounds: In the interests of residential amenity.

(14) During construction of the development adequate space shall be provided on site, in a position previously agreed by the Local Planning Authority to enable all employees and contractors vehicles to park, load and off load and turn within the site.

Grounds: In the interests of highway safety and convenience.

(15) Adequate precautions to be previously agreed in writing by the Local Planning Authority, shall be taken during the period of demolition and construction to prevent the deposit of mud and/or other debris on the public highway.

Grounds: In the interests of highway safety and convenience.

(16) The area shown on the submitted plan as car parking and turning space shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling(s) hereby permitted.

Grounds: Development without adequate provision for the parking of cars is likely to lead to car parking inconvenient to other road users and detrimental to amenity.

(17) No work shall commence on the development site until the provision of the off-site footway and pedestrian crossing point shown on drawing 2306-02F has been

carried out in accordance with a design and specification to be approved in writing with the Local Planning Authority and to be fully implemented to the satisfaction of the Local Planning Authority.

Grounds: In the interests of amenity and road safety.

(18) Prior to the works hereby approved commencing on site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority and the development shall not proceed other than in accordance with the approved programme.

Grounds: In the interests highway safety and the proper programming of the development.

(19) Before the dwellings hereby approved are first occupied, a properly consolidated and surfaced access (not loose stone or gravel) shall be constructed, details of which shall have been submitted to and approved by the Local Planning Authority.

Grounds: In the interests of highway safety and convenience.

(20) No dwelling shall be occupied or the approved use commenced until space has been laid out within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority for cycles to be securely parked and sheltered (providing for 1 cycle per bedroom).

Grounds: To ensure the provision and retention of adequate off-street parking facilities for cycles in the interests of highway safety.

(21) The development hereby approved shall not be occupied until the existing vehicular access on School Lane has been stopped up and its use permanently abandoned in a manner to be agreed in writing by the Local Planning Authority.

Grounds: In the interests of highway safety and convenience.

(22) The development hereby permitted shall not be occupied until the visibility splays shown on the submitted plan have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

Grounds: In the interests of highway safety.

(23) Before the first occupation of a dwelling, the following works between that dwellings 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.

Grounds: In the interests of highway safety.

(24) Prior to the commencement of development hereby approved, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which should be native species where possible and of a type that will enhance or encourage local biodiversity and wildlife), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Grounds: In the interests of the visual amenities of the area.

(25) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Grounds: In the interests of the visual amenities of the area.

(26) Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five 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.

Grounds: In the interests of the visual amenities of the area.

(27) Prior to the commencement of development hereby approved, details in the form of samples of external finishing materials to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details.

Grounds: In the interest of visual amenity.

(28) The dwellings hereby approved shall achieve at least a Level 3 rating under The Code for Sustainable Homes or any other specification approved by the Local Planning Authority, and no development shall take place until details have been submitted to, and approved in writing by the Local Planning Authority, which set out what measures will be taken to ensure that the development incorporates sustainable construction techniques such as rainwater harvesting, water conservation, energy efficiency and, where appropriate, the use of local building materials; and provisions for the production of renewable energy such as wind

power, or solar thermal or solar photo voltaic installations. Upon approval, the details shall be incorporated into the development as approved.

Grounds: In the interest of promoting energy efficiency and sustainable development,

(29) The trees shown on the plans hereby approved as "existing trees to be retained" shall be retained and maintained to the satisfaction of the planning authority. Any trees removed, dying, being severely damaged or becoming seriously diseased within five years of the date of this permission shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority.

Grounds: In the interests of visual amenity.

(30) Prior to the commencement of the development hereby approved, details of the external boundary treatment to be used on the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with those approved details and retained unless otherwise agreed to in writing by the Local Planning Authority.

Grounds: In the interests of visual amenity.

(31) The recommendations and ecological enhancements to be applied to the development hereby approved as set out in the submitted Ecological Appraisal shall be implemented.

Grounds: In the interests of ecology and biodiversity.

(32) No asbestos associated with the demolition of the existing buildings shall remain on the site.

Grounds: In the interests of appropriate contamination control.

(33) No development shall take place until details of tree protection in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the local planning authority. All trees to be retained must be protected by barriers and/or ground protection.

Grounds: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development.

(34) No equipment, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection (in accordance with the details submitted in respect of condition 33) except to carry out pre commencement operations approved in writing by the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the protection areas. No alterations shall be made to the siting of barriers and/or

ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority.

Grounds: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development.

## 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. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such 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.

(2) A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

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.