

# Planning Statement



**PLANNING APPLICATION**

**BY**


**ROOKERY ESTATES COMPANY  
LTD**


**RELATING TO**

**A REDEVELOPMENT TO  
PROVIDE FOUR DWELLINGS**

**AT**

**ELMSCROFT FARM  
CHARLTON LANE  
WEST FARLEIGH  
ME15 0NY**

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**OUR REF: JA/21/343**

**Robinson Escott Planning LLP,**

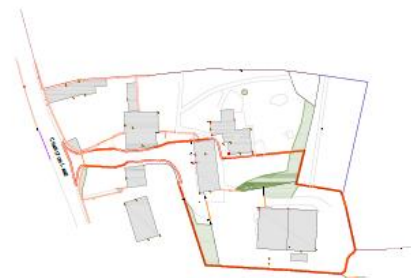
Downe House, 303 High Street, Orpington, Kent BR6 0NN

**1. INTRODUCTION**

- 1.1. We are instructed by our client, Rookery Estates Company Ltd, to prepare and submit this application seeking planning permission for a redevelopment of existing buildings and land at Elmscroft Farm, Charlton Lane, West Farleigh.
- 1.2. The proposal is to demolish the existing commercial buildings on site to facilitate the erection of a residential development comprising four dwellings with associated amenity areas, car parking and landscaping.
- 1.3. The application is supported by a full set of planning drawings prepared by the architects, Haskins Designs Ltd as well as a full Design and Access Statement. This document contains details of the site including a series of contextual photographs.
- 1.4. In terms of other supporting information this includes a Preliminary Ecological Appraisal undertaken by Greenlink Ecology Ltd, a Heritage Statement prepared by Asset Heritage Consulting and an Arboricultural Assessment prepared by Sylvan Arb Ltd.
- 1.5. This submission follows pre-application discussions with the Council, the details of which will be discussed later in this statement.
- 1.6. We are familiar with all relevant planning policies at a national, regional and local level and have undertaken a visit to the application site. In our assessment this proposal is policy compliant and represents a high-quality, sustainable development for which planning permission should reasonably be granted.

## **2. THE APPLICATION SITE AND SURROUNDING AREA**

- 2.1. The application site is located on the eastern side of Charlton Lane, West Farleigh. It is outside of the defined built-up area and is not within any of the '*larger villages*' or '*rural service centres*' as defined in the Maidstone Borough Local Plan. It is, therefore, in the countryside for planning policy purposes.
- 2.2. Accessed via an existing lane from Charlton Lane itself, the site currently contains an existing workshop building and a large industrial building with associated hard landscaping. There are residential properties in close proximity to the site including Elmscroft Bungalow to the north and Elmscroft House beyond.



- 2.3. The site is outside of a defined Conservation Area. Elmscroft House is Listed at Grade II and is well-separated from the site. Elmscroft Bungalow is located outside of the residential curtilage of Elmscroft House although could be curtilage Listed (details around this issue will be discussed later in this statement).
- 2.4. There are no Tree Preservation Orders on or immediately adjacent to the site. However, the applicants have engaged specialist arboricultural consultants, Sylvan Arb Ltd, to consider how the scheme can satisfactorily ensure the long-term well-being of trees to be retained on site.

### **3. RELEVANT PLANNING HISTORY**

- 3.1. From the available planning history records it appears that the site was previously granted planning permission under references MA/92/0054 and MA/94/0372 for a change of use from farm buildings to a mixed-use comprising agriculture and agricultural contractor's storage.
- 3.2. More recently, in 2014 under reference 14/503157/FULL, planning permission was granted for the change of use of a former contractor's storage building to allow a motor vehicle workshop and repairs. It appears that this related to the front (western) section of the larger building on site.
- 3.3. Prior to 2014 planning permission was granted under reference 08/2157 for a change of use of the smaller building to the north (directly facing the access lane) to allow its use for motor vehicle repairs as well as land to the west in association with this use.
- 3.4. During pre-application discussions with the Council under reference 22/502502/PAMEET the Council identified that the planning history appeared to indicate a lack of clarity over the existing lawful use of the eastern part of the larger building on site leading to a lack of clarity over the extent of the land which constitutes 'previously developed land'.
- 3.5. Accordingly, under reference 23/502673/LDCX the Council issued a Lawful Development Certificate confirming that the lawful use of the larger building on site is for vehicle repairs within the front of the building and commercial storage purposes (Use Class B8) to the rear. The existing buildings and the surrounding land, therefore, cumulatively constitute previously developed land as per the NPPF definitions.

#### ***Pre-application discussions under reference 22/502502/PAMEET***

- 3.6. As stated, the applicants engaged the Council on a pre-application basis in 2022 to discuss the principle of a redevelopment of the site and the removal of the existing commercial operations to facilitate a residential development comprising four units.
- 3.7. A copy of the Council's pre-application response letter is attached at **APPENDIX 1**. The Council raised an initial query over the extent of the site which constitutes previously developed land given the planning history. As stated, the issuing of a Lawful Development Certificate under

reference 23/502673/LDCEX has subsequently confirmed, alongside the planning history, that all the existing buildings and associated land falls within the NPPF definition of land which is previously developed.

- 3.8. The Council confirmed that, subject to the clarification around the previously developed nature of the site, the general principle of replacing the commercial uses/buildings with residential development was not objectionable. Whilst recognising the site's location within the countryside, it was acknowledged that the Council's adopted countryside policy (SP17) is not preclusive of new development where it is of a high-quality of design and does not result in harm to the character and appearance of the area.
- 3.9. Reference was made to Local Plan Policy DM5 which relates to development on brownfield land in the countryside. It was acknowledged that the policy requires a '*significant environmental uplift*' and for sites to be accessible by sustainable modes to the urban area. In this case it is a material consideration that the site is surrounded by existing residential uses.
- 3.10. The Council provided some comments in relation to matters of design and identified that suitable provision will need to be made for bins and bikes on site.
- 3.11. In relation to other considerations the Council had suggested that Elmscroft Bungalow has the potential to be curtilage Listed. Whilst this was not immediately clear from the available evidence, the Council encouraged the applicants to support any planning submission with a detailed Heritage Statement. Such an assessment has been duly provided and will be discussed later in this statement.
- 3.12. It was also acknowledged that the existing buildings may have ecological interest or the potential for protected species given the context of the site. Again, the applicants have engaged an ecological consultant who has undertaken a Preliminary Ecological Appraisal which also supports this application.
- 3.13. The design and layout of the proposed development has been revisited following the Council's response. It is our view that the proposal represents a significant environmental uplift on site, removing an existing conflicting use and facilitating the delivery of high-quality and appropriately designed new residential accommodation.

**4. THE APPLICATION PROPOSAL**

4.1. As per the submitted drawings the proposal is to demolish the two existing commercial buildings on site and to erect four new dwellings comprising a terrace of three in place of the larger structure on site with a separate self-contained property (Plot 4) towards the northern boundary with Elmscroft Bungalow.

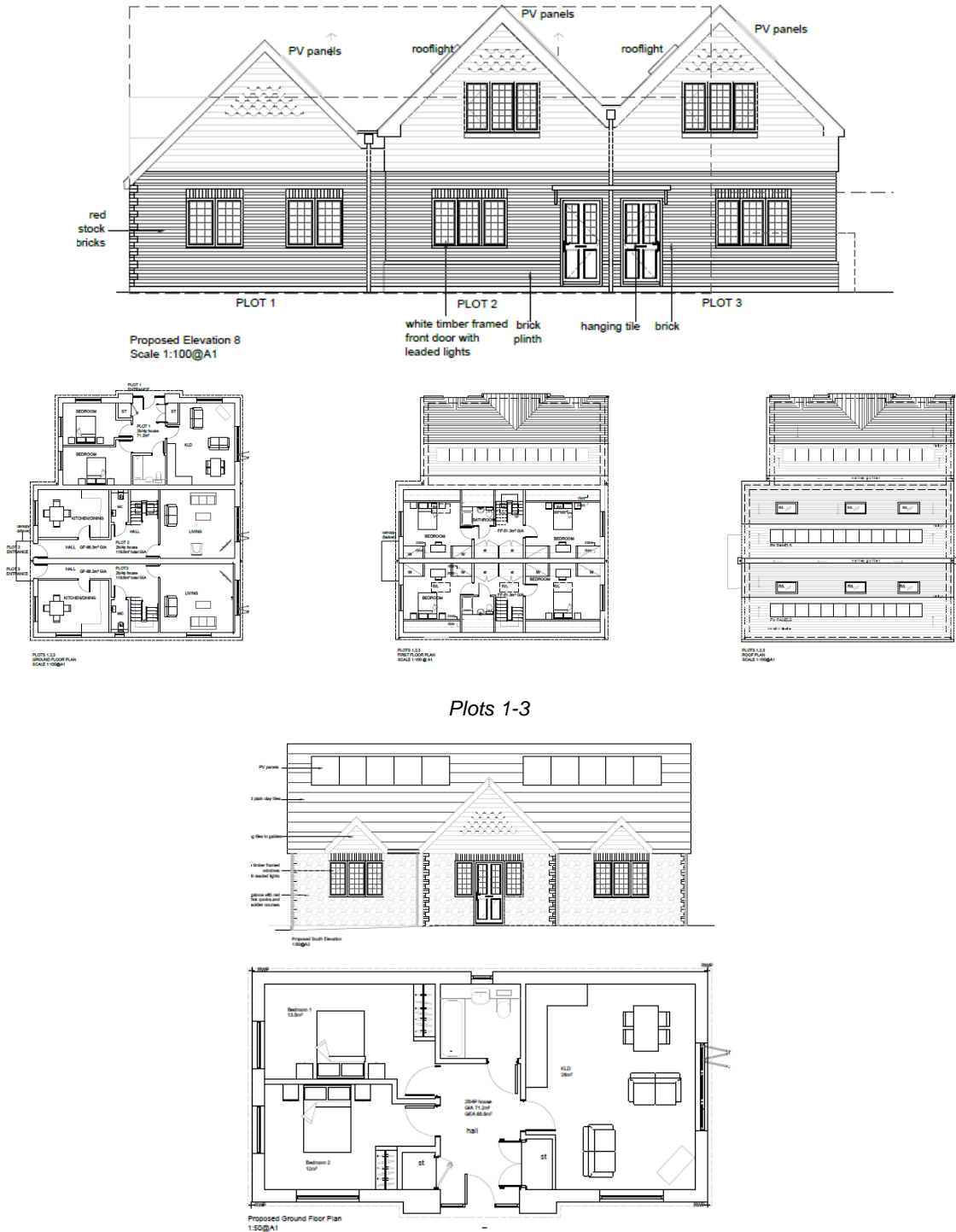


*Proposed site plan*

- 4.2. The schedule of accommodation being proposed comprises Plot 1 which is a single storey two bedroom/four person house adjoining Plots 2 and 3 which are two storey, two bedroom/four person properties each with a private amenity area.
- 4.3. Plot 4 is a single storey bungalow comprising two bedrooms, again served by a generous outside area as identified on the proposed plans.
- 4.4. Each unit will comfortably comply with the national prescribed space standards, and each has access to a good-quality form of amenity space as well as dedicated car parking.



4.5. The plans indicate that each property will have two allocated car parking spaces and provision has been made within the layout for the storage of suitable refuse facilities for all units as well as dedicated cycle storage space.



Plot 4

- 4.6. Plots 1 – 3 are positioned in largely the same location as the larger existing commercial storage building and remains well-separated from the site’s boundaries. Plot 4 has been positioned to the rear of the vehicle repair workshop which is to be demolished and has also had due regard for the existing property at Elmscroft Bungalow in relation to separation from the shared boundary.
- 4.7. A high-quality landscaping scheme is proposed including new timber post and rail boundary treatments as well as new native planting and the retention of existing boundary trees.



*Extract from site plan showing proposed parking and new planting*

- 4.8. The plans indicate that sufficient space is incorporated for vehicle manoeuvring into and out of the site utilising the existing access point from Charlton Lane.
- 4.9. There will be a significant improvement in the visual appearance of the site given the removal of the existing buildings and uses. The existing structures are of no architectural merit and the unrestricted use for commercial purposes including vehicle repairs and general storage is a potentially conflicting use given the predominantly residential characteristics of the immediate



area. This represents a significant enhancement in terms of the character and appearance of the site and the wider countryside.

- 4.10. The design approach is reasonably traditional having due regard for the topography of the site and the immediate characteristics of the area. The use of natural Ragstone walls, feature red stock brick quoins and frame surrounds to all door and window openings is reflective of the immediate character. The use of a single storey building towards Elmscroft Bungalow complements and responds to the existing building to the north and is reflective of its overall scale having due regard for the potential heritage considerations at play.
- 4.11. The details of the Arboricultural Assessment and Ecological Appraisal which has been carried out will be covered later in this statement. In essence, however, the scheme makes provision for a number of ecological enhancements and is facilitated by the removal of only a few low quality trees. The majority of existing trees on the site and around the boundaries are to be retained and the scheme makes provision for new planting and hedgerows which will notably enhance the appearance and overall character of the site.

## 5. RELEVANT PLANNING POLICY CONSIDERATIONS

5.1. Of relevance to this application are the Government's objectives within the National Planning Policy Framework (NPPF) (2019), the policies within the Maidstone Local Plan (2017) and any relevant Supplementary Planning Guidance.

### ***National Planning Policy Framework (2023)***

5.2. The main purpose of the revised Framework remains to achieve sustainable development through a plan-led system. The presumption in favour of sustainable development remains and, if development is sustainable, this should go ahead without delay.

5.3. Achieving sustainable development means that the planning system has three overarching objectives, which are inter-dependent and need to be pursued in mutually supportive ways;

- **An economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support the growth, innovation and improved productivity; and by identifying and co-ordinating the provision of infrastructure;
- **A social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and culture well-being;
- **An environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

5.4. Section 4 deals with decision-making and states the local planning authorities should approach decision on proposed development in a positive and creative way. Decision-makers are urged to approve applications for sustainable development where possible.

- 5.5. Paragraph 39 encourages early engagement through pre-application discussions in order to improve efficiency and the effectiveness of the planning application system for all parties.
- 5.6. Section 5 of the revised Framework sets out the Government's objective of significantly boosting the supply of homes and delivering a sufficient supply of new houses that meet specific needs.
- 5.7. Paragraph 60 confirms that, to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed.
- 5.8. Paragraph 69 refers to windfall sites and states that planners should consider the case for setting out policies to resist inappropriate development, for example on residential gardens, but only where development would cause harm to the local area. The Government also recognises that small and medium-sized sites make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly.
- 5.9. In relation to highway, parking and sustainable transport matters, paragraph 111 of the revised NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.
- 5.10. Section 11 requires Local Planning Authorities to ensure that planning policies and decisions promote an effective use of land in meeting the need for homes and other uses.
- 5.11. Paragraph 120 states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs and also to promote and support the development of under-utilised land and buildings especially if this would help to meet identified needs for housing where land supply is constrained.
- 5.12. The Government continue to recognise that design is indivisible from good planning, and that high quality design is a key aspect of sustainable development. Paragraph 127 seeks to ensure that development proposals add to the overall quality of the area, are visually attractive as a result of good architecture, layout, and appropriate and effective landscaping, and are sympathetic to local character and history.

- 5.13. Paragraph 134 recognises that whilst poor design which fails to take opportunities available for improving the character and quality of an area should be avoided, design which reflects local design policies or any adopted design codes is encouraged. Outstanding or innovative design which promotes a high level of sustainability or helps to raise the standard of design more generally, along with design which fits the *'overall form and layout of their surroundings'* is also encouraged.
- 5.14. Section 16 of the Framework relates to the need to conserve and enhance the historic environment. Annex 2 defines conservation as *'The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance'*. The Framework is clear that change to the historic environment is inevitable, and that conservation does not imply that local planning authorities should prevent or resist change in all cases. Any change should be managed to ensure the heritage significance of an asset is sustained and where possible enhanced.
- 5.15. Local planning authorities are urged to identify and assess the significance of a heritage asset (in this case, the Conservation Area), with the Framework being clear that change is only harmful in so far as it erodes significance. Where a proposal would lead to *'less than substantial harm'* to the significance of a designated heritage asset, the benefits of a proposal should be given sufficient weight in the overall balance. This is set out within paragraphs 199 to 202.
- 5.16. Paragraph 202 states that where *'less than substantial harm'* to the 'significance' of a designated heritage asset is deemed to arise, this harm should be weighed against *'public benefits'*. Where no harm to *'significance'* is identified, then public benefits need not be demonstrated.
- 5.17. In this case the site is not within a designated Conservation Area; however, the proposal is arguably within the setting of the nearby Listed building of Elmscroft House.
- 5.18. The Framework reiterates that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Framework is a material consideration.

***National Design Guide (2019)***

- 5.19. In 2019 the Government introduced the National Design Guide (NDG) which sets out that the underlying purpose for design quality and the quality of new development at all scales is to create well-designed and well-built places that benefit people and communities.
- 5.20. Section 1 of the NDG sets out that new development may draw its inspiration from the site, its surroundings or a wider context, or it may also introduce '*new approaches to contrast with, or complement, its context*'.
- 5.21. Paragraph 58 of the Guidance states that where the scale or density of new development is '*very different to the existing place*' it may be appropriate to create a new identity rather than to scale up the character of an existing place in its context.
- 5.22. Importantly, the National Design Guide recognises that well-designed places do not need to copy their surroundings in every way. Local authorities are urged to welcome elements that reflect how we live today, and include innovation or change such as increased densities, or to incorporate new sustainable features or systems. It is clear, therefore, that there is no requirement at a national level to copy or replicate existing characteristics in order to create a sustainable development.

***Maidstone Borough Local Plan (2017)***

- 5.23. Policy SP17 relates to the countryside. The countryside is defined as all those parts of the plan area outside of the Maidstone Urban Area, Rural Service Centres and larger villages. The policy indicates that development proposals in the countryside will not be permitted unless they accord with other policies in the plan and will not result in harm to the character and appearance of the area. The policy also states that the distinctive landscape character of the Green Sand Ridge, the Medway Valley, the Len Valley, the Loose Valley and the Low Weald will be conserved and enhanced as landscapes of local value. The application site is not located in any of these defined areas.



5.24. Policy DM1 – Principles of Good Design – seeks to achieve high quality design throughout the borough, and development is expected to respond to and enhance a site’s character and surroundings. For reference, the full wording of Policy DM1 is set out below:

*Policy DM 1 - Principles of good design*

*Proposals which would create high quality design and meet the following criteria will be permitted:*

- i. Create designs and layouts that are accessible to all, and maintain and maximise opportunities for permeability and linkages to the surrounding area and local services;*
- ii. Respond positively to, and where possible enhance, the local, natural or historic character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage- incorporating a high quality, modern design approach and making use of vernacular materials where appropriate;*
- iii. Create high quality public realm and, where opportunities permit, provide improvements, particularly in town centre locations;*
- iv. Respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in, or is exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties;*
- v. Respect the topography and respond to the location of the site and sensitively incorporate natural features such as trees, hedges and ponds worthy of retention within the site. Particular attention should be paid in rural and semi-rural areas where the retention and addition of native vegetation appropriate to local landscape character around the site boundaries should be used as positive tool to help assimilate development in a manner which reflects and respects the local and natural character of the area;*
- vi. Provide a high quality design which responds to areas of heritage, townscape and landscape value or uplifts an area of poor environmental quality;*
- vii. Orientate development, where possible, in such a way as to maximise the opportunity for sustainable elements to be incorporated and to reduce the reliance upon less sustainable energy sources;*
- viii. Protect and enhance any on-site biodiversity and geodiversity features where appropriate, or provide sufficient mitigation measures;*
- ix. Safely accommodate the vehicular and pedestrian movement generated by the proposal on the local highway network and through the site access;*
- x. Create a safe and secure environment and incorporate adequate security measures and features to deter crime, fear of crime, disorder and anti-social behaviour;*
- xi. Avoid inappropriate new development within areas at risk from flooding, or mitigate any potential impacts of new development within such areas whereby mitigation measures are integral to the design of buildings;*
- xii. Incorporate measures for the adequate storage of waste, including provision for increasing recyclable waste;*
- xiii. Provide adequate vehicular and cycle parking to meet adopted council standards; and*
- xiv. Be flexible towards future adaptation in response to changing life needs.*

- 5.25. Policy DM3 – Natural Environment - seeks (insofar as it relates to the appeal site) to ensure that new development protects positive landscape character as well as veteran trees or trees with significant amenity value. Where appropriate, landscape and visual impact assessments should be provided to appraise the value of the borough’s natural environment.
- 5.26. Policy DM4 – Development Affecting Heritage Assets – development is expected to ensure that new development affecting a heritage asset incorporates measures to conserve, and where possible enhance, the significance of the heritage asset and, where appropriate, its setting. This application is supported by a full Heritage Assessment given the proximity of the Grade II Listed building at Elmscroft House to the north.
- 5.27. Policy DM5 – Development on Brownfield Land – recognises that proposals for development on previously developed land in the countryside should meet the following criteria:
- *The site is not of high environmental value; and*
  - *If the proposal is for residential development, the density of new housing proposals reflects the character and appearance of individual localities, and is consistent with policy DM12 unless there are justifiable planning reasons for a change in density.*
- 5.28. The policy goes on to state that in exceptional circumstances, residential development on brownfield sites in the countryside will be supported, provided the scheme would result in significant environmental improvement and the site is, or can reasonably be made, accessible by sustainable modes to the urban area, a rural service centre or larger village.
- 5.29. Policy DM30 relates to Design Principles in the Countryside. It seeks high quality design and an appropriate choice of materials for development proposals outside of the defined settlement boundaries. For reference, the full wording of Policy DM30 is set out below:

*Policy DM 30 - Design principles in the countryside*

*Outside of the settlement boundaries as defined on the policies map, proposals which would create high quality design, satisfy the requirements of other policies in this plan and meet the following criteria will be permitted:*

- i. The type, siting, materials and design, mass and scale of development and the level of activity would maintain, or where possible, enhance local distinctiveness including landscape features;*

- ii. *Impacts on the appearance and character of the landscape would be appropriately mitigated. Suitability and required mitigation will be assessed through the submission of Landscape and Visual Impact Assessments to support development proposals in appropriate circumstances;*
- iii. *Proposals would not result in unacceptable traffic levels on nearby roads; unsympathetic change to the character of a rural lane which is of landscape, amenity, nature conservation, or historic or archaeological importance or the erosion of roadside verges;*
- iv. *Where built development is proposed, there would be no existing building or structure suitable for conversion or re-use to provide the required facilities. Any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation which reflect the landscape character of the area; and*
- v. *Where an extension or alteration to an existing building is proposed, it would be of a scale which relates sympathetically to the existing building and the rural area; respect local building styles and materials; have no significant adverse impact on the form, appearance or setting of the building, and would respect the architectural and historic integrity of any adjoining building or group of buildings of which it forms part.*

*Account should be taken of the Kent Downs AONB Management Plan and the Maidstone Borough Landscape Character Guidelines SPD.*

**Maidstone Local Plan Review (LPR)**

- 5.30. The Council is currently reviewing its Local Plan and the Local Plan Review has been the subject of examination. The process was split into two Stages with Stage 1 exploring the issues of legal compliance, settlement hierarchy, housing and employment requirements and the Council's overall strategy. Subject to the outcome of Stage 1, the Inspector anticipated moving to Stage 2 hearings which would consider the various proposed site allocations. This site is not a draft allocation in the emerging plan.
- 5.31. The hearings opened in September 2022 and the Inspector issued their Stage 1 findings in a letter dated the 11<sup>th</sup> January 2023. The Inspector's 'Stage 1' letter set out that he is happy with the Council's overall strategy with some suggested modifications. The Stage 2 hearings considered the individual allocations including the appeal site. The hearings commenced in May 2023.
- 5.32. In July 2023 the Inspector issued his findings following the Stage 2 hearings. The conclusion was that the plan can be made 'sound' by some modifications. The Maidstone Local Plan Review Proposed Main Modifications and Minor Changes was reported to Cabinet on 20

September 2023 and consultation is currently taking place from 29 September until 13 November 2023.

- 5.33. Whilst the Local Plan Review now has moderate planning weight, there remains a process of public consultation and review prior to any formal adoption.

## **6. DISCUSSION OF THE PLANNING ISSUES**

- 6.1. It is proposed to demolish the existing poor quality commercial buildings on site and erect a new high quality residential development comprising 4 dwellings. Each property will have dedicated parking spaces and an appropriate amenity area, with associated landscaping representing a significant environmental uplift. The main issues for consideration in the determination of this application are as follows.
- 6.2. The main issues for consideration in the determination of this application are as follows:
- *The principle of the development*
  - *The impact on the character and appearance of the area*
  - *The effect on nearby residential amenities*
  - *The standard of residential accommodation being provided, including amenity space*
  - *Car parking and highway implications*
  - *Heritage considerations*
  - *Ecological matters*
  - *Trees*
  - *Other planning considerations including flooding and drainage*

### *Principle of the Development*

- 6.3. At a principle level, there is strong national and local policy support for the redevelopment of existing previously developed sites to create more efficient uses and provide new residential accommodation of a high standard.
- 6.4. The NPPF is clear that Local Planning Authorities should seek to boost significantly the supply of new housing, looking to grant planning consent unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits. Windfall 'small and medium' sites such as this are identified in the Framework as making a valuable contribution towards housing delivery.



- 6.5. Policy SP17 relates to the countryside and states that new development will be approved where it accords with relevant policies of the development plans and respects the character of the area. Likewise, Policy DM5 is supportive of the redevelopment of brownfield sites in the countryside where sites are accessible, and a significant environmental improvement can be made.
- 6.6. In this case the site is effectively surrounded by residential uses. The location currently sustains residential development appropriately, with the proposed development forming part of the existing semi-rural community. The existing commercial uses are somewhat conflicting given the prevailing characteristics of the location. The existing buildings are of a low visual quality.
- 6.7. Indeed, in the councils pre-application response letter it was confirmed that *“It is accepted that the site is not of high environmental value”*. A scheme of residential properties of a far higher design standard, along with the associated landscaping and removal of the existing commercial development, represents a significant environmental uplift. This accords with the requirement of Policy DM5.
- 6.8. The existing commercial development generates unrestricted vehicle movements and associated noise/disruption. This would be materially reduced with the provision of a modest housing development. The proposed development would accord with the general scale of nearby buildings, making a more efficient use of the site and respecting the existing character of the area.
- 6.9. The use of the existing vehicular access point from Charlton Lane ensures that the site is suitably accessible and will in fact enhance the attractive and mature character of the area. Safe and appropriate access to the site is maintained. The provision of electric vehicle charge points and secure bicycle storage facilities for all units ensures that the scheme delivers alternative sustainable travel modes, again in accordance with Policy DM5.
- 6.10. The proposed development represents sustainable development. It accords with the objectives of SP17 in that it is of a high quality design that will not result in harm to the character and appearance of the area. Rather, it will enhance the local distinctiveness of the area.
- 6.11. Furthermore, in relation to Policy DM5, the scheme represents a redevelopment of established previously developed/brownfield land in an accessible residential location which will deliver a

significant environmental uplift with the removal of the somewhat conflicting commercial uses. There will be no additional (in fact a reduction) in terms of vehicle movements associated with a residential use such and no demonstrable harm to sustainability in respect of accessibility of services and facilities.

- 6.12. Therefore, in our view and in principle, there is significant policy support for this proposal.

*The impact on the character and appearance of the area*

- 6.13. The existing buildings on site are of no particular architectural merit. From a visual perspective their removal would need to a material enhancement to local character.
- 6.14. The surrounding development is predominantly residential. The scheme has been designed to reflect local distinctiveness and has been designed to have an appearance and presence that would be similar to, and reflective of, other properties in the area. The development's siting, height, architectural form and detailing are all considered to be acceptable and would not appear out of character in the local area.
- 6.15. The design, scale and materials have been carefully selected to ensure a development of a suitable quality and appearance which will sit comfortably within the site's context. A high-quality landscaping scheme will enhance the appearance of the site and ensure that the scheme makes a positive contribution to the area.
- 6.16. In this case there is no unacceptable impact on the character, appearance and context of the area, and the scale, design and density of the proposed development is commensurate with the site's surroundings. There is, therefore, no conflict with Policy DM1 or DM30.
- 6.17. The scheme does not result in any loss of landscaping but will introduce soft landscaping as part of the overall scheme. This includes new trees and hedgerows that will collectively enhance the natural environment and will provide effective screening around the proposed buildings.
- 6.18. The new dwellings would have amenity areas with accord with the standards of the immediate area. The appearance of the site would be notably improved. There is, again, no conflict with Policy DM1, DM5 or DM30.

*The effect on nearby residential amenities*

- 6.19. The context of the application site is such that the proposed development would maintain appropriate distances to the site boundaries, and the scheme has been carefully designed to ensure that there will be no harm to existing levels of amenity enjoyed by any neighbouring occupants. The buildings will be well separated from all surrounding properties.
- 6.20. The councils pre-application response endorsed this view – *“I am satisfied that it would not result in adverse harm to the living conditions of both future occupants of the site and existing surrounding neighbours when trying to enjoy their own properties”* and *“I also accept that the replacement of the commercial activities on site with a residential use should improve the living environment of neighbours when trying to enjoy their own property, subject to its appropriate scale and design”*.
- 6.21. The scheme minimises the amount of flank windows and these are set away from the boundaries. The site will continue to benefit from boundary screening, with additional planting also forming part of the scheme . The replacement buildings will sit comfortably in the site resulting in no harmful visual impact.
- 6.22. The scheme has been carefully designed to protect existing amenity levels nearby. The outlook for future occupiers of the development will be of a high standard, with all habitable spaces having a pleasant aspect providing good levels of natural daylight and sunlight and a pleasant outlook. The removal of the existing commercial operations is a notable benefit to local residential amenity levels.
- 6.23. The general visual amenities of the site will also be materially improved. Policy DM1 of the Local Plan requires proposals to provide adequate residential amenities for existing and future occupiers of the development and safeguard those of neighbours. The scheme accords with this objective.
- 6.24. There will be no unacceptable impact upon the residential amenities of future or existing occupiers in respect of a loss of privacy, sunlight, daylight and disturbance from additional traffic, and the scheme maintains suitable separation to all boundaries. The requirements of Policy DM1 have been met.

*Standard of residential accommodation being provided, including amenity space*

- 6.25. The proposed dwellings will be of a very high standard in terms of internal layout and gross internal areas, in excess of the minimum space requirements set out within the Nationally Prescribed Space Standards. In respect of the Council's own adopted policies relating to new residential accommodation, these seek to ensure that each development is of high standard for future occupants and does not result in harm to existing levels of residential amenity nearby. There is no conflict, therefore, with the objects of the Council's planning policies DM1 and DM30 in this respect, nor with the strategic policies of the NPPF.
- 6.26. Each dwelling will have a dual aspect allowing an appropriate passage of natural daylight and sunlight into habitable areas. Each property will have good sized living accommodation with windows allowing daylight and a high-quality living environment for future occupants.
- 6.27. It is noted that the Council has no fixed standards in respect of amenity space for new developments, however, each dwelling has access to an amenity area. These areas will be commensurate with the local spatial standard. Each dwelling will have direct access outside to the rear. Each unit, therefore, is provided with a defensible amenity area commensurate with the general spatial standards seen nearby.

*Car parking and highway implications*

- 6.28. It is recognised that within Policy DM23 the Council will seek to promote an appropriate level of car parking as part of new residential developments in rural locations. Accordingly, each property would have two allocated car parking spaces which accords with the KCC Highways standards. The existing access from Charlton Lane is to be retained and will serve the new properties. It is considered that all parking demand can be contained on site.
- 6.29. The plans indicate that there is sufficient turning space on site and that all parking spaces are accessible and can be suitably manoeuvred into and out of. There will be a notable reduction in vehicle movements from the existing (unrestricted) commercial use of the site.
- 6.30. Appropriate levels of cycle parking space are also to be accommodated as part of the proposal. Similarly, in respect of appropriate storage facilities for refuse bins, these are provided in

accordance with the Council's requirements within a dedicated area, as shown on the submitted plans.

- 6.31. The scheme provides on-site electric vehicle charge points in response to the councils comments at pre-application stage.
- 6.32. In light of the above, the development accords with Policy DM23 and the KCC standards and there are no apparent traffic or transport reasons as to why the development should not be granted planning consent.

*Heritage considerations*

- 6.33. The site is not located within a conservation area, however during pre-application discussions the proximity of Elmscroft House (a Grade II Listed building to the north) was acknowledged, as well as Elmscroft Bungalow (the property closer to the site) which it was suggested may be curtilage listed.
- 6.34. While the council were not in a position to confirm whether Elmscroft Bungalow is curtilage listed or not, it was suggested that a 'proportionate Heritage Statement' should be provided with any formal planning application. Accordingly, the applicants have engaged specialist heritage consultants Asset Heritage to consider any heritage implications of the proposal in light of the requirements of Policy DM4.
- 6.35. It is not necessary to repeat the findings of the Heritage Statement here but is clear that the planning history does not provide a clear steer as to the status of Elmscroft Bungalow. The councils suggestion was on the basis of previous applications for Listed Building Consent in relation to the building; in fact, the planning records show that a 1997 application for LBC was not proceeded with and returned to the applicant. The only reasonable assumption is that the application was submitted in error and LBC was not in fact required.
- 6.36. It would appear therefore that the Council's historic position has been that Elmscroft Bungalow is not listed by virtue of curtilage and, indeed, the Council declined to consider the only listed building consent application historically submitted.



- 6.37. Notwithstanding, Asset Heritage have assessed the scheme in heritage terms. Their clear conclusion is that the proposal will not lead to any heritage harm, and there will be no harm to the Listed building at Elmscroft House arising from the change to its setting.
- 6.38. No conflict therefore arises with Policy DM4 or with the relevant heritage section of the NPPF.

*Ecological matters*

- 6.39. It was suggested by the council at pre-application stage that *“the proposal site may have ecological interest, and so I would recommend the submission of a preliminary ecological appraisal (and any other further required surveys) with any planning application”*. Accordingly, Greenlink Ecology Ltd have prepared a Preliminary Ecological Appraisal (PEA) which accompanies this submission.
- 6.40. Again, it is not necessary to repeat the findings of the PEA here. In summary it confirms that there are no statutory designated sites with the search and area. Although there are non-statutory designated sites and notable habitats within the search area, it is considered that there is no significant risk of impacts and therefore, no need for mitigation measures.
- 6.41. Furthermore, since there has been no evidence recorded for the presence of roosting bats and there has been no potential identified for roosting bats to be present, mitigation measures are only recommended on a precautionary basis to avoid the risk of indirect impacts to commuting/foraging bats.
- 6.42. Mitigation measures have been recommended for breeding birds and hedgehog to avoid the risk of impacts in relation to the demolition of the open-sided commercial building and to the removal/disturbance of potentially suitable habitats. In accordance with the NPPF, recommendations have also been made for ecological enhancement measures to benefit local biodiversity, in particular habitats, bats, breeding birds, hedgehog and invertebrates.
- 6.43. Overall, there are no known overriding ecological constraints that would prevent the proposed works going ahead satisfactorily, and therefore no ecological justification for withholding planning permission.

Trees

- 6.44. The Councils interactive planning map shows that the site contains no protected trees. In any case, the applicants have engaged SylvanArb, a specialist arboricultural and woodland consultancy, to undertake a detailed assessment and survey the trees on site. This report accompanies this application.
- 6.45. A small number of Category C trees are to be removed as part of the scheme. Other trees can be retained satisfactorily, and the site enhanced with additional planting and landscaping as shown on the scheme plans.
- 6.46. The low level of tree removal will not adversely affect the character and appearance of the area. The new planting and landscaping will notably enhance the visual amenities of the site.
- 6.47. The scheme retains the majority of trees which are of a good quality, and the scheme has been constraints-led with the layout evolving to ensure that retained trees will not be adversely affected by the development. Likewise, new occupants will not suffer shading issues and the residential environment will be enhanced with the introduction of new planting including native species.
- 6.48. There are seemingly no arboricultural reasons which would justify a refusal of planning consent.

Other planning considerations including flooding/drainage

- 6.49. The site is located in Flood Zone 1 which indicates that it has a low probability of flooding. The site can be adequately drained and is sustainable in terms of flood risk. The occupants of the development will be safe, and the scheme will not increase the risk of flooding elsewhere.
- 6.50. In respect of hard surfaces proposed for the access and parking areas, these would utilise permeable materials, the detail of which could be secured by a suitably worded condition.

## **7. CONCLUSION**

- 7.1. Having due regard for the context of the site's location within a predominantly residential area, the proposed redevelopment of a parcel of previously developed land will not negatively affect the character of the countryside, thereby according with Policy SP17.
- 7.2. The removal of the existing commercial buildings and operations will give rise to a significant environmental uplift in accordance with Policy DM5. Given the sites context and the proposed design, our view is that the principle of residential housing development has significant policy support.
- 7.3. The semi-rural residential characteristics of the area would be maintained and enhanced. There are no heritage concerns arising from the scheme, not any arboricultural or ecological issues. The scheme leads to a material enhancement of the site with an appropriate form of residential development.
- 7.4. The opportunity to provide high quality housing, contributing to the provision of new accommodation within the district is a public benefit that should be given substantial weight in the overall planning balance. Neighbouring amenities would be maintained, and the removal of the existing non-conforming (albeit lawful) use of the site is a benefit of this proposal.
- 7.5. There are no technical highways considerations that give rise to any concern, with the provision of dedicated on-site parking, vehicle charge points and secure cycle storage facilities improving the sustainable travel options for future occupants. As such, there is not considered to be a conflict with the requirements of the Council's or KCC's policies in respect of parking and highway implications, and the objectives of Policy DM5 as regards sustainability have been met.
- 7.6. Each proposed residential unit has been designed to ensure compliance with the Nationally Prescribed Space Standards requirements, and each dwelling will have sufficient allocated car parking space and access to a private, defensible amenity area. In terms of the standard of accommodation being provided, there is no conflict with the Council's Policy DM1.

- 7.7. In respect of the spatial standards and general character of the area, the requirements of Policies SP17, DM5 and DM30 are not in conflict.
- 7.8. The Framework seeks to ensure that proposals do not necessarily replicate architectural styles unnecessarily, however, the development has been designed to take architectural cues from nearby development and will utilise an appropriate palette of materials to ensure a positive contribution to the area. The scheme represents high quality design.
- 7.9. The site does not contain any protected trees, and the applicants have engaged with an arboricultural specialist to ensure that any tree removal has been minimised. Any trees which are to be removed are of a predominantly low value and are not readily visible from any public viewpoints. Replacement planting is proposed such that the prevailing characteristics of the site would be upgraded. In light of the evidence provided in relation to trees to be removed or retained, the development follows good arboricultural practice.
- 7.10. The development will not give rise to any negative effects on existing levels of residential amenity nearby in respect of overlooking, loss of privacy, or negative effects in relation to daylight and sunlight. This is in full accordance with Policy DM1 of the Local Plan.
- 7.11. It is our view that the development will enhance the character and appearance of the area, making more efficient use of a previously developed site within an existing residential area which is not currently being used efficiently. The redevelopment of such sites is strongly encouraged by the NPPF.
- 7.12. In light of the foregoing and all material planning considerations in this case, it is respectfully requested that planning consent should reasonably be forthcoming. Accordingly, we look forward to receiving the Council's approval of planning permission subject to any necessary safeguarding planning conditions.

## **APPENDICES**

**APPENDIX 1**                      Copy of pre-application response ref: 22/502502/PAMEET