

**Applications delegated to Director of Planning,
Housing & Environmental Health to determine**

Snodland **21 November 2019** **TM/19/02743/FL**
Snodland West And
Holborough Lakes

Target Determination Date: 16 January 2020

EOT Revised Expiry Date: 19 March 2020

Proposal: Erection of 6 three bedroom houses and associated car
parking, access and landscaping
Location: Development Site Cemetery Road Snodland Kent

1. Description of Proposal:

- 1.1 This application seeks planning permission for the erection of 6 three bedroom houses and associated car parking, access and landscaping.
- 1.2 The dwellings are proposed to form three sets of semi-detached dwellings. Each pair is to measure 10.6m long by 11m wide and have total height of 8.5m. vehicle access to the site is to be gained from Cemetery Road to the north. A central parking area is proposed within the centre of the site.

2. The Site:

- 2.1 The application site consist of a parcel of land located to the east of Cemetery Road, Snodland. The site lies wholly within the urban confines of Snodland. Public Right of Way MR34 runs to the north of the site with MR50 running part way along Cemetery Road.
- 2.2 To the north of the site lies the Holborough residential development with a lake to the east. Snodland Sports ground lies to the west with a cemetery to the north-west.

3. Planning History (relevant):

- 3.1 None relevant.

4. Consultees:

- 4.1 PC (26.12.19): No objection subject to welfare of Great Crested Newts which are a protected species and which habitat this area.
- 4.2 KCC (Highways) (26.12.19): Initial Comments received:

- Visibility sight lines commensurate with the road's posted limit are required. Finally, confirmation that these can be achieved in land within the control of the applicant or local highway authority is also needed.
- The proposed dwellings will be provided with a private path from their frontage, up to the existing footways that were constructed as part of the Holborough Lakes development. These footways also provide onward connection to the wider pedestrian network on both Cemetery Road and Constitution Hill, as well as Snodland town centre itself and its associated facilities.
- Whilst an appraisal of the site's sustainable transport credentials has not been undertaken by the applicant, it is accepted that the site is located in a reasonably sustainable location. Snodland train station is within the maximum recommended walking distance.
- It is accepted that the quantum of car parking proposed by the applicant is in accordance with this authority's adopted guidance.
- No details of what cycle parking provision will be provided have been submitted in support of the application. Secure cycle parking provision commensurate with this authority's adopted guidance (*Supplementary Planning Guidance, SPG4, Kent Vehicle Parking Standards*) is required and could be provided in the form of a garden shed for example.
- It is noted from section 6 of the applicant's planning statement that both refuse collection and servicing by medium sized delivery vehicles will be undertaken from the roadside. This approach is acceptable in this instance given the lightly trafficked and unclassified nature of Cemetery Road, it's low speed characteristics and the short stay and infrequent nature of the vehicles in question.
- An isle width of 6 metres will be provided in the main car parking area between plots 2 and 3, thus enabling private cars to manoeuvre and egress onto the public highway in a forward motion.

Further comments received following submission of visibility splays;

- An 11m right hand visibility splay is shown on the submitted drawing. This is unacceptable for the speed limit of the road, visibility splays of 2.4 by 43 metres in either direction are required. Confirmation that adequate visibility from both accesses can be achieved is therefore outstanding.
- In respect of cycle parking I disagree with their assessment and maintain that secure cycle parking facilities should be provided.

4.3 KCC (SUDS) (26.12.19): Outside remit for comment.

4.4 Environment Agency (26.12.19): We do not object to the proposal in principle providing the following conditions are placed on any permitted development. Suggested condition provided in relation to unforeseen contamination and surface water.

4.5 Southern Water: Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. We request that should this application receive planning approval an informative is attached to the consent.

4.6 Site Notice (31.12.19): One representation received wishing to object to the application on the grounds of;

- Need for additional dwelling so close to Holborough
- Impact on reptiles, bats etc.
- Impact on enjoyment and access for Fishing
- Impact on neighbours amenity.

4.7 Environmental Health (26.12.19):

Light: On the opposite side of Cemetery Road from this proposal is an illuminated Sports Pitch. This has the potential to cause light disturbance to the future occupiers of the proposed dwellings. Under the Agent of Change principle, this needs to be considered and appropriate mitigation/attenuation measures implemented. The applicant may wish to seek expert advice from a lighting engineer.

Noise: The same Sports Pitch may also give rise to noise issues to the future occupiers of the proposed dwellings. Under the Agent of Change principle, this needs to be considered and appropriate mitigation/attenuation measures implemented. The applicant may wish to seek expert advice from an Acoustician.

Contaminated land: Due to the site's proximity to a former quarry, I would recommend a contamination condition

4.8 Leisure: Public Open Space Contribution sought.

5. Relevant Policies & Determining Issues:

Principle

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the

development plan unless material considerations indicate otherwise. The NPPF at paragraph 12 asserts that it *'does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise'*.

- 5.2 The site lies within the urban confines of Snodland where policy CP11 of the TMBCS will apply. Policy CP11 requires that development will be concentrated within the confines of urban areas including Snodland. The proposal would therefore comply with the requirement of CP11.
- 5.3 TMBC cannot presently demonstrate a five year supply of housing when measured against its objectively assessed need (OAN). In the absence of a five year supply of housing, it is necessary to apply the presumption in favour of development as set out in paragraph 11 of the NPPF. For decision making, this means that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. 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.
- 5.4 In this case there are no policies within the framework which would protect areas or assets of particular importance (footnote 6) that affect the application site. Paragraph 11(d) ii is therefore engaged and it will need to be considered whether there are any adverse impact of the scheme that would outweigh the benefits.

Highway safety and parking provision

- 5.5 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy SQ8 of the MDE DPD states that development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network.
- 5.6 The proposal seeks to provide a central parking area with access onto the unclassified road of Cemetery Road. The applicant has provided a visibility splay drawings showing a 43m splay to the south and 11m splay to the north. Kent Country Council Highways have raised some concerns over the visibility splays

and that they would not meet the standards for a 30mph road. Whilst it is noted that the visibility splays provided do not meet the required standards the arrangement of the highway network is not typical. A bus gate lies to the north of the proposed access restricting through traffic. The presence of the bus gate would also likely reduce speed of traffic travelling passed the site from the north. The highways authority within their comments highlight the lightly trafficked and unclassified nature of Cemetery Road, it's low speed characteristics and the short stay and infrequent nature of the vehicles in question when considering traffic generation. I would agree with this description of the nature of the road which would impact on the use and speed of traffic on the road compared to a typical 30mph road.

- 5.7 I note that the proposed access cannot demonstrate the full suggested visibility splay to the north and the concerns raised by Kent County Council Highways however taking into account the mitigating factors such as the impact the bus gate would have on the traffic passing the site it is the view of the decision maker that the proposal would not result in an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be considered severe.
- 5.8 With regards to parking the proposal seeks to provide 12 parking spaces in addition to two visitor parking spaces. The current adopted parking standards are contained within Kent County Council Interim Guidance Note 3 on residential parking (IGN3). These set out that each of the three bed properties should have a minimum of 2 parking space per unit within this location. The proposal exceeds this standard and complies with the requirements of IGN3.
- 5.9 Kent County Council have also provided comment regarding secure cycle storage. The proposal is for six dwelling each with their individual curtilages. Whilst the applicant is not proposing a dedicated secure cycle store there is adequate room within the curtilage of the dwellings to accommodate this requirement.
- 5.10 The development is therefore acceptable in terms of paragraph 109 of the NPPF, accords with the adopted standard set out in IGN3 and policy SQ8 of the MDE DPD.

Design/street scene

- 5.11 Policies CP24 of the TMBCS and SQ1 of the MDE DPD and the most relevant design policies and require development to be well designed and through its scale, density, layout, siting, character and appearance respect the site and its surroundings. Development should also protect, conserve and where possible enhance the character and local distinctiveness of the area, including its setting in relation to the pattern of the settlement, roads and surrounding landscape.
- 5.12 Paragraph 127 of the NPPF sets out that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

5.13 In terms of design the proposal seeks to provide three sets of semi-detached properties. The dwellings are to be similar in style with dual pitch gabled end roof forms, cement fibre cladding with artificial slate roofs. The dwellings are of a similar style/ appearance to many of those within Holborough which they could be seen in context with. The dwellings are set back from the edge of the highway and whilst there is no typical street scene to match would not appear out of character for the area. The proposed design would be appropriate for the character of the area and would not detract from the street scene to accord with Policies CP24, SQ1 and Paragraph 127 of the NPPF.

Residential amenity

5.14 The closest residential properties to those proposed are located within the Holborough development to the north and Hegarty Court to the south. Whilst the proposal may result in some additional traffic passing Hegarty Court given the separation distances to the closest residential properties I consider the proposal would have no significant impact on the residential amenity of the neighbouring properties.

Noise / Light

5.15 The application has received comments from the Councils Environmental Protection team who have raised concerns around the potential impact from the adjacent Sports Ground on the amenity of the future occupants of the dwelling in

terms of noise and light. The sports grounds sport pitch lies directly to the west of the proposed location of the dwelling which are fully flood lit. The boundary treatment between the two is minimal and although they are separated by the road would have potential to impact on the amenity of future residents in terms of the noise and light spill. In light of this I consider it necessary to impose a condition to require the applicant to submit a report to assess this impact and if necessary propose mitigation measures.

Contamination/ Surface Water

5.16 The site is located near a former quarry and therefore has been identified to have the potential for unforeseen contamination. A condition has been requested in relation to treating and reporting unforeseen contamination. I consider it reasonable to impose this condition. In addition the Environment Agency have requested a condition regarding the infiltration of surface water. I consider this is reasonably justified and will include that condition.

Ecology

5.17 Throughout the consultation comments have been raised regarding the impact on reptiles and other animals with specific reference to Great Crested Newts. Given the proximity of the proposal to a water source it is important to consider the potential harm to ecology.

5.18 In relation to the impact on ecology the applicant has provided an Ecological Appraisal produced by BSG ecology dated November 2019. This sets out that they have undertaken a number of surveys in relation to ecology on the application site including a desk study, Field Survey: Extended phase 1 habitat survey and a reptile survey. The results of these are included within the report. The conclusions of the report suggest that the proposed development would not significantly impact on any protected species which include Great Crested Newts which are considered to be unlikely to be present on site. The report also includes a number of ecological enhancements. I consider the applicant has been able to demonstrate the impact on ecology has been adequately addressed. I will require the suggested enhancements should be secured by way of condition.

Open Space

5.19 Policy OS3 in the Managing Development and the Environment DPD (MDE DPD, adopted April 2010), which forms part of the Council's Local Development Framework (LDF), requires open space provision for all residential developments of 5 units or above (net) in accordance with the standards in Policy Annex OS3. Annex D to the MDE DPD sets out the methodology that was followed for implementing Policy OS3 in respect of the development proposal.

5.20 There is no on-site provision proposed as part of this scheme and therefore the applicant is being asked to provide a financial contribution towards the

enhancement of existing off site open spaces. This is to total £26,648 and can be broken down into contributions for;

Parks & Gardens – £7,318 (Leybourne Lakes Country Park)

Amenity Green Spaces – £1,334 (Augers Field)

Outdoor Sports Facilities – £13,425 (Snodland Cricket Meadow)

Children's and Young People's Play Areas – £1,763 (Potyns Play Area)

Natural Green Space – £2,808 (Harborough Road)

5.21 The contributions have been sought for improvement to local open space provision in lieu of on-site provision. Subject to securing the contribution by way of legal agreement the requirements of Policy OS3 are considered to be met.

Conclusion

5.22 With the above assessment in mind, I consider that the proposal is acceptable in terms of the requirements of the NPPF and the adopted LDF policies. I do not consider the proposal would result in any adverse impacts that would significantly and demonstrably outweigh the benefits of the provision of the dwellings. The presumption remains to be applied and planning permission should be granted subject to the conditions and the applicant entering into a legal agreement securing a contribution towards Public Open Space.

6. Recommendation:

6.1 **Approved** in accordance with the following submitted details:

Site Plan CEM-100-P01 received 21.11.2019, Site Plan CEM-110-P01 Proposed received 21.11.2019, Proposed Elevations CEM-200-P01 received 21.11.2019, Proposed Plans and Elevations CEM-210_P01 House type A received 21.11.2019, Proposed Plans and Elevations CEM-211_P01 House type B received 21.11.2019, Topographical Survey S17/6162/01 A received 21.11.2019, Location Plan CEM-001-P01 received 21.11.2019, Other Heads of Terms received 21.11.2019, Ecological Assessment received 21.11.2019, Planning Statement received 21.11.2019, Design and Access Statement received 21.11.2019, Tree Report received 21.11.2019, Drawing 1907-049 VS03 VISIBILITY SPLAY received 15.01.2020, Drawing VS01 received 10.01.2020, Drawing VS02 received 10.01.2020, and subject to the following:

Conditions

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

- 2 All materials used externally shall accord with the approved plans.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

- 3 The residential units hereby approved shall not be occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space

Reason: In the interests of highway safety

- 4 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 a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reasons To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 170 of the National Planning Policy Framework.

- 5 No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reasons To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the National Planning Policy Framework.

- 6 Prior to the first occupation of the dwellings hereby approved the visibility splays as shown on drawings no 1907-49 VS01, VS02 & VS03 shall be provided in accordance with those details. Thereafter they should be retained in perpetuity.

Reason: Development without provision of adequate access arrangements is likely to give rise to hazardous conditions in the public highway.

- 7 Prior to the first occupation of the dwelling hereby approved the ecological enhancement outlined within Ecological Appraisal dated November 2019 shall be implemented in accordance with those details.

Reason: In the interest of ecology.

Officer Delegated Report

8 Prior to any above ground works to construct the dwellings hereby approved, an assessment must be undertaken to assess the impact of the noise and light from the adjacent sports ground on the residential amenity of the future occupants of the dwellings. This assessment should be submitted to the Local Planning Authority for approval and include any mitigation measures deemed necessary to achieve a suitable residential environment. Works should be undertaken in accordance with the approved details.

Reason: In the interest of the residential amenity of the future occupants.

Signed
Paul Batchelor

Endorsed By

Dated