

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

TM/20/00765/FL

Location: Plot Adjoining Snodland Cemetery Former Holborough Quarry And Adjoining Land Parcel Holborough Road Snodland Kent

Proposal: Erection of a pair of semi-detached cottages and undertaker's garage with associated residential and cemetery visitor parking

Target Date: 2 June 2020 **EOT Target Date:**

1. Description of Proposal:

- 1.1 Planning permission was granted under planning reference TM/08/01912/FL in September 2008 for the erection of a pair of semi-detached cottages and undertaker's garage with associated residential and cemetery visitor parking. This planning application was renewed under planning reference TM/11/02469/FL in November 2011 and amended under planning reference TM/14/02399/FL September 2014. A further submission was granted under planning reference TM/17/01333/FL in July 2017.
- 1.2 TM/17/01333/FL has not been implemented and the permission will shortly lapse. The current application seeks planning permission for the same scheme namely the erection of two semi-detached dwellings served by parking spaces with pergolas, a triple garage for hearse parking and additional visitor parking for the Cemetery and the incorporation of the existing PROW.

2. The Site:

- 2.1 The site lies within the urban confines of Snodland. The site forms part of the wider redevelopment of Holborough Lakes which lies to the north east. The site is accessed from Cemetery Lane with the Snodland Community Centre to the south, Snodland Cemetery to the south east and a bus/pedestrian access roadway to the east.
- 2.2 The site slopes away to the north east. The site is bounded to the south west by a Byway MR50. A PROW MR34 crosses the south part of the site. Although the site is wooded and currently rather overgrown it is not covered by any tree or habitat protection designation.

3. Planning History (relevant):

TM/08/01912/FL

Approved

9 September 2008

Erection of a pair of semi detached cottages and undertaker's garage with associated residential and cemetery visitor parking

TM/11/02469/FL Approved 4 November 2011

Renewal of planning permission TM/08/01912/FL (erection of a pair of semi detached cottages and undertaker's garage with associated residential and cemetery visitor parking)

TM/14/02399/FL Approved 10 September 2014

Amendment to scheme previously permitted under planning application TM/11/02469/FL (erection of a pair of semi detached cottages and undertaker's garage with associated residential and cemetery visitor parking) to show an increase in the floor area of the undertaker's garage

TM/17/01333/FL Approved 7 July 2017

The erection of a pair of semi-detached cottages and undertakers garage with associated residential and cemetery visitor parking

4. Consultees:

4.1 PC: 18.05.20 No response

4.2 EP: 18.05.20 Since this proposal was originally put forward in 2008, Planning Applications have been received and granted permission for the use of floodlighting on the nearby football pitch, enabling it to be used for longer periods of time. This has led to the potential for there to be both light and noise affecting the proposed dwellings. I am unsure how the Agent of Change principle would view and/or address this situation, but would recommend that both matters be considered by this Applicant and appropriate attenuation/mitigation measures identified and implemented. In doing so, I would suggest employing the services of a lighting professional and an Acoustician.

Due to the site's location near to a former quarry and cemetery a land contamination planning condition is recommended.

4.3 EA: 18.05.20 No comments

4.4 PROW: 18.05.20 No response

4.5 Ram: 18.05.20 No response

4.6	Neighbours:	20.05.20	No response
4.7	Site Notice:	19.05.20	No response
4.8	Press Notice:	21.05.20	No response

5. Relevant Policies & Determining Issues:

5.1 The assessment has been made during the Covid-19 pandemic and therefore no formal site visit has been possible. However I am familiar with the site having been the Case Officer for the previous planning application in 2017. I have also referred to the photographs in the Design & Access Statement submitted as part of the application and used google mapping.

5.2 The principle of residential development at the site has already been established. Nevertheless every application must be judged on its own merits. The site lies within the confines of Snodland. Policy CP11 of the TMBCS seeks to ensure that development is concentrated within the confines of the urban area in order to accord with the principles of sustainability set out in policies CP1 and CP2. This is in accordance with the policies contained within the NPPF which requires land in urban areas to be efficiently developed.

5.3 The Council, at present, cannot demonstrate a five year supply of housing when assessed against its objectively assessed need. In the absence of a 5 year housing supply the presumption in favour of sustainable development falls to be applied. For decision making, in accordance with paragraph 11 of the NPPF, this means

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning 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 The site does not lie within a protected area and there are no assets of particular importance (as expressly set out in Footnote 6 of the NPPF) and therefore there are no clear reasons to refuse planning permission under paragraph d (i). It is therefore necessary, in accordance with paragraph d (ii), to establish whether there are any adverse impacts arising from the grant of permission that would

significantly and demonstrably outweigh the benefits of providing an additional dwelling in this location when assessed against the policies in the Framework taken as a whole.

- 5.5 The application must be determined with regard to Policy SQ1 of the MDE DPD. This policy requires all new development to protect, conserve and, where possible enhance the character and local distinctiveness of the area. Policy CP24 of the TMBCS seeks to ensure that all development is well designed and respects the site and its surroundings. The aims of these local plan policies are echoed in paragraphs 127 of the NPPF. This paragraph seeks to ensure that development will function well, create attractive, safe places in which to live and work, optimise the potential of the site, respond to the local character of the surroundings and be visually attractive. Therefore local plan policies SQ1 and CP24, by seeking to ensure well designed development suitable to the character of the site, remain in accordance with the NPPF and therefore are not considered out of date.
- 5.6 The application seeks a similar scheme to that already permitted. The application comprises a pair of semi-detached cottages. The cottages are to be three bedroomed and designed with half hipped roofs and first floor tile hanging detail. The proposed on-site vehicle parking spaces incorporate a timber pergola structure. The detached garage for hearse parking is to be in timber with a pitched roof and finial detail.
- 5.7 The design and proposed external materials of the dwellings and garage is acceptable and seeks to reflect the local character of the area. However it is important to ensure that the landscaping and boundary treatment will be appropriate, particularly the boundary with the PROWs. I therefore recommend that full details are submitted and agreed and this can be ensured by planning condition.
- 5.8 With regard to the residential amenity levels of the future occupiers of the dwelling I am aware that although the site does not have any close neighbours the site lies adjacent to the cemetery and the scheme incorporates faculties associated with this use. However I am of the view that this use would not result in an unacceptable impact on the residential amenity of the proposed dwellings. I am also aware of the comments made by EP regarding the potential for light pollution from the sports pitch to the south. However the separation distance between the sports pitch and the proposed dwellings, and the planning conditions relating to the sports pitch operating hours will ensure a suitable residential amenity can be achieved.
- 5.9 Section 40 of the Natural Environment and Rural Communities Act 2006 requires LPAs to have regard to conserving biodiversity. Policy NE2 of the MDE DPD requires that the biodiversity of the borough and in particular priority habitats, species and features, will be protected, conserved and enhanced. Policy NE3 states that development which would adversely affect biodiversity or the value of

wildlife habitats across the borough will only be permitted if appropriate mitigation and/or compensation measures are provided which would result in overall enhancement. The policy continues to state that proposals for development must make provision for the retention of the habitat and protection of its wildlife links. Opportunities to maximise the creation of new corridors and improve permeability and ecological conservation value will be sought. This is in general conformity with the NPPF. In particular paragraph 170 states that planning policies and decisions should contribute to, and enhance, the natural and local environment by (inter alia) protecting and enhancing sites of biodiversity value and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

- 5.10 I am aware that the site does not benefit from any habitat designation. However the site contains existing vegetation and the policy onus is not merely to conserve but to enhance. I therefore recommend that full details of the proposed landscaping include species rich planting which will improve the biodiversity of the site are required and this can be ensured by planning condition.
- 5.11 I am also aware of the thrust of local and national policy regarding the need for sustainable development to underlie all planning policies and decisions. Section 4 of policy CP1 of the TMBCS requires development to minimise water and energy consumption and promotes on-site energy. The need to mitigate climate change and the mechanisms by which this can be achieved are set out in policy CC1 of the MDE DPD and include design considerations such as appropriate landscaping orientation and specific design features such as green roofs. These policies are in conformity with NPPF which under paragraph 8 c) specifically refers to the need to mitigate climate change and move to a low carbon economy. I therefore recommend that the applicant gives serious consideration to incorporating such features within the proposal. This advice can be given by planning informative.
- 5.12 Policy SQ8 of the MDE DPD states that development will only be permitted where there will be no significant harm to highway safety. This is in accordance with paragraph 109 of the NPPF which states that development should only be refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of the development would be severe. Local plan policy SQ8 therefore remains relevant for decision making.
- 5.13 Cemetery Road provides access for existing dwellings and the cemetery but becomes bus and pedestrian access only into the Holborough Lakes development. Therefore the absence of through traffic and the proposed development of only two additional dwellings will ensure no adverse impact will be made on the wider highway network.
- 5.14 Two vehicle parking spaces are to be provided per dwelling. The IG3 recommends 1.5 spaces per 3 bed house in an edge of centre or suburban

location. The proposed levels of on-site parking are therefore over and above the recommended levels. This is acceptable.

- 5.15 The scheme will make no direct impact on the Byway to the east of the site, and the intention is to retain the public footpath that crosses the site. This is acceptable. However the landscaping adjacent to the existing PROWs, particularly the PROW crossing the site will need careful consideration and I recommend this is specifically sought within the wider landscaping condition.
- 5.16 The comments of the Council's Scientific Officer are noted with regard to the potential for land contamination and this issue can be addressed by planning condition.
- 5.17 In the absence of a five year housing supply the proposal has been assessed with regard to paragraph 11 of the NPPF. This requires the application of a presumption in favour of sustainable development and requires development proposals to be granted unless the application of policies in the NPPF that protect areas of particular importance provides a clear reason for refusing development, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the proposal when assessed against the NPPF as a whole. It has been concluded that there is no clear reason to refuse planning permission as the application does not relate to any area or feature of particular importance. It has also been concluded that the proposal will not result in any significant or demonstrable adverse impacts in terms of design, residential amenity or highway safety which would outweigh the benefits of providing two additional dwellings in a sustainable location. On this basis I therefore recommend planning permission is granted subject to the following planning conditions.

6. Recommendation:

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

Site Layout 14063 - C201A received 07.04.2020, Site Plan P201 received 07.04.2020, Proposed Floor Plans P210 B received 07.04.2020, Proposed Elevations P211 A received 07.04.2020, Parking Provision P212 building received 07.04.2020, Parking Layout P213 A pergolas received 07.04.2020, Existing Site Layout S202 received 07.04.2020, Location Plan S201 received 07.04.2020, Letter received 07.04.2020, Supporting Information res/dwelling units received 07.04.2020, Design and Access Statement received 07.04.2020, /subject to the following:

Conditions/Reasons

- 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 No development, other than site clearance or ground investigations or site survey works, shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. This must include details of all boundaries including those to the PROWs adjacent to and crossing the site. The details must also include details of all the proposed planting species and their provenance to ensure an enhancement to the biodiversity of the site. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species.

Reason: To protect and enhance the appearance and character of the site and locality.

- 3 All materials used externally shall accord with the approved plans referenced P212 and P211A received 7 April 2020.

Reason: To ensure that the development does not harm the character and appearance of the locality.

- 4 The use shall not be commenced, nor the premises 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: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

- 5 The garage shown on the submitted plan shall be kept available at all times for the parking of Hearses and the parking area to the southern end of the site shall be kept available at all times for the provision of parking bays for the Cemetery.

Reason: To ensure adequate parking provision for cemetery users and visitors.

- 6 The proposed hardstanding shall be constructed of porous materials or provision made to direct surface water run-off from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouses and vehicle parking areas hereby permitted.

Reason: Development of hardstanding without the suitable disposal of surface water is likely to lead to unacceptable surface water run-off onto land outside the ownership of the applicant.

- 7 (a) If during development work, significant deposits of made ground or indicators of potential contamination are discovered, the work shall cease until an investigation/ remediation strategy has been agreed with the Local Planning Authority and it shall thereafter be implemented by the developer.

(b) Any soils and other materials taken for disposal should be in accordance with the requirements of the Waste Management, Duty of Care Regulations. Any soil brought onsite should be clean and a soil chemical analysis shall be provided to verify imported soils are suitable for the proposed end use.

(c) A closure report shall be submitted by the developer relating to (a) and (b) above and other relevant issues and responses such as any pollution incident during the development.

Reason: In the interests of amenity and public safety.

Informatives:

- 1 The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to e-mail to addresses@tmbc.gov.uk. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
- 2 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.
- 3 In the interests of good neighbourliness the hours of construction, including deliveries, should be restricted to Monday to Friday 07.30 - 18.30 hours, Saturday 08.00 - 13.00 with no work undertaken on Sundays or Public/Bank Holidays.
- 4 The disposal of waste by incineration is contrary to Waste Management Legislation and could lead to justified complaints from local residents.
- 5 The Byway to the east of the site and the public footpath crossing the site must not be stopped up, diverted, obstructed (this includes any building materials or waste

generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

- 6 The applicant is strongly encouraged to consider opportunities for incorporating renewable energy technologies into the approved development, including the provision of electric car charging points, and for measures to support biodiversity within the construction of the buildings.

Signed Maria Brown (electronic signature)

Endorsed By Holly Pitcher (Electronic Signature)
Holly Pitcher

Dated 27.05.20