

## REPORT SUMMARY

<b>REFERENCE NO - 15/504300/OUT</b>		
<b>APPLICATION PROPOSAL</b> Outline application for two storey detached house with access, layout, scale and appearance to be considered.		
<b>ADDRESS</b> Land North Of 61 Knaves Acre Headcorn Kent TN27 9TJ		
<b>RECOMMENDATION - APPROVE</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The proposed development is not in accordance with Development Plan policy. However, the proposal would not cause unacceptable visual harm; the living conditions of existing and future residents will be acceptable; it is considered to be sustainable development; and there is no objection in terms of highway safety, arboricultural issues and biodiversity. In the absence of any harm and the significant weight afforded to emerging policy H1(40), this is considered grounds to depart from the adopted Local Plan.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> It is a departure from Development Plan and contrary to views expressed by Headcorn Parish Council.		
<b>WARD</b> Headcorn	<b>PARISH COUNCIL</b> Headcorn	<b>APPLICANT</b> Mr Bailey
<b>DECISION DUE DATE</b> 03/02/17	<b>PUBLICITY EXPIRY DATE</b> 05/01/17	<b>OFFICER SITE VISIT DATE</b> 08/11/16
<b>RELEVANT PLANNING HISTORY:</b>		

- MA/80/1119 - Outline application for erection of detached dwelling – Refused

## MAIN REPORT

### 1.0 Site description

- 1.01 The proposal site relates to a parcel of land that is of a general rectangular shape that measures some 0.15ha in area. The site benefits from an existing access point in the southern corner of the site that is taken from Knaves Acre. The site is overgrown and there are a number of trees along its boundaries, including a number of individual trees protected under Tree Preservation Order no.3 of 1978. The surrounding land to the north of the site will be built out with residential development and this is highlighted at the beginning of this report.
- 1.02 For the purposes of the adopted Development Plan the application site is within the designated countryside that falls within the Low Weald Special Landscape Area as shown by the Maidstone Borough-Wide Local Plan 2000 (MBWLP).

### 2.0 Proposal

- 2.01 This proposal is an outline application for the erection of a single dwelling with access, appearance, layout and scale for consideration now with landscaping reserved for future consideration.
- 2.02 The proposed dwelling would have a ridge height of some 9m; an eaves height of some 5m; and the attached double garage would stand some 4.3m in height from ground level. In general terms, the property would measure some 10.8m wide, with the garage a further 6.3m in length; and the property's overall depth would be some 12m.
- 2.03 The property would have 5 bedrooms; a feature chimney; elements of weatherboarding; a gable-end front projection; access would be from an existing driveway that goes in between 61 and 62 Knaves Acre; and its parking and turning area would be to the front of the building. The proposal would be positioned towards the southern end of the site, with its front elevation facing southwards.

### 3.0 Policies and other considerations

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV34, T13
- National Planning Policy Framework (2012)
- National Planning Practice Guidance (2014)
- Submitted version of Maidstone Local Plan: SP17, H1, H1(40), DM1, DM2, DM27, DM34
- Headcorn Neighbourhood Plan (Draft)

### 4.0 Consultee responses

4.01 **Headcorn Parish Council:** Wishes to see application refused and reported to Planning Committee;

- *Site is outlined as sustainable site in draft HNP for development of 5 2/3 bed houses - HNP survey showed no requirement for 5 bedroomed houses;*
- *Site would be used to improve connectivity in that area, with footpath linking Knaves Acre with Grigg Lane - HPC wish to stress that overriding issue is one of connectivity and reference should be made to Policy HNP15 of emerging Headcorn Neighbourhood Plan;*
- *Given number of trees at property, they should be assessed in terms of TPO's; and*
- *Committee reviewed Great Crested Newt Survey and note the comments with regards to the newt corridor - This does not alter original grounds for objection.*

4.02 **KCC Highways Officer:** Raises no objection.

4.03 **Landscape Officer:** Raises no objection.

4.04 **Biodiversity Officer:** Raises no objection.

5.0 **Neighbour responses:** 3 representations have been made raising concerns over covenants; impact of construction traffic; impact upon trees; sewerage; loss of privacy; layout; and highway safety; and visual impact.

### 6.0 Policy background

6.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.

6.02 The application site is outside of the defined village boundary of Headcorn. It is therefore upon land defined in the adopted Local Plan as countryside. The starting point for consideration is saved policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 which states as follows:-

*"In the countryside planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers, and development will be confined to:*

- (1) That which is reasonably necessary for the purposes of agriculture and forestry; or*
- (2) The winning of minerals; or*
- (3) Open air recreation and ancillary buildings providing operational uses only; or*
- (4) The provision of public or institutional uses for which a rural location is justified; or*
- (5) Such other exceptions as indicated by policies elsewhere in this plan.*

*Proposals should include measures for habitat restoration and creation to ensure that there is no net loss of wildlife resources."*

6.03 The proposed development does not fit into any of the exceptions set out in policy ENV28, which is why it has been advertised as a departure from the Development Plan. The proposal site is also within a Special Landscape Area and policy ENV34

seeks to protect the distinct character of the area. However, the site is allocated in the new Local Plan which has significant weight, for 5 houses under emerging policy H1(40), which states:

*Knaves Acre, as shown on the policies map, is allocated for development for approximately 5 dwellings at an average density of 25 dwellings per hectare. In addition to the requirements of policy H1, planning permission will be granted if the following criteria re met.*

*Design and layout*

*1. The function of public footpath KH606 is to be retained, and consideration given to the safety of future users and occupiers of the development.*

*Access*

*2. Access will be taken from Knaves Acre only.*

- 6.04 This is considered to warrant grounds to depart from saved policy ENV28 of the adopted Development Plan subject to the proposal being otherwise acceptable.
- 6.05 The NPPF sets out a clear presumption in favour of sustainable development (paragraph 14), which is defined as having three dimensions, the economic, the social, and the environmental (paragraph 7). The NPPF also makes it clear that proposed development needs to respect the intrinsic character and setting of the countryside (paragraph 17); and that permission, "...should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area" (paragraph 64). In terms of location, the proposal site is considered to be sustainable.
- 6.06 Paragraph 109 of the NPPF also states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible; and that conservation of wildlife is an important consideration in all areas (para 115).
- 6.07 In terms of other emerging policies from the submitted version of the Local Plan, policy SP17 seeks to restrict inappropriate development in the countryside; policy DM1 seeks good design; policy DM2 seeks sustainable design; policy DM27 sets out parking standards; and policy DM34 allows for high quality of design development in the countryside provided certain criterion is met, including respecting the landscape character of the locality.
- 6.08 The proposal site is also allocated within Headcorn Parish Council's draft Neighbourhood Plan for 5 properties; and the Parish Council have also pointed out that their Neighbourhood Plan survey shows no requirement for 5 bedroomed houses. However, the Inspector's Examination on the Headcorn Neighbourhood Plan (NP) was held in October 2016. The Inspectors findings have not yet been published but it is expected that amendments will need to be made to the NP and possible further consultation required. So whilst the NP is a material consideration, the provision of 1 house as opposed to the potential number of 5 houses as stated in the NP is not considered grounds to refuse this application; and in reference to emerging policy H1(40), the proposal would not affect the public footpath (KH606) to the rear of the site.
- 6.09 I will now go on to consider the details of this planning application.

## **7.0 Visual impact**

7.01 Appearance, layout and scale are for consideration under this application. The proposed dwelling would be set behind existing properties in Knaves Acre, but given the level of residential development directly behind the site; and the fact a similar development has been approved on land in between 35 and 36 Knaves Acre, I am of the view that a detached house here would not adversely go against the pattern and grain of development in the area. The design of the new dwelling is considered acceptable, and it would draw on elements of the properties in Knaves Acre such as the weatherboarding at first floor level; and whilst a larger property, given its set back from the road I am satisfied it would not appear visually dominant or incongruous when viewed from Knaves Acre. Similarly, given the layout of the residential development behind, and the separation distance of the house from the site's northern boundary, the proposal would not appear visually harmful from any public vantage point to the north. To further ensure a satisfactory appearance to the development, appropriate conditions will be imposed requesting details of external materials and hardsurfacing. I therefore consider the scale, design and siting of the proposal to be appropriate in this setting, and I am satisfied that it would not cause adverse harm the character and appearance of the surrounding area hereabouts.

## **8.0 Residential amenity**

8.01 Given the separation distances between the new house and any neighbouring property (existing and proposed) and given the proposal's scale, design and siting, I am satisfied that it would not result in a significant loss of privacy, light or outlook to any neighbour, and it would not appear overbearing for any neighbour when enjoying their garden. I am also satisfied that a new dwelling here with its associated comings and goings and use of the existing access would not result in an unacceptable increase in noise and disturbance to existing properties.

## **9.0 Access/Highway safety implications**

9.01 Access is for consideration at this stage and the proposed dwelling would make use of the existing vehicle access from Knaves Acre; and it would also benefit from a double garage, private drive and vehicle turning area. I am therefore satisfied that the proposal would have adequate parking and turning facilities within the site; and the additional vehicle movements for one property to and from the site are not considered significant enough to object on highway safety grounds.

## **10.0 Landscaping (not for consideration at this stage)**

10.01 As previously set out, there are a number of boundary trees including individual trees protected under Tree Preservation Order no.3 of 1978 along the site's eastern boundary. From reviewing the submitted details, the Landscape Officer raises no objections on arboricultural grounds subject to a pre-commencement condition requiring an Arboricultural Method Statement in accordance with BS5837:2012 which includes details of no dig construction for the driveway and tree protection details. This condition will be duly imposed to safeguard the future of the trees.

10.02 The illustrative landscaping plans do show the retention of all the trees within the site and additional tree planting along the front (southern) boundary; and a new hedgerow is also shown to divide the private garden area of the property and the ecology area to the rear of the site (discussed further on in the report). With this considered, I am satisfied that an appropriate landscaping scheme would be possible at the reserved matters stage, and a condition will be imposed to secure the retention of the boundary trees and suitable new planting.

### 11.0 Biodiversity implications

- 11.01 The applicant has submitted a Preliminary Ecological Appraisal Report and a Great Crested Newt (GCN) Survey as part of this application. In terms of the proposal's potential impact upon protected species and habitats, the Biodiversity Officer has reviewed these reports and is satisfied that no further ecological information is required prior to the determination of this application. This is subject to the creation of a wildlife corridor with hibernaculas at the northern end of the site which will link with other receptor sites. The applicant has shown this area on the submitted plans and a condition will be imposed to ensure it is retained as non-garden land. The Biodiversity Officer has reviewed this and considers the details shown to be acceptable.
- 11.02 Notwithstanding this, one of the principles of the NPPF is that "*opportunities to incorporate biodiversity in and around developments should be encouraged*". The Preliminary Ecological Appraisal Report has made a number of recommendations for ecological enhancements which can be incorporated in to the site, and a suitable condition will be imposed to ensure that these enhancements are incorporated in to the development.

### 12.0 Other considerations

- 12.01 Foul sewage disposal will be via the mains sewer and surface water will be disposed of via a sustainable drainage system; and no objection is raised in this respect. Given the scale, nature and location of the site, no further details are required in terms of land contamination, flood risk and air quality.
- 12.02 The site allocation within the submitted version of the draft Local Plan (policy H1[40]) for approximately 5 houses. Whilst only 1 house is proposed, this is not considered grounds to refuse this application. I would also add that this policy seeks the retention of the function of the public footpath (KH606). In response, there is a current application to divert this footpath, because of the residential development behind the site, and the proposed diversion does not run through this proposal site.
- 12.03 The issues raised by Headcorn Parish Council and the local residents have been addressed in the main body of this report.

### 13.0 Conclusion

- 13.01 This proposal would not cause unacceptable visual harm; the living conditions of existing and future residents will be acceptable; it is considered to be sustainable development; and there is no objection in terms of highway safety, arboricultural issues and biodiversity. In the absence of any harm and the significant weight afforded to emerging policy H1(40), this is considered grounds to depart from the adopted Local Plan. I therefore recommend approval subject to the appropriate conditions.

### 14.0 RECOMMENDATION – APPROVE with conditions:

CONDITIONS to include

- (1) The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-
- a. Landscaping

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

- (2) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

- (3) Pursuant to condition 1 details of landscaping (to include measures for tree protection) shall be designed using the principles established in the Councils adopted Landscape Character Assessment and Landscape Guidelines and shall include:

- a) Retention of all boundary trees as shown on drawing 005 Rev C;
- b) Additional tree planting along southern boundary of site as shown on drawing 005 Rev C;
- c) Details of post and rail fencing and new native hedge planted to divide the garden with the ecological mitigation area as shown on drawing 005 Rev C.

Reason: To safeguard future of existing trees, ensure a satisfactory appearance to the development and in the interests of biodiversity.

- (4) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory external appearance to the development.

- (5) Prior to commencement of works/development above DPC level, an Arboricultural Method Statement in accordance with BS5837:2012, which includes details of no dig construction for the driveway and tree protection details, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority;

Reason: To safeguard the future of the trees.

- (6) In accordance with the submitted Preliminary Ecological Appraisal Report and prior to commencement of works/development above DPC level, an ecological method statement which details what enhancements are going to be implemented and where and how, shall be submitted to and approved in writing by the local planning authority, and shall include the following;

- i) Provision of bird boxes within the site, including integral bird bricks/boxes on northern elevation of building;
- ii) Provision of bat roosting spaces within eaves of building(s) and/or installation of ready-made bat boxes.

The development shall be built in accordance with the approved ecological mitigation strategy and all features shall be retained in that manner thereafter;

Reason: In the interests of biodiversity enhancement.

- (7) The development shall be carried out in accordance with the mitigation proposals set out in section 5.3 of the submitted Great Crested Newt Survey, including the ecological mitigation area with hibernaculum and log piles, as shown on drawing 005 Rev C received 15/12/16. Prior to the commencement of works/development above DPC level, details of a long-term management plan for the ecological mitigation area shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with these approved details unless otherwise agreed in writing by the local planning authority;

Reason: To ensure appropriate mitigation and protection of species.

- (8) Prior to commencement of works/development above damp-proof course (DPC) level, written details and samples of the materials to be used in the construction of the external surfaces (to include white weatherboarding at first floor level) of the building and hardsurfacing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using the approved materials and maintained thereafter unless otherwise agreed in writing by the local planning authority;

Reason: To ensure a satisfactory appearance to the development.

- (9) The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

- (10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension to the property shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by existing and prospective occupiers.

- (11) The development hereby permitted shall be carried out in accordance with the following approved plans: 006 and 007 received 16/06/16 and 003 Rev C and 004 Rev C received 15/12/16;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

## INFORMATIVES

- (1) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
- (2) The applicant is advised to carry out any work to vegetation that may provide suitable bird nesting habitats outside of the bird breeding season (bird breeding season is March to August) to avoid destroying or damaging bird nests in use or being built. If vegetation needs to be removed during the breeding season then mitigation measures should be implemented during construction in order to protect breeding birds. This includes examination by an experienced ecologist prior to starting work and if any nesting birds are found during work, development must cease until after the juveniles have fledged.
- (3) Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228: 2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Team regarding noise control requirements.
- (4) Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc. to nearby residential properties.
- (5) Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.
- (6) Vehicles may only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.
- (7) Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.

Case Officer: Kathryn Altieri

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