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REFERENCE NO - 16/504798/FULL		
APPLICATION PROPOSAL		
The construction of six detached dwellings and associated parking, access and landscape works alongside the conversion of the existing barn to provide a community use on the land at Forge Lane.		
ADDRESS Land At Forge Lane Bredhurst Kent		
RECOMMENDATION		
SUMMARY OF REASONS FOR REFUSAL		
<p>Whilst the application has positive aspects mainly involving reuse of a building for community purposes and in isolation is acceptable on amenity, heritage, design, highway and ecology terms, this does not set aside the visual harm caused by the development in relation to the character of the site. The site makes positive contribution to the setting of the village, assists in maintaining the rural character of the area, landscape quality of the AONB and SLA while also fulfilling a strategic gap function in containing the further outward spread of built development.</p> <p>The proposed development by harming these interests, therefore fails to meet the environmental function of sustainable development. As such in the absence of any demonstrable housing need the proposal represents the unjustified incursion of built development into adjoining countryside which helps to define and maintain the character and setting of Bredhurst at this point while being harmful to the landscape quality and setting of the AONB and SLA and compromising the function of the strategic gap in containing the outward spread of settlements. The proposal is therefore contrary to the provisions of policies ENV28, ENV31, ENV33 and ENV34 of the adopted local plan, policy SP17 of the emerging local plan and does not constitute sustainable development in accordance with the provisions of the NPPF.</p>		
REASON FOR REFERRAL TO COMMITTEE		
Bredhurst Parish Council wants the application to be considered by the Planning Committee should the officer recommendation be one of refusal.		
WARD Boxley	PARISH/TOWN COUNCIL Bredhurst	APPLICANT Classicus Estates AGENT DHA Planning
DECISION DUE DATE 11/08/16	PUBLICITY EXPIRY DATE 12/10/16	OFFICER SITE VISIT DATE 24/06/16

MAIN REPORT

1.0 SITE DESCRIPTION

- 1.01 The application site is irregularly shaped with part fronting directly onto Forge Lane between Forge Lodge to the west and The Old Post Office to the east. This part of the site is currently used for parking with an existing single storey barn sited at right angles to and set slightly back from Forge Lane.
- 1.02 The site then extends in a north westerly direction before opening out into a broadly rectangular area in which are a number of TPO trees with Green Court, a Grade II Listed Building abutting the south east site boundary with Condor House, a detached

property abutting the site to the north. The eastern site boundary is defined by a access track.

- 1.03 The part of the site directly fronting Forge Lane lies within the settlement of Bredhurst but the main, broadly rectangular, part of the site extends beyond the village boundary into adjoining countryside.
- 1.04 In a wider context Bredhurst is identified as a settlement but both it and the adjoining countryside are located within a Special Landscape Area (SLA), the North Downs AONB and forms part of a strategic gap. Almost abutting and to the north west of Bredhurst is the M2 motorway.

2.0 PROPOSAL

- 2.01 Detailed planning permission is being sought for a proposal having the following elements to it. The first element involves the retention and refurbishment of the single storey barn set just back from Forge Lane, the installation of a wc and kitchen and the use of the building as a community storage facility and an occasional meeting place for the parish council. Three parking spaces and a turning area in close proximity are assigned for use by this facility.
- 2.02 The second element of the proposal is the development of the rectangular area to the north with 6 no: 5 bedroom detached dwellings with two properties having detached garages with the remainder all having attached/integral garages. All dwellings have on site parking for at least two cars.
- 2.03 The development is laid out in an informal manner served by a private drive leading onto a turning head. The houses are all of a traditional pitched roofed design with the exterior clad with timber weatherboarding or clay tiles
- 2.04 The remaining parts of the proposal include the provision of an approximately 8 metre wide landscape buffer along the northern boundary of Green Court, the adjoining Grade II Listed Building with the erection of a 2.1 metre high brick/flint wall which will run along the down the whole western boundary of Green Court where it abuts the application site. Finally the existing access onto Forge Lane will be retained and widened at the point where it meets Forge Lane.
- 2.05 The applicants advise the views of the Parish Council and the occupants of Green Court were sought and taken into account in the preparation of the application.
- 2.06 The applicants also advise the previous owner removed a number of trees from the site but the remaining trees have been assessed and have been incorporated into the layout concept of the proposal.
- 2.07 The application has been accompanied by an arboricultural report, tree survey protection and removal plans, an ecological appraisal, reptile and bat surveys, sustainability and transport statements.

3.0 RELEVANT PLANNING HISTORY

- 3.01 The site is affected by a Maidstone TPO No: 4 of 1977.
- 3.02 Though the application site has no planning history relevant to this application the applicant has drawn attention to the following nearby planning applications the siting of which is shown on plan attached as **APPENDIX1**.

Land North At Blind Lane Bredhurst:

16/501012/FULL: Erection of 3 x pairs of semi-detached dwellings with associated landscaping, access and parking. (Resubmission of 15/506472/FULL): **REFUSED** 27th May 2015 on the grounds that the proposal would consolidate existing development, result in protrusion into the countryside and urbanisation of this edge of village site which would be harmful to the character, appearance and openness of the countryside which is designated as an ANOB, Special Landscape Area and Strategic Gap. **-APPEAL PENDING**

3 Blind Lane Bredhurst:

15/505317/OUT: Outline (Appearance, landscaping, layout and scale not reserved) - Demolition of existing buildings and construction of four detached chalet bungalows – **APPROVED**- 4 February 2016

Land At Blind Lane Bredhurst:

14/504584/FULL: Demolition of existing stable and erection of new 3 bedroom dwelling. **APPROVED** 30 March 2015

Forge Lodge, Forge Lane, Bredhurst:

10/1385: Outline application for the erection of four, three bedroom semi-detached dwellings with all matters reserved – **REFUSED – APPEAL DISMISSED 5th October 2011.**

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV31, ENV33, ENV34, ENV44, H27, T13,
Maidstone Borough Council (Submission Version) Draft Local Plan: SS1, SP17, DM1, DM2, DM4, DM12, DM34

The application site lies partly within the settlement of Bredhurst though the main part of the application site where the housing is proposed lies outside the settlement and within the countryside. That part of the development falling within Bredhurst is specifically subject to policy H27 of the adopted local plan seeking to ensure that new residential development is only minor in scale. However both Bredhurst and the adjoining countryside form part of a strategic gap, lie within the Kent Downs AONB and the North Downs Special landscape area.

The application site is therefore subject to the policy ENV28 relating to countryside protection, ENV31 seeking to prevent development that would compromise the function of the strategic gap aimed at maintaining separation between built up areas and policies ENV33 and 34 where landscape protection will be take precedence over other planning considerations.

The Council has recently finished its Regulation 19 consultation on the submission version of the draft Local Plan and representations from that consultation are currently being assessed. The emerging plan is a material consideration given the latest position on a demonstrable 5 year supply of housing land. Policies which were

seen to restrict the supply of housing land can now be given significantly greater weight when considering planning applications by virtue of the progress of the Local Plan through the adoption process with it being at its examination in public stage.

5.0 LOCAL REPRESENTATIONS

5.01 22 properties notified of the development – 6 objections received which are summarised as follows:

- Will result in loss of privacy to adjoining houses.
- The new access road will result in harm to the free flow of traffic and highway safety while construction traffic will also harm highway safety.
- in the locality while there is insufficient parking for the proposed community building.
- Site has already seen substantial tree loss and no further loss should be permitted.
- Will result in harm to wildlife and loss of habitat.
- While additional housing required in Bredhurst this should be affordable starter homes not the large expensive houses proposed.
- No need for new housing in the locality.
 - Insufficient local schooling and other community provision to meet likely demand.
- Question why village needs another hall/meeting place as there is an existing village hall and school hall both of which are available for hire by local people.

5.02 The following comments have been received supporting the proposal.

5.03 Bredhurst Woodland Action Group:

- The housing cannot be seen from Forge Lane so will have little impact on local residents but could benefit from the proposed meeting room.
- Existing meeting hall provision in Bredhurst too large, costly and often fully booked making its use inappropriate for smaller groups on a tight budget.
- Would like hall to be centrally heated with additional access points though consider 3 parking spaces to be insufficient.

5.04 In addition two supporting comments which are summarised below:

- Sought to minimise impact on Green Court by new screen wall and additional planting therefore safeguarding character and setting of the Listed Building.
- The proposed dwelling are spaciouly laid out and in character with the area and will not result in any material traffic impacts.
- Will provide good quality housing at a time of shortage and will enhance village.
- Reuse of the existing barn for community use while maintain the existing building beneficial to local people and character of the area.
- Consider proposal to be well thought out, sympathetic to the locality and Bredhurst in general.
- Will be a good use for land that left derelict and unmaintained for a considerable period.

6.0 CONSULTATIONS

6.01 **Bredhurst Parish Council:** Supports application as it is keeping with the village and will be well screened causing little impact on the street scene. Parking has been well thought out and the preservation of the barn for community use is to be desired. If the application is to be approved request that the access junction be carefully considered as this could be a point of difficulty for traffic.

6.02 In response to a residents concern the Council took no action when tree felling took place at the end of last August the Parish Council on investigation concluded no TPO trees had been felled nor was a felling licence necessary. Furthermore it was agreed that closer consultation would be carried out with MBC and an Ecology Survey would be carried out.

6.03 **Kent Highways:** Parking provision for the houses is in accordance with parking standards while no crashes have occurred within close proximity of the site in the last 10 years. In addition, projected traffic levels are not considered prohibitive while improvement to the access will allow for acceptable visibility given site location and local speed limit.

Concerned regarding waste collection vehicle entering and leaving the site and therefore require an additional passing place preferably just opposite the entrance to the community car park building. Also consider that community car park should provide one more space for a disable person along with cycle parking provision. Subject to the outstanding matters above being addressed raise **NO OBJECTION** though conditions addressing impact of construction traffic and personnel parking, to secure on-site parking and turning and provision and maintenance of the proposed access are appended to any planning permission that may be granted.

6.04 **Environment Agency:** No objection

6.05 **Southern Water:** No objection subject to a condition requiring details of waste and surface water disposal.

6.06 **EHO:** The site is in a rural area just over 100 metres from the M2. Consider traffic noise is unlikely to be a significant problem while the scale of the development and its location means that neither an air quality assessment or air quality emissions reduction condition is not justified.

The historic use of the site for agricultural purposes and proposed conversion of the barn means it is appropriate to attach a contaminated land condition to any permission granted. Also parts of the barn being demolished/converted should be checked for the presence of asbestos and any found should only be removed by a licensed contractor.

6.07 **MBC Heritage:** The site lies behind the Grade II listed Green Court, an 18th Century house with later additions, known as Green Farm until the early 20th Century. Vehicular access to the main development site would be gained alongside the south western boundary of the Green Court curtilage on land which seems to have fallen within its curtilage prior to the 1970s (prior to the listing of the house in 1984).

The land to the rear also seems to have originally formed part of the old Green Farm, being shown as an orchard on OS maps prior to 1908 – by the 1930s some of this orchard had been cleared and the land possibly incorporated into Green Court's garden.

The main development site is already well-screened by trees from Green Court, although there are small glimpses through. The application includes provision for the enhancement of this screening by the provision of a 5-8 metre wide landscape buffer.

Consider the proposed houses in themselves will have little impact on the setting of the listed building. However, the formation of the access road will result in some tree

loss which may impact on the setting of Green Court; in addition, an ash tree and a group of two ashes and a sycamore (all graded B in the tree survey) within the grounds of Green Court will lie very close to the proposed new 2.1 metre high brick and flint wall which is to be built to screen the access road from the listed building and it is unclear how this wall will impact on the health of these trees.

Have no objection in principle to such a wall there is no elevational detail given of it – brick and flint are mentioned in the Design and Access Statement and at one point it also mentions flint panels. Do not consider that a brick wall with flint panels would be appropriate to the context as this is not a vernacular tradition but redolent more of a modern suburban character. Therefore consider more detail of this wall's design are needed together with an assessment of its potential impact on the trees.

In response to the above concerns further details were submitted to which the following response was received:

Subject to the Landscape Officer being satisfied regarding the impact of the proposals on trees **NO OBJECTION** on heritage grounds subject to conditions relating to materials, landscaping and tree protection measures as specified by the landscape Officer.

6.08 **Natural England:** No objection

6.09 **KCC Ecology:** In connection with bats require confirmation all trees within the proposed development were assessed for use by roosting bats.

Need to provide up to date photos of site as in its former condition it clearly provided a habitat for reptiles along with additional information to show how the site can be cleared to avoid injuring or killing reptiles.

In response to the above the bat survey confirms the bat potential of the trees was fully considered and satisfied no additional information is required.

Submitted photographs demonstrate the vegetation within the proposed development site is re-establishing so eventually suitable habitat for protected/notable species will be present (if no works are carried out). Based on current site photos and results of the reptile surveys accept there is no requirement for additional ecology surveys to be carried out prior to determination.

If planning permission is granted a condition should be imposed requiring an updated ecology survey. The ecological survey(s) and details of any mitigation strategies (if required) must be submitted prior to works commencing.

7.0 **BACKGROUND PAPERS AND PLANS**

The development proposals are shown in the planning statement, arboricultural report dated the 17th May 2016 and accompanying tree protection, tree removal and tree survey plans, Ecological Appraisal reptile and bat surveys, sustainability statement, transport technical note, design and access statement and drawing nos:

16/10/01, 02 D, 03 C, 04, 05, 06B, 07B, 08B, 09B, 10B, 11B and CGI Aerial View drawing nos. 16/10/12 and 14.

8.0 APPRAISAL

Principle of Development

- 8.01 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. In this case the Development Plan comprises the Maidstone Borough-Wide Local Plan 2000 and policies contained with the submission version of the draft local plan.
- 8.02 As the proposal affects land falling within an AONB the Local Planning Authority must first screen the application to assess whether it should have been accompanied by an EIA.
- 8.03 The proposal does not fall within the categories of development where an EIA is normally required but given the sensitive nature of AONB's higher level tests must be applied.
- 8.04 The main consideration is impact on the wider landscape. In assessing this, the small scale of the development and its localised visual impact means there is no justification for the application to be accompanied by an EIA. It should be stressed that just because the impact of the proposal is insufficient to trigger the need for an EIA does not imply its impact on the landscape character and setting of the AONB is acceptable and is a matter that will be assessed later in this report.
- 8.05 The proposal has two main elements to it being (a) the development of the rear part of the application site for 6 detached houses and (b) the restoration and reuse of the former agricultural building for community purposes.
- 8.06 Dealing with the housing element of the proposal first, this is sited outside the settlement of Bredhurst within open countryside falling within an SLA, an AONB and a Strategic gap. The proposal is therefore specifically subject to policies ENV28 relating to countryside protection, ENV31 seeking to prevent development that would compromise the function of the strategic gap aimed at maintaining separation between built up areas and policies ENV33 and 34 where landscape protection will be take precedence over other planning considerations.
- 8.07 Policy states ENV 28 states that:
- “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.”
- 8.08 In addition the Council considers itself now capable of demonstrating a 5 year supply of housing land as set out below and thus weight can be given to policy ENV28. Also due to the advanced stage of the emerging plan, weight can also be attached to

policy SP17 of the submission version of the draft local plan (policy SP17) seeking to control development in the countryside apart from certain exceptions. It is relevant to point out that the site lies outside the settlement development boundary in both the adopted and emerging plan. Though policy SP17 is more detailed than policy ENV28 it essentially replicates the key development restraints provisions of policy ENV28.

8.09 None of the exceptions against the general policy of restraint set out in policy ENV28 of the adopted local plan and policy SP17 apply to this application which therefore represents a departure from the Development Plan. In such circumstances it falls to consider whether there are any overriding material considerations justifying a decision not in accordance with the Development Plan and whether granting planning permission would result in unacceptable demonstrable harm incapable of being acceptably mitigated.

8.10 Another key material consideration is the National Planning Policy Framework (NPPF) particularly with regard to housing land supply. Paragraph 47 of the NPPF states that Councils should;

'identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;'

8.11 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was completed in January 2014. This work was commissioned jointly with Ashford and Tonbridge and Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the borough for the 20 year period of the emerging Local Plan (2011 -31). The SHMA (January 2014) found that there is the objectively assessed need (OAN) for some 19, 600 additional new homes over this period which was agreed by Cabinet in January 2014. Following the publication of updated population projections by the Office of National Statistics in May, the three authorities commissioned an addendum to the SHMA. The outcome of this focused update, dated August 2014, is a refined objectively assessed need figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014. Since that date revised household projection figures have been published by the Government and as a result the SHMA has been re-assessed. At the meeting of the Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Councillors agreed a new OAN figure of 18,560 dwellings.

8.12 The new Local Plan has advanced and was submitted to the Secretary of State for examination on the 20 May 2016. Examination is now taking place. The Plan allocates housing sites considered to be in the most appropriate locations for the Borough to meet the OAN figure and allows the Council to demonstrate a 5 year supply of deliverable housing sites.

8.13 The yearly housing land supply monitoring carried out at 1 April 2016 calculated the supply of housing, assessed extant permissions, took account of existing under delivery and the expected delivery of housing. A 5% reduction from current housing supply was applied to account for permissions which expire without implementation. In conformity with the NPPF paragraph 47, a 5% buffer was applied to the OAN. The

monitoring demonstrates the council has a 5.12 year supply of housing assessed against the OAN of 18,560 dwellings.

- 8.14 A five-year supply of housing land is a significant factor and paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as policy ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a five year supply cannot be demonstrated. However, policy ENV28, given the housing supply position, can now be considered up to date while policy SP17 should also be given great weight for the same reason.
- 8.15 Despite this, the presumption in favour of sustainable development identified in paragraph 14 of the NPPF still means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole
- 8.16 Turning to the retention and refurbishment of the single storey barn set just back from Forge Lane and the use of the building as a community storage facility and an occasional meeting place for the parish council, the need for this additional facility appears to be based on providing a lower tier of community provision not already catered for by existing provision. The Parish Council, a local amenity body and some local residents all point to the community benefits of having this additional provision.
- 8.17 No objection is identified to this community facility on principle as policy ENV44 of the adopted local states the reuse and adaptation of existing rural buildings for commercial, industrial, sport, recreation or tourism uses will be permitted subject to certain criteria being met.
- 8.18 It should be borne in mind the community facility, though forming part of the development package should be dealt with on its own merits. It should not be taken as a significant factor weighing in favour of the wider development as no evidence has been submitted to demonstrate the need for the community facility is overriding or that its provision is part of financial package dependent on the housing to secure its delivery.

Sustainability:

- 8.19 The presumption in favour of sustainable development set out in the NPPF means a key assessment is whether the proposed housing can be considered to be sustainable. The application site immediately abuts Bredhurst and the applicants stress its sustainable siting close to the heart of the settlement with the nearest public house, school, garage and village hall all sited within 150 metres of the application site. It is agreed the site represents a sustainable location in siting terms only as there are 3 roles of sustainable development being economic, social and environmental.
- 8.20 The housing area of the application site has been largely cleared of trees and the poor condition of the site has been referred to. However the condition of land does not normally represent a significant factor in favour of development given the message it could send out to landowners to let land become neglected as a means of securing development. Nevertheless it must be acknowledged the site represents an inward looking and self-contained area screened from Forge Lane and nearby public vantage points. However invisibility is another argument which could be repeated too often as a factor in support of what would otherwise be considered as unacceptable

development in the countryside. It is evident, even in its current form that the site has rural characteristics whereas the proposed development would bring wholly new built mass to the site along with associated domestic paraphernalia.

- 8.21 As such, development of the site as proposed could be seen as eroding the rural character the area and the contribution the application site makes in defining a defensible boundary to this part of Bredhurst. If the application was approved it would therefore represent an undesirable and unjustified encroachment of development into the adjoining countryside to the detriment of the character and setting of Bredhurst given the Council's position on a 5 year supply of housing land set out below.
- 8.22 The Council now considers itself to be in a position to demonstrate a five year housing land supply and as such the normal restraints against residential development in the countryside now apply as the adopted Local Plan is no longer out of date. In such circumstances the NPPF advises that when planning for development through the Local Plan process and the determination of planning applications, the focus should be on existing service centres and on land within or adjoining existing settlements. Though this site abuts an existing settlement the proposal nevertheless could still fail to qualify as sustainable development if it was concluded it did not equally balance all the relevant economic, social and environmental considerations applicable to this application.
- 8.23 The proposal can therefore only be considered as sustainable development if on detailed assessment it can be seen to balance the impacts on the rural character of the locality and landscape quality of the AONB and SLA, impact on the function of the strategic gap, heritage, design and layout considerations, impact on residential amenity, highways and ecology considerations.

Impact on rural character AONB, SLA and function of the Strategic gap:

- 8.24 Both aerial photographs and site assessment make clear the part of the site to be developed for housing has an inward looking and enclosed character severed from open countryside by existing development on its western, southern and northern boundary. There is some visual connectivity with open countryside to the east but the presence of a track acts to significantly diminish any impression of seamless continuity. It could therefore be argued the application site represents an anachronistic wedge of countryside intruding into a more built up setting such that its development would not result in any significant loss to the countryside. However such an argument fails to acknowledge the significance the area has in defining and providing an open setting to this part of Bredhurst which would be completely lost were the site to be developed in the manner proposed and the settlement of Bredhurst extended further east into this area.
- 8.25 By implication it therefore follows the application site also makes a positive landscape contribution both to the rural character and landscape quality of the AONB and SLA while also fulfilling a strategic gap function in containing the further outward spread of built development. It should be noted that the NPPF at paragraph 115 states great weight should be given to conserving landscape and scenic beauty in, amongst other things, AONB's which have the highest status of protection in relation to landscape and scenic beauty.
- 8.26 The development of the application site, by harming these interests, therefore also fails to meet the environmental function of sustainable development. As such in the

absence of any demonstrable housing need the proposal represents the unjustified incursion of built development into adjoining countryside helping to define and maintain the character and setting of Bredhurst at this point. It will also be harmful to the rural character and landscape quality and setting of the AONB and SLA while compromising the function of the strategic gap in containing the outward spread of settlements. The proposal is therefore contrary to the provisions of policies ENV28, ENV31, ENV33 and ENV34 of the adopted local plan, policy SP17 of the emerging local plan while not constituting sustainable development by failing to meet the environmental provisions of the NPPF.

8.27 Members attention is also drawn to the application at Forge Lodge, Forge Lane, submitted under ref: 10/1385 being an outline application for the erection of four, three bedroom semi-detached dwellings with all matters reserved which was refused and dismissed on appeal. This site immediately abuts the application site to the west and is identified on the plan attached as **APPENDIX 1**. Taking into account the nature of this development, its siting outside the settlement boundary and that the policy background against which this application was assessed remains substantially the same as the current application, it is considered it represents a material consideration in the determination of this application.

8.28 This appeal decision (attached at **APPENDIX 2**) concluded, amongst other things, that, the development was not sustainable and the intensified use of the access would have a harmful effect on highway safety. However it is considered the comments made on the impact on the countryside are most relevant to this application. At paragraphs 7 and 8 the Inspector states

“ I acknowledge that the proposed development would not have a wider impact in terms of its visibility and would meet all other policy guidance in relation to its design and relationship with its neighbours. I have had regard to the mature trees on site and agree with the findings of the tree survey insofar as the majority would not be harmed and would provide an effective buffer between the new development and other Forge lane properties. I have also had regard to the age of the Local Plan (2000) but these policies are ‘saved policies’ and are consistent with national and regional policies and are not weakened as a consequence....” and

“ Therefore I conclude that the proposed development would have a harmful effect on the character and appearance of the area, having regard to policies for the countryside...”

8.29 It is considered the above appeal decision lends significant weight to the countryside and landscape objections set out above in connection with the current application.

Heritage Considerations:

8.30 The site lies behind the Grade II listed Green Court, an 18th Century house with later additions. The main part of the development site is already well-screened by trees from Green Court with the additional provision of a 5-8 metre wide landscape buffer providing further screening to this property.

8.31 The MBC’s heritage advisor therefore considers the proposed houses will have little impact on the setting of the listed building. However concerns relating to the formation of the access road resulting in some tree loss which may impact on the setting of Green Court are noted while trees sited close to the proposed new 2.1 metre high brick and flint wall to be built to screen the access road from the listed building may be affected.

- 8.32 Concerns were also raised regarding the appearance of the wall on the grounds that a brick wall with flint panels would be inappropriate not being a vernacular tradition but more reflecting of a modern suburban character. However following the submission of further details of the wall's design along with an assessment of its potential impact on trees, the MBC Heritage advisor now finds the proposal acceptable.
- 8.33 In the circumstances it is considered the proposal has no material impact on the character and setting of Green Court and no objection is therefore identified to the proposal on heritage grounds.

Design, Layout and Landscaping

- 8.34 The submitted details show an inward looking and self-contained development served off a central cul- de-sac. The proposed houses are of a traditional hipped roof design using traditional materials. Turning to the site layout, all houses have reasonable spacing between units along with private amenity areas of sufficient size and reasonable internal privacy.
- 8.35 As such when looking at the housing element of the proposal in isolation from other matters there are no inherent design and layout objections to what is being proposed and in an appropriate context could prove acceptable. Nevertheless for the reasons already amplified above this is not considered to be an appropriate site for new housing given the harm identified which would occur irrespective of the design quality of the proposed development.
- 8.36 The layout of that part of the site to be for community purposes is also considered acceptable.
- 8.37 **Landscaping:** The application is accompanied by an arboricultural report and tree survey plan showing existing trees including those subject to TPO's along with a tree removal plan. The site survey identifies 40 individual trees and seventeen groups of trees remaining on the site. The TPO for the site also protects trees in the adjacent Green Court. This TPO, dating from 1977, refers to a number of trees which are no longer present on the site but given the age of the TPO this is not surprising. The Arboricultural report advises that due to lack of site management a number of trees are self sown specimens of poor form and limited significance while some of the older more established trees are now in poor condition.
- 8.38 All high value trees are to be retained while 32 out of 37 trees of moderate value are also to be retained. Two trees the subject of the 1977 TPO are to be felled both being in poor condition. A protected lime tree close to the road is being dominated by a prominent TPO beech tree while an Atlas Cedar situated more centrally in the site has suffered such extensive storm damage that any remedial pruning would harm its appearance to an unacceptable degree.
- 8.39 Though loss of TPO trees is regrettable given the number of trees still remaining and proposed substantial tree screen along the boundary with Green Court (more than compensating for any tree loss) it is considered an acceptable balance has been struck in maintaining tree cover while enabling development of the site were the fundamental objections to development of the site on other grounds be absent.
- 8.40 However MBC landscape comments are still awaited and will be reported to Members as an update.

Residential amenity

- 8.41 For the reasons set out above it is considered the proposed development achieves an acceptable residential environment for future residents.
- 8.42 Regarding any impact on properties overlooking and abutting the site, concerns have been raised regarding loss of outlook and privacy. There are 4 properties directly abutting the site being Forge Lodge to the west, The Old Post Office and Green Court to the east and Condor House to the north.
- 8.43 Dealing first with the impact of the proposed community use of the former agricultural building set back from Forge Lane, the area to the east of this building is already used for car parking. As such there is already some noise and disturbance arising from this activity. Subject to appropriate controls over the hours and days of use of the community building (along with appropriate sound attenuation measures) it is not considered its use is likely to result in any harm to the aural or visual amenity of either the Old Post Office or Green Court particularly given construction of the proposed 2.1 metre boundary wall proposed along the south west boundary of Green Court where it abuts the application site. The outlook of Green Court is further safeguarded by the proposed tree screen proposed abutting its northern boundary.
- 8.44 Turning to Forge Lodge, fronting Forge Lane and abutting the application site to the west, this property has been extended by a two story side addition erected under application ref: MA/05/1745. This addition is essentially single aspect with 1st floor windows only serving bathrooms facing towards the application site. Consequently though Forge Lodge will abut the small parking area proposed to serve the community use, the bulk of the approved addition will effectively act as a sound attenuation and visual barrier to use of the car park. The remaining concern in relation to Forge Lodge is the siting of the house on plot 1 a short distance to the north east. However given the orientation of the house on plot 1, boundary screening and siting of the two storey flank addition to Forge Lodge, it is considered the outlook, amenity and privacy of Forge Lodge will not be materially affected.
- 8.45 The remaining affected property is Condor House abutting the northern boundary of the application site. Though units 3,4 and 5 are close to or almost abut the common boundary, given the orientation of Condor House, retention of existing trees and design of the proposed units and subject to any 1st floor windows on the northern flank of unit 4 being obscure glazed, no material harm is identified to the outlook, privacy or amenity of Condor House.

Highways

- 8.43 Concerns have been raised that the proposal will result in harm to the free flow of traffic and highway safety to local roads. However Kent Highways advise that parking provision for the houses accords with its parking standards while no crashes have occurred within close proximity of the site in the last 10 years. In addition, projected traffic levels are not considered prohibitive while improvement to the access will allow for acceptable visibility given site location and local speed limits.
- 8.46 Kent Highways outstanding concerns regarding waste collection vehicles entering and leaving the site requiring an additional passing place preferably just opposite the entrance to the community car park building can be addressed by condition as there appears to be sufficient space to carry out alignment changes to access road without

adversely affecting trees to east. The enlargement of the car park to accommodate 4 cars along with cycle parking provision can also both be addressed by condition.

8.47 In the circumstances no objection is identified to the proposal on highway grounds.

Ecology

8.48 The application site was formerly well treed and even in its cleared condition still has potential as a wildlife habitat. The Ecological Appraisal submitted with the application considered in the absence of natural ponds being nearby there was little potential for Great Crested Newts, though there was evidence of reptiles along with bats and badgers visiting or roosting at the site. It was concluded the site had no potential to support hazel dormice due to lack of connectivity with suitable woodlands though the site has moderate potential to support both hedgehog and stag beetle populations.

8.49 In order to secure wildlife enhancements and encourage bio diversity the following measures are proposed:

- Hedgehog nesting boxes and 12cm square gaps under any new fencing to allow hedgehogs access onto all garden areas.
- Ready-made bird boxes (sparrow terrace timber boxes or house martin nests for instance or mix of open-fronted and hole-nesting boxes and constructed from woodcrete).
- Bat roosting spaces within the new buildings or installation of ready-made bat boxes.
- Provision of log piles for invertebrates (including stag beetles²³), reptiles and amphibians.
- Tree / shrub/ hedgerow planting (native species to be used only).
- Use of grass-free tapestry lawns.
- Creation of drought-resistant wildflower garden to attract invertebrates and reduce need for water.
- Creation of a wildlife pond.
- Integration of Sustainable Urban Drainage Systems (SUDS).
- Use of grid mesh system (or Ground Reinforcement Grids) with topsoil and seeding with a wildflower species mix, to car parking areas and new access drives to retain some vegetation as well as drainage.
- Integration of a rain garden and planting of community orchards.
- Spring flowering bulbs and plugs of nectar rich flowering plants should be embedded into amenity grassland to increase the biodiversity and amenity value of the grassland and to provide early sources of nectar for insects.

8.50 It is considered the above make appropriate provision for wildlife in accordance with the provisions of the NPPF.

Other Matters

8.51 The Housing Standards Review by the Government has resulted in the withdrawal of the Code for Sustainable Homes and introducing a system of optional Building Regulations on water and access, and a new national space standard ("the new national technical standards"). This system complements the existing set of Building Regulations which are mandatory. This does not preclude renewable or low-carbon sources of energy within new development which is considered intrinsic to high design standards and sustainable development in accordance with the provisions of the NPPF.

- 8.52 Such measures contribute towards achieving the NPPF's key sustainability aim, support the transition to a low carbon future while encouraging the use of renewable sources being one of the core planning principles of the NPPF. A condition should therefore be imposed on how renewable energy will be incorporated into the proposal.
- 8.53 There is also a requirement that surface water drainage be dealt with via a SUDS in order to attenuate water run off on sustainability and flood prevention grounds and is a matter that can also be dealt with by condition.
- 8.54 The applicant has referred to applications for housing in the locality which are considered comparable with the current proposal. However application ref 16/501012/FULL for the erection of 3 x pairs of semi-detached dwellings with associated landscaping, access and parking is the subject of an appeal the outcome of which is awaited.
- 8.55 Application 15/505317/OUT for the demolition of existing buildings and construction of four detached chalet bungalows principally involved removal of an existing vehicle repair use and its associated buildings and therefore was seen as securing an environmental upgrade.
- 8.56 In connection with application 14/504584/FULL for the demolition of an existing stable and erection of new 3 bedroom dwelling, in this case no material harm was identified to the AONB while the proposal was considered to represent a sustainable and high quality design. Furthermore given the acknowledged housing shortfall at the time when the decision made all represented factors that, on balance, were considered to weigh in favour of the proposal.
- 8.57 The applicants also refer to the application made under ref: 14/502973 in connection with land to the west of Ham Lane for the erection of 82 new residential dwellings together with access onto Ham Lane, internal roads, parking, landscaping and ancillary works on land at Ham Lane. The application was allowed on appeal. In relation to the need to demonstrate a 5 year housing supply the applicants wish attention drawn to the following comments of the inspector where at paragraph 57 he stated that:

Notwithstanding the Council's assertion post-Inquiry that it is now able to demonstrate a five-year housing land supply, as the authority's up-to-date full objectively assessed housing needs have yet to be formally demonstrated, tested and endorsed through the thoroughness and robustness of the local plan process, I cannot be satisfied that a five-year housing land supply exists. Accordingly, I consider that paragraphs 49 and 14 are engaged.

- 8.58 Though this decision was made in June 2016 as was made clear earlier in this report the Council now considers itself in a position to demonstrate it has a 5 year supply of land.
- 8.59 It is therefore considered that none of the above represent considerations that weigh in favour of overcoming objections to the development of the site that have been identified.

9.0 CONCLUSIONS

- 9.01 Though the application has positive aspects with reuse of a building for community purposes while in isolation being acceptable in terms of amenity, heritage, design

and layout, highway and ecology this does not set aside the harm to the character of the area and the positive contribution the application site makes in maintaining the rural character of the area, landscape quality of the AONB and SLA while also fulfilling a strategic gap function in containing the further outward spread of built development. The existence of the appeal decision relating to the adjoining site should also be taken into account.

- 9.02 The proposed development by harming these interests, therefore fails to meet the environmental function of sustainable development. As such in the absence of any demonstrable housing need the proposal represents the unjustified incursion of built development into adjoining countryside helping to define and maintain the character and setting of Bredhurst at this point while being harmful to the landscape quality and setting of the AONB and SLA and compromising the function of the strategic gap in containing the outward spread of settlements. The proposal is therefore contrary to the provisions of policies ENV28, ENV31, ENV33 and ENV34 of the adopted local plan, policy SP17 of the emerging local plan while not constituting sustainable in accordance with the provisions of the NPPF.
- 9.03 As such it is considered the balance of issues fall in favour of refusing planning permission for the development.

RECOMMENDATION: REFUSE

In the absence of meeting any demonstrable housing need or other overriding justification, the proposal represents the unjustified incursion of development into adjoining countryside which in its current undeveloped form helps to define and maintain the character and setting of Bredhurst at this point. As such the proposal is harmful to the rural character of the area, landscape quality and setting of the AONB and SLA while compromising the function of the strategic gap in containing the outward spread of settlements. The proposal is therefore contrary to the provisions of policies ENV28, ENV31, ENV33 and ENV34 of the adopted local plan and policy SP17 of the emerging local plan while not constituting sustainable development in accordance with the provisions of the NPPF.

Case Officer: Graham Parkinson

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.