

**Reference number: 16/504798**

**Amendment to paragraph 2.01 of the committee report as follows:**

The proposal includes five parking spaces for the community building, rather than the three referred to in the report as shown on amended plans (ref: 16-10-03-D) received on 8 July 2016. Neighbours and the Parish were re-consulted on the amended plans on 20 July 2016.

Further objection received which is summarised below:

- Village needs starter homes not large detached properties while the Forge Lane/The Street junction will not be able to cope with the additional traffic without major alteration.
- Regarding conversion of the stable building into community use question who will manage, maintain and pay for the facility and what protection will be put in place to ensure that the residents of Bredhurst will not be required to meet any shortfall in running costs.

**MBC Landscape:**

As referred to in paragraph 8.40 of the committee report the following comments have now been received.

*Landscape Assessment:*

The site is located, within the Bredhurst and Stockbury Downs which gives an overall guideline to restore and improve the area. The relevant recommended actions for the area are as follows:

- Bredhurst and Stockbury Downs is situated within the Kent Downs AONB. The Kent Downs AONB is a nationally important designation which offers a high level of development constraint
- Land management policies for the conservation, management and enhancement of this landscape are set out within the Kent Downs AONB Management Plan 2009 – 2014. Also refer to guidance documents referenced in Appendix A
- Conserve the historical buildings and features that remain, including the two Scheduled Monuments
- Restore and improve the rural setting to historical settlements such as Bredhurst and Stockbury villages through delivery of appropriate architectural and landscape design, increasing native tree cover and by discouraging flytipping
- Avoid further built development which is out of context in terms of materials and design

The AONB management plan contains the following relevant policies in relation to development within this sensitive landscape:

1. AONB conservation and enhancement and sustainable development principles are the starting point of development and infrastructure plans, local policies and proposals.
2. The character and distinctiveness of villages, farmsteads and individual buildings are conserved and enhanced by combining the best traditions of the past with the best technologies of the present to create environmentally sustainable and locally enhancing development.
3. A positive, proactive and urgent approach is taken to the implications of climate change and intelligent and effective mitigation and adaptation responses are chosen which support landscape character and ecosystem services.
4. All development achieves landscape enhancement; conservation and mitigation is delivered in every case.
5. A comparatively tranquil environment is protected, conserved and enhanced.
6. The setting and views in and out of the AONB are conserved and enhanced.
7. New developments respect and reinforce the traditions of the past, whilst integrating sustainable technologies and sensitive new design.

Taking into account the current undeveloped character of the application site it still lends to the landscape quality of the AONB. This contribution would be compromised were the site to be developed as proposed.

#### *Trees:*

The site is not located within a conservation area although a number of trees within the proposed development area are subject to TPO 4 of 1977.

The application is accompanied by an arboricultural assessment giving an assessment of the trees and their grading.

The development will result in the loss of approximately 5 groups and 25 individual trees. Out of the trees shown to be removed only two protected trees ( a Lime T2 and Cedar T36 on the TPO) are to be felled. Both these trees have been graded C (of low quality) on the tree survey. Overall, the loss of the groups and individual trees towards the centre of the site will have little overall effect on the amenity of the area when viewed from surrounding public areas although there would be a loss of some screening when viewed from The Street due to the removal of a number of the trees closer to the site boundary.

Although the development seeks to retain the majority of the better graded trees concerned over the physical impact some of the retained trees will have over the new properties.

Accept the development appears to take into account the below ground constraints by ensuring no development takes place within the root protection areas. However the above ground constraints (such as the casting of shade) does not appear to have been addressed.

Future pressure for inappropriate management of the nearby retained trees on and adjacent to the site is a concern, particularly on plots 2 and 6. The trees to the rear of plot 2 do not appear to be within the applicant's control, other than the ability to cut back overhanging

growth to the boundary and it cannot be relied upon that they will be managed by the landowner.

Problems anticipated to these 2 plots are largely shading (reducing light to rooms of the houses and their gardens), problems within the gardens successfully growing plants and lawns, surface roots causing trip hazards and damp resulting from the long periods of shading. Future occupants may view the trees as overbearing and oppressive for much of the season and be fearful of the trees failing in adverse weather, causing damage to property or harm to occupants. Leaf and seed litter from the trees could be viewed as significant inconvenience/nuisance, particularly if this blocks gutters and gullies, lands on cars and causes a slip hazard on paths and drives.

### **Response of Head of Planning and Development:**

Dealing with the objection, no objections are raised to the proposal in terms of parking provision or highways safety.

Concerns relating to the housing make up of the of the development are noted. However even if the application was for starter homes, given nature of the application site and the contribution it makes to the character and setting of this part of Bredhurst, any case would have to be particularly compelling to overcome the demonstrable harm identified.

The management and funding of the community facility has not been addressed as part of this submission. Nevertheless should Members not support the recommendation and see fit to grant planning permission a condition could be imposed requiring such details.

Turning to the views of MBC Landscape relating to the AONB, the applicants have not submitted a separate landscape assessment as such, but have addressed this within their planning statement. This concludes that planting of additional trees and hedgerows to enclose the development will reduce any landscape impacts to an acceptable level. For the reasons already amplified in paragraphs 8.24 and 8.25 of the Committee Report relating to the intrinsic value this site has in its currently undeveloped condition, this view is not accepted.

Regards the impact of the development on trees, the conclusion is that the proposed development may well result in future pressure to either fell or carry out inappropriate tree works which it is considered will be harmful to visual amenity.

In the circumstances it is considered this represents additional demonstrable harm arising from the proposal and the recommendation needs to be amended to reflect this.

The reason for refusal has also been amended to acknowledge that much of the proposed development falls outside the defined settlement boundary of Bredhurst.

### **Other matters:**

The applicant has also submitted a letter to Councillors (attached). The key points relating to community support, community benefits, sustainability, landscape impact and the 5 year housing supply position have already been addressed in the Committee report and no further response is considered necessary.

Regarding the appeal decision in connection with Forge Lodge, Forge Lane (ref:10/1385) it is acknowledged this pre-dates the NPPF. The purpose of referring to this decision is to emphasise that while a development may not have a wider visual impact this does not preclude it from having a harmful effect on the character and appearance of an area.

**Recommendation amended as below:**

**Amended reason for refusal:**

In the absence of meeting any demonstrable housing need or other overriding justification, the proposal, by involving development mainly outside the settlement confines of Bredhurst, 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. In addition the proposed houses due to their size, design and siting are also likely to lead to pressure to fell/carry out inappropriate tree works harmful to visual amenity. 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.