

REPORT SUMMARY

REFERENCE NO - 18/501196/FULL		
APPLICATION PROPOSAL		
Two storey detached house, with double garage with access off Grigg Lane.		
ADDRESS Land North Of 61 And 62 Knaves Acre Headcorn Ashford Kent TN27 9TJ		
RECOMMENDATION - APPROVE		
SUMMARY OF REASONS FOR RECOMMENDATION		
The proposal is considered acceptable in terms of its design and layout; and its access and in highway safety terms. The proposal is also considered acceptable in ecological, arboricultural and residential amenity terms, and the fall-back position here is for 1 dwelling to be built, as approved under 15/504300. It is also considered that the proposal has overcome the previous reasons for refusal (under 17/503890), and it is therefore recommended that this application is approved on this basis.		
REASON FOR REFERRAL TO COMMITTEE		
- Headcorn Parish Council wishes to see application refused and reported to Planning Committee.		
WARD Headcorn	PARISH COUNCIL Headcorn	APPLICANT Wealden Limited AGENT Wealden Homes
DECISION DUE DATE 25/05/18	PUBLICITY EXPIRY DATE 20/04/18	OFFICER SITE VISIT DATE 22/03/18
RELEVANT PLANNING HISTORY:		

- 17/503890 – Erection of dwelling – Refused on 13/10/17 for following reasons:
 - *New vehicle access and driveway would puncture through well-established tree/hedge line along northern boundary, which contributes positively to local area, would cause unacceptable visual harm to character and appearance of area.*
 - *Without evidence to contrary, new vehicle access sited within RPA of Grade A Oak would be likely to result in unjustified harm to, or loss of this tree, which would reduce this tree's longevity and amenity value.*
- 15/504300 - Outline for house (landscape reserved) – Approved
- MA/80/1119 - Outline for 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 trees along the south-eastern boundary of the site are protected under Tree Preservation Order no.3 of 1978 and they are to be retained. The surrounding land to the north of the site is being built out with residential development; and a public footpath (KH606) runs along the northern boundary of the site. For the purposes of the Local Plan (2017), the site is allocated under policy H1(39) for approximately 5 dwellings, and covered by a Landscape of Local Value designation.

2.0 PROPOSAL

2.01 This proposal is for the erection of a single detached (5-bed) dwelling, with vehicle access to be taken from the northern boundary of the site, from a new estate road that leads onto Grigg Lane. The proposal would see the loss of an Ash tree and a group of Hawthorn and Field maple that are all categorised as Grade C trees.

- 2.02 Unlike under the previous application that was refused, this submission is now accompanied by an arboricultural implications assessment (AIA) that assesses the impact of the proposal on the trees, and additional landscaping has been shown along the front boundary of the site.
- 2.03 It should also be noted that there is an outline permission (decision date: 7th April 2017) for a development of a similar scale and design as what is now proposed under 15/504300, although the orientation of the approved house faces towards Knaves Acre, where the vehicle access was shown. This was approved by Planning Committee.

3.0 POLICY AND OTHER CONSIDERATIONS

- Local Plan (2017): SS1, SP5, SP7, H1, H1(39), DM1, DM2, DM3, DM23
- National Planning Policy Framework (2012)
- National Planning Practice Guidance (2014)
- Headcorn Neighbourhood Plan (Draft)

4.0 LOCAL REPRESENTATIONS

- 4.01 **Local Residents:** 3 representations have been made raising concerns over: the impact on the public footpath; highway safety; and land ownership.

5.0 CONSULTATIONS

- 5.01 **Headcorn Parish Council:** Wishes to see application refused and reported to Planning Committee for following (summarised) reasons;

- *Concerns about safety of proposed access - accessing site directly across PROW.*
- *Access entirely unsuitable for access by construction traffic.*
- *PROW already diverted to allow larger developments to be completed & idea was to create scenic & natural environment for parishioners to enjoy*
- *Plans indicate number of trees & shrubs removed - At odds with nature of area.*
- *Proposal will cut off wildlife corridor of trees & hedge line growth, plus wet ditch areas*

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

5.03 **KCC Highways Officer:** Raise no objection.

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

5.05 **Natural England:** Has no comments to make.

5.06 **KCC PROW Officer:** Confirms PROW KH606 has recently been diverted along south-western boundary of site and this should not affect determination of this application.

5.07 **Southern Water:** Raises no objection.

6.0 APPRAISAL

Main issues

- 6.01 The development refused under 17/503890 (dwelling with access off Grigg Lane) was considered under the 2000 Maidstone Local Plan and the modified policies of the Final Draft Maidstone Local Plan. The new Local Plan was adopted in October 2017,

superseding the 2000 Local Plan. The previous reasons for refusal are a material consideration in the determination of this current application.

- 6.02 Policy H1(39) of the Local Plan allocates this site for approximately 5 houses. However, it is a material planning consideration that the principle for 1 dwelling on this site has been granted under extant outline permission 15/504300/OUT. This earlier extant permission is the fall-back position.
- 6.03 In accordance with the relevant policies of the Local Plan (as stated above) and specifically policy H1(39), the main issues to be considered are the proposal's design and layout and then access. The report will then focus on other matters outside policy H1(39) such as biodiversity/arboricultural impacts, residential amenity implications, and other relevant material planning considerations.
- 6.04 Headcorn is recognised as a Rural Service Centre in the Local Plan, which is considered to be the second most sustainable settlements in the hierarchy to accommodate growth.
- 6.05 The details of this planning application will now go on to be considered.

Design and layout

- 6.06 The housing allocation policy (policy H1[39]) states that the function of public footpath along the northern boundary of the site should be retained, and that consideration is given to the safety of future users and occupiers of the development. The KCC Public Rights of Way Officer and the KCC Highways Officer have both raised no objection to the proposal and so it is considered that the proposal would be acceptable in this respect.
- 6.07 Other issues in terms of the proposal's design and layout shall now be assessed.
- 6.08 The proposed dwelling is similar to that approved under outline application 15/504300, albeit orientated differently, and so there is no objection raised in terms of the scale and appearance of the buildings themselves. However, this proposal would now see the creation of a vehicle access through the northern boundary of the site. The agent has confirmed that access cannot be taken from Knaves Acre because of a land ownership/right of way issue that would be timely and costly to resolve.
- 6.09 Unlike under the previous application that was refused, this submission is now accompanied by an arboricultural implications assessment (AIA) that assesses the impact of the proposal on the trees. The Landscape Officer has reviewed this report as part of this application and is now satisfied that the site could accommodate a dwelling from an arboricultural viewpoint, without the loss of the Oak tree. It should also be noted at this point that the Landscape Officer is satisfied that the Grade A Oak tree referred to in the previous reason for refusal is in fact a Grade B tree, as established in the now submitted AIA.
- 6.10 This said, the proposed access route still conflicts with the root protection area of a semi-mature Oak on the northern boundary, and the driveway also conflicts with the root protection areas (RPAs) of mature Oaks on the western boundary. The previously refused application made no attempt to demonstrate that this was technically possible without unacceptable levels of damage to tree roots, but this application now addresses the previous reason for refusal. The Landscape Officer is now satisfied that it has been

demonstrated that the proposal is achievable given the arboricultural constraints (through no-dig construction); and no objection is raised to the proposed tree removal and pruning works specified within the arboricultural report. As the Landscape Officer is now satisfied that the proposal would not reduce the longevity and amenity value of any retained tree, the character and visual amenity of the surrounding area would not be adversely impacted upon in this respect, and the new access is therefore considered to be acceptable in visual amenity terms.

- 6.11 The Landscape Officer also raises no objection to the loss of the category C trees and the proposed soft landscaping, subject to details of the size of planting and the replacement of *Prunus Amanogawa* (Japanese Cherry Blossom) substituted for a different species that is native or near-native and suitable for the area. This will be secured by way of appropriate condition.

Access

- 6.12 The housing allocation policy (policy H1[39]) states that access will be taken from Knaves Acre only, and as previously set out, access would be from the northern boundary of the site and not from Knaves Acre. The proposal is not policy compliant in this respect, but as set out above the proposal is considered to be acceptable in terms of its visual/arboricultural impact and in highway safety terms, so there are no reasonable grounds to refuse the application on this basis alone.

CONSIDERATIONS OUTSIDE POLICY H1(39)

Biodiversity implications

- 6.13 The applicant has submitted a Preliminary Ecological Appraisal Report and a Great Crested Newt (GCN) Survey as part of this application. The Biodiversity Officer has reviewed this information and advises that it provides a good understanding of the ecological impacts associated with the proposed development.
- 6.14 Notwithstanding this, in having regard to the 3 tests for a European protected species mitigation licence (given the impacts upon GCNs). As requested by the Biodiversity Officer, the agent has submitted amended landscaping plans that clearly show both the hibernaculum and the meadow area as being separated and physically demarcated from the garden areas of the new house. This layout (and its long term management) will be secured by way of appropriate condition, as accepted by Members of the Planning Committee under the previously approved scheme. It is therefore reasonable to assume that these terrestrial habitat areas can be maintained in the long-term and the Biodiversity Officer is satisfied with this approach.
- 6.15 Subject to the relevant mitigation conditions, the Biodiversity Officer has raised no objections to the proposal in terms of its potential impact upon any other protected species (including reptiles).
- 6.16 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.

Residential amenity

- 6.17 Given the separation distances between the new house and any neighbouring property (existing and proposed) and given the proposal's scale, design and siting, it is considered that the proposal 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. It is also considered 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 general noise and disturbance to any existing/future neighbours.

Other Matters

- 6.18 Foul sewage disposal will be via the mains sewer and surface water will be disposed of via SUDS, 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; and Southern Water has also raised no objection to this proposal. The site would also benefit from adequate turning and parking facilities.
- 6.19 In terms of the Headcorn Neighbourhood Plan, the Planning Inspector concluded that the Plan should not proceed to a referendum. As such, the draft Headcorn Neighbourhood Plan is considered to carry very limited weight in the determination of this application.
- 6.20 The issues raised by Headcorn Parish Council and the local residents have been addressed in the main body of this report, and it should be noted that assessing the details of the construction phase of the development is not a material planning consideration in the determination of this application. Furthermore, this proposal does not include a new public right of way linking Knaves Acre and the new estate to the north of the site. Indeed, there is no policy basis to insist on this pedestrian link; Headcorn Neighbourhood Plan carries very limited weight in the determination of this application; the driveway leading to Knaves Acre is not in the applicant's ownership; and the need for the ecological enhancements (that will run along the eastern boundary) outweighs any desire for a new footpath here. This reasoning was previously accepted by Members of the Planning Committee under 15/504300.

7.0 CONCLUSION

- 7.01 The proposal is considered acceptable in terms of its design and layout; and its access and in highway safety terms, and the fall-back position here is for 1 dwelling to be built. The proposal is also considered acceptable in ecological and residential amenity terms. The proposal has overcome the previous reasons for refusal and it is therefore recommended that this application is approved on this basis.

8.0 RECOMMENDATION – grant planning permission subject to following conditions:

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) 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 of the buildings 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;

Reason: To ensure a satisfactory appearance to the development.

- (3) The development hereby approved shall be carried out in accordance with the boundary treatments as shown on drawings WH-PL-04 Rev B and WH-PL-10 (incorporating gaps for the passage of wildlife in the close boarded fencing). All boundary treatments shall be in place prior to the first occupation of the building and maintained as such thereafter;

Reason: To ensure a satisfactory appearance to the development, and in the interests of residential amenity and biodiversity.

- (4) Prior to commencement of works/development above damp-proof course (DPC) level, details of a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land and on adjoining sites, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management, shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment 2012 and shall include:

- a) Retention of all boundary trees as shown on drawing WH-PL-05 Rev B;
- b) Additional tree planting along southern boundary of site, as shown on drawing WH-PL-05 Rev B, subject to Japanese Cherry Blossom (*Prunus Amanogawa*) being substituted for a different native or near-native species suitable for the area (e.g. Wild Service (*Sorbus Tominalis*)), Hazel (*Corylus avellana*), Oak (*Quercus robur*) or Holly (*Ilex aquifolium*);
- c) Size of all new tree/hedge planting;
- d) Native hedgerow planting along northern and eastern boundaries;
- e) Details of wildflower meadow mix as shown on drawing WH-PL-05 Rev B.

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

- (5) 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 first occupation of the building 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;

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

- (6) Prior to the commencement of any works/development on site, a revised Arboricultural Method Statement (AMS) in accordance with BS5837:2012 shall be submitted to and approved in writing by the Local Planning Authority. The AMS shall include:

- a) Existing and proposed levels;
- b) Details of driveway construction where it conflicts with root protection areas (RPAs) (including existing and proposed levels);
- c) Engineering method of how the new access would cross the watercourse along the northern boundary.

The development shall be carried out in accordance with the approved details;

Reason: Details are required prior to the commencement of work on site in order to safeguard the future retention and longevity of the retained trees.

- (7) 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;
 - iii) Provision of owl boxes in retained trees.

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.

- (8) 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 (along eastern boundary of site) and the area of wildflower meadow (along northern boundary of site), as shown on drawings WH-PL-03 Rev B and 05 Rev B. 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 and maintained as such thereafter;

Reason: To ensure appropriate mitigation and protection of species.

- (9) Prior to the commencement of development, details of decentralised and renewable or low-carbon sources of energy to be used as part of the approved development shall have been submitted to and approved in writing by the Local Planning Authority including details of how they will be incorporated into the development. The approved measures shall be in place before first occupation of the development hereby approved and maintained as such at all times thereafter;

Reason: To secure an energy efficient and sustainable form of development. Details are required prior to commencement of development to ensure that the widest range of options are available (i.e. ground source heat pumps).

- (10) Prior to the first occupation of the building hereby permitted, a minimum of one operational electric vehicle charging point for low-emission plug-in vehicles shall be installed and shall thereafter be retained and maintained for that purpose;

Reason: To promote reduction of CO2 emissions through use of low emissions vehicles.

- (11) The approved details of the parking/turning areas (including the garage) shall be completed before the commencement of the use of the land or building 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.

- (12) 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 extensions to the property or the erection of outbuildings shall be carried out;

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

- (13) The development hereby permitted shall be carried out in accordance with the following approved plans:

WH-PL-01; WH-PL-07; and WH-PL-08 received 02/03/18;

WH-PL-10 received 19/04/18; and

WH-PL-03 Rev B; WH-PL-04 Rev B; and WH-PL-05 Rev B received 09/05/18.

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. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at

<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

- (2) The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then this office will deal on the basis that:
- The applicant pays for the administration costs
 - The duration of the closure is kept to a minimum
 - Alternative routes will be provided for the duration of the closure.
 - A minimum of six weeks notice is required to process any applications for temporary closures.

This means that the Public Right of Way 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.

- (3) A formal application for connection to the public sewerage system is required in order to service this development, and please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read Southern Water's New Connections Services Charging Arrangements documents which has now been published and is available to read on Southern Water's website via the following link: <https://beta.southernwater.co.uk/infrastructurecharges>.

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.