

<b>REFERENCE NO - 18/505079/FULL</b>		
<b>APPLICATION PROPOSAL</b> Redevelopment of site to accommodate 2 houses with associated parking and landscaping.		
<b>ADDRESS</b> Glebe Cottage Dunn Street Road Bredhurst Gillingham Kent ME7 3LX		
<b>RECOMMENDATION - APPROVE</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> This proposal is considered acceptable with regard to the relevant provisions of the Local Plan, the revised NPPF and all other material considerations such as are relevant. A recommendation of approval of this application is therefore made on this basis.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> - Councillor Bob Hinder has called the application to Planning Committee - Bredhurst Parish Council wish to see the application reported to Planning Committee		
<b>WARD</b> Boxley	<b>PARISH COUNCIL</b> Bredhurst	<b>AGENT</b> Nicholas Taylor Assoc.
<b>TARGET DECISION DATE:</b> 17/12/18		<b>PUBLICITY EXPIRY DATE:</b> 01/11/18

### Relevant Planning History

- 18/501808/PAMEET - Demolition of dwelling and erection of 2 dwellings – There was general officer support to principle of such a development subject to the details of any planning application (Advice given July 2018)

### 1.0 SITE DESCRIPTION

- 1.01 The proposal site is currently occupied by a dilapidated house known as 'Glebe Cottage' that fronts onto Dunn Street Road, close to the junction with Forge Lane. The site is in the heart of the village of Bredhurst and residential properties of differing scale, age and design surround the site. There is also a motor garage opposite the site. The following trees on the site are also protected under Tree Preservation Order no. 12 of 2013: The Turkey Oak and Sweet Chestnut to the front of the site; the group of 4 Ash trees to the east of the existing house; and the Turkey Oak and Ash tree sited close to the north-eastern boundary of the site. For the purposes of the Local Plan, the proposal site is within the countryside that falls within the Kent Downs Area of Outstanding Natural Beauty (AONB).

### 2.0 PROPOSAL

- 2.01 The proposal is for the demolition of the existing property and for the erection of 2 detached (4-bed) houses. The new houses would be staggered in siting; they would make use of materials such as render, facing brickwork, and raised seam aluminium for the roof; both properties would have an integral garage and 2 parking spaces on each drive; and the existing vehicle access would be retained.

### 3.0 POLICY AND OTHER CONSIDERATIONS

- Local Plan (2017): SS1, SP17, DM1, DM2, DM3, DM23, DM30
- National Planning Policy Framework (2018)
- National Planning Practice Guidance

### 4.0 LOCAL REPRESENTATIONS

- 4.01 **Local Residents:** 5 representations have been received and as summarised have raised concern over:

- *Loss of trees/arboricultural impact*
- *Loss of a view*
- *Impact upon character and appearance of area/out of keeping with area*
- *Over development of site*
- *Highway safety*
- *Residential amenity*

## 5.0 CONSULTATIONS

- 5.01 **Councillor Bob Hinder:** Wishes to see application reported to Planning Committee if recommendation is for approval. In summary, concern is mainly regarding the removal of the protected trees and that one dwelling does not have a garage.
- 5.02 **Bredhurst Parish Council:** Wish to see application refused and reported to Planning Committee if the case officer is minded to recommend approval. In summary the following matters have been raised:
- *Proposal is out of keeping with character and appearance of the area in terms of scale, design and materials;*
  - *Over development of site/cramped form of development;*
  - *Ecological impact/loss of protected trees;*
  - *Impact upon setting of listed buildings and buildings of heritage value;*
  - *Impact upon highway safety;*
  - *Impact upon residential amenity;*
  - *Impact upon setting of AONB.*
- 5.03 **KCC Highways:** Raises no objection subject to conditions.
- 5.04 **KCC Biodiversity Officer:** Raises no objection.

## 6.0 APPRAISAL

### Main issues

- 6.01 The Local Plan states the principal focus for residential development in the borough should be in the defined urban area, then Rural Service Centres and then Larger Villages. In other locations, protection should be given to the rural character of the borough and development proposals in the countryside will not be permitted unless they accord with other policies in the Local Plan; will not result in harm to the character and appearance of the area; will not have a significant adverse impact on the setting of the AONB; and will respect the amenities of occupiers of neighbouring properties.
- 6.02 The proposal would effectively see the net gain of an additional house on an existing residential plot set within the built up area of Bredhurst, where there is a primary school, village hall, church, public house, recreation facilities and bus services. As previously agreed by a Planning Inspector for a larger residential development just across the road from this site, the proposal site is in a relatively sustainable location and no objection is raised in this respect.
- 6.03 The main issues for consideration are the proposal's visual/arboricultural impacts, and its potential impact upon highway safety and residential amenity.

### Arboricultural impact

- 6.04 The proposal site is covered by TPO no. 12 of 2013 that protects 8 individual trees, the most prominent being a large mature Sweet Chestnut and Turkey Oak growing toward the front of the site. On review of the submitted details, the Landscape Officer is satisfied that the trees shown for retention can be successfully integrated within the scheme.
- 6.05 The proposal would see the removal of a line of 4 Ash trees that form one large group within the site. The Landscape Officer accepts that the largest Ash growing to the north of the group has open basal decay with fungal fruiting bodies of Ganoderma (a common decay fungi in trees causing root and stem failure); and in its current condition, in the interests of safety, this tree is not suitable for retention regardless of the development taking place or not. The Landscape Officer states

that its removal will have a significant effect on the group's amenity and would expose the smaller Ash trees in the group to potential wind-throw, leaving them one-sided and misshapen. Taking this into consideration, the Landscape Officer considers that the remaining Ash trees are not of sufficient long-term quality to be an arboricultural constraint that would be defensible at an appeal.

### **Visual impact**

- 6.06 The proposal is surrounded by residential plots that are of differing shape and size; the surrounding houses are of differing scale, age and design; and there is no uniform building line, with properties noticeably varying in setback distance from Dunn Street Road. Given the varied character and appearance of the streetscene and wider surrounding area, it is considered that the subdivision of this plot would not have an adverse impact upon the pattern and grain of development in Bredhurst; and its modern design approach would not appear so out of keeping as to justify refusal of this application. It should be noted here that the use of render and facing brick is prevalent in the surrounding houses, and there is already a variety of roof covering materials in the vicinity. In addition to this, the overall scale of the houses is considered to suit the context of the area, and the front gable-end features pick up on the appearance of the neighbouring property's front elevation.
- 6.07 Furthermore, the proposed houses would also noticeably sit lower in height than the neighbouring property to the north-east, and stand only some 0.3m higher than the adjoining neighbour to the south-west; the setback and the staggered siting of the proposed houses and their location taken off the side and shared boundaries, together with the separation distances between them and the nearest houses, would retain a sense of space in and around the site; and as the mature trees to the front of the site would be retained and the front boundary enhanced with native planting, the proposed development would be immediately softened and blended into the village. It is therefore considered that the proposal would not appear cramped or incongruous in what is a varied streetscene.
- 6.08 The Landscape Officer considers the proposed landscaping scheme to be reasonable, and although it lacks any details on plant numbers and sizes, this can be submitted by way of an appropriate condition. The applicant will also be advised that the new hedge planting to the front of the site should encompass the length of the entire front boundary and be of more native origin such as Yew, Beech, Hornbeam or Privet. The introduction of a wild flower area to the rear of the site is also welcomed, and whilst it would provide better public amenity if it were at the front of the site, it is not considered reasonable to insist on this.
- 6.09 It is therefore considered that this proposal would not appear visually harmful or as over development of the site, but instead would be a development that would positively integrate with the varied character of the area. As the proposal is considered to not adversely harm the character and appearance of the surrounding area, or the setting of the AONB hereabouts, no objection is raised in terms of its visual impact.

### **Highway safety implications**

- 6.10 The provision of 2 independently car parking spaces for each property is in accordance with Local Plan policy DM23. The addition of an integral garage to one of the properties is additional provision, and it would be unreasonable to object to the proposal because the other property does not have a garage. The proposal would also see the existing access utilised for both houses, effectively meaning that it would be used by 1 additional household. This is not considered to result in an unacceptable intensification of use of this access. The Highways Authority has also raised no objection in terms of the use of the existing access and the parking

provision proposed. As such, no objection is raised to the proposed development on highway safety grounds.

- 6.11 The Highways Authority has suggested a number of conditions relating to the construction phase of the development, but these are not considered to pass the planning tests of when conditions are reasonable and necessary.

#### **Residential amenity**

- 6.12 Given the siting and orientation of the proposed houses, together with their separation distances from surrounding properties and the fact that the site is already in residential use, it is considered that the proposal would not have an unacceptable impact upon the living conditions of any surrounding property. The residential amenity of the proposed houses is also considered acceptable.

#### **Other matters**

- 6.13 An Ecological Appraisal Report and Bat Survey Report have been submitted as part of this application. The Biodiversity Officer has reviewed this detail and is satisfied that sufficient ecological information has been provided for the determination of the planning application. No additional ecological information is required prior to determination of the planning application subject to relevant conditions as recommended.
- 6.14 As the proposal site is not within or close to a conservation area and there is no listed building within 50m of the proposal site, no objection is raised to this proposal on heritage grounds. The adjacent property (known as 'The Rowan'), is not considered to be of such historic importance to justify refusal of this proposal that is well separated from this property and on land that is already in residential use.
- 6.15 Given the existing use of the site, its location and the relatively modest scale of the proposal, no further details are required in terms of noise, air quality, and land contamination; and foul and surface water disposal will be via mains sewer which is not objectionable. There is also sufficient room onsite for refuse.
- 6.16 In accordance with Local Plan policy and in the interests of sustainability, conditions will also be imposed for the provision of operational electric vehicle charging points for low-emission plug-in vehicles, and for details of decentralised and renewable or low-carbon sources of energy.
- 6.17 The issues raised by Councillor Hinder, Bredhurst Parish Council and local residents have been fully considered in the assessment of this application. However, it should also be noted that a loss of a view is not a material planning reason to refuse an application and each application must be considered on its own merits under current policy/guidance.
- 6.18 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25<sup>th</sup> October 2017 and began charging on all CIL liable applications approved on and from 1<sup>st</sup> October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

### **7.0 CONCLUSION**

- 7.01 The site, although being defined as countryside for Local Plan purposes, is a plot of land that is already occupied by a dwelling and its associated domestic paraphernalia, within a built up area that is surrounded by existing built form. As such, the site is not seen as being open countryside and the immediate vicinity is not rural in character. Therefore and for the reasons as set out above, it is considered

that the proposal in this context would not adversely harm the character and appearance of the countryside hereabouts and it would not have an unacceptable impact upon the setting of the AONB. The proposal is also considered to be acceptable in terms of all other material planning issues. So whilst the site is not allocated for housing in the Local Plan and the local planning authority is satisfied that a 5-year housing land supply can be currently demonstrated, this does not mean that appropriate windfall sites such as this should be rejected. It is therefore considered that the proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. A recommendation of approval is therefore made on this basis.

**8.0 RECOMMENDATION** - APPROVE 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 the commencement of development above damp-proof course level on any individual property, written details and samples of the materials to be used in the construction of the external surfaces of the houses hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using the approved materials and maintained as such thereafter;

Reason: To ensure a satisfactory appearance to the development that falls within the countryside and Kent Downs Area of Outstanding Natural Beauty.

3. Prior to the commencement of development above damp-proof course level on any individual property, details of all fencing, walling and other boundary treatments 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 before the first occupation of the building or land and maintained as such thereafter;

Reason: To ensure a satisfactory appearance to the development that falls within the countryside and Kent Downs Area of Outstanding Natural Beauty, and to safeguard the enjoyment of their properties by existing and prospective occupiers.

4. In this condition "retained tree" means an existing tree, which is to be retained in accordance with the approved plans and particulars. Paragraphs i) and ii) below shall have effect until the expiration of 5 years from the date of completion of the development for its permitted use.

i) No retained tree shall be damaged, cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the Arboricultural Report by Challice Consulting Ltd (CC/213AR3642) dated 28<sup>th</sup> September 2018, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with British Standard 3998:2010 Tree Work - Recommendations or any revisions thereof.

ii) If any retained tree dies, or is removed, uprooted or destroyed, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time as may be specified in writing by the Local Planning Authority.

iii) The installation of tree protection barriers, the methods of working shall be undertaken in accordance with the Arboricultural Report by Challice Consulting Ltd (CC/213AR3642) dated 28<sup>th</sup> September 2018;

Reason: Pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality that falls within the countryside and Kent Downs Area of Outstanding Natural Beauty.

5. The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed; it shall detail plant numbers and sizes; and it shall provide details of on-site replacement planting to mitigate any loss of amenity and biodiversity value, together with the location of any habitat piles and include a planting specification, a programme of implementation and a 5 year management plan. The landscape scheme shall specifically address the need to provide native hedge planting along the front northern boundary of the site adjacent Dunn Street;

Reason: To ensure a satisfactory appearance to the development that falls within the countryside and Kent Downs Area of Outstanding Natural Beauty.

6. The approved landscaping associated with individual dwellings shall be in place at the end of the first planting and seeding season following completion of the relevant individual dwelling. Any other communal, shared or street landscaping shall be in place at the end of the first planting and seeding season following completion of the final unit. Any trees or plants, which, within a period of 5 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 appearance to the development that falls within the countryside and Kent Downs Area of Outstanding Natural Beauty.

7. Prior to the commencement of development above damp-proof course level on any individual property, details for a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the extension by means such as swift bricks, bat tube or bricks. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter;

Reason: To protect and enhance the biodiversity on the site.

8. The development hereby approved shall be carried out in accordance with the recommendations as set out in the Bat Survey Report (dated: Sept 2018);

Reason: In the interests of safeguarding protected species.

9. In relation to the development hereby approved, the removal of vegetation and the clearing of the site shall be undertaken in a precautionary manner and shall include:

- (a) A log pile to be installed in the wild flower area to rear gardens to provide an alternative habitat for reptiles
- (b) Ground works in the area of rough vegetation to be done outside of the hibernation season (taken to be November to March inclusive);

- (c) Appropriate checks prior to, and careful removal of, the garden waste and log pile and other suitable reptile refuges;
- (d) The works area being initially being mowed using hand held machinery only (to 15cm height minimum), then mowed again after 2 days following the first cut, then the vegetation should be kept at a height lower than 5cm until the start of the works;

If any reptiles are observed during development, works have to stop immediately and the applicant must contact their ecologist for further advice.

Reason: To ensure no harm occurs to reptiles and amphibians.

10. If works have not commenced on the development hereby approved by 31<sup>st</sup> October 2019, an updated bat emergence survey must be carried out and submitted to the local planning authority for written approval, and no work shall commence on site until the updated survey has been approved by the local planning authority. The development hereby approved shall then be carried out in accordance with the recommendations as set out in the updated survey;

Reason: In the interests of safeguarding protected species.

11. No external lighting, whether temporary or permanent, shall be placed or erected within the site unless details are submitted to and approved in writing by the local planning authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors, and measures to ensure that bats foraging/commuting/nesting bats are not adversely impacted upon. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter;

Reason: In the interest of residential amenity and biodiversity.

12. Before the development hereby permitted is first occupied, the proposed first floor windows to the flank elevations shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such;

Reason: In the interests of residential amenity.

13. Prior to the commencement of development above damp-proof course level on any individual property, 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.

14. Prior to the occupation of the buildings hereby permitted, a minimum of one operational electric vehicle charging point per dwelling for low-emission plug-in vehicles shall be installed and shall thereafter be retained and maintained for that purpose;

Reason: To promote reduction of CO<sup>2</sup> emissions through use of low emissions vehicles.

15. The vehicle parking spaces shown on the submitted plans shall be permanently retained for parking and turning and shall not be used for any other purpose;

Reason: In the interest of highways safety and parking provision.

16. Before work commences on the houses hereby approved, details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority, and the development shall be completed in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development.

17. 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 any property shall be carried out without the permission of the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development that falls within the countryside and Kent Downs Area of Outstanding Natural Beauty, and to safeguard the enjoyment of their properties by existing and prospective occupiers.

18. The development hereby permitted shall be carried out in accordance with the following approved plans: 3158-003 Rev A; 3158-004 Rev B; 3158-006 Rev A; and 3158-007 (notwithstanding the proposed front boundary hedge planting) received 01/10/18; and 3158-005 Rev B received 13/11/18;

Reason: To ensure a satisfactory appearance to the development that falls within the countryside and Kent Downs Area of Outstanding Natural Beauty, and to safeguard the enjoyment of their properties by existing and prospective occupiers.

### **INFORMATIVES**

1. The applicant is advised that the proposed hedge planting to the front of the site should encompass the length of the entire front boundary and be of a more native origin such as Yew, Beech, Hornbeam or Privet. Lonicera as currently indicated is not acceptable, and the landscaping scheme to be submitted to the local planning authority for approval should reflect this. The applicant is also advised to include wild flower planting to the grass area at the front of the site.
2. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. 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 whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information to clarify can be found at:  
<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>.
3. The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

4. Bats and Lighting in the UK - Bat Conservation Trust and Institution of Lighting Engineers

Summary of requirements

The two most important features of street and security lighting with respect to bats are:

1. The UV component. Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas.
2. Restriction of the area illuminated. Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas illuminated. The aim is to maintain dark commuting corridors for foraging and commuting bats. Bats avoid well lit areas, and these create barriers for flying bats between roosting and feeding areas.

UV characteristics:

Low

- Low pressure Sodium Lamps (SOX) emit a minimal UV component.
- High pressure Sodium Lamps (SON) emit a small UV component.
- White SON, though low in UV, emit more than regular SON.

High

- Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps
- Mercury lamps (MBF) emit a high UV component.
- Tungsten Halogen, if unfiltered, emit a high UV component
- Compact Fluorescent (CFL), if unfiltered, emit a high UV component.

Variable

- Light Emitting Diodes (LEDs) have a range of UV outputs. Variants are available with low or minimal UV output.

Glass glazing and UV filtering lenses are recommended to reduce UV output.

Street lighting

Low-pressure sodium or high-pressure sodium must be used instead of mercury or metal halide lamps. LEDs must be specified as low UV. Tungsten halogen and CFL sources must have appropriate UV filtering to reduce UV to low levels. Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each lamp to direct light and contain spillage. Light leakage into hedgerows and trees must be avoided. If possible, the times during which the lighting is on overnight must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to reduce the amount of 'lit time' and provide dark periods.

Security and domestic external lighting

The above recommendations concerning UV output and direction apply. In addition:

- Lighting should illuminate only ground floor areas - light should not leak upwards to illuminate first floor and higher levels;
- Lamps of greater than 2000 lumens (150 W) must not be used;
- Movement or similar sensors must be used - they must be carefully installed and aimed, to reduce the amount of time a light is on each night;
- Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;

- Light must not be directed at or close to bat roost access points or flight paths from the roost - a shield or hood can be used to control or restrict the area to be lit;
- Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife;
- Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.

5. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defense against prosecution under this act.

Case Officer: Kathryn Altieri