

APPLICATION: MA/10/1627 Date: 17 September 2010 Received: 5 September 2011

APPLICANT: Mr & Mrs T Martin

LOCATION: LAND OFF BEECHEN BANK, BOXLEY ROAD, WALDESLADE, KENT

PARISH: Boxley

PROPOSAL: Erection of a new dwelling as shown on drawing nos. DHA/7467/01 and 06 received on 17/9/10; DHA/7467/04A, 05B, and 10A received on 11/8/11; and DHA/7467/03B received on 5/9/11.

AGENDA DATE: 3rd November 2011

CASE OFFICER: Geoff Brown

The recommendation for this application is being reported to Committee for decision because:

- it is contrary to views expressed by Boxley Parish Council and Committee consideration has been requested.

1. BACKGROUND

This application was reported to Planning Committee on 9th June 2011. I attach a copy of my Committee Report and Urgent Update Report as an appendix hereto. Members deferred making a decision to enable:

- a) A fuller analysis of the impact upon the semi-natural ancient woodland as whole;
- b) An examination of the ecological interest of the site;
- c) Amendments to the design of the dwelling to incorporate features which take inspiration from the woodland setting.

A meeting was subsequently held with the agents to explain the reasons for Members' deferral and amended details and an ecological survey were then submitted. All parties were re-consulted on the amendments/additional information and their views are reported below.

2. THE AMENDMENTS

The design of the house has been amended to lower the overall height to ridge from approx. 8.5m down to approx. to 7.9m: this to allow greater views of the woodland beyond. On the elevations, wooden boarding has been introduced to the upper elevations around the building to better reflect the character of the

site. Turning to hard and soft landscaping, the area for parking/turning in front of the house has been reduced in extent and is now (along with the drive) proposed to be surfaced in no-dig construction grasscrete or similar. Additional new silver birch tree planting and meadow grassland is proposed for the site frontage.

3. CONSULTATIONS (ie on the amendments)

BOXLEY PARISH COUNCIL states:

"Members wish to see the application Refused and request the application be referred to the planning committee for the reasons set out below and given previously:

This is a prominent site on Boxley Road with a sweeping wide view of Beechen Bank ALLI. The introduction of a residential property onto this site would result in an unacceptable increase in urbanisation and would also be detrimental to the Beechen Bank ALLI which is contrary to PPS1 and policy ENV35."

MBC'S LANDSCAPE OFFICER: has no objection.

MBC'S ENVIRONMENTAL HEALTH MANAGER has no objection.

4. REPRESENTATIONS (ie on the amendments)

COUNCILLOR WENDY HINDER states:

"My objections to this application is the same as before, and I would like to reiterate these. This land is not designated development land and any development here is detrimental to the area and local wildlife. IT IS INTERESTING THAT THIS LAND WAS SCRUBBED OUT AS SOON AS THE OWNER KNEW THERE WAS TO BE AN ECOLOGICAL SURVEY.

There is no housing need in this area, there are so many houses for sale in this area that have now been up for sale for months there is no need build on green field land, to approve this application will set a precedence for all other applications. This area should be retained as a wooded area to conserve the wildlife and the wooded area of Beechen Bank.

I would like this application to be refused."

ONE LOCAL RESIDENT points out that the lack of covered parking means that there is likely to be future pressure to erect garaging in the front garden and questions how that would be received by the Council.

ONE LOCAL RESIDENT objects and makes the following (summarised) points:

- a) In forming their recommendations officers have given insufficient weight to the recent Inspector's decision to dismiss the appeal for a dwelling on the adjacent plot (MA/10/1270) which involved very similar circumstances. Officers refer to previous appeal decisions supporting the principle of the development but the MA/07/2297 decision does not do that, whilst these appeal decisions are old and have been effectively superseded by more recent appeal decisions.
- a) With regard to the size of the house, there has been no significant change with the amended plans.
- b) The proposed position for the house is such that it is in line with the proposed position of the MA/10/1270 dwelling dismissed on appeal: with that position the new house would adversely impact on the woodland as confirmed recently by the MA/10/1270 Inspector.
- c) Woodland has been progressively degraded over time but could still regenerate.

PROTECT KENT reiterates its previous objections.

5. CONSIDERATIONS

5.1 General Points

- 5.1.1 As stated above Members resolved to defer a decision to enable officers/agents to reconsider three main issues which I address in detail below. I previously recommended that planning permission be granted and I maintain that recommendation here. As I have previously stated, a fundamental consideration here must be the views expressed by previous Inspectors on the development of this site. On MA/05/1960 the Inspector indicated that some form of development could occur subject to detail, whilst the MA/07/2297 Inspector raised no objection to the principle of the detached house. Whilst both appeals were dismissed, the issue of the principle of a dwelling on this particular plot has been accepted by Inspectors and the Council must give those judgements considerable weight here. I recognise that proposals for similar development on other sites have been rejected (including recently on the adjacent site) but each case must be considered on its own merits and against the background of the site history.
- 5.1.2 The amendments that have been made since deferral improve the quality of the development. The reduction in hard landscaping in favour of enhanced tree planting is clearly beneficial to the character of the area as are the amendments to the design of the dwelling (discussed below).

5.1.3 The consultation draft of the National Policy Framework has recently been published and whilst regard has been paid to it this decision does not turn on matters raised by this consultation document.

5.2 Impact on Woodland

5.2.1 'Saved' Local Plan Policy ENV35 designates Beechen Bank as an ALLI, the formal description being:

"BEECHEN BANK, BETWEEN WALDESLADE AND LORDSWOOD"

The preceding text (3.115 (xi)) reads as follows:

"Beechen Bank – a prominent area of wooded landscape set on a steep sided slope which provides a setting for the built up areas of Walderslade and Lordswood."

5.2.2 The main feature of the ALLI is the heavily wooded elevated ridge running north west/south east between the two built up areas and it is this elevated wooded backdrop that is the striking feature of this area. I consider that the flatter area at the bottom of the ridge is of some significance in terms of the character of the area but it is the higher ground that is of more importance. The Inspector on the MA/05/1960 decision agreed:

"To my mind there is substance in the argument that the function of this ALLI is met by keeping the steep sided slope of the hill free from development rather than the flat part at its foot which may afford sites for development without adversely affecting the character of the landscape."

5.2.3 The significance of previous Inspectors' decisions has already been discussed. Whilst the Council has previously considered that development of these 'green fingers' at the foot of the slope is not desirable, Inspectors' decisions must be given significant weight. The proposal does not involve development on the important elevated wooded slopes and, to my mind, the impact would be limited to short and medium range views from Boxley Road (mainly from the western approaches to the site) of the lower slopes that are not heavily wooded. In this sense, in my view the scheme would not have any significant impact on the wide sweep of semi-natural ancient woodland that occupies the ridge and the development would not compromise the important landscape function provided by Beechen Bank: the impact rather is on the relatively clear areas at the base of ridge. The positioning and scale of the dwelling would allow views of the ridge around and above the proposed dwelling. The absence of objection from the Landscape Officer on landscape or arboricultural grounds supports the view that the woodland as a wider entity is not significantly affected. The agents point out

that the landscape appraisal originally submitted with the application carried out by LloydBore Ltd reaches similar conclusions.

5.3 Ecology

- 5.3.1 An ecological survey has been submitted. That survey concludes that there are no protected species on site and the fauna and flora is unexceptional. The survey recommends that biodiversity enhancements be put in place in the form of bat roosts and bird boxes. There is therefore no reason to object on ecological grounds and the agents have indicated that biodiversity enhancement conditions would be acceptable.

5.4 Design

- 5.4.1 In deferring a decision Members indicated that the dwelling should be redesigned to incorporate features which take inspiration from the woodland setting. The design has been changed so that the previously proposed 'mock Tudor' wooden detailing at first floor level is deleted and replaced by horizontal wooden boarding all around the house at that level. The lowering of the roof ridge height by around 0.5m is a marginal benefit in terms of providing enhanced views of the wooded ridge behind. I have discussed the landscaping changes above and in my view they would provide a less developed, softer feel to the scheme, more in tune with the wooded backdrop.

6. CONCLUSION

- 6.1 I have addressed the three principle issues raised by Members above and the applicants' amendments. I agree with persons making representations that the development of 'green fingers' such as this one would not normally be acceptable but the fact remains that Inspectors have previously accepted the principle of development here and that must be given significant weight. The more recent appeal decision to refuse permission for a dwelling on the adjacent site is a material consideration but it does not alter my recommendation that planning permission be granted.
- 6.2 I recommend conditions along the lines of those previously recommended. I have added a condition to control future fencing/walling on the site as, for example, uncontrolled close boarded fencing could have a severe adverse impact on the site frontage.

7. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the 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. The development hereby permitted shall be carried out in accordance with the following approved plans:
drawing nos. DHA/7467/01 and 06 received on 17/9/10; DHA/7467/04A, 05B, and 10A received on 11/8/11; and DHA/7467/03B received on 5/9/11;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers in accordance with the advice in PPS1.

3. The dwelling shall achieve a minimum of Level 3 of the Code for Sustainable Homes. The dwelling shall not be occupied until a final Code Certificate has been issued for it certifying that (at least) Code Level 3 has been achieved;

Reason: To ensure a sustainable and energy efficient form of development. This is in accordance with PPS1.

4. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development. This in accordance with Policies CC1 and CC6 of The South East Plan 2009.

5. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (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. This in accordance with Policies CC1 and CC6 of The South East Plan 2009.

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

Reason: To ensure a satisfactory setting and external appearance to the development. This in accordance with Policy ENV6 of The Maidstone Borough-Wide Local Plan 2000.

7. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 1995 (as amended) no further development that would fall within Schedule 2, Part 1, Classes A, E and F of that Order shall take place without the prior written consent of the Local Planning Authority;

Reason: In the interests of visual amenity and in order to safeguard the future health of trees on the site. This in accordance with Policies CC1 and CC6 of The South East Plan 2009 and Policy ENV6 of The Maidstone Borough-Wide Local Plan 2000.

8. Before development commences full details of the proposed ecological mitigation/enhancement works (including a timetable for implementation and maintenance) shall be submitted to and approved by the local planning authority. The proposed works should include the provision of suitable accommodation for bats and birds in the form of bat roosts and bird boxes;

Reason: In the interests of the ecology of the area. This in accordance with Policy NRM5 of The South East Plan 2009.

9. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 1995 (as amended) no further development that would fall within Schedule 2, Part 2, Class A shall take place without the prior written consent of the Local Planning Authority;

Reason: In the interests of visual amenity. This in accordance with Policies CC1 and CC6 of The South East Plan 2009.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.