

## REPORT SUMMARY

<b>REFERENCE NO - 14/504584/FULL</b>		
<b>APPLICATION PROPOSAL</b> Demolition of existing stable and erection of new 3 bedroom dwelling.		
<b>ADDRESS</b> Land At Blind Lane Bredhurst Kent ME7 3JR		
<b>RECOMMENDATION - DELEGATED POWERS TO APPROVE SUBJECT TO CONDITIONS</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient grounds to depart from the Local Plan.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> <ul style="list-style-type: none"> <li>• The recommendation is a Departure from the Development Plan</li> <li>• The applicant is a Borough Councillor</li> </ul>		
<b>WARD</b> Boxley	<b>PARISH/TOWN COUNCIL</b> Bredhurst	<b>APPLICANT</b> Mr And Mrs Malcolm Greer <b>AGENT</b> Mr Jonathan Butler
<b>DECISION DUE DATE</b> 04/12/14	<b>PUBLICITY EXPIRY DATE</b> 06/03/15	<b>OFFICER SITE VISIT DATE</b> 10/12/15 & 22/01/15
<b>RELEVANT PLANNING HISTORY</b> None for this site		

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

1.1 The application relates to a roughly rectangular level parcel of land currently in equestrian/agricultural use on the northwest side of Blind Lane in Bredhurst. Blind Lane is a short single track road off of Forge Lane to the north, which serves a small number of houses and a scaffolding business at its south end. The site measures some 65m x 50m and has two timber/corrugated iron structures at its northeast end and other smaller structures used for keeping animals. The northeast boundary is made up of a sporadic line of trees with pasture land beyond. Along the northwest boundary is an established area of trees with the M2 motorway behind set at a lower level. The southwest boundary is made up of a post and wire fence with an open field beyond and the southeast boundary is a post and rail fence open to Blind Lane. The nearest house is 'Elspeth' around 30m east of the site.

1.2 The site is sandwiched between built development and the settlement boundary of Bredhurst in the adopted Local Plan (2000) to the east, and the M2 motorway to the west. It is outside the settlement and so in the countryside for planning purposes. The site also falls within the Kent Downs AONB, and within the Kent Downs SLA and strategic gap in the Local Plan.

### 2.0 PROPOSAL

- 2.1 Full permission is sought for the erection of a two storey detached 3 bedroom dwelling. The house would have a rectangular footprint and be sited centrally at the northeast end of the site. Access would be off Blind Lane in the northeast corner where there is an existing gated access and there would be a driveway on the north side of the house. The garden area would be to the southwest.
- 2.2 The house would be of a more contemporary design with a split roof form having two separate main roof pitches at different heights, and differing eaves heights to the front and rear. The maximum height would be approximately 7m, with eaves of 3m and 3.8m. There would be an attached double garage on the northwest side. Materials proposed are brick to the house with timber cladding to the garage, and slate to the roofs. The southwest facing roof of the main house would also be made up of roof tile integrated solar photovoltaic panels, and the garage would have a planted 'green' roof with solar thermal hot water panels. The house would include relatively large amounts of glazing, particularly on the southwest elevation. The dwelling has been designed to achieve Level 5 of the Code for Sustainable Homes.

#### **4.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Maidstone Borough-Wide Local Plan (2000): ENV28, ENV31, ENV33, ENV34

#### **5.0 LOCAL REPRESENTATIONS**

- 5.1 **Bredhurst Parish Council:** *"Wish to see the application rejected because the plot is outside the village boundary, where development is not usually allowed."*
- 5.2 **Local Residents:** 2 representations received raising the following (summarised) points:
- Harm to the AONB.
  - Construction noise and traffic.
  - Raising issues with consultation and publicity.
  - Stables have been erected in adjacent field.

#### **6.0 CONSULTATIONS**

- 6.1 **Kent Highways & Transportation:** No objections subject to conditions relating to a bound surface for the first 5 metres, and opening and set back of gates.
- 6.2 **MidKent Environmental Health:** Advises that the site is not considered suitable for residential accommodation due to noise that would be experienced outside of the dwelling. With regard to air quality conditions are recommended for mitigation. (See report below for discussion)
- 6.3 **KCC Ecology:** No objections. Enhancements should be secured by condition.

#### **7.0 APPRAISAL**

##### **Principle of Development**

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7.01 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.

7.02 The site lies outside but immediately west of the settlement boundary of Bredhurst and is therefore in the countryside for policy purposes.

7.03 The starting point for consideration is saved policy ENV28 of the Maidstone Borough-wide Local Plan 2000 which states as follows:-

*“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.*

*Proposals should include measures for habitat restoration and creation to ensure that there is no net loss of wildlife resources.”*

7.04 The proposed development does not fit into any of the exceptions set out in policy ENV28, which is why it has been advertised as a departure from the Development Plan.

7.05 It is necessary therefore to consider two main issues in relation to the proposals. Firstly, whether there are any material considerations that would indicate that a decision not in accordance with the Development Plan is justified, and secondly whether the development would cause unacceptable harm. (Detailed issues of harm will be discussed later in the report).

7.06 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, 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;’*

7.07 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 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.

- 7.08 Most recently calculated (April 2014), the Council had a 2.1 year supply of housing assessed against the objectively assessed housing need of 18,600 dwellings.
- 7.09 This lack of a five year supply is a significant factor and at paragraph 49 of the NPPF it is 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 ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a five year supply cannot be demonstrated. The presumption in favour of sustainable development in this situation 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.
- 7.10 The site adjoins the settlement boundary of Bredhurst and whilst this is a limited settlement in terms of facilities (primary school and some employment), it is located close to (just over 1km) the urban area of ‘Hempstead’ (Medway) to the north which provides many day to day facilities and to which there is a bus service. In the context of one dwelling, I do not consider the site is so unsustainable so as to warrant objection. It therefore needs to be considered whether there are any harmful impacts caused by the development and if there are, whether they would outweigh any benefits of the development. In this respect I consider the main issues are landscape impact and residential amenity.

### **Landscape Impact**

- 7.11 The site falls within the Kent Downs AONB where Local Plan policy ENV33 outlines that the beauty of the landscape will be given priority, and any development that would adversely affect the natural beauty of the landscape will be strongly resisted.
- 7.12 I have viewed the site from Forge Lane to the north and the bridge over the motorway, and note that the site is well screened by the existing area of trees which run alongside the east edge of the motorway and by vegetation which runs along the south side of Forge Lane. This would be even more so during summer months when vegetation is in leaf. Having viewed the site from Dunn Street Road there is a short section of the road around 200m to the southeast where the top of the dwelling would be visible above existing hedgerows. From Blind Lane itself the dwelling would be partly screened by trees at its north end but highly visible when outside the site and further south. However, Blind Lane is not a through road and therefore its users are limited.
- 7.13 Therefore the main impact upon the landscape is short views from Blind Lane with no medium to long range impact. As such, negotiations have taken place to move the dwelling away from the northeast boundary to allow more room for landscaping to screen/soften views from the north, and a 3m landscape buffer with trees along the southeast boundary with Blind Lane. This, in addition to landscaping proposed along the rear southwest boundary and that existing on the northwest side, is considered to help mitigate any visual impact of the proposals. The dwelling is relatively low in height at 7m and the design with separate roofs and glazing serves to break up the

massing. Also important is that the site falls between built development in Bredhurst to the east and the strong physical barrier of the M2 motorway to the west and so is not protruding into open countryside. Therefore overall, I consider the landscape impact is not significantly harmful to the AONB.

- 7.14 Policy ENV31 relates to the strategic gap and outlines that development which significantly extends the defined urban areas or the built up extent of any settlement or development will not be permitted. The proposal is for a single dwelling and would replace a number of smaller buildings. To my mind this scale of development would not significantly extend the built up extent of the Bredhurst or the site itself, and so would not be contrary to this policy.
- 7.15 Houses along Blind Lane are bungalows with traditional pitched roofs with a mix of brickwork, render, and differing roof tiles. I consider the relatively low height and broken mass of the building would mean that its scale would not be out of keeping with that of nearby buildings. Whilst of more contemporary appearance than nearby buildings, it would still have a pitched roof form and be of good quality, and Level 5 of the CSH would be achieved which is a positive design feature.

### **Residential Amenity**

- 7.16 In terms of noise, an assessment has been carried out for the site. The Environmental Health officer has agreed that acceptable internal habitable room noise levels would be achievable with suitably thick and sealed glazing, and mechanical ventilation as proposed. The specific details of the noise mitigation can be secured by planning condition.
- 7.17 The assessment reveals that noise levels within the garden would exceed the World Health Organisation guidelines, which advise no more than 50-55dB. The garden would actually be exposed to 55-60dB. The Environmental Health officer advises that this is a poor site for the location of residential accommodation and that noise levels are so high that it renders the garden area practically unusable. There isn't any practical mitigation that could overcome this as any walling/fencing would need to be impractically high to provide any additional benefit to that provided by the landscape buffer. The NPPF at paragraph 123 advises that decisions should aim to, "*avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.*" I note that there would be an area on the southeast side of the dwelling which would be shielded to a degree but to my mind this is certainly a factor that weighs against the development.
- 7.18 With regard to air quality, the Environmental Health officer does not raise any issues in terms of the use of outdoor areas but some concerns are raised with regard to internal rooms. Whilst a site specific air quality assessment has not been carried out, Environmental Health advises that the mitigation proposed with regard to noise (integral mechanical ventilation, and a heat recovery system with inlets placed away from the north elevation, and un-openable windows on the north elevation) may likely to be sufficient mitigation. It is however proposed by the applicant and recommended by Environmental Health that air quality monitoring be carried out for 6 months which would reveal if additional measures are necessary, which can then be implemented, and this can be secured by condition. To my mind, in recommending such a condition rather than insisting on an assessment up front, Environmental Health consider that appropriate mitigation can be achieved.
- 7.19 The dwelling would be a sufficient distance from any neighbouring properties so as not to have any harmful impacts in terms of outlook, light or privacy. Nor do I

consider the level of traffic generated by a single house would have any harmful impact upon residential amenity through noise or disturbance.

### **Other Matters**

- 7.20 An ecology survey has been carried out which reveals the site has low ecological value with no potential for protected species. As such enhancements are proposed in the form of bird and bat boxes and landscaping including a pond, wildflower meadow, and new native hedge and tree planting which would serve to enhance the ecological value of the site. There are no highway objections to the proposals. Issues relating to disturbance from noise and traffic during construction are matters dealt with under Environmental Health and highways legislation. Notwithstanding this, I do not consider any disturbance would warrant an objection to the application.
- 7.21 The issue of publicity of the application has been raised. Nearby neighbouring properties were notified of the application, as is standard practice and a site notice was erected outside the site, in line with the regulations. All parties, including those who have made representations, have been re-consulted on the amended plans. I therefore consider appropriate publicity has been carried out.

## **8.0 CONCLUSION**

- 8.01 In the absence of a 5 year housing land supply, the NPPF advises that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application. For the above reasons it is considered that the location is suitable for one house, there would not be any significant harm to the AONB, and the proposals represent a sustainable and good quality design. Against this are the relatively high noise levels that would be experienced within the outdoor areas for the dwelling. Balancing these matters up it is considered that in the context of a high need for housing and the NPPF tests, the limited harm would not outweigh the benefits of the development and that this is grounds to depart from the Local Plan. For these reasons, permission is recommended subject to the following conditions.
- 8.02 As the press notice advertising the application as a departure from the Development Plan expires on 20<sup>th</sup> March, delegated powers are sought to approve the application subject to conditions and subject to no new, material issues being raised.

## **9.0 RECOMMENDATION – DELEGATED POWERS TO APPROVE SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The development hereby permitted shall be begun before the expiration of two 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 shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of any buildings, walling, and hard surfaces 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.

3. The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the buildings or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

4. The development shall not commence until the specific noise mitigation measures as outlined in the 'Cass Allen Noise Assessment' (dated 09/10/14) have been submitted to and approved in writing by the Local Planning Authority. The subsequently approved measures shall be carried out in full and thereafter maintained.

Reason: To ensure a suitable level of amenity for future occupants.

5. The development shall not be occupied until, a post completion verification report by an acoustic consultant to establish that the correct acoustic mitigation has been provided to the envelope of the buildings to demonstrate that the internal noise levels within the residential units will conform to the "good" design range identified by BS 8233: 2014 Sound Insulation and Noise Reduction for Buildings - Code of Practice, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a suitable level of amenity for future occupants.

6. Before the development hereby permitted is first occupied, measurement of NO<sub>2</sub> from at least one location, to be approved by the local planning authority, shall be undertaken for a minimum of six consecutive months (including a minimum of three summer and three winter months) using diffusion tubes supplied by a Lab approved by the local planning authority, according to the methodology described in the Local Air Quality Management Technical Guidance LAQM.TG(09). The tubes will be collected monthly in accordance with the National diffusion tubes monitoring calendar. If the data capture is below 90% the survey will be extended until 90% capture is achieved. The results of the survey shall be submitted to and approved in writing by the local planning authority including details of a necessary mitigation measures in addition to those outlined in the 'ESG Air Quality Statement' (dated 26/02/15). Any approved mitigation shall be carried out in full prior to first occupation and thereafter maintained.

Reason: To ensure a suitable level of amenity for future occupants.

- 7.
8. The development shall not commence until, specific details of the landscaping including species, locations, and sizes, which shall use indigenous species, and include indications of all existing trees and hedgerows on the land to be retained and a programme for the approved scheme's implementation and long term management, has been 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 and Landscape Guidelines and shall include the following details:

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- (i) At least a 5m deep native landscape buffer including new trees and retention of existing trees along the northeast boundary of the site.
- (ii) At least a 3m deep native tree and hedge buffer along the southeast boundary of the site.
- (iii) New native tree and hedge planting along the southwest boundary of the site.
- (iv) A wildflower meadow and pond at the southwest end of the site.
- (v) Details of the type and location of bird and bat boxes.

Reason: To ensure a satisfactory external appearance to the development and in the interests of biodiversity enhancement.

9. 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 buildings 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.

10. The dwelling shall achieve Level 5 of the Code for Sustainable Homes. The dwelling shall not be occupied until a final Code Certificate has been issued for it certifying that Code Level 5 has been achieved;

Reason: To ensure a sustainable and energy efficient form of development.

11. The development hereby permitted shall be carried out in accordance with the following approved plans:

Plan numbers 1866/01/RevA received on 09/10/14, and 1866/3/RevF, 1866/4/RevE, and 1866/5/RevE received on 16/02/15.

Reason: To ensure the quality of the development is maintained and in the interest of visual amenity.

Case Officer: Richard Timms

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.