

REPORT SUMMARY

REFERENCE NO - 14/502420/FULL		
APPLICATION PROPOSAL Construction of 3 detached single-storey dwellings and access road		
ADDRESS Land at Ashford Drive Kingswood Kent ME17 3PA		
RECOMMENDATION Permission		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development does not conform with policy ENV28 of the Maidstone Borough-Wide Local Plan 2000. However, the development is in a sustainable location on the north side of Kingswood and would not result in significant planning harm. In this context, and given the current shortfall in the required five year housing land supply, the low adverse impacts of the proposal are considered to be outweighed by the benefits of the scheme. As such the development is considered to be in compliance with the National Planning Policy Framework, and this represents sufficient grounds for a departure from the adopted Local Plan.		
REASON FOR REFERRAL TO COMMITTEE The proposal is a departure from the Development Plan		
WARD Leeds	PARISH/TOWN COUNCIL Broomfield & Kingswood	APPLICANT Mr Peter Howard AGENT Ashenden-Bax Chartered Architect
DECISION DUE DATE 16/09/14	PUBLICITY EXPIRY DATE 16/09/14	OFFICER SITE VISIT DATE
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		
None		

MAIN REPORT

1.0 DESCRIPTION OF SITE

The site is located at the north end of Ashford Drive, a short cul-de-sac on the northern confines of Kingswood opposite Peter Pease Close. The site adjoins the built-up confines of Kingswood village to the south and west comprising the residential curtilages of No. 17 Ashford Drive and Yellowstone (previously 'Calderbourne'). There is mature woodland to the east and open countryside to the north beyond an existing conifer hedge along the northern boundary. The site is served by an existing unmade track from the north end of Ashford Drive.

2.0 PROPOSAL

The proposal is for 3 detached single-storey dwellings situated parallel to an existing access track running north from Ashford Drive. Each dwelling has 2 bedrooms, integral garage and a floor area of approx. 140m with rear gardens in excess of 30m.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	0.3ha.	0.3ha	
Approximate Ridge Height (m)		4.75m	
Approximate Eaves Height (m)		2.3m	
Approximate Depth (m)		12m	
Approximate Width (m)		8m	
No. of Storeys	0	1	
Net Floor Area	0	140x3m ²	
Parking Spaces	0	6	
No. of Residential Units	0	3	
No. of Affordable Units	0	0	

4.0 PLANNING CONSTRAINTS

MBWLP(2000) – Outside the built-up confines of Kingswood
 Tree Preservation Order 5866/TPO Description: Woodland at Ashford Drive, Kingswood
 (Broomfield and Kingswood)
 Ancient Woodland – Kings Wood to east
 Potential Archaeological Importance

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
 National Planning Practice Guidance (NPPG)
 Development Plan: Policy ENV28

6.0 LOCAL REPRESENTATIONS

2 letters have been received from local residents raising the following concerns:

1. Outside village envelope
2. No benefit to local people
3. Sewage system not capable of taking additional volume
4. Insufficient screening
5. Impact on wildlife
6. Restricted width of Ashford Drive
7. Road safety hazards

Ward Member –

“I have met with the applicants to discuss their proposal and visited the site. I understand the application is being presented to the Planning Committee for determination. I would like to add my support for this application. I am aware whilst discussing the proposal that the site may be just outside the village envelope however when we have an ageing population locally who require single story dwellings I believe there is great benefit to be had from this modest development.”

7.0 CONSULTATIONS

Parish Council –

“Councillors voted to unanimously approve the application. Whilst Councillors are aware that this piece of land is outside the village envelope they recognise the need for more single

storey properties for our elderly residents who wish to stay in our Parish but have a need to downsize.”

KCC Highways –

No objection subject to the following conditions:-

- *Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.*
- *Use of a bound surface for the first 5 metres of the access from the edge of the highway.*
- *Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.*
- *Provision and maintenance of 2metres x 2metres pedestrian visibility splays between the north side of the access to Calderbourne and the new site access with no obstructions over 0.6m above footway level, prior to the use of the site commencing. Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained.*

KCC Ecology -

“Ancient woodland is immediately adjacent to the east of the site, and in close proximity to the west and north of the site. Directly to the north of the site are grazing fields. The site itself does not appear to be grazed; aerial photographs indicate that the site contains rough grassland habitat that could provide connectivity between the main block of ancient woodland to the east and north, with the small pocket of ancient woodland to the west of the site.

While the proposed development would not result in direct loss of ancient woodland, there is potential for indirect impacts. Natural England’s Standing Advice for Ancient Woodland provides guidance on the potential effects from development on adjacent land, including:

- *Fragmentation and loss of ecological connections;*
- *Effects on the root protection area of individual trees;*
- *Reduction in area of other semi-natural habitats adjoining ancient woodland;*
- *Change to the landscape context;*
- *Change to light pollution levels;*
- *Fly tipping, garden encroachment and increased predation from cats.*

Natural England’s Standing Advice for Ancient Woodland recommends that “the local planning authority should fully consider the assessment of impacts before deciding whether or not to grant planning permission”. Where there will be harm to or loss of ancient woodland, the NPPF advises that “planning permission should be refused...unless the need for, and benefits of, development in that location clearly outweigh the loss”.

We advise that there are habitats and features on and around the site that indicate the potential for protected species being present and affected by the proposed development. In particular, while the site photographs provided by the planning officer suggest that the site has been mown, there is still potential for reptiles foraging on and commuting across the site. In addition, the presence of the ancient woodland indicates the potential for bats being present in the area. While the site does not offer roosting opportunities, it may provide a key foraging resource and/or commuting route.

One of the principles of the National Planning Policy Framework is that “opportunities to incorporate biodiversity in and around developments should be encouraged”. In addition to any necessary mitigation measures, we advise that Maidstone BC should seek to secure ecological enhancements within the proposed development. This could include ensuring that landscape planting is of native, local provenance species and the provision of bat and bird boxes within the proposed buildings. There is also the opportunity to provide an enhanced wildlife corridor between the areas of ancient woodland.”

A Preliminary Ecological Appraisal has been undertaken which identifies the sites and features of ecological significance within the site and its surroundings, assesses the potential for the presence of protected species and species of conservation importance and important habitats and assesses the likely significance of ecological impacts on the proposed development. The appraisal also indicates potential ecological mitigation requirements as part of the development proposals.

The KCC Ecological Adviser considers that the proposed enhancements set out in the Appraisal are acceptable subject to appropriate conditions. The provision of a 15m wide buffer zone between the proposed residential curtilages and the woodland will ensure that the ancient woodland will be safeguarded and the impact on the woodland habitat minimised.

KCC Archaeology – No comment

Forestry Commission – no comments received

MBC Landscape –

“Whilst there are no protected trees on this site there is designated replanted Ancient Woodland (Kings Wood) immediately adjacent to the eastern boundary, as well as an area to the west of the site (west of the grass track). No arboricultural information has been submitted by the applicant. However, regardless of the provision of this information, I would raise an in principle objection to the proposal because development is proposed within the recommended 15m buffer zone contrary to current Natural England Standing Advice for ancient Woodland and Veteran Trees.”

Further comments: *No objections to the revised plans subject to additional planting within the buffer strip.*

8.0 BACKGROUND PAPERS AND PLANS

The original layout plan for 4 dwellings has been amended by a revised layout for 3 dwellings dated 16/1/15. A 15m wide buffer has been incorporated between the residential curtilages and Kings Wood to the east to safeguard the ancient woodland. A Preliminary Ecological Appraisal was received on 20/7/15.

Submitted plans: drawings 12.1580.12/02, 12.1580.20C & 22A. Ecological Appraisal dated 13/7/15.

Agent – additional information submitted with amended plans dated 4/2/15:

01. *The floor plans of each of the three properties have been amended to enable the garage to be integral to the dwelling whilst maintaining the distance of the properties from the ancient woodland to the east of the site.*

02. *With regard to your comment on the side windows of plot 1 facing 17 Ashford Drive. I can confirm that there is an existing 1800mm high close boarded fence on the southern boundary of the site which is to be retained. The distance between of the windows from the side wall of no 17 is approximately 8m and there are no windows in that (north) elevation of no 17. In addition, the private driveway to Yellowstone runs between the 2 properties and there is established and substantial shrub and tree planting to the southern side of the private driveway, next to the north boundary of 17 Ashford Drive. Some of the existing trees including weeping birch are up to the ridge height of 17 Ashford Drive. Therefore there would be no loss of amenity to 17 Ashford Drive.*

03. *Landscaping to the front of the site. There is an established conifer hedge to the western boundary of 17 Ashford Drive, as now shown on the revised site layout plan, and this hedge is in excess of 2m in height. As you acknowledge, it is proposed to retain the conifer hedge to the north and west of the site, albeit reduced in height and in addition if you are in agreement to the revisions shown on the amended plans then the resubmitted scheme will show a new planted hedge along the frontage of the new properties with extensive shrub planting to provide screening between Peter Pease Close and the new development.”*

Further comments submitted with Ecological Appraisal dated 20/7/15:

The report states that there is no potential on the site for amphibians, reptiles or badgers. However the report highlights that:

- there is potential for breeding birds within the existing hedge*
- there is potential for the hazel dormouse to use the existing hedge as a route as it is linked to the woodland.*
- it is likely that bats commute across the site between the trees that are outside of the site*
- there is moderate potential for hedgehogs using the site as it is adjacent to the woodland*

The attached report states that ecological enhancements should, where possible, be incorporated within the proposed scheme and a range of possibilities are listed. I have carefully discussed the possibilities with the applicants and it is proposed to provide ecological enhancements, as outlined above.

9.0 APPRAISAL

9.1 Principle of Development

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. In this case the Development Plan comprises the Maidstone Borough-Wide Local Plan 2000, and as such the starting point for consideration of the proposal is policy ENV28 which relates to development within the open countryside. The policy states that:

“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.”*

In this case none of the exceptions against the general policy of restraint apply, and therefore the proposal represents a departure from the Development Plan. It then falls to be considered firstly whether there are any material considerations which indicate that a decision not in accordance with the Development Plan is justified in the circumstances of this case, and (if so) secondly whether a grant of planning permission would result in unacceptable harm, such that notwithstanding any material justification for a decision contrary to the Development Plan, the proposal is unacceptable.

The main justification for the current proposal is its contribution towards meeting the shortfall in providing a 5 year housing land supply in accordance with the advice in the NPPF.

Para. 47 of the NPPF advises LPAs to:

“ - 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;

- identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;

The key material consideration outside of the Development Plan in the determination of applications for residential development in the open countryside is national planning policy as set out in the National Planning Policy Framework 2012 (NPPF) and the Council's position in respect of a five year housing land supply.

Taking account of the under supply of dwellings between 2011 and 2015 against this annual need, together with the requirement for an additional 5% buffer, the Council is able to demonstrate a housing land supply of 3.3 years as at 1 April 2015. The Council therefore cannot currently demonstrate a five-year supply of deliverable housing sites, and this position was reported to the Strategic Planning, Sustainability and Transportation Committee on 23 July 2015. 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 National Planning Policy Framework as a whole.

This lack of a 5 year supply is a significant factor and at paragraph 49 of the NPPF it is stated 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 5 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.

The application site is considered to be in a relatively sustainable location in the context of 3 houses and is well related to the existing facilities in the village including a primary school,

village hall, sports field, shop/post office and there is an existing bus service to Maidstone. In the context of 3 dwellings the site is not considered to be so unsustainable as to warrant an objection in terms of location.

In the circumstances of this case, the key planning issues are considered to be visual impact (including whether the site can suitably accommodate the development), residential amenity, access/highway safety and ecology.

The application site adjoins the existing built up area of Kingswood on two sides. The southern boundary of the site the site adjoins the residential curtilage of 17 Ashford Drive and the recent residential development at Peter Pease Close lies immediately to the west. The site is considered to be in a sustainable location on the edge of Kingswood within reasonable walking distance of the village centre. The site is not allocated in the draft Neighbourhood Plan but the application is supported by the Parish Council who considers that it will provide smaller units likely to be suitable for older people.

9.2 Visual Impact

Although the proposed development will extend the built-up area of Kingswood further north into open countryside it is considered that it will not have a significant visual impact on the character and appearance of the surrounding area. The current proposal will be relatively small in scale, single storey rather than 2 storey, and have a lower density and site coverage than other recent developments in the area.

Peter Pease Close to the west was permitted as a rural exception and is on a larger scale with a higher density and greater site coverage than the current proposal. The northern boundary of the application site does not extend as far north as Peter Pease Close and the proposed single-storey development would have a lesser impact on the character and appearance of the surrounding area.

Concerns about the original layout regarding the density and proximity to the ancient woodland to east have been resolved in the revised scheme for 3 dwellings, which has re-orientated the layout through 90 degrees and provided longer rear gardens. Adequate separation will be achieved between the rear gardens and the ancient woodland by safeguarding a 15m wide buffer which has been excluded from the application site. The buffer zone will be landscaped and planted as a wildlife meadow.

The application site adjoins existing development to the west and south and will be well screened by mature woodland to the east which forms part of a larger area of ancient woodland known as Kings Wood to the north of the village. The proposed dwellings would be situated far enough away from the ancient woodland to safeguard the trees and its ecological value.

The proposed single storey dwellings will be set back from the site frontage and will be well screened by mature woodland to the east and contained by an existing conifer screen to the north. The development would not be seen as a prominent feature when approached from the south via Ashford Drive. The proposed development would be of similar character, layout and design as the more established development to the south. It is therefore considered that the proposal would not have a significant impact on the visual amenities of the area or the appearance of the wider landscape.

9.3 Residential Amenity

The main impact of the proposed development would be on the 2 adjoining properties to the south - No 17 Ashford Drive and Yellowstone (formerly Calderbourne) which is situated

behind No. 17, overlooking the application site. However the proposed dwellings are single storey and would have only limited impact on the residential amenities of adjoining properties in terms of overlooking and loss of privacy.

The proposed dwelling on Plot 1 has limited separation from the southern boundary but the gap between the flank wall of No.17 and Plot 1 would be almost 4m. In addition No. 17 has mature vegetation screening along its northern boundary.

Yellowstone is closer to the southern boundary of the application site but the majority of its garden is to the south of the existing dwelling. The existing close-boarded fence along the northern boundary of Yellowstone will be retained and in view of the 11m separation between the dwelling on Plot 1 and the existing dwelling at Yellowstone, the impact in terms of overlooking and loss of privacy would be acceptable.

9.4 Highways

Access to the site is proposed from the northern end of Ashford Drive via the existing cul-de-sac and a 3.7m wide private road. A turning area will be provided within the site at the front of Plot 3 but the layout is considered to be too urban in character and should be reduced in width to provide a layout more appropriate to a semi-rural location, to be secured by condition. An integral single garage and parking space in front is proposed to each dwelling which will provide adequate on-site parking.

No highway objections area raised by the Highway Authority subject to the following conditions:

1. Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.
2. Use of a bound surface for the first 5 metres of the access from the edge of the highway.
3. Completion and maintenance of a revised access and turning area layout in front of Plot 3 prior to the use of the site commencing.
4. Provision and maintenance of 2metres x 2metres pedestrian visibility splays between the north side of the access to Yellowstone and the new site access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.

9.5 Ecology

A detailed Ecological Appraisal was submitted in July 2015 which recommended a range of enhancements relating to protection of trees and habitats including a 15m wide buffer between the curtilages of the proposed dwellings and the western boundary of the ancient woodland.

The Appraisal concluded that no further mitigation is required for amphibians, reptiles, badgers, bats or dormice. Biodiversity enhancements are recommended for bird boxes, hedgehog nesting boxes and bat roosts. The Appraisal also recommends the planting of native species of trees, shrubs and hedgerows, wildflowers and the creation of a wildlife pond. It is recommended that no vegetation should be removed outside the bird breeding season.

The applicant has confirmed by letter dated 20/7/15 that the following ecological mitigation measures will be implemented:

1. It is proposed to provide 120mm gaps under fences to allow hedgehog access to all garden areas.

2. The existing hedge and the proposed hedge will provide habitats for breeding birds and routes for the hazel dormouse.
3. It is proposed to install a bat box on the eastern gable of each property.
4. It is proposed to plant only native species within the designated areas for a new hedgerow and shrub planting.
5. The access drive will be a porous gravel finish.
6. It is not proposed to install any street lighting and all individual property external and/or security lights will be carried out strictly in accordance with Appendix C of the report

The revised layout significantly increases the separation between the proposed development and the ancient woodland to the east and the 15m buffer zone has been excluded from the application site. The Ecological Appraisal recommended a range of ecological enhancements relating to protection of trees and habitats as outlined above which will be the subject of a condition. In addition to hedging it is proposed to create several log stacks within the buffer zone to provide an additional habitat.

The applicant considers that no further mitigation is necessary for amphibians, reptiles, badgers, bats or dormice but it is recommended that no vegetation should be removed during the bird breeding season. Biodiversity enhancements are recommended for bird boxes, hedgehog nesting boxes and bat roosts. The planting of native species of trees, shrubs and hedgerows, wildflowers and the creation of a wildlife pond are also recommended.

9.6 Landscaping and Boundary Treatment

The northern boundary of the application site is defined by a conifer hedge which is to be retained but lowered in height to 1700mm. The existing close-boarded fence along the southern boundary with Yellowstone will be retained and No. 17 is separated from the southern boundary by a 3m wide driveway. Additional planting is proposed along the western boundary in the form of an indigenous hedgerow which will form part of a landscaping scheme. The Landscape Officer has raised no further objections subject to the implementation of additional planting with indigenous species within the 15m buffer zone.

10.0 CONCLUSION

10.1 Although the site lies outside the present built-up extent of the village the reduction from 4 to 3 units and the revised layout will reduce the visual impact on the surrounding area and assist in safeguarding the adjacent woodland. The proposed development is considered to be acceptable in terms of residential amenity, landscape, ecological and highway terms, subject to appropriate conditions.

10.2 The proposed development will provide 3 small dwellings in a relatively sustainable location on the edge of the Kingswood. The proposed density is considered to be compatible with the character of the surrounding area and the layout has been amended to move the dwellings at least 15m from the ancient woodland to the east. Although the site lies beyond the built-up extent of Kingswood as defined in the adopted Local Plan it is considered that the revised scheme will not materially detract from the visual and residential amenities of the surrounding area and will round off the existing pattern of development on the north side of the village.

10.3 In the absence of a 5 year housing land supply it is considered that the benefits of the proposed development outweigh any limited harm and permission is therefore recommended.

11.0 RECOMMENDATION – GRANT PERMISSION subject to the following conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: In accordance with the provisions of S91 of the Town & Country Planning Act 1990, as amended by S51 of the Planning and Compulsory Purchase Act 2004

2. The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping and boundary treatment, including the retention of a 15m wide buffer zone between the eastern boundary of the site and the ancient woodland, using indigenous species. The scheme shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and long term management. The landscaping scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines. The approved landscaping scheme shall be implemented in the first planning season following the commencement of development.

Reason: To ensure an appropriate appearance and setting to the development.

3. The 15m wide buffer zone indicated on the submitted plans between the eastern boundary of the application site and the ancient woodland shall be permanently retained as open land and shall not be used as part of any residential curtilage. No development shall be carried out on this land whether or not permitted by the GPDO.

Reason: To ensure a high quality design, appearance and setting to the development, and to protect and enhance biodiversity.

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 any buildings 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.

5. The development shall be carried out in complete accordance with the approved plans – dwg. nos. 12.1580.12/01&02, 12.1580.20E & 22A, 2342/15/B/1

Reason: To ensure the quality of the development is maintained.

6. Notwithstanding condition 5, revised details of the layout of the proposed access and turning area in front of Plot 3 to reduce its width and the extent of the turning area shall be submitted to and approved by the LPA and completed prior to the first use of the site and shall be permanently maintained thereafter.

Reason : In the interests of visual amenity.

7. 2metres x 2metres pedestrian visibility splays shall be provided and maintained to the north side of the access to Yellowstone and the new site access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.

Reason : In the interests of highway safety

8. Details of measures for biodiversity enhancement shall be submitted to the LPA before development commences, including the planting of native species of trees, shrubs and hedgerows and wildflowers. The details shall also include the provision of:

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- 120mm gaps under fences to allow hedgehogs access to all garden areas.
- bird boxes and hedgehog nesting boxes,
- habitats for breeding birds and routes for the hazel dormouse.
- bat boxes on the eastern gable of each property.
- Construction of access drive with a porous gravel finish.
- swift bricks shall be installed at suitable locations on the site

Reason: To ensure a high quality design, appearance and setting to the development, and to protect and enhance biodiversity.

9. Before work commences full details of existing and proposed ground levels and finished slab and floor levels shall be submitted to and approved by the LPA and the development shall be undertaken in accordance with the approved details.

Reason: In the interests of the visual and residential amenities of the area.

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INFORMATIVES

INFORMATIVE: 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. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

Case Officer: Tim Bloomfield

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.