

## REPORT SUMMARY

<b>REFERENCE NO - 15/508972/FULL</b>			
<b>APPLICATION PROPOSAL</b>			
Erection of two detached dwellings with associated access, parking and landscaping as shown on drawing numbers: 1; dated 01-06-15 and 2284/15/B/2; dated June 2015 and 2284/15/B/3A; dated July 2015 and 695:P50, 695:P51, 695:P52, 695:P53; dated October 2015 and the following supporting documents: Air Quality Assessment by Gem; dated October 2015 and Extended Phase 1 Habitat and Bat Building Survey Report by Corylus Ecology; dated June 2015 and Planning and Design and Access Statement by Hume Planning; dated October 2015 and Noise Assessment by Peter Moore Acoustics Ltd; dated 29 October 2015.			
<b>ADDRESS</b> Land North At Blind Lane Bredhurst Kent ME7 3JR			
<b>RECOMMENDATION-</b> Permission			
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</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>			
The recommendation is a Departure from the Development Plan			
<b>WARD</b> Boxley	<b>PARISH/TOWN COUNCIL</b> Bredhurst	<b>APPLICANT</b> F D Attwood And Partners <b>AGENT</b> Hume Planning Consultancy Ltd	
<b>DECISION DUE DATE</b> 31/12/15	<b>PUBLICITY EXPIRY DATE</b> 31/12/15	<b>OFFICER SITE VISIT DATE</b> 30/11/15	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
15/506472/FULL	Erection of 3 x pairs of semi detached dwellings with associated landscaping, access and parking.	Withdrawn	19.10.2015
87/1489	Residential development.	Refused	14.12.1987

## 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 approx. 0.38 hectares and there is stable building in the northeast corner of the site. The southwest boundary is made up of a sporadic line of trees with a new residential unit currently under construction on the neighbouring site beyond. Along the northwest boundary is an established area of trees with the M2 motorway behind set at a lower level. The northeast boundary contains an established area of trees with Forge Lane beyond. The southeast boundary fronting Blind Lane is made up of a

post and wire fence. The nearest house is located on the adjoining site to the southwest and is currently under construction, as approved under planning permission 14/504584/FULL. There are four properties on the opposite side of Blind Lane fronting the application 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 This application proposes the erection of two detached two storey dwellings in a more contemporary design.
- 2.2 Vehicle and pedestrian access for each house would be taken from Blind Lane. Additional landscaping is proposed on the boundary with Blind Lane, the southwest boundary and the new boundary between the two proposed houses.

## **3.0 POLICY AND OTHER CONSIDERATIONS**

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

## **4.0 LOCAL REPRESENTATIONS**

- 4.1 **Bredhurst Parish Council:** Wishes to see the above application approved, but would ask for this to be subject to the following (summarised) conditions on the developer:

- Replace with bungalows
- Improve Blind Lane road surface
- Improve the junction of Blind Lane/Forge Lane
- Provide a contribution of 5K per house for works within the village
- Provide native species tree planting

- 4.2 **Local Residents:** Three letters of objection have been received from neighbouring properties. Comments are summarised as follows:

- The houses are large and out of keeping.
- Proposed planting would not screen the houses.
- Bungalows would be more in keeping and less prominent.
- The level of noise from the adjacent motorway would be unacceptable for future occupiers.
- Poor air quality.

## **5.0 CONSULTATIONS**

- 5.1 **KCC Highways:** Raise no objections on behalf of the highways authority.
- 5.2 **MBC Landscape Officer:** Raises no objection on arboricultural/landscape grounds subject to landscape conditions.

5.4 **MBC Environmental Health:**

*'The applicant has submitted an acoustic report (Peter Moore Acoustics Ltd Ref: 150501/3 10/12/15) detailing the measurements taken on the site. The report details the measures that are required to ensure that the habitable rooms inside the property meet guidelines. I request that the applicant adheres to the recommendations for the internal areas of the properties.*

*As the site is directly adjacent to the M2, the main area of concern that Environmental Protection have is the noise level that the residents will be exposed to when using the garden area.*

*The measurements taken by the acoustic consultant show that the garden area for the proposed properties will exceed the upper guideline value of 55dB LAeq as recommended by BS8233:2014. Measurements taken show that the garden area measured 65.7 dB LAeq 16 hour during the daytime and 62.4 dB LAeq 8hr during the night time, with an Lmax fast between 66-70dB. Installing an additional barrier behind the existing acoustic barrier will have a negligible benefit and there is no alternative practical mitigation method available to reduce the level of noise the residents will be exposed to in the rear garden.*

*The application is accompanied by an Air Quality Assessment (Gem Air Quality Limited) Report Reference AQ0655 October 2015. I have reviewed the methodology and the results obtained. My main concern in relation to the report is the choice of two diffusion tube monitoring locations (Maid 10 and 11) used for model verification. Although both these tubes are located adjacent to the M20 motorway, the topography of the area means that they are both sited below the level of the motorway carriage and therefore are likely to underestimate pollutant concentrations. I would therefore recommend that the consultants re-run the model using data from diffusion tubes Maid 41 and Maid 63 which better represents the proposed site conditions.*

**RECOMMENDATIONS:** *Environmental Protection recommend that the application is refused due to the level of noise that would be experienced in the rear garden'.*

5.5 **Natural England:** No comments

6.0 **APPRAISAL**

**Principle of Development**

6.1 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:

6.2 *"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.”*

- 6.3 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.
- 6.4 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.
- 6.5 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:-
- 6.6 “Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites” (paragraph 49). The update of the Maidstone Strategic Housing Market Assessment (June 2015) established an objectively assessed need for housing of 18,560 dwellings between 2011 and 2031, or 928 dwellings per annum, and these figures were agreed by the Strategic Planning, Sustainability and Transportation Committee on 9 June 2015. 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.
- 6.7 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.
- 6.8 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 two dwellings, I do not consider the site is so unsustainable so as to warrant objection. The Council is not in a position to demonstrate a five year housing land supply, and as such normal restraints on residential development in the open countryside do not currently apply as the adopted Local Plan is considered out of date. The development of this site is therefore considered to be in accordance with the objectives of the NPPF due it is sustainable location adjacent the settlement boundary of Bredhurst. 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.

**Visual Impact**

- 6.9 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.
- 6.10 The site is well screened by the existing area of trees which run alongside the northeast and northwest side of the site such that the site would not be readily visible from motorway bridge or Forge Lane. There is a short section of the road on Dunn Street Road to the southeast where the top of the dwelling may be visible above existing hedgerows. However, these views would be limited by the natural screening on the field boundaries and by established built development within Blind Lane. Views of the site are therefore limited to junction of Blind Lane and Forge Lane and from Blind Lane itself, directly in front of the site. The site is currently highly visible from these two locations, however, it is noted that Blind Lane is not a through road and therefore its users are limited.
- 6.11 Therefore the main impact upon the landscape is short views from Blind Lane and the junction with Forge Lane with no medium to long range impact. The application site is a greenfield site and its development for two houses would clearly have an impact visually on the site. As a means of mitigating the visual impact of the development additional landscaping is proposed along the road frontage with Blind Lane, along the new boundary between the two houses and along the southwest boundary. This additional landscaping is considered to help mitigate any visual impact of the proposals although it is acknowledge that the landscaping would take some time to reach full growth. The dwellings are approx. 8.5m in height and the design / form with separate roofs and large areas of glazing serves to break up the massing.
- 6.12 In addition, the site is located between built development in Bredhurst to the east and the strong physical barrier of the M2 motorway to the west and the new residential dwelling to the southwest. Given the site surroundings it is considered that the development of this fairly well contained site would unacceptably erode the openness of the countryside and the introduction of two new houses would not appear totally incongruous in this setting. Therefore overall, I consider the landscape impact is not significantly harmful to the AONB or open countryside.
- 6.13 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 two dwellings at a site that is sandwiched between built development and the motorway and to my mind the scale of the development proposed would not significantly extend the built up extent of the Bredhurst or the site itself, and so would not be contrary to this policy.
- 6.14 Houses along the opposite side of Blind Lane are bungalows with traditional pitched roofs with a mix of brickwork, render, and differing roof tiles. The new dwelling under construction on the adjacent site is of a more contemporary design and I therefore consider the scale, design and form of the proposed house would not be out of keeping with that of nearby buildings. No design objections are raised and the form and design is considered to be acceptable given the context of the site and surrounding area.

### **Residential Amenity**

- 6.15 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. The Council's Environmental Health Officer does however object to the noise levels that future occupants would be exposed to in the gardens.
- 6.16 The noise assessment reveals that noise levels within most of the garden areas would exceed the World Health Organisation guidelines, which advise no more than 50-55dB. The Environmental Health officer advises that this is a poor site (as was the adjacent site - 14/504584/FULL) for the location of residential accommodation and that noise levels are so high that it renders the garden area practically unusable. 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 each dwelling which would be shielded to a degree from traffic noise, but to my mind this is certainly a factor that weighs against the development.
- 6.17 The Noise Assessment by Peter Moore notes that the Cass Allen survey for the adjacent residential site found a daytime noise level of 71 dB LAeq, 16 hour, which is about 5 dB higher than was measured in the survey for the current application. The difference is attributable to the fact that the neighbouring site is positioned closer to the end of the timber noise barrier, such that part of the motorway is not screened by the barrier. The Peter Moore noise survey also acknowledges that the area of garden meeting the 55 dB upper guideline value, or being within 5 dB of it, is greater for each house in the proposed development than it was for the recently permitted house on the adjacent site. Given the garden areas of the two proposed houses would be exposed to slightly lower noise levels from the M2 than the property currently under construction on adjacent the site I do not consider that the impact of the M2 in terms of noise pollution, would warrant a sustainable reason for refusal. In addition, the garden areas are of such a size that an area of each garden could be landscaped / acoustic fencing installed / a walled enclosure created, to afford some additional protection from the noise of the M2. Further details could be sought via condition.
- 6.18 An air quality assessment has been carried out which concludes that the proposals are considered acceptable in terms of local air quality impacts. Environmental Health has recommended that alternative locations are used to collect air quality data. As with the adjacent site the Environmental Health Officer has not raised any objections in relation to air quality at this location and to my mind a condition could be attached to re-run a revised air quality verification model using the new data from the two alternative locations, and any additional mitigation (integral mechanical ventilation / un-openable windows on the north elevation, etc) could also be secured via condition.
- 6.19 The dwellings 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 two new houses would have any harmful impact upon residential amenity through noise or disturbance.

### **Other Matters**

- 6.20 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 / bricks and additional landscaping, including tree planting on the boundary of the site and new boundary between the two houses, which would serve to enhance the ecological value of the site.

- 6.21 There are no highway objections to the proposals. The additional two houses are not considered to result in a significant increase in traffic movement. Issues relating to disturbance from noise and traffic during construction are matters dealt with under Environmental Health and highways legislation.

## **7.0 CONCLUSION**

- 7.1 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 two houses, 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.

## **8.0 RECOMMENDATION – GRANT** Subject to the following conditions:

CONDITIONS to include

- (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 any works above dpc level, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

The details and samples of the materials submitted shall include details of swift and / or bat bricks incorporated into the eaves of the proposed housing units;

Reason: To ensure a satisfactory appearance to the development and interest of ecological enhancement.

- (3) Prior to any works above dpc level, 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 building(s) or land and maintained thereafter;

The boundary details shall include an enclosed or partially enclosed acoustic wall / fence within the garden of each property to provide an additional buffer from the M2.

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

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- (4) Prior to any works above dpc level, a scheme of landscaping using indigenous species which 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 a programme for the approved scheme's implementation and long term management, shall be submitted to and approved in writing by the Local Planning Authority

The landscape scheme shall be designed using the principle's established in the Council's adopted Landscape Character Assessment 2012 and shall include details of:

- The repair and retention of existing hedgerows and tree lines within the site.
- New native tree and shrub species on the boundary with Blind Lane, new boundary between the two houses and the southwest boundary.
- Planting of wildflower grassland, shrubs and nectar-rich plants.
- Creation of a wildflower meadow.

The landscaping of the site shall be carried out in accordance with the approved details over the period specified;

Reason: To safeguard existing trees and hedges to be retained and ensure a satisfactory external appearance to the development.

- (5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the 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 external appearance to the development.

- (6) Prior to the occupation of the dwelling details of the location and numbers of log piles, bird, bat and dormice boxes to be placed on the site shall be submitted to and agreed by the local planning authority. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: In the interests of biodiversity and ecology in accordance with the NPPF.

- (7) The development shall not commence until details of a scheme of foul and surface water drainage for the site have been submitted to and approved by the local planning authority. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To ensure adequate drainage arrangements.

- (8) The development shall not commence until the specific noise mitigation measures as outlined in the Noise Assessment by Peter Moore Acoustics Ltd; dated 29 October 2015 have been submitted to and approved in writing by the Local Planning Authority. The subsequently approved measures shall be carried out in full prior to the occupation of the dwellings and thereafter maintained.

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



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- (9) 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.

- (10) Before the development hereby permitted is first occupied, NO<sub>2</sub> data from two diffusion tube monitoring locations (Maid 41 and Maid 63 in Maidstone Borough Council LAQM Progress Report 2013 Bureau Veritas Air Quality October 2013), shall be used to re-run the model verification report in the Air Quality Assessment (Gem Air Quality Limited) Report Reference AQ0655 October 2015. The results of the new verification report shall be submitted to and approved in writing by the local planning authority including details of any necessary mitigation measures. 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.

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

1; dated 01-06-15 and 2284/15/B/2; dated June 2015 and 2284/15/B/3A; dated July 2015 and 695:P50, 695:P51, 695:P52, 695:P53; dated October 2015 and the following supporting documents: Air Quality Assessment by Gem; dated October 2015 and Extended Phase 1 Habitat and Bat Building Survey Report by Corylus Ecology; dated June 2015 and Planning and Design and Access Statement by Hume Planning; dated October 2015 and Noise Assessment by Peter Moore Acoustics Ltd; dated 29 October 2015.

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

## INFORMATIVES

to Applicant: APPROVAL

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

## Planning Committee Report

The application was acceptable as submitted and no further assistance was required.  
The applicant/agent was provided formal pre-application advice.  
The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

Case Officer: Andrew Jolly

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.