

REPORT SUMMARY

REFERENCE NO - 15/509836/FULL			
APPLICATION PROPOSAL Erection of one new dwelling.			
ADDRESS Land Adjoining 1 Fancy Row Thurnham Lane Thurnham Kent ME14 4PL			
RECOMMENDATION: Grant subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION:			
<ul style="list-style-type: none"> The proposal relates to infill development in open countryside, outside the village confines of Bearsted and so it is a departure from the Local Plan. However, paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up to date if the Council cannot demonstrate a five year housing land supply. Proposal will make a contribution to housing supply, albeit a small one. Site is surrounded on three sides by built development. NPPF seeks to promote sustainable development in rural areas by locating housing where it will enhance or maintain vitality of rural communities. Although outside village confines, the application site is located within an existing stretch of ribbon development that is within easy walking distance to the railway station and Bearsted village. The proposal is well designed and will not harm the character and appearance of the area or the amenities of surrounding occupiers, therefore, it is not considered to raise any conflict with Policy ENV28 of the Local Plan. A recent appeal decision allowing a detached house on land adjacent to 8 Fancy Row is a material consideration. 			
REASON FOR REFERRAL TO COMMITTEE Departure from Local Plan			
WARD Detling And Thurnham Ward	PARISH/TOWN COUNCIL Thurnham	APPLICANT Mr R Bentley AGENT Consilium Town Planning Services Ltd	
DECISION DUE DATE 29/01/16	PUBLICITY EXPIRY DATE 29/01/16	OFFICER SITE VISIT DATE	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
81/0743	Extensions at rear of 1 Fancy Row to provide inside toilets and bathrooms.	Permitted.	
Summarise Reasons:			
03/0416	Erection of two storey side extension at 1 Fancy Row.	Permitted.	
Summarise Reasons:			
14/500927	Erection of detached house on land adjacent to 8 Fancy Row.	Allowed at appeal.	16.03.2015
Summarise Reasons: The site is a sustainable one and considerable weight therefore arises in favour of the scheme. I have noted that there would be only limited harm to the countryside			

in terms of the character and appearance of the area. In accordance with paragraph 14 of the Framework, this does not significantly and demonstrably outweigh the benefits. Taking the three dimensions together, the balance of consideration therefore lies in allowing the appeal.

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is located on the eastern side of Thurnham Lane, which follows a north south alignment and is approximately 400 metres from the centre of Bearsted Green. Thurnham Lane has a semi-rural character with linear development along the eastern side comprising a group of terraced dwellings (Fancy Row) and then numerous detached and semi-detached dwellings. The application site lies at the southern end of the row of terrace of cottages, on land between 1 Fancy Row and a detached dwelling known as Thurnham House. This is a large detached property and within its grounds is a large outbuilding/garage that is located adjacent to the shared driveway for the Fancy Row cottages.
- 1.02 On the northern side of the Fancy Row terrace, between 8 Fancy Row and Claymore, planning permission was recently allowed at appeal for the erection of a detached dwelling (reference 14/500927).
- 1.03 Opposite the application site, on the western side of Thurnham Lane, is the Old School House and the School Yard. The School site has planning permission for a new detached dwelling on the site and conversion and enlargement of the Old School House to a single dwelling. This work (reference 14/1265) is underway and nearing completion.
- 1.04 The application site comprises the side garden of 1 Fancy row, which is an end of terrace property. It has a garden to the side and to the rear. Properties on Fancy Row have a shared access driveway which runs to the rear of the terrace leading off Thurnham Lane, providing car parking for each dwelling. This private driveway borders the application site to the east and to the south.
- 1.05 The application site has a site area of approximately 0.05 Hectares. It has a frontage on Thurnham Lane of approximately 22 metres and a depth of approximately 24 metres. The site is screened by a mature hedgerow along the southern boundary. Along Thurnham Lane there is a low hedge line and a fence forming the boundary. To the rear there is a row of Willow trees, located to the east of the access road that runs along the rear of the site.
- 1.06 The site is located in open countryside, but it is within walking distance of the railway station and the services and facilities in nearby Bearsted. The site also lies within a Special Landscape Area.

2.0 PROPOSAL

- 2.01 The proposal is for a two storey, four bedroom, detached dwelling with associated works. The proposed dwelling measures 9.5 metres in width and is approximately 12.7 metres in depth. The eaves are 5 metres with an overall ridge height of 9 metres. The property has a stepped or staggered footprint arrangement at the front and rear.

- 2.02 The front elevation is stepped back from the front of Fancy Row Cottage in order to retain the view or vista of Fancy Row approaching from the direction of Bearsted. There is also a Southern Water Services sewer pipeline to the front of the property that needs to be retained with an adequate margin either side for any future maintenance.
- 2.03 The proposed elevations will be brickwork to match the type of clay brickwork on adjoining properties with tile hanging to the front and part side elevation. The roof material will be plain concrete tiles. There will be a brick plinth on all four elevations with soldier coursework. The roof is fully pitched with an apex ridgeline. There is a gable protruding on the front elevation with a tiled roof over the front doorway and study window.
- 2.04 A detached garage is proposed to be located on the southern side of the dwelling, which will measure approximately 3.2 metres by 6 metres. It will be able to accommodate one car with storage space to the side and the rear. The garage will be of brick construction with a pitched and tiled roof. Tile hanging is proposed on the front gable end of the garage, above the garage door. Two car parking spaces will be located in the front of the property with space for turning.
- 2.05 The central area of the application site is mostly open and so the only trees that are to be removed are those that are identified as being poor specimens and the two small cherry trees that are located on the proposed turning area. The existing laurel hedge on the southern boundary will be retained. The field maples on the frontage of Thurnham Lane are to be retained. The tree boundary to the east of the access road will be retained. New beech hedges are proposed on both the eastern and western boundaries of the site. The property will have a large rear garden of over 160 sq.m.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: Maidstone Borough Wide Local Plan 2000, Maidstone Borough Local Plan (Regulation 19) Feb 2016
Supplementary Planning Documents: Bearsted Neighbourhood Plan

4.0 LOCAL REPRESENTATIONS

- 4.01 The applicant has a right of access over the side access road that serves the development. The owner of the access road commented that they are prepared to assist the applicant with his proposed development regarding the issues of access over the road. The appropriate Notice was served in the Kent Messenger to notify any owners of the access road. No comments have been received from the Parish Council.

5.0 CONSULTATIONS

KCC Highways

- 5.01 KCC Highways commented that *“the access road off Thurnham Lane is existing with a good crash history. The parking provision proposed is adequate for the size of the dwelling and there are turning facilities within the site. For these reasons, I raise no objection on behalf of the local highway authority”*.

5.02 KCC Highways recommended the following 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 respect 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”.

KCC Biodiversity Officer

5.03 KCC commented that *“we have reviewed the ecological information which has been submitted with the planning application and we are satisfied that there is no requirement for additional specific species surveys to be carried out as part of the application. The submitted survey has detailed that as the site is regularly mown there is limited suitable habitat for protected/notable species present within the site. However, the survey has highlighted that breeding birds may be present within the site and the possibility of GCN occasionally commuting across the site cannot be ruled out. We advise that if planning permission is granted, details of precautionary mitigation is submitted as a condition of planning permission”.*

5.04 The KCC Biodiversity Officer also commented that *“bats may be present foraging/commuting within or adjacent to the site and lighting can be detrimental to roosting, foraging and commuting bats. We recommend that any external lighting proposal is designed to minimise impact on bats. We suggest that the Bat Conservation Trust’s Bats and Lighting in the UK guidance is adhered to in the lighting design”.* Key requirements for this are set out as Informatives at the end of the report.

5.05 The comments continue to state that *“one of the principles of the National Planning Policy Framework is that “opportunities to incorporate biodiversity in and around developments should be encouraged. The submitted report has made a number of recommendations to incorporate ecological enhancements to the site and we advise that a selection of them are incorporated in to the site if planning permission is granted”.*

6.0 BACKGROUND PAPERS AND PLANS

6.01 The application comprises the following plans:

- Planning Application Form;
- Site Location Plan, received 4th December 2016;
- Drawing No. 25/45/01A: Floor Plans;
- Drawing No. 25/45/02A: Elevations;
- Site Layout Plan, received 25th November 2016;
- Planning Statement, received 25th November 2016;
- Preliminary Ecological Appraisal, received 25th November 2016;
- Tree Survey, dated January 2016.

7.0 APPRAISAL

- 7.01 The application site is bordered to the north, east and south by residential housing. There is a long stretch of ribbon development along the eastern side of Thurnham Lane and also a small group of residential development opposite the site, on the western side of Thurnham Lane. The site is very much viewed within the context of the existing residential development in this location. Long distance views of the site from the surrounding countryside, the Low Weald SLA (or the Low Weald Local Landscape Area of the emerging Local Plan) are limited by the existing development and by the tree belt located to the west of the site. As a result, it is considered that no conflict is raised with Policy ENV34 of the adopted Local Plan or Policy SP17 of the emerging Regulation 19 Local Plan, which seek to protect and conserve areas of landscape value.
- 7.02 Policy ENV28 seeks to ensure that any development in the countryside will not harm the character and appearance of the area or the amenities of surrounding occupiers. It is considered that the proposal will not harm the character and appearance of the area due to its good design, siting and location within an existing stretch of ribbon development. The design of the dwelling reflects that of the dwellings opposite the site, as does the use of hanging tiles and the dormer style window on the front elevation. It is also considered that it will not result in any loss of sunlight, privacy or other adverse impact on the amenities of surrounding occupiers. The proposed dwelling is located over 6 metres from the flank wall of 1 Fancy Row and it will have no side windows apart from one obscure glazed, landing window. It is located over 30 metres from Thurnham House to the south. As a result, the proposal is considered to raise no conflict with Policy ENV28 of the Local Plan.
- 7.03 The emerging Regulation 19 Local Plan sets out in Policy SP17 on The Countryside that 'development in the countryside will retain the setting of and separation of individual settlements'. It is considered that the proposal will raise no conflict with this policy due to its siting within an existing area of ribbon development.
- 7.04 Policy H29 of the Maidstone Borough-Wide Local Plan relates to infill development, but it is not a Saved Policy and so is unable to provide support to the proposal. The proposal has been advertised as a Departure from the Local Plan due to Policy H29 no longer being a Saved Policy. However, planning permission was allowed at appeal, in March 2015, for the erection of a detached house on land adjacent to 8 Fancy Row (reference 14/500927) and this is a material consideration in relation to this proposal. The Inspector determined that *"the site is a sustainable one and considerable weight therefore arises in favour of the scheme. I have noted that there would be only limited harm to the countryside in terms of the character and appearance of the area. In accordance with paragraph 14 of the Framework, this does not significantly and demonstrably outweigh the benefits. Taking the three dimensions together, the balance of consideration therefore lies in allowing the appeal"*. As such, it is considered that infill development can be acceptable in certain circumstances.
- 7.05 As the application site is located in such close proximity to the appeal site (within 40 metres), the same arguments relating to the sustainability of the site and the limited environmental impact will apply. In fact, the appeal site was only surrounded by ribbon development on two sides (north and south) as it faced the golf course land to the west. The application site is bordered on three sides and is well screened on the eastern side, further reducing any visual harm to the surrounding countryside. The application site is obviously also located 40 metres nearer to the railway station

than the appeal site and it is within close proximity to the facilities within Bearsted Village.

- 7.06 Paragraph 49 of the NPPF states that *“relevant policies for the supply of housing should not be considered to be up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites”*. The Council cannot demonstrate a five year housing land supply and the proposal would provide for a new dwelling, although the proposal would only make a small contribution to the housing supply. This is dealt with in more detail below, as part of ‘Other Matters’.
- 7.07 Paragraph 55 in the Framework seeks to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities. The proposal is located within an existing stretch of ribbon development that is within easy walking distance of Bearsted. The village of Bearsted has a variety of shops and services and also a railway station. Therefore, the site is in a location where day-to-day journeys would not have to be reliant on the use of motor vehicles. These issues were also considered by the Planning Inspector in relation to the appeal on land adjacent to 8 Fancy Row and were considered to be acceptable. Therefore, it is considered that the proposal is in accordance with paragraphs 55 of the NPPF.

Other Matters – Housing Land Supply

- 7.08 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;’*
- 7.09 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 (OAN) 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. Since that date revised household projection figures have been published by the Government and as a result the SHMA has been re-assessed. At the meeting of the Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Councillors agreed a new OAN figure of 18,560 dwellings.
- 7.10 The new Local Plan has advanced and is out to Regulation 19 publication being the Plan that the Council considers is ready for examination. The Plan is scheduled for submission to the Planning Inspectorate for examination in May 2016, with the

examination expected to follow in September. The Plan allocates housing sites considered to be in the most appropriate locations for the Borough to meet the OAN figure, and will enable the Council to demonstrate a 5 year supply of deliverable housing sites when it is submitted to the Inspectorate in May. Clearly the Local Plan is gathering weight as it moves forward, but it is not considered to have sufficient weight to rely solely on to refuse or approve a planning application.

- 7.11 Notwithstanding this, it remains the case the most recently calculated supply of housing, which assesses extant permissions and expected delivery, is from April 2015. This demonstrates a 3.3 year supply of housing assessed against the OAN of 18,560 dwellings. A desk based review of housing supply undertaken in January 2016 to support the Regulation 19 Local Plan housing trajectory suggests that there remains a clear and significant shortfall of supply against the five year requirements. The Council's five year supply position will be formally reviewed in April/May in order to support the submission of the Local Plan to examination in May. Before the Local Plan is submitted however, the Council will remain unable to demonstrate a 5 year supply of deliverable housing sites.

8.0 CONCLUSION

- 8.01 In conclusion, it is considered that although there is no longer an infill policy within the Local Plan, the proposal is not in conflict with other policies of the development plan and it is also in accordance with the NPPF. It is considered that the proposal will not cause any adverse impacts on the residential amenities of adjacent properties or on the character and appearance of the area. The site is surrounded by built development on three sides, within an existing stretch of ribbon development and the proposal will not be visible from the wider countryside. It will make a contribution to the housing supply, albeit only a small one. The recent appeal decision on land adjacent to 8 Fancy Row is also a material consideration, demonstrating that the site is in a sustainable location and that considerable weight arises in favour of the scheme.

9.0 RECOMMENDATION – GRANT 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) Before the development hereby permitted is first occupied, the following window shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such:

The proposed first floor 'stairwell' window on the side (north) elevation of the approved dwelling.

Reason: To safeguard the privacy of existing and prospective occupiers.

- (3) Before the development hereby permitted is first occupied, the vehicle parking and turning facilities shall be implemented as shown on the approved plans and permanently retained thereafter.

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Reason: In the interests of highway safety.

(4) Before the development hereby permitted is first occupied, a bound surface shall be provided for the first 5 metres of the access from the edge of the highway.

Reason: In the interests of highway safety.

(5) No building works above ground level shall commence until written details and samples of the materials to be used in the construction of the external surfaces of the buildings and hard surfaces 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.

(6) The development hereby permitted shall be carried out in accordance with the following approved plans;

- Site Location Plan, received 4th December 2016;
- Drawing No. 25/45/01A: Floor Plans;
- Drawing No. 25/45/02A: Elevations;
- Site Layout Plan, received 25th November 2016;
- Preliminary Ecological Appraisal, received 25th November 2016;
- Tree Survey, dated January 2016.

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

(7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development within Schedule 2, Part 1, Classes A, B, C, D, E, F, G, H shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by existing and prospective occupiers.

(8) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species. The scheme shall be designed using the principles established in the Councils adopted Landscape Character Assessment and Landscape Guidelines. The details shall include all trees and hedgerows to be retained on the site and additional proposed planting.

Reason: No such details have been submitted and to ensure a satisfactory setting and external appearance to the development.

(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.

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(10) The development shall be undertaken in accordance with the recommendations set out in the approved Preliminary Ecological Appraisal, received on 25th November 2015.

Reason: To ensure appropriate mitigation and protection of species.

(11) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of biodiversity enhancements for the site. The scheme shall be based on the recommendations of the Preliminary Ecological Appraisal, received on 25th November 2015.

Reason: No such details have been submitted and to ensure appropriate mitigation and protection of species.

(12) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority an Arboricultural Method Statement in accordance with BS5837:2012, which shall include details on the root protection areas of all retained trees and details on method of root protection.

Reason: No such details have been submitted and to ensure a satisfactory setting and external appearance to the development.

INFORMATIVES

(1) As the development involves demolition and/or construction, the applicant should refer to the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.

(2) Clearance and burning of rubbish must be carried without nuisance from smoke etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the EHM.

(3) Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

(4) Vehicles may only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

(5) 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

(6) Provision shall be made for construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.

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- (7) Provision shall be made for parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
- (8) Provision shall be made of wheel washing facilities prior to the commencement of work on site and for the duration of the construction.
- (9) The following recommendations (from the Biodiversity Officer) should be considered (where applicable) when designing any lighting scheme:
- a) Low pressure sodium lamps or high pressure sodium must be used instead of mercury OR metal halide lamps where glass glazing is preferred due to its UV infiltrations characteristics.
 - b) Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each light to direct the light and reduce spillage.
 - c) The times during which the lighting is on must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to the minimum to reduce the amount of 'lit time'.
 - d) Lamps of greater than 2000 lumens (150W) must not be used.
 - e) Movement sensors must be used. They must be well installed and well aimed to reduce the amount of time a light is on each night.
 - f) The light must be aimed to illuminate only the immediate area required by using as sharp a downward angle as possible. This lit area must avoid being directed at, or close to, any bats' roost access points or flight paths from the roost. A shield or hood can be used to control or restrict the area to be lit. Avoid illuminating at a wider angle as this will be more disturbing to foraging and commuting bats as well as people and other wildlife.
 - g) The lights on any upper levels must be directed downwards to avoid light spill and ecological impact.
 - h) The lighting must not illuminate any bat bricks and boxes placed on the buildings or the trees in the grounds.
- (10) As part of the preparation of the Arboricultural Method Statement required by condition 12, it is advised that a site meeting be arranged with the Arboriculturist, the site Manager and the Council's Landscape Officer to discuss the issues relating to the tree protection areas of the retained trees.

Case Officer: Diane Chaplin

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.