

DELEGATED REPORT

REFERENCE:	SE/17/00943/FUL	DATE:	18 th May 2017
SUBJECT:	Appraisal	NAME:	Paul Dadswell
ADDRESS:	Land North East Of Stonelake Cottages, Camp Hill, Chiddingstone Causeway, KENT		

Proposal

The construction of two semi-detached three bedroom dwellings and associated parking spaces.

Planning History

None

Policies

Allocations and Development Management (ADMP): SC1, EN1, EN2, EN5 and GB1

Core Strategy (CS): SP1 and L08

Other: Residential Extensions Supplementary Planning Document (SPD)

National Planning Policy Framework (NPPF)

Constraints

Metropolitan Green Belt

Publicity Expires on - 30.04.2017

Consultations

Chiddingstone Parish Council -

Chiddingstone Parish Council support this application in principle but have serious concerns about the proposed access from Dukes Meadow. The Parish Council suggests that the applicant re-considers accessibility of these properties. There is a shortage of parking in Dukes Meadow currently, and by introducing the proposed new access, it would mean that 4 parking spaces would be lost. This would cause congestion and parking problems elsewhere. The Parish Council suggests that the access should be from Richards Close or Camp Hill.

KCC Ecology -

Summary

We have reviewed the ecological information submitted in support of this application and we advise that additional information is required prior to determination of the planning application. A reptile mitigation strategy will need to be submitted prior to determination of any planning application.

Reptiles

The ecological report has outlined that slow worms are using the site, however no reptile survey has been undertaken and it is therefore not clear if additional species and what population sizes are present. We advise that reptile surveys are undertaken or clear justifications on why the surveys will not be required. As slow worms are present, a reptile mitigation strategy will need to be submitted prior to determination. As it has been stated

that it is not possible to retain the reptiles on site, an off-site reptile receptor site will need to be sourced. Whilst we note that it is likely that the population will be small, it will still be necessary to provide the information demonstrating that an off-site receptor site can be sourced. We advise that the following measures are taken into consideration.

- (i) Receptor site should be larger in area than the habitat being lost (no net conservation loss);
- (ii) Receptor site should not already have an existing reptile population (surveys must be undertaken to establish this);
- (iii) Receptor site should be connected to further habitats and ideally other reptile populations;
- (iv) As close as possible to the donor site;
- (v) Enhancements must be undertaken prior to any translocations;
- (vi) Secured long-term through a management regime, and be free from future development.

Enhancements

The application provides opportunities to incorporate features into the design which are beneficial to wildlife, such as native species planting or the installation of bat/bird nest boxes. Section 4.10 of the submitted ecological report has outlined potential enhancements. We advise that measures to enhance biodiversity are secured as a condition of any granted planning permission. This is in accordance with Paragraph 118 of the NPPF "opportunities to incorporate biodiversity in and around developments should be encouraged".

Ecological Enhancements - Suggested condition wording:

"Prior to the completion of the development hereby approved, details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. This shall include the installation of bird/bat boxes and generous native planting where possible. The approved details will be implemented and thereafter retained."

Reason: to enhance biodiversity.

Following these comments further information was provided which KCC Ecology were then re-consulted on. Their additional comments are as follows:

In addition to our previous comments requesting further information in regards to a suitable receptor site for any reptiles, the applicant has provided information in the Design and Access statement section 5.11 identifying Chiddingstone Nature Reserve as a suitable receptor site. The site is under the ownership of the applicant and has suitable habitat for reptiles. As the number of reptiles on site is small, we are satisfied that there are sufficient provisions to protect any reptiles on site and therefore sufficient ecological information has been provided.

KCC Highways -

Thank you for your consultation in relation to the above planning application. Having considered the development proposals and the effect on the highway network, I raise no objection on behalf of the local highway authority.

The proposal is for the construction of 2 three bedroom dwellings, with 2 parking spaces for

each dwelling. The parking will be accessed from Dukes Meadow, which is a small cul-de-sac.

The applicant should be made aware that the construction of the vehicle crossover for the new driveway will require separate consent from KCC Highways, Transportation & Waste. Applicants should contact Kent County Council - Highways, Transportation & Waste (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

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. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land>
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.

Southern Water -

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

We request that should this application receive planning approval, the following informative is attached to the consent:

"A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme*
- Specify a timetable for implementation*
- Provide a management and maintenance plan for the lifetime of the development.*

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Natural England -

Natural England has no comments to make on this application.

Representations

None received

APPRAISAL

Description of site

The application site consists of a 0.05 hectare parcel of land to the immediate north of 3 Stonelake Cottages before the junction with Richards Close. The parcel of land currently forms part of the curtilage of number 3 Stonelake Cottages and is located entirely within the Green Belt.

Description of proposal

The proposal seeks permission to erect a pair of semi-detached dwellings on the site. The dwellings would be set fairly centrally on the plot, 1.5 metres from the south western side boundary at the closest point and 2.5 metres from the north eastern side boundary, 7 metres from the front boundary and 12.5 metres from the rear boundary.

The dwellings would be two storey with hipped roofs and front facing gables at either end of the pair of properties. They would measure 7.9 metres tall to the ridge with an eaves height of 5.2 metres. The overall width of the dwellings combined would be 16.4 metres, 8.2 metres per dwelling and they would be 8.5 metres deep with an additional 0.8 metre porch on the rear.

The proposed dwellings would be finished in local brick to the ground floor with vertical clay tile hanging above and clay tiles to the roofs.

Boundary treatment is to be hedging with a close boarded fence to the south western side between the proposed dwellings and number 3 Stonelake Cottage. The proposal also includes an area of parking to the rear of the proposed units on the south eastern side. The parking would be accessed via a new access point onto Dukes Meadow, 4 metres to the south

of the junction with Richards Close and would provide two spaces for each dwelling. It would have a tarmac finish.

Principle issues

The main issues for consideration are:

- The impact of the proposal on the Green Belt
- The design of the scheme and its impact upon the street scene
- The impact of the proposal on neighbouring amenity
- The ecological impacts of the proposal

Of particular relevance to this application is the following guidance:

Presumption in favour of sustainable development

Para 14 of the NPPF confirms that the NPPF has a presumption in favour of sustainable development, and that development that accords with the development plan should be approved unless material considerations indicate otherwise. (See paras 11, 12, 13 of NPPF.)

Para 14 of the NPPF (and footnote 9) also advises that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless there are specific policies in the NPPF that indicate that development should be restricted. This applies to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

Green Belt

Having established that the site is within the Green Belt the Authority must consider both its own Development Plan Policy and edicts of the NPPF.

As set out in para 87 of the NPPF, where a proposal is inappropriate development in the Green Belt, it is by definition harmful and should not be approved except in very special circumstances.

Para 88 of the NPPF advises that LPAs should give substantial weight to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.

Therefore, the harm in principle to the Green Belt remains even if there is no further harm to openness because of the development.

Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form. Even if there is absence of harm to openness, there can be harm in principle to the Green Belt from inappropriate development.

Appraisal

Green Belt

The NPPF dictates that the construction of new buildings in the Green Belt is inappropriate, with a few exceptions. In this case the proposed development is could be considered one of the specified forms of development to be an exception as it is put forward by the applicant that the proposed development is limited infilling n the Green Belt.

The Council does not have any local policy regarding the construction of new dwellings in the Green Belt and therefore the proposal is considered against the NPPF alone which advises that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt unless it meets one of the exceptions listed in paragraph 89.

One such exception is limited infilling in villages, the applicant has put forward the case that the proposed development should be considered as limited infilling. The Council's Green Belt SPD advises that the Council defines limited infill development as the completion of an otherwise substantially built up frontage by the filling of a narrow gap normally capable of taking one or two dwellings only.

The SPD continues that in villages which are washed over by Green Belt there may be opportunities for limited infill in parts of the village washed over by Green Belt which have substantially built up frontages.

The application site is within Chiddingstone Causeway which is a village washed over by the Green Belt. It is surrounded by development to the north and south, along Camp Hill Road with Camp Hill cottages to the north and Stonelake Cottages to the south. It is also bordered to the rear by the properties along Dukes Meadow and therefore is contained within the existing settlement of Chiddingstone Causeway.

While the frontage of the site is substantial at 22 metres, large gaps such as the application site are not characteristic of the village and given the surrounding properties which enclose the site on three sides I am satisfied that the proposed development is infill development within a village. Consequently the proposed development is considered appropriate development which would not harm the purposes of the Green Belt and therefore complies with the NPPF and the Development in the Green Belt SPD.

Design and Impact on the Street Scene

The NPPF and Policy SC1 of the Core strategy both express that a 'presumption in favour of sustainable development' should be used when deciding applications. Policy SP1 of the Core Strategy, Policy EN1 of the ADMP and the NPPF highlight that new developments should be of a high standard of design that responds to the character of the locality.

The proposal seeks permission to create a pair of semi-detached properties on a parcel of land to the north of Stonelake Cottages. While the development would utilise the garden space of number 3 Stonelake Cottages to the south, this property currently benefits from a larger garden than the majority of the other properties in the area and so can accommodate the loss of the application site and still retain a suitable sized garden which would appear in keeping with the area. The plots proposed would be of a similar size to many of the other lots in the area, and so would conform to the generally large plot sizes belonging to dwellings fronting Camp Hill Road and would not appear uncharacteristic of the area.

The proposed dwellings would be located centrally on the plot retaining a sufficient gap to both the northern and southern boundaries to ensure that the development does not appear cramped on site.

The proposed development has been aligned with the front of Stonelake cottages to the south and camp hill cottages to the north, ensuring that the dwellings do not encroach uncharacteristically close to the road and conforms to the existing building line in the area.

As such I consider the overall positioning of the dwellings on site and the subdivision of the plot to be acceptable.

In terms of their scale and design, the proposed dwellings would reflect many of the features of the neighbouring terrace of properties forming Stonelake Cottages to the immediate south of the site, including a hipped roof with gabled ends and traditional materials. As such I consider the design of the proposed dwellings to be in keeping with the character of the area and the street scene.

In terms of their scale, the proposed units would be of a slightly lower height than Stonelake cottages to the south measuring 7.9 metres tall compared to 8.4 metres of Stonelake Cottages. The dwellings would also be of a similar width and depth to Stonelake Cottages. Although Stonelake cottages are a terrace of 3 dwellings and the proposed development would create just two semi-detached units which would therefore have a larger floor area, when viewed from the street scene the dwellings would not appear uncharacteristically large and the scale of the building would appear in keeping with the area. Consequently I am satisfied that the scale of the proposed dwellings is also acceptable.

In summary through their suitable design, siting and scale I consider that the proposed new dwellings would be in keeping with the character of the area and the street scene and therefore would accord with the NPPF and policy EN1 of the ADMP.

Amenity

The *NPPF* and *Policy EN2* of the *ADMP* both require new developments to safeguard neighbouring amenity as well as to provide an adequate standard of residential amenity for the current and future occupiers.

The proposed dwellings would be located 5.5 metres to the north of number 3 Stonelake Cottages and have the potential to impact upon the amenity of its residents. I have applied the 45 degree test to the proposed development to determine whether there would be a loss of light to number 3 arising from the proposed development, the proposal passed the test on both plan and elevation view and therefore is not considered to cause a loss of light.

With regard to outlook the southern side elevation of the proposed pair of dwellings would be to the immediate north of number 3 Stonelake Cottages within 5.5 metres. As such the proposed development would be easily visible from the northern facing windows of number 3. There are two northern facing windows in number 3 Stonelake Cottages, these are a W/C window at first floor level and a large window at ground floor level. As the first floor window serves a W/C it would not be unreasonable for the proposal to obscure the outlook of the window to a degree.

The ground floor window however serves a habitable room, however there is also a large rear facing window serving the same room which would remain unaffected by the proposed development. As such while the proposal would have a detrimental impact on the outlook of a northern facing window on number 3 Stonelake Cottages, as there is a second large window serving the same room which would be unaffected by the proposal I am satisfied that the proposed development would not have an unacceptable impact upon the outlook of the neighbouring property.

Finally, with regard to privacy, the proposed dwellings would have no southern facing windows which may overlook the neighbouring property, there would be a number of east facing (rear) windows however I am satisfied that these would not offer any opportunity to

overlook the rear amenity space of number 3 Stonelake Cottages. This is because these windows would be located behind the rear elevation of number 3 and would view towards the south east offering obscure views of the very rear of the garden of number 3 Stonelake Cottages only. Consequently I am satisfied that the proposed development would not have a detrimental impact upon the amenity of number 3 Stonelake Cottages.

The rear facing windows of the proposed development would view towards the rear amenity space and rear windows of numbers 26-28 Richards Close. Despite viewing in their direction, as the rear facing windows of the proposed development would be 40 metres from the rear elevations of the dwellings along Richards Close and over 30 metres from the closest point of their rear gardens I am satisfied that they would not result in a loss of privacy to numbers 26-28 Richards Close either.

Finally, it is necessary to ensure that the proposed development would not cause a loss of amenity to either of the dwellings proposed. As the properties are to be semi detached and would mirror the design of one another I am satisfied that they would offer a suitable level of amenity to future occupiers.

In summary, for the reasons above I am satisfied that the proposed development would not cause a loss of amenity to any surrounding residents and would ensure a good standard of amenity for future occupants of the development. Therefore the proposed development is in accordance with the NPPF and policy EN2 of the ADMP.

Highways and Parking

The proposed development would be served by a new access point off of Dukes Meadow to the rear. Kent County Council have been consulted on the proposed development and have raised no objection in relation to the impact of the proposal on the highways network, either in relation to the siting of the access or the impact on on-street parking. As such I am satisfied that the proposed access points are acceptable.

The proposal includes two parking spaces per dwelling in the form of driveways to the rear. In accordance with Policy T2 of the ADMP, in this location two parking spaces are required per dwelling. Consequently the parking provision is acceptable and complies with policy T2 of the ADMP.

Trees and Landscaping

The proposed development would not impact upon any trees but does include landscaping works. No landscaping plan has been submitted but the block plan indicates that new hedging will be planted around the border of the site and several new pathways as well as a driveway would be created. These changes are acceptable in principle but further details of the materials used for the areas of hardstanding and the species, mix and size of the proposed hedging needs to be provided. This can be dealt with via a condition attached to any permission granted.

CIL

This proposal is for the creation of two new dwellings and is therefore CIL liable and no exemption has been sought.

Other issues

Affordable Housing

On 28 November 2014 the Government issued a Written Ministerial Statement that amended National Planning Practice Guidance (PPG) to restrict the circumstances where contributions for affordable housing should be sought. Under that guidance, other than in designated rural areas, contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1000sqm.

This is a material consideration that should be taken into account when determining planning applications and must be weighed against Policy SP3 of the Core Strategy. It is noteworthy that the material consideration post dates the Core Strategy and was confirmed by the Court of Appeal in 2015 and thus afforded weight. Since the development size is below the threshold introduced in the Written Ministerial Statement a strict adherence to the edicts of Policy SP3 is unlikely to be substantiated at appeal as such a contribution to affordable housing cannot therefore be sought.

Ecology

An ecological scoping report has been submitted with the application, KCC Ecology have been consulted on this and initially advised that they had concerns regarding reptiles on site however in light of further information submitted by the application KCC have advised that they are satisfied that there are sufficient provisions to protect any reptiles on site and therefore sufficient ecological information has been provided. No concerns have been raised regarding other protected species on site.

KCC's Ecological officer has also advised that there are opportunities to secure ecological enhancement on the site and has suggested that a condition is attached to any permission granted requiring details of ecological enhancements to be incorporated into the scheme to be submitted and approved in writing by the Council prior to the commencement of development.

In summary, based on the advice from KCC's Ecological department I am satisfied that subject to conditions the proposal would not have a detrimental effect on the local ecology.

Water

Southern water have been consulted on the proposed development and have advised that they require a formal application for a connection to the public foul sewer but have raised no objection in principle.

They have also advised that the scheme references the use of a sustainable urban drainage system (SUDS) but details of the system to be used have not been submitted. Consequently a condition will be attached to any permission granted requiring details of the SUDS scheme to be submitted to the Council prior to the commencement of development.

Subject to the attachment of such a condition I am satisfied that the impacts of the proposal in terms of water and drainage would be acceptable.

Conclusion

I consider for the reasons detailed above that proposed development would preserve the openness of the Green Belt, would be in keeping with the character and appearance of the area, would preserve and enhance the AONB and would preserve neighbouring amenity. Consequently the proposal is in accordance with the development plan and therefore my recommendation is to grant planning permission.



RECOMMENDATION

Grant Planning Permission

Case Officer: Paul Dadswell

Date: 24th May 2017

Manager / Principal: Aaron Hill

Date: 24/4/17