

**SHEPHERD NEAME LTD – LAND ADJOINING THE WHEEL PH,
WESTWELL (17/01443/AS)**

PLANNING STATEMENT (FORMAL AMENDMENT)

1. INTRODUCTION

1. We are instructed by Shepherd Neame Ltd to submit a formal amendment to the current full planning application proposals for the erection of 2 pairs of semi-detached houses.

2. Post submission of the current planning application proposals on the 25th September, 2017 and subsequent detailed dialogue with ABC Planning Case Officer (including a meeting held at ABC's offices on the 4th December, 2017), it has been agreed that the development proposals should be amended from 2 pairs of semi-detached houses to a single pair of semi-detached houses and a detached house – a total of 3 dwellings. As a material amendment to the current development proposals, it is understood that the latest development proposals will need to be re-advertised as part of the planning application's determination.

2. DESCRIPTION OF THE DEVELOPMENT PROPOSALS

3. In addressing the Council's concerns relating to the development proposals for 2 pairs of semi-detached houses, including rear courtyard parking, the current proposals for a pair of semi-detached houses, plus a single detached houses have been sited so as to create a gap of 11 meters (circa 36 feet) between the southern elevation of the public house and the northern side elevation of the detached houses. This open space between the public house and the proposed detached house is seen as important by Planning Officers as a means of protecting the setting of the public house as a standalone building within the heart of the Conservation Area (non-designated asset) and also as a means of creating separation between the public house and the proposed dwellings in terms of relevant noise and disturbance issues – a matter which has been addressed by Hann Tucker Noise Consultants in consultation with the Council's Environmental Health Officer (See below).

4. The siting of the proposed dwellings has resulted in the proposed pair of dwellings needing to shift southwards by a total of 1 metre. As a consequence of this, it has been necessary to propose the replacement of a poor specimen multi-stem, sycamore tree (forming part of a TPO cluster with a new native tree). A further small tree is lost as consequence of creating an additional on street car parking space along the road frontage. Support for the replacement of the 2 TPO trees with new improved native tree planting to create an effective tree screen has been addressed by ILEX (See below).

5. A key feature of the latest development proposals has been the replacement of rear courtyard car parking with separate driveway parking either side of the pair of semis and to the north side of the detached house (2 car parking spaces per house provided end to end). In addition to this parking, 2 on street parking spaces are to be provided to the front of the proposed houses as agreed with KCC Highways. This matter has been dealt with by RGP as part of the ongoing consultation process (See below).

6. The pair of semi-detached houses comprises 3 bedroom family accommodation with ground floor kitchen / diners and living rooms. The total GIA of each property is 108 sq m (Unit 2) and 113 sq m (Unit 3). The detached house comprises 3 bedroom family accommodation with ground floor kitchen / diners and living room. The total GIA of the detached house is 113 sq m. The ground to ridge height of the detached house is 7.8 m. The ground to ridgeline height of the pair of semis is 7.8 m. In both cases, the ridgeline height of the proposed houses is below the ridgeline height of the public house.

7. The development proposals are domestic in scale and have been designed to reflect the character and appearance of the Conservation Area at the heart of the village (local vernacular / materials). Each house would have a rear garden depth of 20 meters. It is proposed that there should be 2.2 meter green screen acoustic fencing along the site's boundary with the public house. Importantly the land between the public house and the development proposals will be available for use by the tenants of the public house, but will not form part of the beer garden area. Additional planting is proposed along the site's eastern boundary in order to create an attractive screen between the rear of the development proposals and Underwood House.

3. MAIN PLANNING ISSUES

8. As part of the amended development proposals consideration, it is evident that the main planning issues can be summarised as follows:

- (i) Impact on the Westwell Conservation Area;
- (ii) Relevant development control considerations relating to trees, car parking and noise and disturbance issues

(i) Impact on the Westwell Conservation Area

9. In the absence of a 5 YHLS it is evident that the tilted balance remains to be engaged by reason of NPPF Paragraph 49 in which a presumption in favour of sustainable development exists in support of the site's development for 3 dwellings unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole.

10. Against this background, it is evident that NPPF Para 137 states that Local Planning Authorities should look for opportunities for new development within Conservation Areas and Para 138 states that *'not all elements of a Conservation Area will necessarily contribute to its significance'*. Importantly, the development site is not specifically identified or referred to the Westwell Conservation Area Statement. Furthermore, the Wheel Inn Public House is not a designated asset (Listed Building). Insofar as it is considered that the development proposals would impact on the character and appearance of the Conservation Area and the setting of a non-designated asset which contributes to the character and appearance of the Conservation Area, it is evident therefore in policy terms that the loss of the beer garden area as an area of open space would lead to *'less than substantial harm'*, in which this harm should be weighed against the public benefit of the proposal, including its optimum viable use (NPPF Paragraph 134).

11. Whilst this remains the applicant's position, it was the Council's view that proposals for 2 pairs of semi detached houses, resulting in the loss of the beer garden area, would have an adverse impact on the Conservation Area / setting of the public

house as a non designated asset. As a compromise solution for the site, the Council has agreed that the applicant's latest proposals for a pair of semi detached houses and a detached house would serve to retain sufficient land between the public house and the development proposals so as to retain a sense of openness between the 2 properties (thereby protecting the character and appearance of the Conservation Area / setting of the public house) and also would create greater degree of separation in terms of potential latent noise and disturbance issues.

(ii) Relevant development control issues relating to trees, car parking and noise and disturbance issues

- **Trees**

12. A consequence of the latest development proposals has been the need to re-site the pair of semi detached houses further to the south. This has had the effect of the moving the proposed development 1 meter to the south into the Root Protection Area (RPA) and crown area of one of the sycamore trees which forms part of self seeded cluster of sycamore trees located on the site's southern boundary subject to a Tree Preservation Order (TPO) – protected on amenity grounds (treed screen between The Old Vicarage and the Public House beer garden). In the circumstances, it is ILEX's advice that given the sycamore tree is a poor specimen (multi-stem) which is not favoured by arboriculturalists and ecologists, it would be beneficial to replace this tree with a native tree, such as a 'Field Maple'. Additional native and specimen trees can be added if considered to be beneficial as part of the planting screen. In addition to the above, a sycamore tree along the site's road frontage would be lost as a result of providing an additional road side car parking space for visitors. Full details and justification is set out in the short report prepared by ILEX appended to this statement.

- **Car Parking**

13. As a consequence of further detailed discussions which have taken place between KCC Highways and RGP, it has been agreed that the proposed driveway parking (space for 2 cars end to end per dwelling) is acceptable in this location. KCC Highways have nevertheless requested the provision of 2 road side car parking spaces

(set into the site frontage) for dropping off and visitors. This is achievable within the road frontage available (See attached RGP update report relating to car parking).

- **Noise and disturbance**

14. Hann Tucker have reviewed the latest development proposals and concluded that relevant noise standards have now been met (See attached Hann Tucker noise report). This is primarily due to the distance now created between the Public House and the proposed houses. All outstanding matters relating to noise have been agreed with ABC's EHO.

14. PLANNING BALANCE / CONCLUSIONS

15. It is evident that the proposals would have an impact on the character and appearance of the Conservation Area as a result of the loss of beer garden area. However, this impact is deemed to be less than substantial in terms of NPPF Paragraph 134 and must be weighed against the other planning benefits of the proposals, in which the contribution the site would make to the Council's 5 YHLS carries important material weight. Further, it is considered that outstanding issues relating to trees, car parking and noise and disturbance issues have been satisfactorily dealt with, and for this reason do not weigh against the development proposals for 3 houses being permitted.

16. In conclusion, it is considered that planning permission for the development proposals should be allowed.

SM/1