

4.5 22/00443/FUL

Revised expiry date 25 July 2022

Proposal: Construction of detached two storey dwelling with associated access, parking and landscaping

Location: Land East Of 1 Fruiterers Cottages, Eynsford Road, Crockenhill Swanley Kent BR8 8JS

Ward(s): Crockenhill & Well Hill

Item for decision

This application has been called to Committee by Councillor Waterton due to concerns about: the harm to the openness of the Green Belt; the development would not be considered infill and would extend the village envelope; the building would not meet the need for level access alternative accommodation suitable for older persons; the development would be more visible from the road; and the development would have a harmful impact on neighbouring properties in relation to loss of light, privacy and outlook.

RECOMMENDATION: That planning permission be GRANTED 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.

In pursuance of section 91 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: Drawing No. 20_241 - 01; 105 and 110.

For the avoidance of doubt and in the interests of proper planning.

3) No development shall take place above the damp proof course until full details and samples of the materials of the dwelling have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved details.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting those orders), no development falling within Classes A, AA, or E of Part 1 of Schedule 2 to the said Order shall be carried out or made to the dwelling without the grant of planning permission by the local planning authority.

In order to protect the openness of the Metropolitan Green Belt in accordance with Policy GB1 of the Sevenoaks Allocations and Development Management Plan.

5) Prior to the first occupation of the development full details of the proposed

parking spaces, along with the provision of a pedestrian access point to the front of the property, shall be submitted to and approved in writing by the Local Planning Authority. The parking spaces and pedestrian access point shall be provided in accordance with the approved details prior to first use of the development and shall be so maintained and available for use as such at all times.

To ensure the development delivers appropriate parking provision and does not have an adverse impact on highways and pedestrian safety, in accordance with policy EN1 and T2 of the Sevenoaks Allocations and Development Management Plan.

6) Prior to the first occupation of the development, details of an electrical vehicle charging point shall be submitted to and approved in writing by the local planning authority. The charging point shall be installed prior to the first occupation of the development and shall be maintained thereafter.

To encourage the use of low emission vehicles in accordance with policy T3 of the Sevenoaks Allocations and Development Management Plan.

7) Before any equipment, machinery or materials are brought on to the land for the purposes of the development, details of measures to protect the Cypress Hedge along the eastern boundary of the site, in accordance with BS5837: 2012 Trees in Relation to Construction, shall be submitted to and approved in writing by the Local Planning Authority. The protection measures shall be installed in full accordance with the approved details prior to the commencement of works, and shall remain in situ throughout the construction process.

To prevent damage to trees during the construction period and ensure their retention in accordance with Policy SP11 of the Sevenoaks Core Strategy.

8) Prior to the first occupation of the development, full details of hard and soft landscaping across the site, including the northern and western boundaries and the area to the south of the site, shall be submitted to and approved in writing by the Local Planning Authority. All soft landscaping shall be implemented not later than the first planting season following the first occupation of the development and shall comprise of native species. All hard surfaces shall be laid in accordance with the approved details prior to the first occupation of the development.

To preserve the character and appearance of the area in accordance with policy EN1 of the Sevenoaks Allocations and Development Management Plan.

9) If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

To preserve the character and appearance of the area in accordance with policy EN1 of the Sevenoaks Allocations and Development Management Plan.

10) Prior to the commencement of the development and for the duration of the works, the ecological mitigation measures must be installed in accordance with the details contained in the Preliminary Ecological Appraisal (Brindle and Green; April

2022). If works have not commenced within 2 years of the date of the ecological report, the ecological mitigation must be reviewed by an ecologist. The review, and where required, update of the mitigation strategy must be submitted to the Local Planning Authority for approval in writing.

To ensure that the development does not cause harm to protected species, in accordance with policy SP11 of the Core Strategy.

11) Prior to the first occupation of the development, details of an ecological enhancement plan shall be submitted to and approved in writing by the Local Planning Authority. This will include a native species-only landscape scheme together with a timetable for implementation. The development shall be carried out in accordance with the approved details and maintained thereafter.

To ensure the development delivers ecological enhancements in accordance with policy SP11 of the Core Strategy.

12) No external lighting shall be installed on the building or within the curtilage of the site other than in accordance with an external lighting design plan which shall first have been submitted to the Local Planning Authority and approved in writing. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained as such thereafter.

To ensure the development does not cause harm to protected species, in accordance with policy SP11 of the Sevenoaks Core Strategy.

National Planning Policy Framework

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

Description of site

- 1 The site is located on the northern side of Eynsford Road. The application site originally formed part of the curtilage of a public house. The wider site has been divided up into three areas, which includes a row of new cottages, the associated residential parking area and the application site.

Description of proposal

- 2 Construction of detached two storey dwelling with associated access, parking and landscaping.
- 3 The application has been amended as follows:

- An updated Preliminary Ecological Appraisal has been provided

Relevant planning history

- | | | |
|---|--------------|---|
| 4 | 05/00192/FUL | Storage Shed - REFUSE - 23/03/2005 |
| 5 | 05/00851/FUL | Storage Shed - GRANT - 18/05/2005 |
| 6 | 12/03427/FUL | Demolition of the existing Public House and construction of 3 No. terrace houses - REFUSE - 01/03/2013 |
| 7 | 13/01227/FUL | Demolition of the existing Public House and construction of 3 No. terrace houses - GRANT - 24/06/2013 |
| 8 | 20/00784/FUL | Construction of detached single storey dwelling with associated access, parking and landscaping - APPEAL ALLOWED - 18/05/2021 |

Policies

- | | | |
|----|--|---|
| 9 | National Planning Policy Framework (NPPF) | |
| 10 | Core Strategy (CS) | |
| | • | LO1 Distribution of Development |
| | • | LO7 Development in Rural Settlements |
| | • | LO8 The Countryside and Rural Economy |
| | • | SP1 Design of New Development and Conservation |
| | • | SP2 Sustainable Development |
| | • | SP11 Biodiversity |
| 11 | Allocations and Development Management Plan (ADMP) | |
| | • | SC1 Presumption in favour of Sustainable Development |
| | • | EN1 Design Principles |
| | • | EN2 Amenity Protection |
| | • | T1 Mitigating Travel Impact |
| | • | T2 Parking |
| | • | T3 Provision of an Electric Vehicle Charging Point |
| 12 | Other: | |
| | • | Development in the Green Belt Supplementary Planning Document (SPD) |

Constraints

- | | |
|----|----------------------------------|
| 13 | The following constraints apply: |
| | • Metropolitan Green Belt |

Consultations

- 14 Crockenhill Parish Council
- 15 Objection. “The Parish Council objected to the previous application on this site which was for a 1 storey dwelling as we felt it was encroachment of the greenbelt. Our original objection and reasons still stand. This new application is for a 2 storey dwelling which would further harm the openness of the greenbelt.”
- 16 SDC Tree Officer
- 17 “I refer to the above application. I have visited the site and have studied the plans provided and have made the following observations:
- 18 I can inform you that there are no protected trees situated at this property and it is not located within a conservation area. A new tree preservation order (TPO 2 of 2022) has recently been served on land to the immediate west of this site. The existing block plan is incorrect, as the majority of the vegetation shown to be existing on the northern and western boundaries has been removed. A Cypress hedge is present on the eastern boundary. This is of low amenity value but does provide an effective screen. According to the proposed block plan, drawing no. 20_241-105, the proposed dwelling would be constructed 3.0m from the base of this hedge. This would be taking place on the outer fringes of the RPA. Providing it is adequately protected, I have no objection to the proposal. Details of protective measures to be used should be submitted for comment and should comply with BS5837:2012. Should you be of a mind to grant consent, I recommend that landscaping be a condition, particularly along the northern and western boundaries of this site.”
- 19 KCC Ecology
- 20 First response - “We previously commented on this site as part of application SE/20/00784/FUL and at that time we accepted that sufficient information had been provided. However we advise that for this application additional ecological information is required prior to determination.
- 21 An updated ecological report has been submitted as part of this application but unfortunately the ecologist did not visit the site in 2022 and as a result the report was based on the 2020 survey data.
- 22 The report detailed that there was suitable habitat for dormouse, reptiles, GCN, breeding birds, hedgehogs and foraging/commuting badger and recommended a precautionary approach to avoid impacting protected/notable species. However the habitats within the site may have changed and therefore it may not be an appropriate to avoid impacting protected/notable species. For example a badger sett may have established within or adjacent to the site or the area of scrub and therefore dormouse habitat may have increased across the site.

- 23 We advise that the ecologist visit the site and a review and update of the ecological report is carried out. The updated report and results of any recommended ecological surveys are submitted prior to determination.”
- 24 Second response following amendment - “We advise that our comments are largely similar to those provided as part of application SE/20/00784/FUL.
- 25 From reviewing aerial photos it appears that the site has been unmanaged for at least 5 years and therefore it is possible that protected species may have established on site. The ecological survey has detailed that there is potential for GCN, Reptiles, Dormouse, Breeding birds and foraging bats to be present within the site and surrounding area. The proposed development will result in the complete loss of the grassland area and a significant reduction of the scrub within the site.
- 26 We have reviewed the updated ecological information and we are satisfied that the site has become more over grown since the original survey was carried out in 2020 and there has been an increase in scrub within the site.
- 27 We accept that while there is potential for all the above listed species to be present within the site the habitat is not optimal and therefore we do not require specific species surveys to be carried out as part of this application.
- 28 From reading the submitted information we understand that the SE corner will be not used as the mitigation area and instead any animals will be moved into the adjacent habitat outside of the applicants ownership. Additional information has been provided on the suitability of the habitat within the wider area to support the displaced animals and we are satisfied that the proposed precautionary mitigation is appropriate.
- 29 We are satisfied that the precautionary mitigation detailed within Preliminary Ecological Appraisal (Brindle and Green; April 2022) for all species, can be implemented as condition of planning permission - if granted.
- 30 As the proposal will result in the loss of habitat we recommend that the site boundaries are enhanced with native species and the area to the south of the site are planted with native species to benefit biodiversity and encourage connectivity.
- 31 We recommend an enhancement plan is submitted if planning permission is granted.
- 32 Dormouse/GCN
- 33 Dormouse and GCN are European protected species and the presence of these species has been assessed as limited but the presence of them cannot be ruled out. In the even that dormouse or GCN are discovered all works must cease and a licence applied for. Therefore need for SDC to consider the three tests and if NE are likely to grant a licence.

- 34 Additional information has been provided on the habitat within the surrounding area to demonstrate that why there is sufficient information to support populations of displaced GCN and Dormouse if present within the site. But we highlight that the submitted information has not clarified if the ecologist is satisfied that there is no requirement for an EPS licence to implement the proposed mitigation - however, based on the habitat within the surrounding area, we accept that if an EPS licence is required it is likely to be granted.
- 35 Therefore we advise that SDC can be satisfied that, if required, an EPS licence would be granted as the favourable conservation status for those species could be maintained within that area.
- 36 Lighting condition also recommended.”
- 37 KCC Archaeology
- 38 “No comment. “
- 39 KCC Highways
- 40 “The access and parking proposal is unchanged from application 20/00784/FUL and there are no material changes in the locality or policy that would suggest we would provide a different response to last time.
- 41 I refer to the above planning application and having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority.
- 42 The existing access is retained and the additional traffic generation from a single dwelling would not be significant. Parking is considered adequate with 2 spaces proposed.
- 43 Informative recommended.”
- 44 Thames Water
- 45 “Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.”

Representations

- 46 We have received 3 letters of objection have been received relating to the following issues:
- Greenbelt land
 - Loss of wildlife and their habitat
 - Access onto Eynsford Road unsafe
 - No mention of the deep surface water soakaway
 - Visual impact on the surrounding countryside
 - Visible from public footpaths north and east of the site

- Parking
- No space for visitors

Chief Planning Officer's appraisal

47 The main planning considerations are:

- Principle of development
- Impact on the Green Belt
- Design and impact on the character of the area
- Impact on residential amenities
- Parking and highways
- Impact on trees
- Impact on ecology

Principle of development

48 The principle of residential development on this parcel of land has already been established through an appeal being allowed for a single storey dwelling on site following the refusal of planning permission 20/00784/FUL. This is a significant material consideration. The appeal was allowed as the single storey dwelling was deemed to constitute infill development within Crockenhill Village.

Impact on the Green Belt

49 Paragraph 147 states that 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.

50 Paragraph 148 of the NPPF advises we 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.

51 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.

52 Paragraph 149 of the NPPF considers new buildings in the Green Belt to be inappropriate development unless they meet one of the exceptions listed, such as: e) limited infilling in villages;

53 The terms 'villages' and 'infilling' are not defined in the NPPF.

54 In terms of infill development, the Development in the Green Belt SPD at paragraph 3.3 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.

- 55 At paragraph 3.4, a substantially built up frontage is described as an otherwise continuous and largely uninterrupted built frontage of several dwellings visible within the street scene.
- 56 Moreover, para 3.5 states for settlements where a Green Belt boundary has been defined, the boundary usually marks the edge of the settlement where there is a break in development or a change in character to more loose-knit development. Where this is the case, infill development beyond a defined settlement boundary would compromise the purposes of the Green Belt and would constitute inappropriate development.
- 57 With regards to exception e) of the NPPF, it needs to be established whether the site would sit within the village and would constitute limited infilling.
- 58 As previously mentioned, the application site originally formed part of the curtilage of a public house. This wider site has been divided up into three areas, which includes a row of new cottages (1-3 Fruiterers Cottages), the associated residential parking area and the application site.
- 59 The village confines of Crockenhill village extend up to the boundary with 1 Fruiterers Cottages to the west of the site. In terms of development plan policy, the site therefore lies outside of the defined settlement boundary.
- 60 However, as confirmed by a High Court Judgement (Wood v SSCLG (2015) EWCA Civ 195), a defined village boundary in a Development Plan is not always conclusive to determining whether a site is within a village or not. In this regard, the appeal decision for 20/00784/FUL, which sought the erection of a detached single storey dwelling on the application site, is a material consideration and holds significant weight.
- 61 Under 20/00784/FUL, the Inspector considered that the development would represent a logical limited infill to the village. As such, the inspector concluded that the proposal would be appropriate development in the Green Belt, in accordance with the NPPF. Whilst it was noted that the designated settlement boundary and Green Belt boundaries cut through the original public house curtilage, there is no obvious definition on site of where the village ends and the Green Belt commences. Instead, it was considered that the rows of mature hedgerows and trees, which separate the application site and car park from the farmland on two sides, form a strong visual break between the site and the open countryside. As such, it was concluded that this landscape feature delineates the transition between the village and the Green Belt.
- 62 In addition, the Inspector noted that whilst the application site is vegetated and set back behind the building line of Fruiterers Cottages, and other properties along Eynsford Road, views of the plot from the public realm are across the car parking area. The application site is subsequently viewed in the context of the adjoining residential uses and the village settlement, rather than merging into the adjacent countryside.

- 63 The dwelling proposed under the current application would be sited in virtually the same location as the dwelling allowed at appeal under 20/00784/FUL. As such, taking all of the above into consideration, I see no reason to contravene the Inspectors conclusions that the application site would represent limited infilling in a village. On this basis, the proposal would be appropriate development in the Green Belt by definition as a matter of principle, in accordance with the NPPF.
- 64 The proposal is a two storey dwelling, rather than a single storey dwelling, which clearly will be much taller than the appeal scheme. However, as set out by the Inspector at the appeal for 20/00784/FUL, exception e) of para 149 of the NPPF does not require an assessment of the impact of a proposal on openness or consideration of whether it would conflict with the purposes of including land within the Green Belt. If the proposal represents limited infilling in a village, it is appropriate development in the Green Belt by definition regardless of its size.
- 65 That said, paragraph 3.8 of the Sevenoaks Development in the Green Belt SPD states “The NPPF states that one of the essential characteristics of Green Belts is their openness. Infilling should not therefore compromise the openness of the Green Belt”. While there would be some impact on openness through the presence of built form within the site, the proposed two storey dwelling would be located near an existing cluster of residential development within Crockenhill Village rather than being situated in an isolated location. Furthermore, as previously mentioned, the dwelling would be separated from the open countryside beyond by the existing hedgerow and trees. As such, it is considered that, in both spatial and visual terms, the development would not appear to encroach upon the openness of the Green Belt and would not result in unrestricted sprawl.
- 66 In light of the above, the proposal should not be regarded as harmful to either the openness of the Green Belt or to the purposes of including land within it, in accordance with the NPPF.
- 67 To ensure that any future development on the site do not cause harm to the openness of the Green Belt, it is considered appropriate in this instance to remove permitted development rights for extensions to the proposed dwelling as well as outbuildings.

Design and impact on the character of the area

- 68 Policy SP1 of the Core Strategy and Policy EN1 of the ADMP state that all new development should be designed to a high quality and should respond to and respect the character of the area in which it is situated.
- 69 As previously mentioned, the site comprises of a plot of land which is situated to the rear of an existing residential car park. The surrounding area is predominantly characterised by rows of terraced and semi-detached two storey properties. Immediately to the west of the site, the properties are constructed of white render and grey/brown roof tiles. However, further west the palette of materials becomes more varied with properties constructed of render and light yellow and red brick.

- 70 Whilst the overall design and appearance of the buildings along Eynsford Road are mixed, they have a simple, traditional and unobtrusive character which is in keeping with the rural character of the village.
- 71 The proposed dwelling would be of an 'L' shape design and would have the same footprint as the dwelling approved under 20/00784/FUL. However, it would be two storeys in height rather than single storey. The dwelling would be constructed of white weatherboarding, red brickwork and red roof tiles.
- 72 It is considered that the design of the proposed dwelling would respect the traditional and rural character of the village and would not appear out of keeping given the varied nature of buildings within the area. Full details and samples of the proposed materials can be secured by a condition to ensure that they are of a high quality finish and in keeping with the surrounding area.
- 73 Despite the increase in height of the proposed dwelling, it is also considered that the dwelling would not appear as an unduly prominent feature within the street scene and would comfortably amongst its surroundings. The proposed dwelling would be set back a considerable distance from the road, due to being situated behind the car park. Views of the dwelling when approaching the site from the east of Eynsford Road would be softened by the hedgerow which runs along the eastern boundary of the site and the car park, which would further reduce the visual impact of the development.
- 74 As mentioned previously, the dwelling would also be viewed in the context of the adjoining residential uses and the village settlement, rather than merging into the adjacent countryside.
- 75 In light of the above, the proposal would preserve the character and appearance of the surrounding area and would comply with policy SP1 of the Core Strategy and policy EN1 of the ADMP, subject to condition.

Neighbouring Amenity

- 76 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development. The Residential Extensions SPD recommends that a 45 degree test is undertaken for a loss of light to neighbouring dwellings, based on BRE guidance.
- 77 Neighbouring properties
- 78 The neighbouring properties most likely to be affected by the proposed development are 1-3 Fruiterers Cottages to the south west of the site. The impact on these properties is considered below in relation to light, privacy and outlook.
- 79 Light
- 80 Due to the distance between the proposed dwelling and the neighbouring properties, 1-3 Fruiterers Cottages, the proposal would not result in a harmful loss of light to any habitable windows or private amenity areas.

81 Privacy

82 The proposed dwelling would be located approximately 18.8 metres to the north east of the nearest neighbouring property, 1 Fruiterers Cottages. There would be no first floor windows on south west elevation of the proposed dwelling which would face towards the main windows of 1 Fruiterers Cottages or its private amenity area. There would be one roof light along this elevation. However, the direction of outlook from the roof light would be upwards rather than towards 1 Fruiterers Cottages.

83 It is noted that there would also be one first floor window along the south east elevation of the proposed dwelling. However, views from this window towards 1 Fruiterers Cottages would be at an oblique angle and from a sufficient distance away (approx. 22 metres). Any views from the ground floor windows of the proposed dwelling would be restricted by the proposed boundary treatments, as well as the hedgerow and close boarded fencing of 1 Fruiterers Cottages. As such, it is considered the proposed dwelling would not result in a harmful loss of privacy for 1 Fruiterers Cottages.

84 The proposed dwelling also would not directly overlook other neighbouring properties within the immediate vicinity, such as 2 and 3 Fruiterers Cottages, due to the separation distance between the buildings (approximately 22 metres at its closest point).

85 Outlook

86 It is important to note here that the planning process cannot protect the view of a private property.

87 The proposed dwelling would be visible from the rear first floor windows of 1-3 Fruiterers Cottages. However, this would be at an oblique angle due to the proposed dwelling being sited to the north east of these neighbouring properties. An open outlook would be maintained directly towards the open space to the rear for each of these neighbouring properties.

88 In these circumstances, and bearing in mind the above, I do not consider that there would be an unacceptable loss of outlook or visual intrusion to these properties which would be considered harmful to the living conditions of current and future occupiers. The proposed development also would not appear overbearing or unduly dominant due to the distance of the proposed dwelling from the main windows of the neighbouring properties.

89 Proposed development

90 Policy EN2 also requires that the occupants of future development benefit from good standards of amenity.

91 The proposed internal layout and room sizes would be acceptable and would meet National Space Standards. The dwelling would provide satisfactory natural light from sunlight and daylight.

92 The surrounding garden area would be sufficient and would serve the recreational needs of the occupiers of the dwelling. The proposed boundary

treatments surrounding the application site would also ensure good levels of privacy for the future occupiers.

- 93 Overall, the development would safeguard the amenities of existing and future occupants of nearby properties and would provide adequate residential amenities for existing and future occupiers in compliance with policy EN2 of the ADMP.

Parking and Highways Impact

- 94 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 95 Policy EN1 states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking. Policy T1 of the ADMP states that new developments will be required to mitigate any adverse travel impacts, including their impact on congestion and safety.
- 96 Policy T2 of the ADMP states that dwellings in this location with 3 bedrooms require 2 independently accessible parking spaces.
- 97 Policy T3 of the ADMP states that electrical vehicle charging points should be provided within new residential developments to promote sustainability and mitigate climate change.
- 98 The access and parking arrangements are unchanged from application 20/00784/FUL and were considered acceptable by the Inspector at appeal.
- 99 The proposed development would incorporate two independently accessible parking spaces with adequate vehicle turning. The development would also utilise an existing vehicular access from Eynsford Road. However, based on the submitted plans, it is noted that there is no pedestrian access to the front of the property due to the location of the parking spaces. Details of a pedestrian access point can be secured by a condition to ensure the development is accessible.
- 100 Kent County Council (KCC) Highways team raise no objection to the proposed parking provision or the use of the existing access. Furthermore, they consider that the additional traffic generation from a single dwelling would not be significant. As such, the residual cumulative impacts of the development on the wider road network are not considered to be severe. The development would not have a harmful impact on highways and pedestrian safety.
- 101 Details of an electric vehicle charging point could be secured by a condition along with the provision and permanent retention of the proposed parking spaces.
- 102 In light of the above, the proposal would comply with policy EN1, T1, T2 and T3 of the ADMP and the NPPF.

Trees and Landscaping

- 103 The site itself is not covered by a Tree Preservation Order and there are no trees of significant amenity value.
- 104 The Council's Tree Officer has provided their specialist advice on the application. They have noted that a new Tree Preservation Order (TPO 2 of 2022) has recently been served on the land to the immediate west of the site. They have also noted that the majority of the vegetation shown on the existing block plan along the northern and western boundaries has been removed, however, a cypress hedge is present along the eastern boundary.
- 105 The Tree Officer raises no objection to the proposed development in relation to the protected tree immediately to the west of the site.
- 106 The proposed dwelling would be located on the outer fringes of the root protection area of the Cypress Hedge. Provided that details of tree protection measures are secured by a condition for this hedge, the Tree Officer raises no objection to the proposal.
- 107 Based on the submitted plans, additional soft landscaping is proposed along the site boundaries, such as mixed native hedgerow and trees. Hard landscaping is also proposed to the front of the property. In accordance with the Tree Officer's comments, full details of both hard and soft landscaping, including along the northern and western boundaries of the site, can be secured by a condition along with a comprehensive maintenance scheme.

Biodiversity

- 108 Policy SP11 of the Core Strategy states that the biodiversity of the District will be conserved and opportunities sought for enhancements to ensure no net loss of biodiversity.
- 109 During the course of the application, the applicant has submitted an updated Preliminary Ecological Appraisal (PEA). The report details that there is suitable habitat for dormouse, reptiles, great crested newts, breeding birds, and foraging bats within the site and the surrounding area. The proposed development would result in the loss of the grassland area and a reduction of the scrub within the site.
- 110 The KCC Ecology team were consulted on the application for their specialist advice. They consider that while there is potential for the above species to be present on the site, the habitat is not optimal. As such, further species surveys are not required in this instance.
- 111 A precautionary mitigation approach has been proposed. Animals will be moved into an adjacent habitat. KCC Ecology are satisfied that sufficient information has been provided on the suitability of the habitat within the wider area to support the displaced animals and that this approach is appropriate. They are also satisfied that the precautionary mitigation measures for all species can be implemented and secured by a condition.

112 The KCC Ecology team have recommended that details of an ecological enhancement plan and a lighting plan should also be provided, which can be secured by condition.

113 With regards to dormouse and great crested newts, KCC Ecology have advised that a European Protected Species Mitigation (EPSM) license may be required to implement the proposed mitigation for these species.

114 The relevant tests for this are:

1. Regulation 55(2)(e) states: a licence can be granted for the purposes of “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences.

The proposal would provide one additional housing unit and would contribute to the District’s housing stock. This would provide a social and economic benefit within the public interest.

2. Regulation 55(9)(a) states: the appropriate authority shall not grant a licence unless they are satisfied “that there is no satisfactory alternative”.

The application represents an opportunity to provide ecological enhancements. The alternative is that the habitat within the site would remain sub-optimal. It is reasonable to conclude that this is not a satisfactory alternative. Plus, there is extant planning permission for development on this site.

3. Regulation 55(9)(b) states: the appropriate authority shall not grant a licence unless they are satisfied “that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.”

KCC Ecology have advised that the proposed precautionary mitigation measures would be acceptable and therefore favourable to the conservation status of protected species present on the site. The implementation of these measures can be secured by a condition in accordance with the PEA provided.

115 In summary, it is considered that the three tests could be met and that it is likely that an EPSM license would be granted.

116 In light of all of the above, and subject to the recommended conditions, the proposed development would not cause significant harm to protected species and would not result in a net loss of biodiversity, in accordance with policy SP11.

Other issues

117 Matters raised during public consultation along with those raised by the Parish Council have been addressed throughout the report.

Planning balance

- 118 As the Council cannot demonstrate a 5 year housing supply at this time, the tilted balance of NPPF paragraph 11d) is relevant. For the reasons discussed above, the proposal would not be in conflict with the NPPF's policies for protected areas, such as the Green Belt, and so a presumption in favour of granting the development exists, adding additional weight in favour of granting planning permission.
- 119 The proposal would make a welcome contribution to the District's housing stock.
- 120 Other issues within consultation responses can be dealt with by planning conditions. This is compliant with the aims of the Government's Planning Practice Guidance. It states "...conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects."

Community Infrastructure Levy (CIL)

- 121 This proposal is CIL liable and there is no application for an exemption.

Conclusion

- 122 The proposal would be an acceptable form of development and would comply with local and national policies, subject to the conditions recommended.
- 123 It is therefore recommended that this application is GRANTED.

Background papers

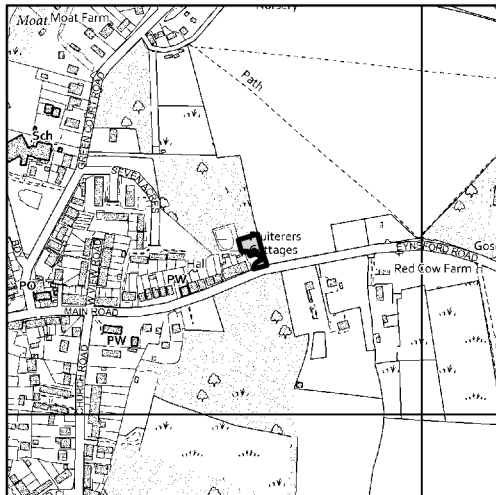
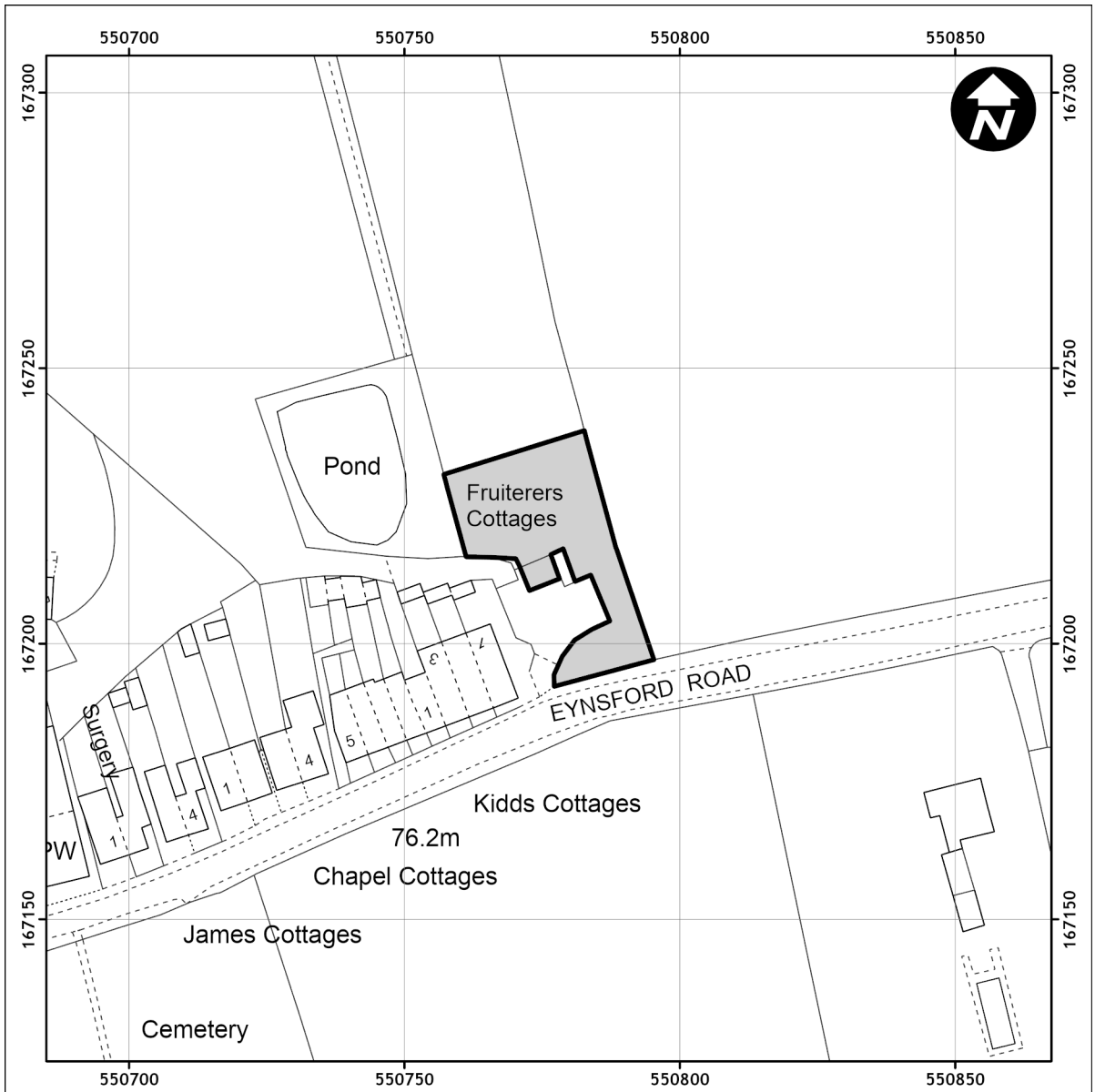
Site and block plan

Contact Officer(s): Hayley Nixon: 01732 227000

Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)



Site Plan

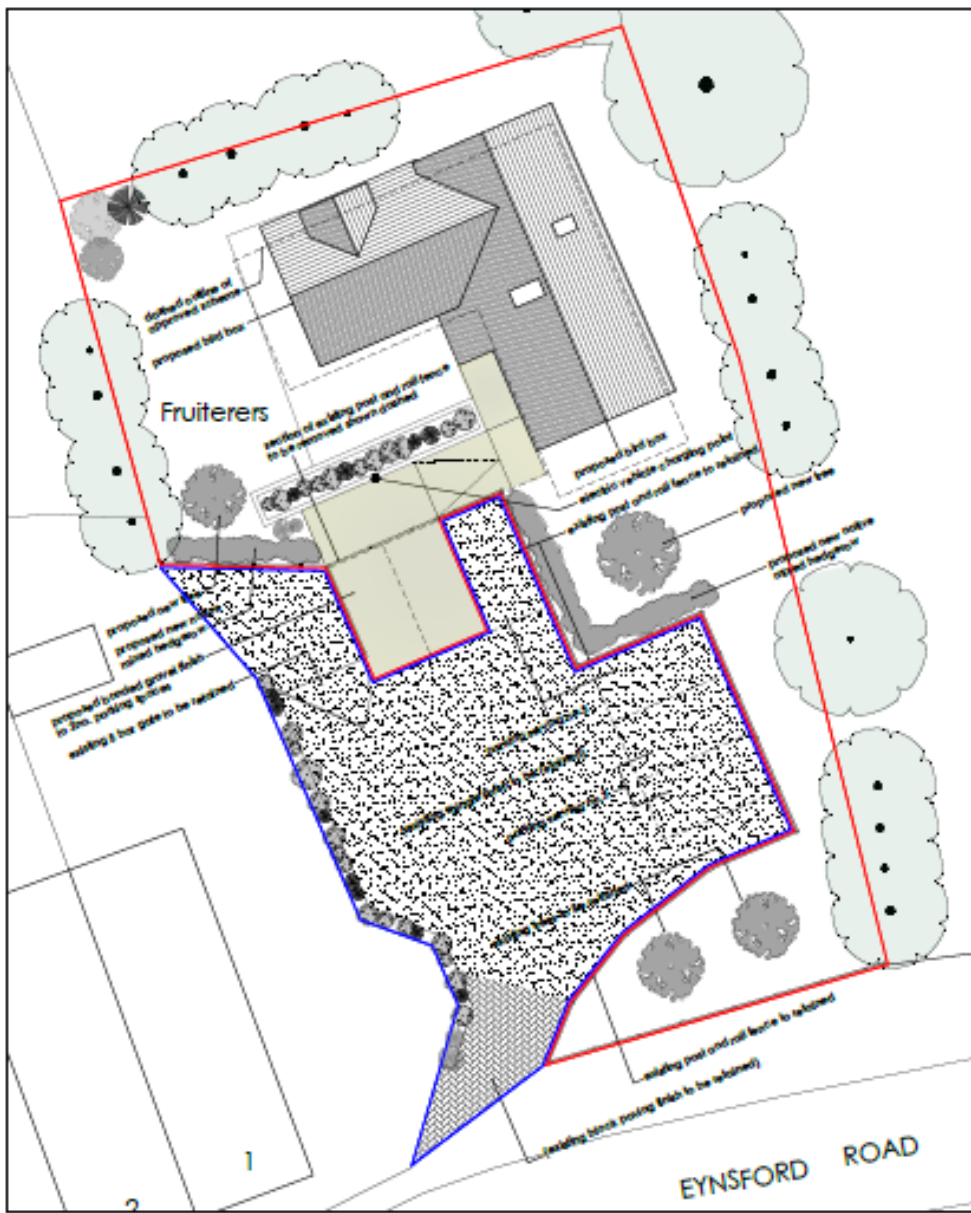
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Date 25/06/2022



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BLOCK PLAN



SITE BLOCK PLAN
@ 1:200

NORTH