
Addington Downs	563890 158177	13.07.2006	TM/06/02222/OA
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Proposal:	Outline application for the construction of 4 bungalows with garages
Location:	Land East And West Of The Birches Sandy Lane Addington West Malling Kent
Applicant:	Sandra Barfield

1. Description:

- 1.1 The proposal is to build 4 bungalows on 2 parcels (A and B) of woodland, either side of the garden of a detached dwelling known as The Birches. Each parcel will have a single access to Sandy Lane, which will be shared by 3 bungalows in regard to Parcel A.
- 1.2 This is a resubmission of an application for 5 bungalows refused last year and currently the subject of an appeal.
- 1.3 The applicant has submitted a supporting statement, summarised as follows:
 - *Properties reduced from 5 to 4.*
 - *Redesigned entrances will allow retention of existing trees and screening, retaining the rural aspect.*
 - *Two wide mouthed junctions with Sandy Lane will improve vision in both directions.*
 - *Private road areas will be created so that visiting trade or service vehicles will not cause obstruction in Sandy Lane itself.*
 - *The Plan shows a number of single mature trees which will be retained and the vast majority will be retained on Parcel B.*
 - *Parcel A is a chestnut coppice crop with large trees on the frontage in various states of health due to the drought and poor sub soil. An arboriculturalist report is to be submitted.*
 - *Replacement trees will be planted.*
 - *Parcel B is self seeded scrub woodland which was pasture until 1964.*
 - *Having lived in Sandy Lane for 10 years until last December, I am fully aware of the value of the woodland as habitat and the inherent benefits to the locality of retaining a portion of it.*

- *I am happy to enter into a s106 agreement to pass the remainder of the woodland to the Woodland Trust, local residents or the PC.*
- *The Green Belt boundary is drawn along an arbitrary line of convenience.*
- *The Haven has been built and extensions have been allowed to other houses on the northern side of the Lane, in the Green Belt.*
- *The application is infilling of gaps.*
- *The Council is encouraging the building of houses on the Green Belt, AONB, ALLI and SLA and Green Wedge at Isles Quarry West.*

2. The Site:

- 2.1 The application site is in the rural area, close to but **outside** the designated rural settlement confines of Addington Clearway and is in the Green Belt.
- 2.2 The site is also within the Greensand Ridge SLA.
- 2.3 The two parcels are both on the northern side of Sandy Lane, next to established bungalows. The southern side of Sandy Lane lies within the defined rural settlement confines of Addington Clearway. It is relatively densely developed for housing of mixed age and styles including a number of recent infill dwellings.
- 2.4 Part of the site (Parcel A) is designated by English Nature as a ancient semi-natural woodland, that is defined as continuous woodland cover since at least 1600 which includes a native and semi-natural tree and shrub cover that has not been planted, although it may have been managed by coppicing or felling and allowed to regenerate naturally.
- 2.5 The entire application site is subject to a Woodland TPO that covers the application site and also the land to the rear of the Birches. It consists chiefly of Oak, Birch, Hazel and Sweet Chestnut.
- 2.6 Parcel A to the west of the Birches is primarily Sweet Chestnut coppice, approx 4-5m high. It was re-coppiced approx 5 years ago as part of a woodland TPO consent TM/99/02809. There are Oak standards and Sweet Chestnut standards on the Sandy Lane frontage. The frontage is slightly banked.
- 2.7 Parcel B to the east of the Birches is mixed deciduous woodland. This is also due to be re-coppiced (standards to be left) under the same TPO consent. A condition on the consent restricts this work until after October 2007. There are 2 large Oaks and a large Sycamore on the site frontage. Parcel B slopes upwards from south to north.

- 2.8 The remaining woodland at the rear of both parcels and of the Birches was due to be coppiced in the period November 2003 to March 2004 but that has not been carried out.

3. Relevant Planning History

- 3.1 TM/05/03088/OA Refused 01.12.2005 (Currently at Appeal)
Outline application for the construction of 5 bungalows with garages.
- 3.2 TM/00/01924/TRD Approved 20.10.2000
Details of coppice phasing pursuant to Condition 1 of TM/99/02809/TPOC:
Coppicing of sweet chestnut, birch and hazel trees (TPO 12.1.20).
- 3.3 TM/99/02809 Approved 13.04.2000
Coppicing of Sweet Chestnut, Birch and Hazel trees (TPO. 12-01-20).
- 3.4 TM/72/0429 Refused 23.09.1972
Outline application for 9 detached dwelling with garages, access and lay-bys.
- 3.5 MK/4/64/0398 Refused 03.09.1964
Outline residential development and access road.

4. Consultees

- 4.1 PC: Object as site is in MGB, no mitigating circumstances; site is important landscape; coppiced woodland is a rural industry, the loss would destroy the green lungs of a community; Sandy Lane is narrow and cannot cope with more traffic; large lorries will erode the banks and damage boundary fences, conflicting with the rural area.
- 4.2 SWS: No comment.
- 4.3 EN: Objection: Part of the application site is within an area of ancient woodland as identified in the Kent Ancient Woodland Inventory. Development is contrary to PPS9. It is also possible that species which receive legal protection such as dormice, badgers and bats may be using the site to be developed. A survey should be required before a decision is made on this application.
- 4.4 KCC (Highways) Objections due to significant increase in traffic movements (plus 40-50 two way movements per day on average) on a narrow, winding road with poor forward visibility, no footways, no street lighting and no formal passing places.
- 4.5 EA: Risk of contamination of potable water supplies. This is semi-natural ancient woodland and KWT and EN should be consulted. Possibility of landfill gas which should be investigated.

- 4.6 KWT: Objection: Both parcels are woodland habitat on the Kent Habitat Survey 2003 and Parcel A is Ancient Woodland. Proposal is contrary to PPS9 and in direct conflict with TMBLP P2/16; P3/3; P3/4; P3/6; draft Core Strategy policies CP1; CP5.2 CP6; CP11.
- 4.7 Woodland Trust: Objection: PPS9 states Local Authorities should not grant planning permission resulting in loss or deterioration of these sites Parcel A should have retained its ancient woodland characteristics despite the previous woodland management strategies unless the ground was significantly disturbed. The proposal will expose the remaining wood to edge effects. The mitigation proposed to open up the wood to public access and management proposals will not counteract the loss of woodland.
- 4.8 DHH: Needs risk assessment and standard land contamination condition and to take account of TMBC refuse collection policy.
- 4.9 Private Reps+ Departure Press and Site Notice (27/13R/0X/0S): 35 signature petition and 13 Objections:
- TPO woodland sites; area B is **not** “scrub”.
 - Lane is at maximum capacity - additional traffic would cause congestion and pollution and danger to children;
 - Passing in Sandy Lane is only via privately owned lay-bys or private driveways.
 - Contractors vehicles would cause chaos and damage banks.
 - Site is amenity land - local walkers have probably acquired rights to walk through the sites.
 - Other development in Sandy Lane is infill.
 - This would be a unprecedented departure.
 - There is no need for non-affordable housing in TMBC for the next 20 years.
 - It is a core policy of TMBC to protect Green Belt.
 - Designated SLA.
 - Harm to wildlife.
 - Will not have safer sight lines unless trees are felled.
 - Possible that more houses would be sought on this land.

- Loss of 400 year old oaks.
- No scope for compensatory enhancement.
- Set undesirable precedent.
- Applicant has recently moved house so will not have to suffer the disturbance and inconvenience during the construction phase.
- Breaches building line.
- Lack of water supply and drainage.
- Woodland offers noise protection from M20 and M26.
- Sandy Lane is a rat run.
- The Haven was for a gypsy family.
- The offer of undeveloped woodland into Trust lends the semblance of altruism but should not deflect from an application which has no merit.

5. Determining Issues

- 5.1 The site is in a rural area and lies within the Green Belt and a Special Landscape Area. It lies 450m south of the Area of Outstanding Natural Beauty.
- 5.2 PPG2 (Green Belts) details development in the Green Belt which is considered inappropriate. Such development is, by definition, harmful and should not be permitted unless that harm and any other harm to the Green Belt is outweighed by other factors which amount to very special circumstances.
- 5.3 The restrictive national Green Belt policy is taken forward in relevant policies of the development plan.
- 5.4 Policy P2/16 of the TMBLP states that long term protection will be given to the Green Belt and rural areas. Strategic policy includes Policies SS2 and HP5 of the KMSP.
- 5.5 Policy HP5 of the KMSP states that new build housing development will not normally be permitted outside the confines of the major/principal urban areas or the confines of a rural settlement. In all cases, housing development must not be detrimental to the character of the countryside.
- 5.6 This site does not lie within any of the types of settlement or infill areas identified in policy P2/16 of the TMBLP, nor does any other policy within the KMSP or TMBLP support the principle of the proposed development.

- 5.7 This proposal is also clearly contrary to Government Guidance in PPG 2 concerning development within the Green Belt. The proposed development can therefore only be considered as being inappropriate in this location.
- 5.8 In the light of the above, the onus is on the developer to demonstrate that the policies of restraint should be set aside due to the existence of 'very special circumstances'. The alleged benefits of the scheme put forward could be repeated for numerous other sites in the Borough and would set an undesirable precedent. One of the arguments is that the site is close to the edge of a rural settlement. This could be repeated around the fringes of the majority of settlement boundaries in the Borough and would represent an ad hoc re-drafting of Green Belt boundaries. The existing Green Belt boundaries were settled through the production of TMBLP which was subject to a Local Inquiry before adoption.
- 5.9 In terms of wider and local landscape impact, Policy P3/6 of the TMBLP and EN5 of the KMSP on Special Landscape Areas requires priority be given to the conservation and enhancement of the natural beauty of the landscape.
- 5.10 The site is highly visible and, as a consequence, development of 4 residential dwellings on the site, together with the likely external manifestations of domestic occupation, would harm the openness of the Green Belt and add to sporadic sprawl within the countryside.
- 5.11 This scheme is harmful to the rural character and street scene due to inevitable and substantial tree loss and the impact on nature conservation. KMSP Policy QL1 and Policy P4/11 of the TMBLP require development proposals not to harm the particular character and quality of the local environment, and wherever possible to make a positive contribution towards the enhancement of the area. Proposals will only be permitted where the development is appropriate in terms of the impact on the surrounding area.
- 5.12 The proposal would result in loss of woodland habitat, part of an ancient semi-natural woodland and trees within a woodland Tree Preservation Order.
- 5.13 Policies P3/3 of the TMBLP and EN8 of the KMSP 2006 reflect recent PPS9 (Biodiversity etc) guidance that development will not be permitted where it will result in damage to, or loss of, ancient semi-natural woodland unless any loss is exceptionally justified. Parcel A is on such woodland. My view is that there is no exceptional justification for this development.
- 5.14 Policies P3/4 of the TMBLP and EN9 of the KMSP state that existing trees and other features of importance to nature conservation should be retained where practicable and appropriate. It also states that development will not be permitted where it would materially harm wildlife and habitats unless exceptionally justified. I am of the view that there is no exceptional justification for this development.

- 5.15 Policy P3/8 of the TMBLP outlines that the Borough Council recognises the environmental and amenity benefits of trees. In addition to the tree loss that will arise from the dwellings, garages and accesses, the provision of sightlines to serve the new accesses also places at risk the frontage trees and consequently the maturity and visual amenities of the locality.
- 5.16 I concur with KCC (Highways) view that, notwithstanding the revisions to access in this resubmitted application, there are still concerns on highway safety and other matters and hence there remain legitimate highways grounds for resisting this proposal.
- 5.17 Members will note that the applicant places weight on her offer to transfer any undeveloped woodland at the rear of the Birches to either the Woodland Trust, the PC or local residents. As will be evident from the above report, none of these 3 groups support the proposal on this basis. The Woodland Trust is concerned that the area of wood will be reduced markedly and hence it will lose a lot of its importance as a result of this fragmentation, that is, its overall size will reduce and there will be proportionally more “edge effects”. My advice to Members is that in the light of the clear lack of support from potential Trustees mentioned by the applicant, the offer of the s106 in this regard should be given little weight.
- 5.18 When all aspects of the case, as outlined above, are assessed as a whole I am not satisfied that any persuasive case of “very special circumstances” has been made to allow permission to be granted. (Given the fundamental policy objection, the applicant has not been asked to carry out and ecological studies.)

6. Recommendation:

- 6.1 **Refuse Planning Permission** as detailed by letters dated 26.06.2006; 28.06.2006; 10.07.2006 and drawing 107.1C for the following reasons:
- 1 The site lies within the Metropolitan Green Belt and there are not considered to be any very special circumstances to justify new dwellings which constitute inappropriate development. The proposal is therefore contrary to Policy SS2 of the Kent and Medway Structure Plan 2006; Policy P2/16 of the Tonbridge and Malling Borough Local Plan 1998 and PPG2 (Green Belts).
 - 2 The proposal is contrary to Policy HP5 of the Kent and Medway Structure Plan 2006, which states that residential development will not normally be permitted in rural Kent, other than within the confines of Rural Service Centres or smaller rural settlements unless the development falls into one of the special categories listed in that policy, none of which applies to the development proposed. For similar reasons, the proposed development is contrary to Policy P2/16 of the Tonbridge and Malling Borough Local Plan 1998.

- 3 The proposal will involve the loss of woodland and also important individual trees on the site frontage and is thereby detrimental to the Special Landscape Area and the visual amenities of the rural locality. The proposed development is thereby contrary to Policies P3/6 and P4/11 of the Tonbridge and Malling Borough Local Plan 1998 and Policies EN5 and QL1 of the Kent And Medway Structure Plan 2006.
- 4 The proposed development would create additional and unacceptable hazards on Sandy Lane by reason of inadequate visibility splays and significantly increased traffic generation on the road, which has no footways, a substandard width, poor geometric alignment, poor visibility and substandard junctions with Ford Lane and St Vincent's Lane. The proposal would therefore be unacceptable in highway terms and thus contrary to Policy QL1 of the Kent and Medway Structure Plan 2006 and Policy P4/11 of the Tonbridge and Malling Borough Local Plan 1998.
- 5 The proposal will involve the loss of woodland (including Ancient Woodland) which is also wildlife habitat and subject to a Tree Preservation Order. The proposed development is thereby contrary to Policies P3/3; P3/4; P3/8 of the Tonbridge and Malling Borough Local Plan 1998; Policies EN8 and EN9 of the Kent And Medway Structure Plan 2006 and to PPS9 (Biodiversity and Geological Conservation).

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