



Forest Heath
District Council

DEV/FH/18/025

Development Control Committee 7 November 2018

Planning Application DC/18/0135/RM – Land Adjacent to Cock Inn (now known as The Kentford Public House), Bury Road, Kentford

Date Registered:	15.02.2018	Expiry Date:	17.05.2018
Case Officer:	Penny Mills	Recommendation:	Approve Application
Parish:	Kentford	Ward:	South
Proposal:	Reserved Matters Application - Submission of details under DC/14/2203/OUT - the means of appearance, landscaping, layout and scale for the construction of 30no. dwellings with associated access		
Site:	Land Adjacent to Cock Inn (now known as The Kentford Public House), Bury Road, Kentford		
Applicant:	Hopkins And Moore (Developments) Limited - Mr Chris Smith		

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and Associated matters.

Recommendation:

It is recommended that the Committee determine the attached application and associated matters.

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Background:

This reserved matters application follows the grant of outline permission (with all matters reserved apart from access) for up to 34 dwellings with associated roads, paths and access to the public highway.

During the course of this application amendments have been made to the scheme, including changes to the layout and design to better preserve the area of open space and protected trees to the north, and address highways concerns. Additional supporting information has also been provided in respect of ecology and drainage.

The application is before the Development Control Committee due to an Officer recommendation of APPROVAL in the context of an objection from the Parish Council.

1.0 Proposal:

- 1.1 The application seeks approval of the Reserved Matters (Appearance, Landscaping, Layout and Scale), following the granting of Outline Planning Permission DC/14/2203, for up to 34 dwellings, together with the associated access road, paths and infrastructure.
- 1.2 The development proposed comprises the erection of a total of 30 new residential dwellings (9 being affordable), together with their associated curtilages, pedestrian and vehicular access, parking and garaging. Alongside these, an area of public open space is proposed adjacent to entrance to the site.
- 1.3 The development comprises a mix of dwelling types and sizes, set out below:

1 bed house	4
2 bed apartment	5
2 bed flat over garage (FOG)	2
2 bed house	2
3 bed house	13
4 bed house	4

2.0 Application Supporting Material:

- 2.1 The following plans and documents (some of which are amended plans submitted during the course of the application) are relevant to the proposed development:

Title	Drawing no.	Revision
Location Plan	001	
External Works Layout	002	N
Planning Layout	003	N
Site Entrance Details	004	G
Proposed Materials Plan	005	B
TS & AIA Drawing	6110-D AIA	A
LA3664 Soft Landscape Proposals (1 of 2)	002	A
LA3664 Soft Landscape Proposals (2 of 2)	003	A
DRAINAGE CONSRUCTION DETAILS	210935-304	P2
PRIVATE DRAINAGE TYPICAL SOAKAWAY DETAIL	210935-305	P2

PIPE BEDDING AND BACKFILL DETAILS	210935-306	P2
ENGINEERING LAYOUTS SHEET 1 OF 3	210935-410	P3
ENGINEERING LAYOUTS SHEET 2 OF 3	210935-411	P3
ENGINEERING LAYOUTS SHEET 3 OF 3	210935-412	P3
HOUSE TYPES		
1042 Floor Plans, plot 1	100	A
1042 Elevations, plot 1	101	A
1302 Floor Plans, plot 4	102	A
1302 Elevations, plot 4	103	A
1042 Floor Plans, plots 5, 6	104	A
1042 Elevations, plots 5, 6	105	A
1416 Floor Plans 1, plots 8, 9, 10	106	
1416 Floor Plans 2, plots 8, 9, 10	107	
1416 Elevations 1, plots 8, 9, 10	108	
1416 Elevations 2, plots 8, 9, 10	109	
855 Floor Plans, plot 11	110	
855 Elevations, plot 11	111	
892 Floor Plans, plots 12, 13	112	
892 Elevations, plots 12, 13	113	
2067 Floor Plans, plot 14	114	
2067 Elevations, plot 14	115	A
1635 Floor Plans, plot 15	116	
1635 Elevations, plot 15	117	A
892, 1050, 1200 Floor Plans, plots 16, 17, 18	118	
892, 1050, 1200 Elevations 1, plots 16, 17, 18	119	A
892, 1050, 1200 Elevations 2, plots 16, 17, 18	120	A
654 Floor Plans 1, plots 26, 27, 28, 29, 30	121	B
654 Floor Plans 2, plots 26, 27, 28, 29, 30	122	A
654 Elevations 1, plots 26, 27, 28, 29, 30	123	A
654 Elevations 2, plots 26, 27, 28, 29, 30	124	B
654 Elevations 3, plots 26, 27, 28, 29, 30	125	A
1302 Floor Plans, plot 7	126	A
1302 Elevations, plot 7	127	A
946 Floor Plans, plots 2, 3	200	A
946 Elevations, plots 2, 3	201	A
599, 892B Floor Plans, plots 19, 20	202	A
599, 892B Elevations, plots 19, 20	203	A
673 Floor Plans, plot 21	204	A
673 Elevations, plot 21	205	A
599, 892B Floor Plans, plots 22, 23, 24, 25	206	A
599, 892B Elevations, plots 22, 23, 24, 25	207	A
GARAGE		
Single Garage, Floor Plan & Elevations	300	
Twin Garage, Floor Plan & Elevations	301	
Double Garage, Floor Plan & Elevations	302	
Enlarge Single Garage, Floor Plan & Elevations	303	

2.2 The submission is also supported by:

- Tree survey and Arboricultural Impact Assessment Drainage Strategy
- Report and Drainage calculations;
- Architectural details drawings;
- Ecology Update and further Ecology report;
- Heritage Statement;
- Design and Access Statement

3.0 Site Details:

- 3.1 The application site, which is approximately 1,5 hectares in area, is located on the south side of Bury Road outside the current settlement envelope for the village of Kentford. It is an emerging allocated site in the new Local Plan and will fall within the enlarged settlement boundary once that Plan is adopted.
- 3.2 To the north of the site on the southern side of Bury Road there is existing residential development as well as The Kentford Public House (formerly known as The Cock), which is a Grade II listed building. The site includes part of the pub's carpark, an area to the rear of the pub, which includes a number of protected trees, and a larger more open paddock area to the south of this. There are further protected trees on the southern, western and eastern boundaries and to the north, close to where the approved access is located.
- 3.3 In addition to the dwellings along Bury Road, there are neighbouring residential dwellings to the east of the site and one dwelling to the west. The western boundary of the site also adjoins a neighbouring site allocated for residential development for which there is current planning application (DC/17/2476/RM).
- 3.4 Other nearby listed buildings include the grade II listed Regal Cottage to the north of the site on the northern side of Bury Road and the grade II* listed Church of St Mary lies to the north west.
- 3.5 The southern part of the site falls within part of an archaeological sites buffer and is known to be of archaeological significance. The site also falls within the 7500m buffer for the Breckland Special Protection Area and a portion of the site also falls within the SPA Stone Curlew Nesting 1500m buffer.

4.0 Planning History:

Reference	Proposal	Status	Decision Date
DC/14/2203/OUT	Outline Planning Application - Residential Development of up to 34 dwellings with associated road, paths and access to the public highway (Bury Road)	Application Granted	08.07.2016

5.0 Consultations:

- 5.1 The consultation responses set out below are a summary of the comments received and reflect the most recent position. Full comments are available to view on the Council's website:
<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P2YKWK PDLQX00>

5.2 SCC Floods: No objections

- SCC Flood and Water Management have reviewed the latest drainage layout by Canham Consulting (draw ref:- 210935-412-P3 & 210935-411-P3) and we have no further objections regarding appearance/layout of the drainage scheme.
- Clearance to large trees is generally excellent around the site for all pipework and domestic soakaways. Domestic soakaways are all 5m away from foundations as well. There are a few small/ornamental trees within 3m of some pipework/crates but a s.104 drawing should cover this later down the line.
- We have one minor concern but feel this can be dealt with under specific drainage condition(s) under DC/14/2203/OUT.
 1. Shared domestic soakaways – ideally domestic soakaways would be given to individual plots. But if this is not possible applicant will need to show how each owner(s) will be advised of their liabilities regarding maintenance (i.e. items in a covenant).

5.3 SCC Highways: No objection subject to use of conditions. Advisory comments summarised below:

- advised that permeable paving (proposed) would not be suitable for adoption by the Highway Authority. Advised the development would therefore need to be privately maintained.
- Highway Authority recommends that any permission which that Planning Authority may give should include the conditions relating to: construction of access in accordance with drawing KEN4 003 Rev N and with an entrance width of 5.5m; construction and surfacing of access road; provision of areas for storage and presentation of Refuse/Recycling bins as shown on drawing number KEN4 003 Rev N; means to prevent the discharge of surface water from the development onto the highway; details of estate roads and footpaths; provision of carriageways and footways; access before construction/deliveries; visibility splays; construction and deliveries management plan; areas for parking and turning as shown on KEN4 003 Rev N; secure cycle storage

5.4 Natural England – No comments to make on this application. Referred to standing advice for protected species.

5.5 Suffolk Wildlife Trust – Comments summarised below:

- Satisfied with the initial findings of the consultant in the updated ecological survey report (Southern Ecological Solutions, February 2018).
- Consultant has recommended further surveys for bats should any of the trees highlighted in the report be impacted by this development. The impact to trees should be established and surveys carried out, where required, prior to the determination of this application.
- An ESPM licence for bats is required in order to demolish Building A and the Barn.
- Request that the recommendations made within the report are implemented in full, via a condition of planning consent, should permission be granted.

5.6 Landscape, Trees and Ecology Officer: Comments summarised below:

SUDS

- Drainage proposals need to be shown to demonstrate whether the impacts on trees are properly assessed and that the tree planting proposals can be delivered.

Landscape and Trees

- The amount of POS on site appears to be less than required
- The layout should have regard to the existing trees which form mature landscape features. The layout does not reflect this intention and proposes a large apartment block and associated parking area in this part of the site, with the removal of a number of trees to facilitate this.
- Concern over the removal of protected trees which make a contribution to the tree belt between the public house and the development site including tree T032 sycamore, tree T027 sweet chestnut and tree T28, T30 and T31 all sycamore.
- The trees that are retained T19 and T20 would potentially be affected by construction impacts (there is a path within the RPA and the building is located close to the edge of the RPA and the tree canopy) and there is significant potential for future resentment pressure as many of the rooms looking north towards the trees are either living/dining rooms or bedrooms with hallways/ bathrooms/kitchen sink windows to the south. In addition the access opens out beneath the trees. Whilst the arrangement of the rooms may have been influenced by the need to provide informal surveillance of the POS the proximity of the building to the trees has the potential to cause conflict in the future.
- Trees T093 and G10 will be equally affected by the relationship with the plot 25 both in respect to potential construction impacts and future resentment pressure.
- The loss of trees in group G11 will result in neighbour amenity issues and preferably these trees should be retained. If this is not possible alternative boundary features are required to soften the effects and restore the bat commuting route and green corridor connectivity.
- Lack of compensatory planting
- Whilst it is possible to raise the crowns of the trees within A002 and G001 to 8m, this is limited by the fact that the works can only be undertaken back to the boundary of the site without the permission of the adjacent landowner. The tree work would only be a temporary resolution to the issues relating to light in the adjacent gardens because the situation will require continued management in the future which will become the responsibility of the home owner.
- All closed board fences to include 12x12cm hedgehog access holes through to adjacent gardens and other greenspace.
- The path in the POS is not necessary; this route could be created by mowing a path and this would be less likely to damage protected trees. A barrier is required to prevent vehicle access onto this space on the road frontage and between car parking for plot 30. Natural surveillance to the POS should be increased particularly the eastern treed section.
- At the end of gardens adjacent to the access easement/horse route, close board fences are proposed. A 1.2m high post and rail fence along the length of the other side of this easement is proposed as part of the Medlar Stud development (DC/17/2476/RM plan 8431-006-

P03). This is considered to be a softer approach that would be less likely to be overbearing and provide a more attractive and safer route. The garden boundaries could be further strengthened with hedging if required. I note that the security of this route is also of concern in the comments made by the Police Design Out Crime Officer

- Small grass areas should be reviewed as these present a maintenance liability in the future. Any grass areas within car park areas should be protected against car parking.

Ecology and Protected site/species

- The submitted documents include an Ecology update note SES 15 Feb 2018. This document refers to bat survey undertaken at the site in June-August 2017 however there are no details of this survey included in the update.
- More details about the impact of the proposals on bats are required
- provide a lighting strategy for the site which should include an indication of the site features that are light sensitive.
- Previous survey required a badger check. The use of the site by badgers has not been reviewed as part of the update ecological information submitted to support the RM application.
- Reptiles have been noted on site during a site visit and given the character of the site has changed significantly. Whilst there is no evidence/records of reptiles in the area, a wildlife audit in 2015 of this site did comment that the poor semi-improved grassland has the potential to support common lizard but this will depend on how long the grassland had been unmanaged.
- Ecological enhancements are required.
- No likely significant direct effects on the Breckland SAC or SPA have been identified. The quantity of on-site open space as set out in the FHDC SPD and the open space is not sufficiently supervised neither do the landscaping proposals make any positive contribution to the space. On this basis the Habitats Regulations Assessment screening cannot currently conclude that there would be no likely significant in-combination recreational effects on Breckland SPA.

5.7 Strategic Housing – No objections. Comments summarised below:

- Support in principle. The development complies with affordable housing CS9 policy to deliver 30% affordable housing on site and the mix provided is in line with the mix previously requested by this team.
- Pleased to see that the developer has supported our advice regarding the minimum space standards and acknowledge that this will help to improve the health and wellbeing of the all households.

5.8 Public Health and Housing – No objections

5.9 Environment Officer – No comments

5.10 Conservation Officer – No objections – comments summarised below:

- Confirm that the amended entrance details and materials are acceptable from a conservation perspective.

5.11 Design Out Crime Officer – comments summarised below:

- I am glad to see the development planners are adopting both ADQ and Secure by Design (SBD) principles and I applaud the developers

for relooking at ways to achieve this aim by the repositioning and moving of properties.

- I would really like to see the development apply for either SBD New Homes 2016 Gold or Silver status. Further details can be obtained through the Secure By Design (SBD) site at <http://www.securedbydesign.com/>
- a number of my previous concerns have I am pleased to say been addressed, my only remaining concerns are:
 - At the number of proposed car ports. I have particular concerns with regard to any canopied car ports, as not only are they generators for car crime and anti-social behaviour, they have been known to become targets for arson.
 - For any recessed front entrances, this reduces the viewing from a spy hole on any front door.
 - That if vegetation is not properly maintained by the rear of plot 16 and 17, it could shield an offender. I would like to see slow growing low vegetation there.
 - The flying freehold and car ports for plot 16-17, as there will be no affordable surveillance of this area and as they are canopied, they could be more susceptible to vehicle crime, criminal damage, ASB or even arson.
 - The elongated alleys for plots 8 and 22-25. Placing locks on the gate and restricting access to only authorised personnel will ease this concern.
 - The border on the western and southern sides in that the vegetation needs to be dense enough to prevent an offender from gaining access to these areas. I would prefer it if these areas could include defensive planting.
 - That the pathway for the open space area will be wide enough to reduce any perceived fears of crime and will be well lit.

6.0 Representations:

6.1 Parish Council: Objection

The Parish has confirmed that the initial objection (set out below) still stands.

The Parish Council object for the following reasons:

1. The development will put further pressure on the busy Bury Road area. There is an urgent need to enhance traffic calming measures to reduce speeds at the junction of the proposed new access road and Bury Road.
2. Pressures would also be increased at the dog-leg Bury Road/Herringswell junction which has been the scene of a number of recent accidents. Urgent consideration needs to be given to improving this junction.
3. As the size of the pub carpark would be reduced, there will be further spilling out of cars at busy times, onto Bury Road and adding to dangers.
4. The pub Orchard is locally seen as the "the village green" for Kentford, and presently the location of the village Fete. We are concerned about maintaining the size and usefulness of this key village asset. This concern includes light pollution.
5. The recycling centre will be lost, and indeed the bottle bank has already been removed, without a new site being available.

6.2 Public Representations

31 nearby addresses notified and site notice posted. 3 representations received. The comments made are summarised below:

Amenity Issues:

- Concerns regarding the boundaries between St Davids and this development together with its access road, which will run along our eastern boundary.
- Would like to see a thick screen of vegetation and security fence along the boundary between the site and St David's with specific reference to fencing, plus vegetation where possible, to provide a screen and additional security.

Highways issues:

- Access road will diminish the size of the pub car park. Already considerable spillover. Concerned that the location of the access road will cause further obstruction and access to our house and access to the electric car charger in our drive will be affected.
- Increased parking on Bury Road, limiting access for emergency vehicles.
- Bury Rd is often used as a diversion when roadworks occur on the A14 in either direction. A high-volume access road will increase congestion and potentially cause further accidents.
- Suggest that an alternative access be considered, e.g. from Gazeley road.
- Poor sight lines.
- Currently the pub car park is used by local schools as a pick up point for their minibuses.
- Overriding these developments is a need for better management of the roads. The Parish has worked hard to add VAS and speedwatch to help calm traffic. We have cleared and cleaned traffic signs, and cleared foliage from pavements. With the additional pressure of Kennett, there needs to be a push to improving the existing traffic-calming measures as well as enhancing where possible – eg Herringswell Rd.
- There was planning permission for a second bungalow between St David's bungalow and the garden of the Cock. Access was to be directly onto the Bury Road, between the Fox and Ball cottages and the Cock car park. The last planning application for this site was numbered F/2009/0014/OUT. We note that the new access road will be a private road and will be close to our boundary. We are therefore concerned that the proximity of this road may jeopardise the provision of a new access to the St David's site in the future.

Floodrisk/drainage

- Despite recent works to improve drainage, the proposed access road is situated in an area prone to deep flooding. We are concerned that a tarmac access road will be frequently flooded, causing a knock on effect to flooding on Bury Rd and to properties on the Northern side of Bury Rd, especially Regal Cottage.

Other matters:

- We are concerned that there is no mains gas supply to the village, and this development will require the instillation of at least 30x 1000litre oil tanks or will depend on electricity supplies for heating and hot water.

- Pleased that pedestrian connectivity between the 2 developments is seen as a key issue, and that consideration will be given to connecting with the wider village. The ability to walk through the village without going on the Bury Road is important.
- Pleased that the development behind the pub offers lots of opportunities for first time buyers. Kentford has enough large and expensive houses.

Errors in submission

- The bungalow of St David's is not shown on the plans and needs to be included.
- In paragraph 3.4 it is stated that "To the west of this parcel of land there are two neighbouring properties". This is wrong. St David's is the only property which borders the western boundary of the grassed garden to the rear of the Kentford pub, formerly the Cock.

7.0 Policy:

- 7.1 The following policies of the Joint Development Management Policies Document 2015 and the Forest Heath Core Strategy 2010 have been taken into account in the consideration of this application:

Forest Heath Core Strategy 2010

- Core Strategy Policy CS1 - Spatial Strategy
- Core Strategy Policy CS2 - Natural Environment
- Core Strategy Policy CS5 - Design quality and local distinctiveness
- Core Strategy Policy CS9 - Affordable Housing Provision

Joint Development Management Policies Document 2015

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM6 Flooding and Sustainable Drainage
- Policy DM7 Sustainable Design and Construction
- Policy DM9 Infrastructure Services and Telecommunications Development
- Policy DM11 Protected Species
- Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- Policy DM13 Landscape Features
- Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM15 Listed Buildings
- Policy DM20 Archaeology
- Policy DM22 Residential Design
- Policy DM42 Open Space, Sport and Recreation Facilities
- Policy DM45 Transport Assessments and Travel Plans
- Policy DM46 Parking Standards
- Policy DM48 Development Affecting the Horse Racing Industry
- Policy DM49 Re-development of Existing Sites Relating to the Horse Racing Industry

8.0 Emerging Local Plan Policy

- 8.1 The Submission Single Issue Review (SIR) and Site Allocations Local Plan (SALP) (Regulation 19 consultation) have been submitted for examination.

The SIR hearing was held at the end of September (2017) and the Inspector's Report is awaited.

- 8.2 The SALP sets out the Council's development sites across the district up to 2031. The SALP includes a Policies Map which defines the proposed settlement boundaries, sites and other policy constraints. The SIR and SALP can be given moderate weight in the decision making process.
- 8.3 The relevant policy from the SALP is policy SA13 which seeks to allocate this site (SA13b) for up to 30 dwellings.

9.0 Supplementary Planning Documents

- Open Space, sport and recreation – October 2011
- Joint affordable housing – October 2013

10.0 Other Planning Policy:

- National Planning Policy Framework (2018)
- 10.1 The framework was revised in July 2018 and is a material consideration in decision making from the day of its publication.
- 10.2 Paragraph 213 of the Framework is clear that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised Framework. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework, the greater weight that may be given.
- 10.3 The key development plan policies in this case are set out above. It is necessary to understand how the Framework deals with the issues otherwise raised in these policies, and to understand how aligned the Development Plan Policies and the Framework are. Where there is general alignment then full weight can be given to the relevant Policy. Where there is less or even no alignment then this would diminish the weight that might otherwise be able to be attached to the relevant Policy.
- 10.4 The Policies set out within the Joint Development Management Policies have been assessed in detail by Officers and are considered sufficiently aligned with the provisions of the 2018 NPPF that full weight can be attached to them in the decision making process.

11.0 Officer Comment:

Principle of Development

- 11.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Forest Heath Development Plan comprises the policies set out in the Joint Development Management Policies Document (adopted February 2015), the Core Strategy Development Plan Document (adopted May 2010) and the saved policies of the Forest Heath Local Plan (adopted 1995) and which have not been replaced by policies from the two later plans. National planning policies

set out in the National Planning Policy Framework (The Framework) are also a key material consideration.

- 11.2 The development site has outline planning permission for up to 34 dwellings with a single vehicular access from Bury Road being approved in that consent. An associated S106 Legal Agreement sets out the relevant requirements and contributions in relation to affordable housing, healthcare, public open space, education and highways.
- 11.3 The site is also subject to an allocation in the emerging Site Allocations Local Plan under policy SA(13) which seeks to allocate this site for up to 34 dwellings.
- 11.4 Given the outline permission and emerging allocation, the principle of the proposed development is an acceptable one. The acceptability or otherwise of the application therefore rests on the detail of the proposal as assessed against the relevant Development Plan policies and national planning guidance, taking into account relevant material planning considerations.
- 11.5 The key issues to be considered in the determination of this application are therefore:
- Design, layout and open space;
 - Highway safety; accessibility, sustainable transport links;
 - Trees, ecology and protected species
 - Affordable housing provision;
 - Heritage impacts; and,
 - Drainage and landscape; and,
 - Sustainability.

Design, layout and open space

- 11.6 The Framework stresses the importance the Government attaches to the design of the built environment, confirming at paragraph 130 that "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 11.7 These design aspirations are reflected in policy CS5 of the Core Strategy, which confirms design that does not demonstrate it has had regard to local context and fails to enhance character will not be acceptable and Development Management Policy DM2, which states that proposals for all development should create a sense of place and/or local character. In the case of residential schemes, Policy DM22 states that proposals should create a coherent and legible place that is structured and articulated so that it is visually interesting and welcoming. New dwellings should be of high architectural quality and should function well, providing adequate space, light and privacy.
- 11.8 A Design and Access Statement has been submitted with the application, which serves as a Design Code for the development as required by condition 19 of the outline permission.
- 11.9 The development proposes a mix of 1,2,3 and 4 bed dwellings, all of which would be located in the larger southern part of the site. Due to the shape of the site and the need to preserve existing landscape features the

development would be served via a long access road. However, moving into the site, the amended layout creates a visually interesting development with a mix of building sizes using a traditional architectural approach drawing on the local vernacular.

- 11.10 When determining the outline application, the retention of existing landscape features within the layout was set out as a clear expectation of any future reserved matters application. The area of protected trees to the rear of The Kentford, along with the other mature landscape features on the site, contribute to the landscape quality of Kentford. In particular, the open space to the rear of the public house, is of particular landscape amenity value and enhances the setting of the listed building.
- 11.11 These existing landscape features provide a unique opportunity to create interesting, high quality connected spaces within the development. The amended layout seeks to make the most of this opportunity, and incorporates existing landscape features into the backbone of the open space and landscaping. The amended layout ensures that the built development does not encroach on this important northern part of the site, instead, retaining this as an area of public open space, which is well connected to the development with good levels of natural surveillance. The removing of built development from this area has also increased the amount of open space proposed on the site, such that it is now considered to be an acceptable, policy compliant amount.
- 11.12 Changes have also been made to the positioning and detailing of the buildings to create an attractive streetscene with key buildings in prominent positions to frame key views and create a sense of place. Materials and boundary treatments are used in a way that creates interest, whilst also respecting a traditional building hierarchy. The amount of frontage parking has also been reduced to create a more attractive streetscene whilst also providing the requisite amount of parking.
- 11.13 The use of timber post and rail fencing, as well as the use of trellis topped closed-boarded fencing, also helps to create a more open, rural feel adjacent to the larger tree belts.
- 11.14 In response to issues raised by the police architectural liaison officer, gates have been added to the pathways to rear gardens and soft landscaping will be used to provide defensive planting where necessary. The Car Ports are considered to benefit from sufficient natural surveillance so as to prevent the likelihood of undesirable activity occurring. This has been achieved through the positioning of dwellings and windows and through the use of flats over garages.
- 11.15 In terms of the amenity of future occupants, it is considered that the dwellings are positioned such that they would all benefit from a good level of amenity. All of the houses have adequate garden space and the apartments without private outdoor amenity space are well positioned close to the public open space.
- 11.16 In terms of the impacts on the amenity of existing neighbouring dwellings, there are existing dwellings to the east and west, the impact on which should be considered. The small terrace which is formed by plots 22-25 is situated

11.6 metres from the eastern boundary where the nearest neighbouring dwelling, Villa Fantino, is approximately a further 6 metres away.

11.17 It is considered that there would be a sufficient distance between the proposed terrace and the boundary to ensure that it would not be overbearing. Furthermore, whilst the detailed landscaping is secured under condition 22 of the outline consent and will be submitted separately in due course, the submitted landscape plans show there is scope for additional plating to the rear of these dwellings to soften the impact of the development. Sufficient space is also maintained along the western boundary to ensure appropriate additional planting can take place to safeguard the amenity of the neighbouring dwelling, St David's.

11.18 The amended design and layout has responded to officers' concerns and the result is a development that preserves existing landscape features and creates an attractive and well-designed development that meets the requirements of policies DM2 and DM22 and the guidance contained within the NPPF.

Highway safety; accessibility, sustainable transport links

11.19 The Framework advises that development should provide for high quality walking and cycling networks (paragraph 104), and also stresses in paragraph 108 that in assessing applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the types of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and,
- c) any significant impacts from the development on the highway network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

11.20 The Framework goes on to advise that the development should not be prevented or refused on transport grounds, unless there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe.

11.21 Policy DM2 of the Joint Development Management Policies Document also requires that new development should produce designs that accord with standards and maintain or enhance the safety of the highway network.

11.22 The application proposes a single highway access into the site from Bury Road via a new publically accessible private road. This access location is as approved in the outline planning permission (DC/14/2214/OUT) and has therefore already been accepted in principle by SCC Highways and the local planning authority.

11.23 A number of concerns have been raised regarding the suitability of the access from Bury Road, the loss of part of the pub car park and the knock on effects on highway safety in the locality due to these two factors as well as the introduction of additional traffic. However, as both the access and the scale of development were determined as part of the outline approval, these matters cannot be re-examined as part of the reserved matters application.

- 11.24 Whilst the primary access arrangement has previously been determined, the internal Highways layout has not previously been considered. In this regard, the Highways Officer raised some concerns with the detail of the scheme and in response a number of changes have been made to the internal layout of the development. A 1.8m wide pedestrian footway has been incorporated along the entirety of the western side of the access road to address concerns over a lack of safe pedestrian access into the site and granite setts have been introduced along its length, to assist in reducing vehicle speeds. Additional visitor spaces and cycle storage provision have been introduced so that the scheme is now in accordance with the adopted guidance and garage doors have been added to the previous carports serving Plots 27, 29 & 30. The proposed Bin Collection Points have also been increased to accommodate two bins for each property.
- 11.25 The site has been designed to maximise connectivity with the inclusion of a link to the adjacent housing development to the west which is currently being considered by the local planning authority. The development has also been laid out to ensure that future possibilities for further connectivity beyond the site are not designed out through the positioning of buildings and private gardens.
- 11.26 In light of the amendments to the scheme, the Local Highways Authority has removed their objection. Subject to appropriate conditions as recommended by the Highways Officer, the application has therefore demonstrated that the proposed development can be successfully accommodated within the highway network without significant harm in respect of highway safety and that safe and suitable access can be achieved for all users. The proposal therefore accords with Policy DM2 and paragraphs 108 and 109 of the NPPF in this regard.

Trees, ecology and protected species

- 11.27 The Framework confirms that the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and providing net gains where possible (paragraphs 174 and 175). This is reflected in policies DM11 and DM12 which seek to protect safeguard protected species and state that measures should be included in the design of all developments for the protection of biodiversity, the mitigation of any adverse impacts and enhancements commensurate with the scale of the development.
- 11.28 The Natural Environment and Rural Communities (NERC) Act (2006) Section 40(1) imposes a duty on every public authority in exercising its functions, to have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. The duty applies to all local authorities and extends beyond just conserving what is already there to carrying out, supporting and requiring actions that may also restore or enhance biodiversity.
- 11.29 Concerns were initially raised over the removal of a number of protected trees which make a contribution to the tree belt between the public house and the development site, including tree T032 sycamore, tree T027 sweet chestnut and tree T28, T30 and T31 all sycamore. The amended layout and associated amended tree survey now shows that all of these trees are

retained, with the exception of T32 which is to be removed to enable the access to the site. Given that the principle of development is established, an access to the southern part of the site must be accommodated and it is considered that the current location of the internal access road is such that it has the least impact on the trees with the number requiring removal minimised.

- 11.30 The apartments have been moved further to the south to create a better separation from the protected trees, which Officers had previously raised as a concern. The majority of the number of ground floor windows have been removed and living rooms which have windows looking north towards the trees also have secondary windows. In this context it is considered that the development would not lead to unacceptable conflict with the trees.
- 11.31 The amended playout also results in a much greater separation between plot 25 and the protected trees, which still providing appropriate surveillance to the open space to the north.
- 11.32 There is still some loss of some unprotected trees on the eastern boundary (group G11). However, it is considered that alternative boundary features could be provided to both soften the effects and restore the bat commuting route and green corridor connectivity as suggested by the Landscape Tree and Ecology Officer.
- 11.33 In addition to the Ecology report submitted with the application, an updated ecology Update Report was submitted in July reporting the findings of a number of additional ecological surveys, the aim of which was to determine the likely ecological impacts of the proposed development on badgers, bats and reptiles.
- 11.34 In terms of impacts on bats, the report states that the majority of features on trees were not as suitable to support roosting bats as initially suspected and so were downgraded to no potential or low potential in line with best practice guidance.
- 11.35 Some trees were subject to emergence /re-entry surveys as were Bungalow A and the Barn. A common pipistrelle re-entered the Barn and Bungalow A on 11th July 2017. However, no other bats were seen to emerge from or re-enter any of the other buildings or trees surveyed. The report therefore considers that these roosts are of low conservation significance and their loss will not have an adverse effect on the wider population of common pipistrelle bats. Mitigation will involve the installation of two bat boxes on a tree close to the two buildings, which will be secured by condition. The Barn and Bungalow A will also need to be soft stripped of any potential roosting features under supervision of a licenced ecologist and declared free of bats before mechanical demolition. These works will be undertaken under a European Protected Species licence granted by Natural England (2018-36108-EPS-MIT).
- 11.36 The report also confirms that bats will use the trees at the boundary of the site for commuting and foraging purposes. Therefore lighting around the boundary and at the bat boxes installed on the trees during the construction and operational phases will need to be avoided or bat-sensitive. There are a number of ways to minimise the effect of lighting on bats and the report sets out possible mitigation strategies, which would be secured by condition.

- 11.37 The report concludes that badgers are likely absent from site and so will not be affected by the proposed development. It also considered that the site provides sub-optimal habitat for reptiles and a directional staged cut of the grass should be undertaken during suitable weather conditions to avoid injuring or killing reptiles during the development. This recommendation and other recommendations in relation to biodiversity enhancements would be secured by the use of a condition.
- 11.39 Through the above recommendations and precautionary methods, it is considered that all significant impacts upon biodiversity, including any potential adverse impacts upon specific protected species will likely be able to be wholly mitigated and appropriate enhancements secured, in accordance with policies DM11 and DM12 of the Joint Development Management Policies Document, the guidance contained in the NPPF and in line with relevant wildlife legislation.

Affordable Housing Provision

- 11.40 The proposed development provide the required 30% affordable housing in line with the mix suggested by the Council's Strategic Housing Officer.
- 11.41 The affordable units are located in the northern part of the site, sufficiently spaced such that they would not form an unacceptable cluster. Within the context of the broader site the units would also not be easily distinguishable due to either size, design or location.
- 11.42 The Strategic Housing Officer supports the development, which is considered to be in line with local planning authority's policies relating to affordable housing.

Heritage impacts

- 11.43 Heritage assets encompass a wide range of features, both visible and buried, including archaeological remains, Scheduled Ancient Monuments, Listed Buildings and Conservation Areas.
- 11.44 The framework includes protecting and enhancing our historic environment as a component of the environmental objective of sustainable development (paragraph 8). It goes on to states that in determining applications local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets (paragraph 192) and that any harm to, or loss of, the significance of a heritage asset should require clear and convincing justification (paragraph 194).
- 11.45 The guidance in the Framework is reflected in Development Plan Policy DM15 (listed buildings) reiterates the need for development proposals to provide a clear justification for works, especially where there would be harm to the significance of a Listed Building. Policy DM20 also states that development will not be acceptable if it would have a material adverse effect on a site of archaeological importance.
- 11.46 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 also requires the decision maker to have special regard to the desirability of preserving or enhancing a listed building or its setting or any features of special architectural or historic interest which it possesses.

- 11.47 It was recognised at the time of the outline approval that the development had the potential to impact on the setting of The Kentford Public House, a Grade 2 listed building. However, it was considered that with careful layout and design, it should be possible to achieve development without having a detrimental impact.
- 11.48 Consideration of the potential impacts on the setting of this heritage asset has helped to inform the rationale for the design and layout. As it stands, the amended scheme, which retains the green backdrop to the listed building ensure there would be no harm to the setting of this asset.
- 11.50 Amendments have also been secured to the proposed entrance, which the Conservation Officer initially raised concerns over, due to the overly formal arrangement and lack of consistency with existing pub fencing. The amended proposal, which shows a simple feature brick wall has been confirmed by the Conservation Officer as being acceptable.
- 11.51 The development is therefore considered to be acceptable in terms of its impact on the historic environment and in accordance with policy DM15 and the guidance within the NPPF.

Drainage and landscape Sustainability

- 11.52 The detailed soft landscaping for the site and the surface water drainage scheme are secured by conditions on the outline approval. The applicant is not seeking to discharge these conditions at this time and as such these details will be supplied at a future date as part of a discharge of condition application. However, it is necessary, as part of this reserved matters application, to make an assessment of whether appropriate drainage and soft landscaping schemes could be accommodated within the proposed design and layout.
- 11.53 In order to demonstrate that the proposed layout would allow for an acceptable drainage and landscaping scheme detailed landscaping drawings have been produced and drainage details have been prepared. It is important for these two elements to be considered together as the location of drainage infrastructure within the development will have an impact on the delivery of the proposed trees and other planting.
- 11.54 SCC Flood Officer has reviewed the submitted details and is satisfied that the latest drainage layout is acceptable. They have advised that the clearance to large trees is generally excellent around the site for all pipework and domestic soakaways. Domestic soakaways are also all 5m away from foundations. It is therefore considered in principle that sufficient spaces has been dedicated to drainage infrastructure and an appropriate scheme can be achieved.
- 11.55 In respect of the soft landscaping, it is considered that there is sufficient space to provide the necessary additional planting, taking account of building positions and the position of essential drainage infrastructure. The detailed scheme will therefore be able to provide the appropriate screening where this is required for amenity purposes, biodiversity enhancements and to enhance the appearance of the development.

Sustainability

- 11.56 The Framework confirms the planning system should support the transition to a low carbon future in a changing climate and should help to (inter alia) shape places in ways that contribute to radical reductions in greenhouse gas emissions.
- 11.57 importance the Government places on addressing climate change is reflected in policy DM7 of the Joint Development Management Policies Document which requires adherence to the broad principles of sustainable design and construction (design, layout, orientation, materials, insulation and construction techniques), but in particular requires that new residential proposals to demonstrate that appropriate water efficiency measures will be employed (standards for water use or standards for internal water fittings).
- 11.58 The Design and Access Statement confirms that the built forms here meet and exceed current standards of insulation and incorporate measures to minimise energy use. It also states that the development will incorporate a variety of environmental measures as a minimum:
- The development will incorporate water use reduction measures including water butts and dual flush cisterns.
 - All homes will be fitted with Energy Efficient Lighting.
 - Installation of Bird Boxes and similar measures will be undertaken wherever possible to encourage wildlife.
 - All homes, where practicable, will have dedicated space for dry recyclables and composters will be provided within gardens.
- 11.59 It is considered that a planning condition should be applied to any consent to secure the precise details of these measures and ensure their delivery in order to meet the requirements of policy DM7
- 11.60 The provisions of Policy DM7 of the Joint Development Management Policies Document (2015) also requires developers to demonstrate water efficiency measures (and one of the options is 110 litres water use per person, per day), it is therefore also considered reasonable to require the more stringent water efficiency measures set out in the Building Regulations be applied to this development by way of condition.

12.0 Summary and Planning Balance:

- 12.1 Section 38(6) of the 2004 Planning Act states planning applications should be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The Framework reinforces the approach set out in Section 38(6). It emphasises the importance of the plan-led system and supports the reliance on up-to-date development plans to make decisions.
- 12.2 Following amendments and the submission of additional information it is considered that the proposed development would create a well-laid out attractive scheme that respects and incorporates existing landscape features whilst providing sufficient opportunity for further soft landscaping. The dwellings are considered to be well designed, creating an interesting series of street scenes with safe access for vehicles and pedestrians and good connectivity. The development would not give rise to any unacceptable

adverse effects on amenity and would have no adverse effect on nearby heritage assets.

- 12.3 The quantum and mix of affordable housing is in accordance with the requirements of the Strategic Housing Officer and the level of public open space is also acceptable. Additional information submitted in respect of ecology and protected species has also demonstrated that there would be no adverse impacts in this regard subject to appropriate precautionary measures, mitigation and enhancements.
- 12.4 Furthermore, the delivery of housing, including affordable housing that would be facilitated by this application, should lend significant weight in support of the development.
- 12.5 In conclusion, subject to the use of conditions, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework

13.0 Recommendation: Approve, subject to conditions:

- 13.1 It is recommended that planning permission be **APPROVED** subject to the following conditions:
1. Approved plans
 2. Access in accordance with KEN4 003 RevN with entrance width of 5.5m
 3. Construction and surfacing of access road;
 4. Refuse/Recycling bins as shown on drawing number KEN4 003 Rev N
 5. Areas for parking and turning as shown on KEN4 003 Rev N
 6. Deliveries management plan;
 7. Secure cycle storage;
 8. Sustainability Measures;
 9. Water consumption for dwellings;
 10. Recommendations of Ecology Report; and
 11. Hedgehog permeable fencing.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/18/0135/RM](https://www.dorsetcouncil.gov.uk/DC/18/0135/RM)