

## REPORT SUMMARY

<b>REFERENCE NO - 17/504412/FULL</b>			
<b>APPLICATION PROPOSAL</b>			
Demolition of storage buildings and erection of 5 detached dwellings, 2 car ports for plots 1 and 5, and 2 two bay car ports for the existing house and the barn conversion approved under 14/505872/FULL			
<b>ADDRESS</b> Iden Grange Cranbrook Road Staplehurst Tonbridge Kent TN12 0ET.			
<b>RECOMMENDATION – APPROVE</b>			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>			
<ul style="list-style-type: none"> <li>• The proposed houses will be built on previously developed land, and will result in an environmental improvement. No objection is identified to the principle of the proposal.</li> <li>• No material harm is identified to the character, appearance or layout of the locality.</li> <li>• No material harm is identified to neighbouring amenity. Is acceptable in design and layout terms</li> <li>• Is acceptable in its highways and wildlife impacts.</li> <li>• Will make a valuable windfall contribution to the provision of housing units within the Borough</li> <li>• The proposal will provide a good standard of residential accommodation.</li> <li>• The proposal is acceptable in relation to flooding and drainage, impact of the proposal on the local highway network and impact on trees and ecology.</li> </ul>			
<b>REASON FOR REFERRAL TO COMMITTEE</b>			
Parish Council Objection			
<b>WARD</b> Staplehurst	<b>PARISH/TOWN COUNCIL</b> Staplehurst	<b>APPLICANT</b> Mrs Susan Banfield <b>AGENT</b> Peter Court Associates	
<b>DECISION DUE DATE</b> 03/11/17	<b>PUBLICITY EXPIRY DATE</b> 14/12/17	<b>OFFICER SITE VISIT DATE</b> 6.4.2018	
<b>RELEVANT PLANNING HISTORY</b> (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
14/505872	Conversion of a timber framed Kentish barn to form a single dwelling house together with the demolition of associated barns and the erection of a timber framed 2-bay car garage or wood store – Granted	Permitted	27.3.15
96/0349	rebuilding of the garage and conversion of the first floor to ancillary accommodation – Granted	Permitted	24.4.96

## MAIN REPORT

### **1.0 DESCRIPTION OF SITE**

- 1.01 The application site is approximately 1.02 hectares, and is a rural countryside location off the east side of Cranbrook Road, south of Staplehurst. The host dwelling, Iden Grange is located to the north west of the proposed development, a converted Coach House to the north of the application site, and a Kentish Barn centrally located amongst the group of existing buildings. The rest of the site is occupied by Dutch barn style and tin shed former agricultural buildings.
- 1.02 A long access drive leads off eastwards from the Cranbrook Road towards the cluster of buildings and the large existing farmhouse. The farmhouse is a 19<sup>th</sup> century half timber framed building with an arts and crafts style design with a distinctive tall chimney. A traditional timber framed Kentish barn sits within the centre of the application plot. This is a non-designated heritage asset and has planning permission to be converted to a single dwelling under ref 14/505872.

- 1.03 The buildings to be demolished are redundant commercial buildings that were formerly used for the storage of historic cars and commercial vehicles (B8 use). The buildings have remained vacant since the cars were sold at auction. The applicant has advised that no farming has been practiced since they bought the farm in 1973. The application is accompanied by Statutory declarations, pictures taken from circa 30 years ago and copies taken from a 1989 Veteran Car Club magazine listing many of the vehicles stored at Iden Grange.
- 1.04 Adjoining the site to the north west is Iden Grange Cottages (1&2), to the north is a bluebell woodland which adjoins an NHS treatment centre, and the south and west boundary of the site is bounded by agricultural land.
- 1.05 The site is approximately half a mile from the southern part of the settlement boundary of Staplehurst, and as such is within the countryside for planning purposes.
- 1.06 There is a watercourse that runs to the southern boundary of the site and a Flood Risk Assessment accompanies the application.
- 1.07 The site is roughly rectangular in shape and the ground levels are fairly flat. There are a number of mature trees on the southern boundary of the site. The site is accessed via a long drive taken from Cranbrook Road and is self enclosed with a gated entrance.

## **2.0 PROPOSAL**

- 2.01 The application proposes the demolition of existing redundant farm buildings and the erection of five detached three storey houses with integral double garages for plot 2, 3 and 4, and detached double open car ports for plots 1 and 5. Also proposed is a 2 bay carport located to the north of plot 2 to serve the Kentish barn (given permission to convert to a dwelling under ref 14/505872/FULL) centrally located within the group of buildings. Each of the five houses has 5 bedrooms. The dwellings are shown of broadly similar design, style and appearance but with differing detail regarding their form, shape, and footprint. All houses feature forward projections, gables, steep roof slopes, hipped roofs, clay tiled roofs, brickwork, tile hanging, render with exposed timber beams, timber windows and doors, and weatherboarding.
- 2.02 The floor area of the proposed dwellings ranges from 408sq m to 440 sq.m. The maximum height of the proposal does not exceed the existing farmhouse, and the layout will follow the loop that is established by the existing buildings.
- 2.03 The existing buildings on site occupy a total floorspace of 3232 m<sup>2</sup> and a volume of 12,387 m<sup>3</sup>. The proposal would occupy a total floorspace of 3067 m<sup>2</sup>, and a volume of 9363 m<sup>3</sup>. As such the proposal would result in a reduction in built form on the site.
- 2.04 The proposed access is shown as widened to 3.8m with provision of passing places. The buildings would be sited as per the current arrangement in a loop, with all the buildings facing towards the non-designated heritage asset at the centre of the development. A post and rail fence is proposed on the plot boundary, native hedges are proposed on common boundaries to separate the dwellings. Hard and soft landscaping is shown to the front of the dwellings.
- 2.05 The application is supported by a Phase 1 Habitat Survey, A Flood Risk Assessment and a Land Contamination Survey.

## **3.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Maidstone Borough Local Plan 2017: Policies SS1, SP5, SP17, SP18, DM1, DM3 DM4, DM5, DM23, DM30, DM33  
Supplementary Planning Documents:  
Staplehurst Neighbourhood Plan: Key visions, Policy PW2 and Objective 11.  
Maidstone Borough Landscape Appraisal  
Staplehurst Village Design Statement

#### **4.0 LOCAL REPRESENTATIONS**

##### **4.01 Local Residents:**

Six letters of representation have been received from neighbouring properties. Comments are summarised as follows:

- The three storey houses would be out of keeping with the adjoining properties.
- Increased traffic and highways safety.
- The proposal does not enhance or preserve the special character of the conservation area.
- The site is garden land.
- The ridge heights would dominate the neighbouring properties.
- Loss of privacy, overshadowing and overlooking.
- Parking is not acceptable at the front of the houses.

**Staplehurst Parish Council** has recommend that the application is refused and have requested that it be referred to MBC Planning Committee. 'Although Councillors noted that the proposal would be brownfield development, they raised several concerns as follows: the development would be outside the village envelope (against Neighbourhood Plan policy PW2); access and exit would be hazardous; there was no suitable footway provision; the refusal of consent for Aydhurst Farm Oast (17/502803) which was smaller in scale but also outside the village envelope created a precedent for refusing this application.'

In response to the submission of amendments, the Parish continue to recommend that the application be REFUSED 'as the new information did not alter their concerns about development outside the village envelope (contrary to Staplehurst Neighbourhood Plan policy PW2) and the lack of footpath provision. Councillors wish the application to be referred to MBC Planning Committee.'

#### **5.0 CONSULTATIONS**

5.01 **KCC Highways:** No objection to the proposal subject to the imposition of conditions.

5.02 **KCC Archaeological Officer:** No objection. subject to the imposition of conditions.

5.03 **Kent Ecology:** No objection. subject to the imposition of conditions.

5.04 **The Environment Agency:** No objection to the proposal subject to drainage matters . They have made the following additional comments:

5.05 **Maidstone Landscape Officer** I request that a tree survey and Arboricultural Method Statement in accordance with BS5837:2012 is provided. This should cover tree protection details for demolition as well as construction and include shade arcs in relation to the trees to the south of dwellings 1 and 2.'

5.06 **The Health and Safety Executive:** No objection.

#### **6.0 APPRAISAL**

6.01 The key issues for consideration are:

- The principle of development
- Design character and appearance
- Impact on residential amenities
- Impact on non designated heritage asset
- Highways and Parking
- Ecology and landscape

- Flooding
- Renewable Energy

### **Principle of Development**

- 6.02 Paragraph 14 of the NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.
- 6.03 One of the core planning principles of the NPPF is the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 6.04 Policy SP17 of the Local Plan makes it clear that development proposals in the countryside will not be permitted unless they accord with other policies in the plan and will not result in harm to the character and appearance of the area.
- 6.05 DM5 of the Local Plan states that exceptionally, the residential redevelopment of brownfield sites in the countryside which are not residential gardens, and meet a set of criteria will be permitted provided that the redevelopment will result in a significant environmental improvement, and the site is or can be made accessible by sustainable modes to Maidstone urban area, a rural service centre or larger village. The criteria is that the site is not of a high environmental value, and that the density of the residential development reflects the character and appearance of individual localities and is consistent with policy DM12 (which sets an indicative density of 30 dwellings per hectare on such sites).
- 6.05 Policy PW2 of the Staplehurst Neighbourhood Plan states that proposals for new development in the countryside beyond the extended village envelope will be assessed in terms of the potential impact of the development upon the visual setting and landscape features of the site and its surroundings, the potential impact upon the biodiversity of the area and other relevant planning considerations, such as the impact of traffic and noise. Proposals which fail to demonstrate these impacts can be satisfactorily addressed will not be supported.
- 6.06 Iden Grange is not located within the Staplehurst settlement boundary and as such is within the countryside as defined by the adopted Local Plan. It is not an allocated site and therefore, there is a resistance in principle to its development unless it accords with other policies within the plan and does not result in harm to the character and appearance of the area,
- 6.07 The application site is occupied by built development and extensive hardstanding with a long established B8 use, and as such is a brownfield site of low environmental quality. The proposed houses are shown as entirely contained within the area of existing built development with no spillage onto surrounding greenfield land.
- 6.08 The current buildings on site occupy a total floorspace of 3232 m<sup>2</sup> and a volume of 12,387 m<sup>3</sup>, in addition to an extensive amount of hardstanding. The proposal would occupy a lesser total floorspace of 3067 m<sup>2</sup>, with a smaller overall volume of 9363 m<sup>3</sup> and would introduce substantial greening within the site which would be visible in the wider landscape.
- 6.09 As such, in accordance with Paragraph 17 of the NPPF, the proposal would represent the effective use of previously developed land and would not result in harm to the character and appearance of the area.
- 6.10 It therefore falls for the development to be considered against DM5 of the Local Plan (development on brownfield land) as outlined above. Paragraph 6.37 of the adopted Local Plan further advises that the Council will consider residential development of brownfield sites in the countryside under exceptional circumstances, and the key considerations will be the level of harm to the character and appearance of an area, the impact of proposals on the landscape and the environment, any positive impacts on residential amenity, that sustainable travel modes are available or could reasonably be provided, what traffic the present or past

use has generated, and the number of car movements that would be generated by the new use.

- 6.11 The proposal would result in the removal of the B8 use buildings, their associated hardstanding and potential usage impact, and their replacement with 5 houses within a landscaped setting. There would be an overall reduction in built form in both area and volumetric terms, along with a restricted height of the proposed development to no greater than the maximum existing height of the adjacent farmhouse. In this respect, the proposal would result in a significant environmental and visual improvement to the site, and within its wider landscape setting.
- 6.12 In terms of the accessibility of the site, although it is outside of the Staplehurst Rural Service Centre, it is in an accessible location on a major road which is served by a regular bus service (Arriva No.5). In addition to this, if the full B8 use of the site were fully facilitated, this current B8 use would have a less sustainable vehicular impact than the current proposal.
- 6.13 The site currently houses two residential properties with permission for a third conversion. The use of the remainder of the site for residential purposes rather than for B8 use would have significantly less impact on residential amenity in terms of both operational activity and traffic movements.
- 6.14 As such, it is considered that in environmental and sustainability terms, the proposal would result in a betterment of the site and represents an exceptional circumstance as considered under policy DM5 (development on brownfield land) as a development which would result in a significant environmental improvement.
- 6.15 Given the low density of the proposal, the resultant improvement to the visual setting of the site and its potential improvement in terms of vehicular movements, the proposal would accord with policy PW2 of the Staplehurst Neighbourhood Plan.
- 6.16 Given the above considerations and the merits of the individual site and proposal, it is concluded that on balance, the principle of the development is supported by national and local policy and is therefore acceptable.

#### **Design, Character and Appearance**

- 6.17 Paragraph 56 of the NPPF requires all new development to provide high quality design, and states that good design is a key aspect of sustainable development and is indivisible from good planning, and that it should contribute positively to making places better for people.
- 6.18 Local Plan Policy DM1 seeks to achieve high quality design in all development proposals, and to achieve this, the Council expects proposals to positively respond to, and where appropriate enhance the character of their surroundings. The key aspects of a development proposal are its scale, height, materials, detailing, mass, bulk and site coverage. To achieve this, the Council expects proposals to positively respond to, and where appropriate enhance the character of their surroundings.
- 6.19 Policy DM 30 of the Local Plan requires all development proposals in the countryside to be of a high quality design. The type, siting, materials, design, mass and scale of development should maintain or, where possible, enhance local distinctiveness. This is reinforced by the adopted Staplehurst Neighbourhood Plan.
- 6.20 The buildings would be in a courtyard layout closely following the pattern of the existing farm buildings. The dwellings are shown as well proportioned and laid out in a manner that respects the former farm buildings. The design, size and scale, bulk, massing detailing, fenestration, and choice of materials is characteristic of the Kent vernacular and is sympathetic to the character of the existing farmhouse and the historic character of the non-designated heritage asset within the farm complex. There is sufficient spacing in between the proposed houses to reflect the open nature of the former farm yard and respect the spatial quality of the site. The

proposal incorporates features and characteristics of Staplehurst local vernacular and complies with guidance in the Staplehurst Village Design Statement (2005).

- 6.21 The proposed dwellings will be 2.5 storey high with the top floor located within the roof space. The height of the 2.5 storey buildings is proportionate in the context of the existing farmhouse and the Kent Barn. The proposed heights also accord with requirements of the Staplehurst Neighbourhood Plan.
- 6.22 A landscaping scheme is proposed which shows extensive greening of the site along with the use of native hedgerows, and a British native wildflower meadow towards the entrance of the site. Further details of landscaping could be required by condition.
- 6.23 Policy DM12 advises that all development proposals should be of a density that is consistent with achieving good design and does not compromise the distinctive character of the area. For all sites within and adjacent to rural service centres, new residential development will be expected to achieve a net density of 30 dwellings per hectare. Taking account of the three dwellings / conversions already on site / consented, the site density would be significantly lower than this at 7.8 dwellings per hectare. However, given the location of the site, and its appearance within the wider landscape, this lower density is considered to be appropriate and acceptable as it would ensure that the proposal would not compromise the distinctive character of the area in which it is located.
- 6.24 Overall, it is considered that the proposed scheme presents a sensitively designed development that reflects Kent Wealden Architecture. The layout and form of the development is sensitively designed to reflect the original courtyard form and layout of buildings, and the vernacular appearance and character of the existing dwellings within the farm complex. The site is not currently of high environmental or visual value, and the proposal would improve this within the site and the wider landscape. The low density of development would be assimilated well into the existing built footprint of the site without detrimental impact on the surrounding countryside. As such the development complies with Local Plan Policies DM1, DM30 and the NPPF.

#### **Impact on residential amenities**

- 6.25 The application site is rectangular in shape and is located more than 20 metres from existing dwellings (outside of the site itself). In addition, the site is generally level with no major differences in land levels.
- 6.26 The NPPF states that proposals should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 6.27 Policy DM1 of the local plan states that proposals should respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in, or is exposed to excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 6.28 The inter relationship of dwellings within the development is an important consideration in this case. Whilst a separation distance of approximately 3m is maintained from the common boundaries with adjoining plots the dwellings have been sensitively located such that they are staggered in siting and have been sensitively designed so that there are no windows serving habitable rooms at first and second floor side elevation of each dwelling. All the windows on the first or second floor side elevations of the dwellings serve a toilet/bathroom or landing.
- 6.29 Given the staggered layout of the dwellings, the available separation distance, the orientation of the dwellings to each other, and the detailed design of the dwellings, it is considered that future occupiers of the development will not suffer any harmful overlooking, overshadowing, overbearing impact or loss of light as a result of the development. Given the available separation distance between the Farmhouse and the converted barns, existing and future

occupiers of these buildings will not suffer any loss of residential amenity as a result of the development.

- 6.30 As also previously considered, the use of the site for residential purposes rather than for B8 use would be significantly less impacting on residential amenity in terms of both operational activity and traffic movements.
- 6.31 Turning to the standard of accommodation proposed, each habitable room of each dwelling would have a door and window for natural light and ventilation, and all rooms are of generous room size. In addition, the occupants of the dwellings would have access to reasonably sized individual private gardens. Furthermore, there is a good vehicular and pedestrian access. As such, the development would provide an acceptable standard of living for future occupants in line with policy requirements.
- 6.32 Overall, the proposal would not harm the residential amenity of future occupiers of the dwellings, and existing occupiers of Iden Grange. As such the development is considered acceptable and complies with Local Plan Policy DM1 and Paragraph 17 of the NPPF.

#### **Impact on the non-designated heritage asset**

- 6.33 Policy SP18 of the local plan states that 'the characteristics, distinctiveness, diversity and quality of heritage assets will be protected and, where possible, enhanced. This will be achieved by the council encouraging and supporting measures that secure the sensitive restoration, reuse, enjoyment, conservation and/or enhancement of heritage assets'. One of the methods by which this can be achieved is 'through the development management process, securing the sensitive management and design of development which impacts on heritage assets and their settings'.
- 6.34 Policy DM4 of the local plan states that 'applicants will be expected to ensure that new development affecting a heritage asset incorporates measures to conserve, and where possible enhance, the significance of the heritage asset and, where appropriate its setting'.
- 6.35 Paragraph 135 of the NPPF requires that 'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'
- 6.36 There is a non-designated heritage asset within the application site. Planning permission was given in March 2015 to convert the central Kentish barn into a dwelling under ref 14/505872/FULL.
- 6.37 The development has been carefully designed to respect the appearance and character of this building. By replacing the existing redundant buildings with carefully designed dwellings representing Kent Wealden Architecture, in a pattern to reflect the existing layout, and through enhanced landscaping, the setting of the non-designated heritage asset will be respected and enhanced. As such the development complies with the NPPF and policy DM1 and DM4 of the adopted Local Plan.

#### **Highway Matters and Parking**

- 6.38 The application site lies in a sustainable location in reasonable proximity to bus and rail services, and is well served by local facilities and amenities. The proposed development will use an existing vehicular access.
- 6.39 The KCC Highways Engineer initially raised concern regarding the width of the access and advised that the access needs to be a minimum of 3.7m in width. A revised drawing was submitted widening the access and addressing this concern. The Highways Engineer subsequently advised that there is no objection to the proposed highway arrangement subject to conditions relating to details of vehicle loading and unloading being approved, details of

parking facilities for visitors, details of measures to discharge surface water, details showing the provision of wheel washing facilities, provision and retention of parking spaces, and provision and retention of vehicle loading and unloading.

- 6.40 Adopted Local Plan Policy DM23 requires that the level of provision will take account of the type, size and mix of units whilst ensuring parking should be integrated within developments in an attractive manner. Overall, it is considered that having regard to the type of dwellings proposed, the parking provision is adequate and complies with local policy.

### **Ecology and Landscape**

- 6.41 Policy DM1 of the local plan states that proposals should respect the topography and respond to the location of the site and sensitively incorporate natural features such as trees, hedges and ponds worthy of retention within the site. Particular attention should be paid in rural and semi-rural areas where the retention and addition of native vegetation appropriate to local landscape character around the site boundaries should be used as a positive tool to help assimilate development in a manner which reflects and respects the local and natural character of the area.
- 6.42 Staplehurst Neighbourhood Plan objective 10 seeks to safeguard the green and rural feel of the approach to Staplehurst from the south. The approach to the village from the south is important as it helps to define and identify Staplehurst as a village set within the countryside. The close proximity of the village's built elements within the surrounding countryside gives this approach a distinctive feel.
- 6.43 As previously discussed, the proposal would result in an improvement within the natural landscape, with the removal of built form and hardstanding, the improvement of spatial quality and the introduction of more soft landscaping.
- 6.44 All existing trees are shown as being retained on site. However insufficient information has been submitted to demonstrate protection measures for them. Permission can be conditioned to require, prior to commencement of development, a tree survey and Arboricultural Method Statement in accordance with BS5837:2012. This should cover tree protection details for demolition as well as construction and include shade arcs in relation to the trees to the south of dwellings 1 and 2.
- 6.45 The NPPF, Local Plan and the Staplehurst Neighbourhood Plan all seek to protect and enhance the natural environment. Local Plan Policy DM3 advises that to enable Maidstone Borough to retain a high quality of living and to be able to respond to the effects of climate change, developers will ensure that new development protects and enhances the natural environment.
- 6.46 Paragraph 109 of the NPPF requires new development to minimise impacts on biodiversity and provide net gains in biodiversity where possible.
- 6.47 Paragraph 118, the NPPF states that local planning authorities are required to conserve and enhance biodiversity when determining planning applications and take opportunities to incorporate biodiversity in and around developments.
- 6.48 There are mature trees with suitable bat roosting features alongside the stream to the south of the development and these are to be retained. The ecological appraisal submitted with the application has been assessed by KCC Biodiversity Officers who advise that sufficient information has been submitted, and the application is acceptable subject to conditions securing the implementation of ecological enhancements.
- 6.49 In terms of ecology and landscape impact, the proposal would accord with local plan policies DM1 and DM3, the Staplehurst Neighbourhood Plan, and the NPPF.

### **Flooding**

- 6.50 Paragraph 103 of the NPPF states that planning authorities should require planning applications for development in areas at risk of flooding to include a site-specific flood risk assessment to ensure that flood risk is not increased elsewhere, and to ensure that the development is appropriately flood resilient, including safe access and escape routes where required, and that any residual risk can be safely managed. Development should also give priority to the use of sustainable drainage systems.
- 6.51 There is a watercourse that runs along the southern boundary of the site and a Flood Risk Assessment has been submitted to justify the development. The land closest to the stream is within flood zone 3 (high risk) whilst the majority of the application site is located on Flood Zone 1 (low risk). The proposed finished floor levels of the development is set at a minimum of 300mm above the design flood level so as to mitigate the residual flood risk to minimum levels. SUDS are also proposed to provide a permeable paving solution to provide sufficient storage to limit the flow to acceptable levels. Suitable conditions can be attached to secure the provision of acceptable SUDS mitigation if planning permission is given for the development.
- 6.52 The Environment Agency have considered the submission and the flood risk assessment information and have raised no objection to the proposal. The development will be built to modern standards of design and sustainability to accord with current building regulations. The proposed development would be resilient to climate change and flooding in accordance with the NPPF. Given this, there is no objection to the development on this ground and as such it is considered the proposal could comply with the NPPF policies.

### **Renewable Energy**

- 6.53 The NPPF states that 'planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.' It states that 'local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations.'
- 6.54 A condition should therefore secure the use of renewables as part of the proposal. In order to attenuate water run off, surface water drainage can be dealt with via a SUDS, which can also be dealt with by condition

## **7.0 CONCLUSION**

- 7.01 The proposal would represent the effective use of previously developed land and would not result in harm to the character and appearance of the area. The proposal would result in a significant environmental improvement to the site, and within its wider setting. The proposal would be a sustainable form of development and would result in a betterment of the site. This represents an exceptional circumstance under policy DM5 as a development which would result in a significant environmental improvement. On balance, the principle of the development would accord with the NPPF and local plan policies DM5, SP17 and DM12, and the Staplehurst Neighbourhood Plan.
- 7.02 The proposed scheme is sensitively designed in terms of size, scale, bulk and layout, and is well designed, taking account of the context of the site. As such the development complies with Local Plan Policies DM1, DM30 and the NPPF.
- 7.03 The proposal will result in an improvement to the appearance of the site within the wider landscape and can be conditioned to secure appropriate landscaping and tree protection measures. In terms of ecology and landscape impact, the proposal would accord with Policies DM1 and DM3, the Staplehurst Neighbourhood Plan, and the NPPF.
- 7.04 The proposal would enhance the appearance and character of the non-designated heritage asset within the application site in accordance with the NPPF, and policy DM1 and DM4 of the adopted Local Plan.

- 7.05 The proposal would not harm the residential amenity of future occupiers of the dwellings, and would result in an improvement to the amenity of existing occupiers of the site. As such the development complies with the NPPF and Local Plan Policy DM1.
- 7.06 The highways impact and parking provision are acceptable and in accordance with policies DM1 and DM23 of the local plan.
- 7.07 The scheme is acceptable in relation to all other relevant planning matters and would comply with the development plan. On this basis, it is considered that there are no overriding material considerations to justify a refusal of planning permission, and it is recommended that planning permission is granted subject to planning conditions.

**8.0 RECOMMENDATION – GRANT Subject to the following conditions**

CONDITIONS to include

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) The development hereby permitted shall be carried out in accordance with the following approved plans:

5527-PD-001  
5527-PD-002  
5527-PD-003A  
5527-PD-004B  
5527-PD-005  
5527-PD-006  
5527-PD-007  
5527-PD-008  
5527-PD-009  
5527-PD-010  
5527-PD-011  
5527-PD-012  
5527-PD-013  
5527-PD-014  
5527-PD-015

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers

- (3) The development shall not commence above DPC level until, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

The details and samples of the materials submitted shall include details of swift and / or bat bricks incorporated into the eaves of the proposed housing units;

Reason: To ensure a satisfactory appearance to the development and interest of ecological enhancement.

- (4) The development shall not commence above DPC level until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

- (5) The development shall not commence above DPC level until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land and on adjoining sites, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management.

The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment 2012 and shall include details of the repair and retention of existing hedgerows and tree lines within the site;

The landscaping of the site shall be carried out in accordance with the approved details over the period specified;

Reason: To safeguard existing trees and hedges to be retained and ensure a satisfactory external appearance to the development

- (6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory external appearance to the development.

- (7) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, no further development shall take place on the site without the prior written consent of the Local Planning Authority;

Reason: To ensure the appearance and the character of the building is maintained.

- (8) The development shall not commence until details of a scheme of foul and surface water drainage for the site have been submitted to and approved by the local planning authority. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To ensure adequate drainage arrangements

- (9) No development shall take place until details of tree and hedgerow protection, for all retained on-site trees and hedgerows, and trees and hedgerows in adjoining properties in proximity to the site boundary, in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the local planning authority. All trees to be retained on site must be protected by barriers and/or ground protection.

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development.

- (10) Prior to any part of the development hereby approved reaching damp proof course details of a decentralised and renewable or low-carbon sources of energy and how they will be incorporated into the development shall be submitted for prior approval in writing by the Local Planning Authority. The approved details will be in place before first occupation of any part the development hereby approved and maintained as such at all times thereafter.

Reason: To secure an energy efficient and sustainable form of development to accord with the provision of the NPPF.

- (11) The approved parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England ) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

- (12) The access shall be completed to a width of 3.7 as approved before the commencement of the use of the land or buildings hereby permitted.

Reason: In the interests of road safety.

- (13) Prior to any part of the development hereby approved reaching damp proof course a scheme for the disposal surface water (which shall in the form of a SUDS scheme) shall be submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure satisfactory drainage in the interests of flood prevention

- (14) Prior to the development commencing, on site provision shall be made (a) for the parking loading/unloading and turning of all construction and site personnel vehicles and (b) wheel washing facilities. These facilities shall be retained throughout the construction phase of the development hereby permitted.

Reason: In the interests of highway safety and the free flow of traffic.

- (15) No surface water shall discharge onto the public highway.

Reason: In the interests of highway safety and the free flow of traffic.

- (16) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that historic building features are properly examined and recorded.

- (17) Prior to the commencement of development hereby approved the applicant, or their agents or successors in title, will secure and implement the following :

(a) an archaeological field evaluation in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and;

(b) further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure that features of archaeological interest are properly examined and recorded.

- (18) Native species hedging, the mix of which shall be agreed in writing before any part of the development reaches eaves level, sited as shown on drawing no: 023-11 rev A shall be planted in the first available planting season following first occupation of any of the dwellings. Any planting becoming dead diseased or dying within 5 years of planting shall be replaced by specimens of the same size, and species in the same location.

Reasons: In the interests of visual amenity.

- (19) Prior to first occupation of any of the houses hereby permitted, biodiversity enhancements including bird nesting and bat roosting boxes as shown on approved plan 5527-PD-003A shall be approved in writing by the local planning authority, and shall be installed and retained as such at all times thereafter.

Reason: To ensure that adequate provision is made for wildlife in accordance with the provisions of the NPPF.

- (20) No external lighting shall be installed on the site without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity

#### INFORMATIVES

- (1) Should works be required in the highway a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: [www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000 418181) in order to obtain the necessary Application Pack.
- (2) It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.
- (3) The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

Case Officer: Joanna Russell

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.