

REFERENCE NO: 21/500564/FULL		
APPLICATION PROPOSAL: Redevelopment of agricultural yard comprising of the demolition of existing buildings and erection of 4(no) dwellings, incorporating environmental and visual enhancement scheme.		
ADDRESS: Runham Farm, Runham Lane, Harrietsham, ME17 1NH		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions.		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
REASON FOR REFERRAL TO COMMITTEE: Lenham Parish Council has requested the application is considered by the Planning Committee if officers are minded to approve planning permission. This request is made for reasons outlined in consultation section below.		
WARD: Harrietsham & Lenham	PARISH COUNCIL: Lenham	APPLICANT: F H Ventures Ltd AGENT: Perdix Property Ltd
TARGET DECISION DATE: 31/05/21		PUBLICITY EXPIRY DATE: 30/04/21

RELEVANT PLANNING HISTORY

- 20/501836 – Pre-app: Demolition of buildings and erection of 5 houses
- 19/501616 – Prior Notification (PN) for 2 agricultural buildings to 2 dwellings - Prior approval granted
- 19/501603 - PN for 2 agricultural buildings to 2 dwellings - Prior approval granted
- 18/506643 - PN for 4 agricultural buildings to 4 dwellings - Prior approval refused

MAIN REPORT

1.0 Site description

- 1.01 The application site relates to a parcel of agricultural land (0.45ha in area) that is located on the eastern side of Runham Lane, some 0.65km to the south-west of the junction with Sandway Road. The site is currently occupied by a number of farm buildings of differing scales and design. The wider area is largely undeveloped land; and there are properties either side of the existing access into the site, those being Grade II listed Lower Runham Farmhouse and Hope Cottage, and Oast Cottage (non-designated heritage asset). A public footpath (KH414A) runs along the northern boundary of site, and there are other public footpaths in the wider area.
- 1.02 For the purposes of the Local Plan the application site is within the designated countryside, with part of the access road from Runham Lane falling within the Len Valley Landscape of Local Value. The majority of the site also falls within an Area of Archaeological Potential; the site is within a KCC Minerals Safeguarding Area; and the site is in Flood Zone 1. The application site does fall outside the Stour Catchment Area, but is within the Council’s designated buffer area, known as the ‘Stour Additional Catchment Area’.

2.0 Background information

- 2.01 Under extant prior notification approvals 19/501616 and 19/501603, four of the existing farm buildings within the application site can be converted into four dwellings. This will be discussed in more detail later on in the report.
- 2.02 Pre-application advice was sought prior to the submission of this application, (under 20/501836), for five dwellings. Officer advice at the time concluded that a scheme for four houses could be supported in this location, given the fallback position, but that any scheme brought forward would need to reduce the scale and amount of buildings on the site; it would need to better relate to its less formal and rural location

in terms of layout, design and vernacular; and all other matters raised would need to be addressed in any planning application.

3.0 Proposed development

3.01 This application is for the redevelopment of an agricultural yard comprising the demolition of the existing farm buildings and erection of four dwellings, incorporating an environmental and visual enhancement scheme. Access would be from the existing access from Runham Lane; and pedestrian access would be made through to an area of open space to the north of the application site, which will also provide ecological/landscaping enhancements.

3.02 The four new units would consist of: 2 single storey properties; and 2 1.5 storey properties. The palette of materials includes: Black timber cladding; clay roof tiles; facing brickwork; brick plinths; and ragstone features.

3.03 All of the buildings to be demolished as a result of this application have a combined footprint of some 1307m²; and the combined footprint for the new dwellings would be some 501m². What is perhaps more important to note is the footprint/scale of the existing buildings that benefit from prior approval for residential conversion. The table below will provide some comparisons:

EXISTING BUILDINGS WITH PRIOR APPROVAL			PROPOSED DWELLINGS		
	FOOTPRINT	HEIGHT		FOOTPRINT	HEIGHT
Building 1	129m ²	5.5m	Unit 1 (single storey)	109m ²	5.5m
Building 2	113m ²	6.5m	Unit 2 (single storey)	147m ²	5.5m
Building 3	110m ²	3.8m	Unit 3 (1.5 storey)	126m ²	7.5m
Building 4	62m ²	3.5m	Unit 4 (2 storey)	119m ²	8.5m
TOTAL:	414m ²		TOTAL:	501m ²	

OTHER EXISTING BUILDINGS TO BE DEMOLISHED		
	FOOTPRINT	HEIGHT
Building 5	670m ²	8.5m
Building 6	53m ²	2.8m
Building 7 (partial)	170m ²	8.2m
Building 8	62m ²	3.5m
TOTAL:	955m ²	

4.0 Policy and other considerations

- Local Plan (2017): SS1, SP17, SP18, DM1, DM2, DM3, DM4, DM8, DM23, DM30
- Lenham Neighbourhood Plan (2017-2031)
- National Planning Policy Framework (2019)
- National Planning Practice Guidance
- Maidstone Landscape Character Assessment (as amended 2013)
- Landscape Capacity Study (Jan 2015)

5.0 Local representations

5.01 3 representations received raising concerns over: Traffic generation/highway safety; and impact on biodiversity.

6.0 Consultation responses

(Please note summaries of consultation responses are set out below with responses discussed in more detail in main report where considered necessary)

6.01 **Lenham Parish Council:** Wish to see application refused and reported to Planning Committee if officers are minded to recommend approval. Their comments are summarised as follows:

- *Site is in unsustainable location so there would be over reliance on private motor vehicle.*
- *Runham Lane is single track road which in places is in need of much repair and certainly not capable of more traffic especially from lorries needed for site delivery of building product.*
- *Lenham Neighbourhood Plan (LNP) should be given significant weight and stronger line should be taken on such development. LNP will sustainably contribute over 1000 dwellings to borough in fully sustainable and integrated manner; and relevant policy CP1 (Countryside Protection) seeks development to protect rural environment of Parish.*
- *Fundamental character of this part of Lenham is that of isolated farms and detached dwellings near to village of Harrietsham and hamlet of Platts Heath. Development is out of character with this background.*
- *Introduction of suburban development will reduce potential of site to support varied wildlife.*
- *Proposal will set precedent for future development*
- *There is no possible justification for provision of dwellings here which is evidently unsustainable and not capable of being integrated into surrounding rural area.*

6.02 **Conservation Officer:** Commented under pre-app (20/501836) that it should be possible to redevelop site and avoid harm to the setting of the listed buildings.

6.03 **KCC Biodiversity Officer:** Raises no objection.

6.04 **KCC Highways:** Proposal does not meet criteria to warrant their involvement.

6.05 **Environmental Protection Officer:** Raises no objection.

6.06 **Natural England:** Raise no objection.

6.07 **KCC Archaeologist:** Raise no objection.

6.08 **KCC Public Rights of Way Officer:** No representations received.

6.09 **KCC Minerals and Waste Planning Policy Team:** Raises no objection.

7.0 APPRAISAL

Main issues

7.01 The proposed development is subject to the normal constraints of development in the countryside where it should not be permitted unless it accords with other policies in the Local Plan and (inter alia): does not result in unacceptable harm to the character and appearance of the area; respects the amenity local residents; is acceptable in highway safety terms; protects and enhances any on-site biodiversity features where appropriate, or provides sufficient mitigation measures; and is acceptable in flood risk terms. Local Plan policies also state that new development should conserve and enhance the distinctive landscape character of the Len Valley Landscape of Local Value. Furthermore, policies within the Local Plan also seek to ensure that development affecting heritage assets should incorporate measures to conserve, and where possible enhance, the significance of the heritage asset and, where appropriate, its setting.

7.02 Lenham Neighbourhood Plan (LNP) has recently been passed at referendum and the results of this are set to be presented to SPI Committee on 8th June, with a recommendation that Full Council 'make' the neighbourhood plans. The next available date for Full Council is 14th July. In line with Section 38 (3A) of the

Planning and Compulsory Purchase Act 2004, the LNP is now part of the development plan for Maidstone Borough Council. The following LNP policies are considered to be most relevant for this application: D1 (Quality Design); D3 (Innovation and variety); D5 (Residential car parking design); AT1 (Active Travel); AT (Public transport); GS1 (Natural and amenity green space); CP1 (Countryside Protection); and AQ1 (Charging points for electric vehicles).

7.03 The NPPF is also clear that good design is a key aspect of sustainable development; and 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. Paragraph 170 of the NPPF also states that planning decisions should contribute to, and enhance the natural and local environment, by recognising the intrinsic character and beauty of the countryside; and section 16 of the NPPF sets out what should be considered in terms of conserving and enhancing the historic environment.

7.04 The Maidstone Landscape Character Assessment identifies most of the application site as falling within the Greensand Orchards and Mixed Farmlands: Broomfield Undulating Farmlands (Area 32). The landscape guidelines for this area are to 'conserve' and a summary of actions are as follows:

- Consider the generic guidelines for Greensand Orchards and Mixed Farmlands
- Conserve the wooded enclosure provided by woodland blocks and hedgerows
- Conserve the rural and traditional setting of vernacular style buildings
- Resist infill development within the distinctive rural hamlet of Broomfield
- Resist widening of distinctive narrow sunken lanes

7.05 The Landscape Capacity Study (Jan 2015) has the overall landscape sensitivity as 'HIGH'.

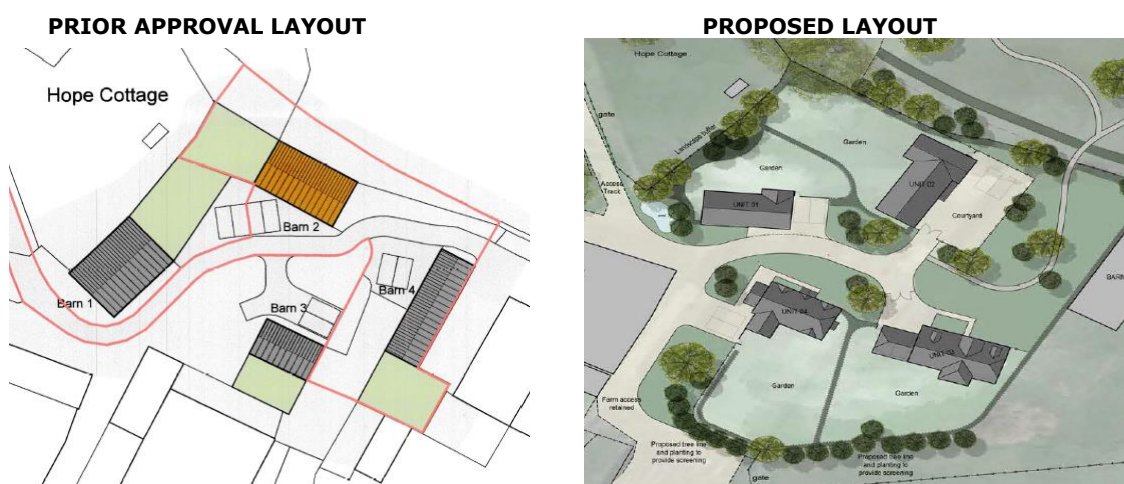
Location of site

7.06 The Local Plan identifies the focus for new residential development in the settlement hierarchy as firstly the urban area, then rural service centres and lastly the larger villages. The proposal site is in the countryside for the purposes of the Local Plan, and it is considered to be removed from basic amenities/services, public transport links, and employment opportunities etc.; and the surrounding road network largely consists of unlit country lanes. Given the travelling distances to access basic services/facilities and the condition of the roads, it is considered that future occupants would be reliant on the private car for their day to day living, contrary to the aims of sustainable development as set out in local and national policy/guidance.

7.07 However, in this instance the fallback position needs to be considered in the assessment of this planning application. Four of the existing farm buildings on the site currently benefit from extant prior approval to be converted into four dwellings (see above planning history). As there is a real prospect of the fallback development (4 houses) being implemented, significant weight needs to be given to this material planning consideration (see *Mansell v Tonbridge and Malling Borough Council [2017] EWCA Civ 1314*). Given this fallback position, it is considered that it would be unreasonable to refuse the application for four new dwellings on the grounds of these houses being isolated and located in an unsustainable location. Notwithstanding this, the details of the application will now be considered.

Visual impact

- 7.08 Local Plan policies seeks to achieve high quality design in all development in the countryside, and policies emphasising the need for type, siting, materials, design, scale, and level of activity, to maintain and possibly enhance local distinctiveness. Local Plan policy also requires that the impact of development on the appearance and character of the landscape is appropriately mitigated.
- 7.09 Furthermore, in terms of the fallback position the purpose of Class Q of the General Permitted Development Order is to convert buildings whilst retaining the rural character of the area; and the two prior approval applications on this site allow for the conversion of four modestly scaled buildings that already exist on the landscape. It is important to consider if this proposed development causes significantly more harm on the landscape than what can be implemented by way of the prior approval process. For ease of reference, the drawings below show the layout under prior approval and the proposed layout for this application:



- 7.10 The site is currently occupied by a number of farm buildings of varying scale and appearance that are typically informally clustered together. The proposal would see the removal of several of these buildings, allowing the site to be redeveloped for four detached dwellings, as shown on the submitted plans.
- 7.11 In general terms it is accepted that the proposal would result in a more spacious residential layout than what is permitted under prior approval legislation, what with the plots having larger gardens; the proposed units would cumulatively have a larger footprint than the four existing buildings that can be converted under Class Q; and two of the proposed dwellings would be greater in height than two of these existing farm buildings.
- 7.12 However, it is noted that the four dwellings are appropriately loose-knit and sporadic in layout, with irregular shaped plots that reflect the form and character of a traditional farmstead; the proposal is not considered to be a dense form of development; when entering the site, clear views to the remaining farm buildings and open countryside beyond would be retained, maintaining an open feel to the scheme; the increased footprint of the four new dwellings compared to those that can be converted is not considered to be so harmfully different, particularly when it is considered that other unsightly farm buildings would also be removed as part of the development; two of the dwellings would be single storey and no larger than two of the farm buildings that can be converted; and no new dwelling would be greater in height than the tallest existing farm building.

- 7.13 On other aspects of the design and layout of the scheme, the new buildings are of an appropriately simple and traditional design, making use of vernacular external materials appropriate to the area; except for an attached car barn to plot 3 there are no other outbuildings and hardstanding is kept to a minimum, further retaining a more open and rural feel to the development; and the variation of building types would also provide further visual interest to the development overall. No trees would be impacted upon as a result of this application, and so no further details are required in arboricultural terms. Notwithstanding this, a further benefit to the scheme is that it would be largely landscape-led with additional soft landscaping that would include new tree and hedge planting; there is little in the way of hard, urbanising type boundary treatments; and a large area of open space would be retained and enhanced as a result of this application. Overall, this would help the development positively integrate with its surroundings, and the details of the landscaping scheme and the retention of the open space would be secured by way of appropriate conditions. To further secure the quality of the development, details of the external materials; hard boundary treatments; hardsurfacing; and external lighting will also be secured by way of appropriate conditions; and permitted development rights will be removed for extensions, outbuildings and other hard boundary treatments.
- 7.14 There would be short range public views of the proposal from the footpath that runs along the northern boundary of the site; and there would be some short to medium ranged views from other footpaths to the east of the site. Furthermore the application site is set back more than 90m from Runham Lane, and any public views of the development from this lane would be at short range and largely screened by existing buildings and landscaping.
- 7.15 Whilst the proposal would not replicate the residential development that is possible under the extant prior approval applications, it would respect its rural context and would not appear visually intrusive and incongruous on the landscape. Furthermore, the proposal's use of high quality materials and the landscaping and ecological enhancements presented would not be provided if the existing buildings were converted under Class Q. So, with everything considered including the fallback position, it is considered on balance (and subject to certain conditions) that the proposal would not have an unacceptable adverse impact upon the character and appearance of the countryside hereabouts. The proposal is therefore considered to be in accordance with the relevant policies of the Local Plan; the Lenham Neighbourhood Plan; the guidance within the Maidstone Landscape Character Assessment; the aims of the NPPF.

Heritage implications

- 7.16 The Planning (Listed Buildings and Conservations Areas) Act 1990 provides specific protection for buildings and areas of special architectural or historic interest. Local Plan policy SP18 requires (inter-alia), that the characteristics of heritage assets are protected and design is sensitive to heritage assets and their settings. Policy DM4 requires applicants to ensure that new development affecting heritage assets conserve, and where possible enhance, the significance of the heritage asset.
- 7.17 The revised NPPF (paragraph 192-193) states: In determining applications, local planning authorities should take account of:
- a) desirability of sustaining and enhancing significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - b) positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - c) desirability of new development making positive contribution to local character and distinctiveness.*

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

7.18 The proposal site is in close proximity to a couple of Grade II listed buildings and a non-designated heritage asset, and it needs to be considered what impact the new development will have on the significance of these buildings. Great weight should be given to the assets conservation, and any harm to, or loss of, the significance of the designated heritage assets should require clear and convincing justification. A Heritage Statement, in accordance with paragraph 189 of the NPPF, has been submitted as part of this application.

7.19 The Conservation Officer, at the pre-application advice stage, confirmed that the historic farmstead did not extend to the application site, as set out in the submitted Heritage Statement; and they also advised, in order to reduce the impact of any new development on the setting of the listed farmhouse, that the height of the buildings should be carefully considered so that they sit more into the landscape would be preferable. It is considered that the scheme now for consideration has positively addressed this issue. Furthermore, the design of the buildings takes account of the historic farm buildings and local vernacular; and appropriate conditions can be imposed to safeguard the quality of the scheme by seeking details of external materials, boundary treatments, hardsurfacing, landscaping, and external lighting.

7.20 The Conservation Officer (at pre-app stage), commented that it should be possible to redevelop the proposal site and avoid harm to the setting of the heritage assets and it is considered that the submission has taken on board previous advice, and the following (summarised) conclusions made in the submitted Heritage Statement are accepted:

- *Buildings are in low intensity agricultural use and no longer suited to modern practices; and site is no longer functionally associated with nearby Runham Farmhouse. 2 Grade II listed buildings lie in close proximity to application site that have potential to be affected by proposal. Site therefore makes minor contribution to significance of Lower Runham Farmhouse & Hope Cottage as part of their historic rural context.*
- *Proposal has been designed to retain rural character of site that makes some contribution to significance of surrounding listed buildings. It has also been considered to include measures to minimise potential impact of proposal on significance of listed buildings, for example, use of screen planting and form, massing, and quantum of development.*
- *Proposal has been carefully designed in order to respond to comments raised by Conservation Officer during pre-app discussions. Proposal has been reduced in terms of house numbers and building height, its layout is adapted to respond to surrounding rural context, and architectural design of buildings has developed to respond to local architectural vernacular. Proposal would cause alteration in setting of listed buildings, but this alteration would not harm their significance. Proposal would preserve architectural and historic interest of listed buildings, and be in accordance with national/local planning policy relating to built heritage.*

Biodiversity implications

7.21 The submission includes a Phase 1 Extended Habitat Survey; a Landscape and Ecology Management Plan (LEMP); and proposed drawings for unit 3 showing bat loft access tiles above the car port and a roof void to be converted to a bat loft.

- 7.22 The KCC Biodiversity Officer has reviewed the ecological information submitted in support of the submission and advises that sufficient information has been provided to determine the application. The Biodiversity Officer's comments are set out below:

Roosting Bats

The site mainly consists of agricultural buildings (with hard-standing and areas or grassland/ruderal vegetation). Therefore, roosting bats and barn owls are a primary concern. We are satisfied that almost all the buildings have no roosting potential for bats but the ecology report cites the need for one bat emergence survey regarding the outbuilding associated with barn 5 (as shown on drawing ref: 2896_01D).

We would normally request the results of protected species surveys prior to determination (in alignment with paragraph 99 of the ODPM 06/2005). However, the submission states that a "...purpose-built bat loft will be installed in unit 3, as part of the mitigation for bats on this site"; and this is depicted in the proposed elevations for unit 3. Bat surveys will still have to be carried out, and depending on what is found, a Natural England licence will be needed. However, as a bat loft has been incorporated into the development, we advise that surveys can be conditioned as the applicant has demonstrated bat mitigation can be incorporated.

- 7.23 On page 24 of the submitted Phase 1 Extended Habitat Survey, it states:

'.....the outbuilding of barn 3 has a low suitability for roosting bats. In keeping with the bat Conservation Guidelines, the site would require a single further Phase 2 bat survey, a single dawn and dusk emergence survey. This will enable mitigation for bats to be put in place prior to any clearance of the barns which are to be demolished proceeds.....'*

**The report refers to barn 3 and this is barn 5 on the drawings submitted with this application.*

- 7.24 On this basis, the approach advised by the Biodiversity Officer is agreeable and a suitable condition will be imposed for details of a Bat Mitigation Strategy, that would be informed by a dawn and dusk bat emergence survey, prior to the demolition of any buildings on the site. The agent has confirmed their agreement to the imposition of this pre-commencement condition.
- 7.25 The Biodiversity Officer is also satisfied that a precautionary approach for reptiles can be addressed by way of condition; the recommended informative regarding breeding birds will be duly added; and the recommended conditions are considered necessary and reasonable, to safeguard protected species and their habitats.
- 7.26 Furthermore, under section 40 of the Natural Environment and Rural Communities Act (2006), and paragraph 175 of the NPPF (2019), biodiversity must be maintained and enhanced through the planning system. Additionally, in alignment with paragraph 175 of the NPPF, the implementation of enhancements for biodiversity should be encouraged especially where this can secure measurable net gains for biodiversity. A suitable condition will therefore be imposed requesting details of biodiversity enhancements through integrated methods into the design and appearance of the dwellings themselves.
- 7.27 In addition to this, the Biodiversity Officer is supportive of the proposed 'ecology enhancement area' within the blue-line boundary; and the submitted LEMP, which includes native tree/hedgerow planting and native wildflower meadow establishment and a 5-year management plan featuring suitable methodologies and timings to achieve set objectives, is accepted and can be secured by way of appropriate condition.

Highway safety

- 7.28 The development will make use of the existing farm access onto Runham Lane. The existing farm buildings have most recently been used for hay, agricultural machinery storage, animal medicine and livestock. All such uses generate daily vehicle movements and also staff/worker trips to and from the site. The submitted Traffic Generation Statement has demonstrated that the daily vehicle trip rates attributed to the proposal would not be greater than the agricultural use. It is also evident that the vehicles associated to the residential use would be more efficient and cleaner than those typical in farm use, having a more positive impact in terms of air quality; the proposal is also likely to reduce the number of larger farm vehicles using Runham Lane; vehicles could turn around and leave the site in a forward gear; the submission shows adequate refuse storage/collection facilities; and the proposal is only for four new dwellings and the fallback position needs to be highlighted again. Furthermore, each unit would benefit from acceptable onsite parking provision, in accordance with Local Plan policy DM23; and whilst there is no dedicated visitor parking, this is not considered to be objectionable alone, given the relatively modest scale and location of the application site. With everything considered, the proposal would not have a significant impact in terms of congestion and highway capacity and no objection is raised in terms of highway safety.

Residential amenity

- 7.29 Given the proposal's scale, layout, orientation, and separation distances between proposed and existing properties, there are no objections raised to the proposal on residential amenity grounds for both existing surrounding residents and future occupants of the site, in terms of privacy, light, outlook, and general noise and disturbance.

Other considerations

- 7.30 The Environmental Protection Team has raised no objection the proposal in terms of land contamination, noise, air quality, amenity, radon, asbestos, lighting, odour, accumulations, sewage, and private water supplies. Given the historical use of the site for agriculture, it is considered reasonable to impose a suitable pre-commencement land contamination condition in the interests of public health; and the agent has confirmed their agreement to the imposition of this condition. Furthermore, a suitable condition controlling external lighting is also considered reasonable; and in accordance with Local Plan policy, and in the interests of sustainability, a suitable condition will be imposed to secure the provision of electric vehicle charging points for low-emission plug-in vehicles for each unit. The recommended hours of working at construction phase is not considered necessary for this proposed development.
- 7.31 In terms of renewable energies, the submission states that individual air source and or/ground source heat pumps will be used to provide heat for all the units, and further details of this can be secured by way of condition. Photovoltaics were considered but it was considered that this is likely to have a harmful heritage impact and this view is accepted.
- 7.32 Foul sewage will be disposed of by way of package treatment plant and the Environmental Protection Team has reviewed the submitted details of the package treatment plant and have raised no objections.
- 7.33 Natural England has also confirmed that because the proposal will discharge its foul sewage via a package treatment plan with a discharge point that does not fall within the identified Stodmarsh catchment, they are satisfied the proposal would not have an impact on the Stodmarsh designated site as a result of increased nutrient loading.

Surface water will be dealt with by way of an existing waterway and the site is in Flood Zone 1. There is no objection raised to the proposal on flood risk grounds.

- 7.34 The KCC Archaeology Officer confirms that the application site lies within an area of archaeological potential associated with multi-period activity; and there is evidence of Prehistoric activity in the general area and a Roman site with cremations is known to the south. Furthermore, Runham Farm itself is considered to be of 16th century or earlier origins and may well be Medieval. On review of the application, KCC confirms it does provide an acceptable assessment of the archaeological issues of this site; and in view of the potential for archaeological remains, a pre-commencement condition is recommended for archaeological field evaluation work. This is considered reasonable, in the interests of ensuring that features of archaeological interest are properly examined and recorded. The agent has confirmed their agreement to the imposition of this condition.
- 7.35 The site does fall within a KCC Minerals Safeguarding Area. The KCC Minerals and Waste Planning Policy Team has reviewed the application and requires no further information in this respect. KCC conclude that any extraction from this site would unlikely be economically viable, and possibly incur unacceptable impacts on the communities and environment of the locality, and therefore have no objection to the proposal regarding minerals or waste safeguarding matters. A Public Rights of Way runs along the northern boundary of the site and should not affect the application. No further details are required in this respect.
- 7.36 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010 and it is considered that the application would not undermine the objectives of this Duty. The proposed development is CIL liable. The Council has adopted a Community Infrastructure Levy and began charging on all CIL liable applications, approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and the relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

Conclusion

- 7.37 Whilst the Council is in a position where it can demonstrate a 6.1yrs worth of housing land supply (1st April 2020), this does mean that appropriate windfall sites should not be approved. For the reasons outlined above, the proposal is considered to be acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. A recommendation of approval is therefore made on this basis.

8.0 RECOMMENDATION: GRANT planning permission subject to following conditions:

- (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) Prior to commencement of the development above damp-proof course level, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted shall be submitted to and approved in writing by the local planning authority, and shall include:
- a) Black timber cladding;
 - b) Plain clay roof tiles;
 - c) Facing brick; and
 - d) Ragstone

The development shall be constructed using the approved materials and maintained as such thereafter.

Reason: To ensure a high quality appearance to the development; and to conserve and enhance the significance and setting of the nearby heritage assets.

- (3) Prior to commencement of the development above damp-proof course level, details of all fencing, walling and other hard boundary treatments shall be submitted to and approved in writing by the local planning authority with the details incorporating gaps at ground level to allow for the passage of wildlife. The development shall be carried out in accordance with the approved details before the first occupation of the buildings and maintained as such thereafter.

Reason: To ensure a high quality appearance to the development; to safeguard the enjoyment of their properties by existing and prospective occupiers; and to conserve and enhance the significance and setting of the nearby heritage assets.

- (4) Prior to the commencement of development above damp-proof course level on any individual property, details of a scheme of hard and soft landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with a programme for the approved scheme's implementation and long term management, shall be submitted to and approved in writing by the local planning authority. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment (2012) and shall include:

- a) Details of new planting (including location, planting species and size);
- b) Native tree planting at a minimum of Standard size;
- c) Mixed native hedgerow boundary planting, that includes Hawthorn, to be planted in double staggered rows (45cm between plants in row and 30cm between rows);
- d) Details of access road and driveway surfacing

Only non-plastic guards shall be used for the new trees and hedgerows, and no Sycamore trees shall be planted. The implementation and long term management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned domestic gardens. The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the countryside.

- (5) The approved landscaping associated with the individual dwellings shall be in place at the end of the first planting and seeding season following completion of the relevant individual dwelling. Any other communal, shared or street landscaping shall be in place at the end of the first planting and seeding season following completion of the final unit. Any trees or plants, which, within a period of 10 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.

Reason: To safeguard the character and appearance of the countryside.

- (6) Prior to commencement of the development above damp-proof course level, details of ecological enhancements integrated into the design and fabric of all four dwellings hereby approve, to include swift bricks, bat tubes and bee bricks, shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details prior to the first occupation of the relevant dwelling and all features shall be maintained as such thereafter.

Reason: To enhance ecology and biodiversity on the site in line with the requirement to achieve a net biodiversity gain from all development.

- (7) In accordance with the submitted Phase 1 Extended Habitat Survey (by Landvision, ref: PP/HAR/20/010. Rev 1: dated 9th Nov 2020) and prior to the demolition of any buildings on the site, a Bat Mitigation Strategy, that would be informed by a dawn and dusk bat emergence survey, shall be submitted to and approved in writing by the local planning authority. Once the Bat Mitigation Strategy has been approved in writing by the local planning authority, the development shall be implemented in accordance with the approved details and maintained as such thereafter.

Reason: Details are required prior to the commencement of development to safeguard protected species.

- (8) Prior to the first occupation of the development hereby approved, the habitat enhancement measures set out in the submitted Landscape and Ecology Management Plan, Figure 2 – Biodiversity Enhancement Map (by Hone Ecology last dated 6th April 2021), shall be implemented and managed as such thereafter in accordance with the document's Management Plan (section 6).

Reason: To enhance ecology and biodiversity on the site in line with the requirement to achieve a net biodiversity gain from all development.

- (9) The ecological enhancement area, as shown in the submitted Landscape and Ecology Management Plan (LEMP); on drawing ref: 2896_01B; and on the submitted 'Farm Plan' (received 10th May 2021), shall be maintained as an ecological enhancement area (in accordance with the submitted LEMP) in perpetuity.

Reason: To enhance ecology and biodiversity on the site in line with the requirement to achieve a net biodiversity gain from all development.

- (10) The development hereby approved (including site clearance) shall be carried out in accordance with the details relating to precautionary mitigation measures for reptiles, as contained within appendix 2 of the submitted Phase 1 Extended Habitat Survey (by Landvision, ref: PP/HAR/20/010. Rev 1: dated 9th Nov 2020).

Reason: To safeguard protected species.

- (11) No external lighting, whether temporary or permanent, shall be placed or erected within the site unless details are submitted to and approved in writing by the local planning authority. Any details to be submitted shall be in accordance with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005 (and any subsequent revisions), and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. Any details to be submitted shall also follow the recommendations within the Bats and artificial lighting in the UK document produced by the Bat Conservation Trust and Institution of Lighting Professionals. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.

Reason: In the interest of amenity and protecting foraging bats.

- (12) The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: In the interests of public health. Details are required prior to the commencement of development because ground works are involved.

- (13) Prior to the first occupation of the development hereby approved, on completion of the works a Closure Report shall be submitted and approved by the local planning authority. The closure report shall include full verification details as set out in the remediation method statement, and this should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean.

Reason: In the interests of public health.

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

- i. archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
- ii. following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording 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 and that due regard is had to the preservation in situ of important archaeological remains. Details are required prior to the commencement of development because ground works are involved.

- (15) Each property shall have a minimum of one operational electric vehicle charging point for low-emission plug-in vehicles prior to its occupation. The electric vehicle charging points shall be maintained as such thereafter.

Reason: To promote reduction of CO2 emissions through use of low emissions vehicles.

- (16) The vehicle parking spaces, as shown on the submitted plans, shall be provided prior to occupation of the relevant dwelling they are associated with and then permanently retained for parking thereafter.

Reason: In the interest of visual amenity and parking provision.

- (17) The car barn for plot 3 shall remain open to the front and shall not be enclosed by doors or any other means of enclosure.

Reason: In the interest of visual amenity and parking provision.

- (18) Prior to commencement of the development above damp-proof course level, details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation of the relevant dwelling and maintained as such thereafter.

Reason: To ensure an energy efficient form of development.

- (19) Notwithstanding the details approved pursuant to condition 3 of this permission and notwithstanding the provisions of the Town and Country Planning General Permitted Development (Amendment) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development within Schedule 2, Part 1 Classes A, B, D, and E, and Schedule 2, Part 2, Class A to that Order shall be carried out.

Reason: To ensure a high quality appearance to the development; and to conserve and enhance the significance and setting of the nearby heritage assets.

- (20) The development hereby permitted shall be carried out in accordance with the following approved plans/documents: 2896_01B; 05D; 06E; 10C; 15B; 20C; and 25A; and Landscape and Ecological Management Plan.

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

Informatives:

- (1) The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.
- (2) It is the responsibility of applicant to ensure, before development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by Highway Authority.
- (3) 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. Breeding bird habitat is present on the application site and assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.
- (4) As lighting can be detrimental to roosting/foraging/commuting bats, the recommendations from Bat Conservation Trust and Institution of Lighting Professionals, titled Guidance Note 8 Bats and Artificial Lighting, should be adhered to when designing lighting schemes for new development. Lighting must not directly illuminate any ecological features for bats (i.e. suitable roosting features or habitats).
- (5) Granting of planning permission confers no other permission or consent on applicant. Applicant is advised no works can be undertaken on a Public Right of Way without express consent of Highways Authority. In cases of doubt please contact KCC before commencing any works that may affect the PROW. Should any temporary closures be required to ensure public safety then this office will deal on the basis that:
 - The applicant pays for the administration costs
 - The duration of the closure is kept to a minimum
 - Alternative routes will be provided for the duration of the closure.
 - A minimum of 6wks notice required to process applications for temporary closures.

This means the PROW must not be stopped up, diverted, obstructed (including any building materials or waste generated during any construction phases) or the surface disturbed. There must be no encroachment on current width, at any time now or in future and no furniture/fixtures may be erected on or across PROW without consent.
- (6) Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.
- (7) The applicant is advised to contact the Environment Agency to establish whether or not a discharge consent from them would be required: [Discharges to surface water and groundwater: environmental permits - GOV.UK \(www.gov.uk\)](http://www.gov.uk).

Case officer: Kathryn Altieri