

**REPORT SUMMARY**

<b>REFERENCE NO:</b> 23/501635/FULL			
<b>APPLICATION PROPOSAL:</b> Conversion of existing barn to residential dwelling, including new entrance and access drive with associated parking (resubmission of 22/501591/FULL).			
<b>ADDRESS:</b> Chickenden Barn Chickenden Lane Staplehurst Tonbridge Kent TN12 0DP			
<b>RECOMMENDATION: GRANT PLANNING PERMISSION</b> subject to planning conditions			
<b>REASON FOR REFERRAL TO COMMITTEE:</b> Report following deferral from Planning Committee of 24 August 2023.			
<b>WARD:</b> Staplehurst	<b>PARISH</b> Staplehurst	<b>COUNCIL:</b>	<b>APPLICANT:</b> Mr Jarvis <b>AGENT:</b> Jenner Jones LLP
<b>CASE OFFICER:</b> Joanna Russell	<b>VALIDATION DATE:</b> 17/04/23	<b>DECISION DUE DATE:</b> 25/08/23	
<b>ADVERTISED AS A DEPARTURE:</b> No			

**Relevant Planning History**

22/501591/FULL - Conversion of existing barn to residential dwelling, including new entrance and access drive with associated parking. Withdrawn 01.07.2022

**MAIN REPORT**

**1. BACKGROUND**

1.01 The application was reported to Planning Committee of 24 August 2023 with a recommendation for approval. The application was deferred for consideration of the following:

- Seek further arboricultural information on tree removal and the impact of the development on retained trees (if any); and
- Negotiate with the applicant regarding the submission of an ecological method statement for the dredging of the ditch and pond given the potential to affect protected species.

1.02 The original report is appended.

**2. PROPOSAL**

2.01 As per appended August 2023 report.

**3. POLICY AND OTHER CONSIDERATIONS**

3.01 As per appended August 2023 report.

**4. LOCAL REPRESENTATIONS**

4.01 As per appended August 2023 report.

**5. CONSULTATIONS**

5.01 As per appended August 2023 report.

## 6. APPRAISAL

6.01 The key issues are:

- Arboricultural Impact
- Dredging of ditch and pond

### Arboricultural Impact

6.02 Members asked for further arboricultural information on tree removal and the impact of the development on retained trees (if any).

6.03 Arboricultural information is submitted with the application consisting of an initial tree report and an addendum relating to the impact of the proposed driveway. These are appended to this report. They show 20 trees across the site. No trees will be removed to the north of the barn on the line of the ditch. To west side of the pond there are 2 oak trees and a line of willows. None of these are shown for removal. This is shown on plan Plan 110H below:



6.04 The tree report recommends the removal of the two oaks growing in the pond as they are unstable and will otherwise rot and die.

6.05 The report advises that a degree of impact will occur to the trees to the east side of the pond during construction of the access drive. Excavation will disturb surface roots that are growing away from the waterlogged conditions of the pond and as such it is recommended that consideration should be given to the use of a permeable geotextile membrane over the roots underneath a suitable aggregate and a permeable surface finish.

6.06 In addition specific construction precautions should be observed throughout works. A requirement for these has been made through condition 6 which prevents any site clearance until an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 is submitted and approved, and that work will be carried out in accordance with the approved details.

- 6.07 Additionally, condition 5 requires tree protection measures in accordance with the current edition of BS 5837 to be installed on site.
- 6.08 Maidstone Arboricultural officer has assessed the submission and advised that they raise no objections to this approach subject to the imposition of conditions as detailed above.
- 6.09 Concern has been raised about the impact of future water run-off from the development on the roots of the trees and therefore their long-term health. The proposal does not result in any additional non permeable surfaces, and it is not a matter that has been raised of concern by the Arboricultural Officer.
- 6.10 The arboricultural consultant for the applicant has advised the following:

*'The tree roots will not be adversely impacted by the proposed development. You state that the roof catchment will no alter in terms of M<sup>2</sup> and as such the run-off will remain the same.*

*The willow and alder trees, to the east and west of the pond benefit from being in close proximity to a water source. The hedgerow species are far enough away on the northern boundary not to be impacted upon.*

*The three oak trees on the southern boundary are in elevated positions and are mature. This indicates that the current growing conditions suit the trees and that as there will be no increase in water run-off to the pond, the trees will continue to survive as indicated in my original Tree Report of September 2022.*

*You have confirmed that there will be additional car parking / drive way constructed during development and this will be constructed oof a porous, natural materials. This should facilitate the gradual percolation of excess water into the ground water system, that will soak into the pond.*

*I note that there is intention to manage the vegetation, surrounding the pond, by cutting back on a three year cycle at 1/3 per cut, invasive species and encouraging natural , riparian zone species to develop. This again will assist with water uptake and gradual filtration into the pond.*

*I further note that there are plans to gradually clear the pond over time to avoid further siltation. This will maintain pond depths and prevent water stagnation. I would suggest that adding marginal plants such as rushes and water iris will improve water quality with the addition of oxygenating plants.*

*It is evident that the pond is well established and that the intended work to the pond will maintain, if not reduce, the possibility of flooding in the future. When water levels increase, I noted that there are ditches to the western and northern boundary of the pond that provides drainage away from the road and into the local network of water catchment.*

*Providing that the water runoff from the development does not increase manageable water levels in the pond, and that the management of the pond siltation and surrounding vegetation is undertaken, I consider that there is no risk to tree longevity on this development.'*

- 6.11 In response, the Council's Arboricultural Officer has advised that the square meterage of the property has not been increased. The applicant is proposing a strategy by excavating the ditches to help alleviate excess water and the materials used in the driveway construction are to be off a porous nature. Viewing the neighbours' comments and attached pictures of the site in times of flood, the native species found on or near the development site are tolerant to excessive water.

- 6.12 They have further advised that excessive water around tree roots can cause damage to root hairs, reduce oxygen uptake, and reduce the root structure's capability of water absorption. If the site had no history of excessive water holding on the land or if there was a substantial increase of water due to the development, then they would be more concerned.
- 6.13 On this basis, subject to the recommended conditions, it is considered that the proposal will not cause harm to existing trees on site.

#### **Dredging of Ditch and Pond**

- 6.14 Ecological survey information by Bakerwell has been submitted with the application. Section 10 of the report assesses 'Pond Enhancement' as follows:

*'The pond will be enhanced to support the species present or potentially present on site. Ponds are visited by grass snakes, amphibians including GCN, invertebrates, birds, and mammals.'*

*Bankside vegetation should be managed through cutting back 1/3 of vegetation on a three year rotation to control vigorous plants. Cutting should be undertaken at a time to avoid disturbance to wildlife especially breeding amphibians, with an optimal time period between November – February.*

*Waterbodies can become clogged with plants or sediment over time, this will reduce their effectiveness as SUDs and as wildlife ponds. Where sediment and aquatic vegetation is removed, no more than a 1/4 of the pond area/ ditch/swale length should be cleared in any one year. Material should be left on the bank for at least 48 hours to allow wildlife time to re-enter the water, before being removed and composted or disposed of properly.*

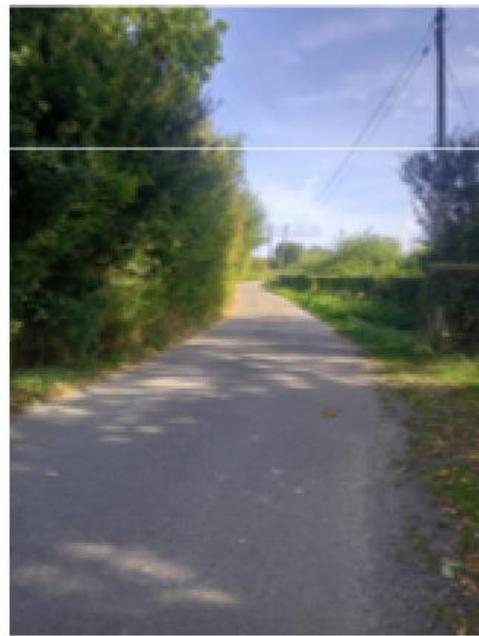
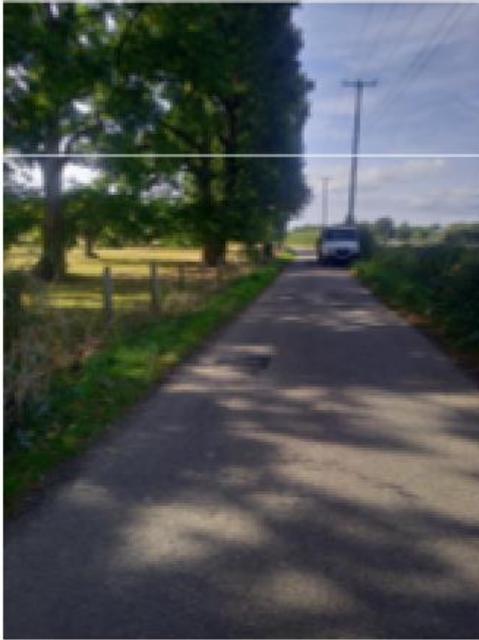
*The presence of invasive alien species should also be monitored and managed if found to be present, with fish being removed humanely. No fertilisers or herbicides should be used within the waterbodies or immediate vicinity.'*

- 6.15 Kent Ecology supported this approach as one of the enhancements on site and this has been conditioned.
- 6.16 With regard to the ditch, it has been observed to be a dry ditch (as detailed in 4.4 and 7.16 of the Bakerwell report). Typical of farm ditches they take flood water away from the area and in this instance run to the north and river. To alleviate concern about the dredging of the ditch and the pond, the enhancement measures as supported by Kent Ecology consultee have been secured by an added condition (No.9).
- 6.17 The additional condition would ensure that the dredging of the ditch and pond would not have an unacceptable impact on protected species and would therefore allay the concerns raised by Members previously.

#### **Other Matters**

- 6.18 While it did not form part of the resolution, an additional representation had been received prior to the committee, raising concerns about the safety of the access.
- 6.19 Plan 211 shows a point 2.5m drawn at the centre of the drive and sightlines marked both ways over land within the control of the owners of the barn to the east and west - 105 and 110m respectively. These lines do not require the removal of any trees. For a country lane, this far exceeds what is required. The applicant has advised that they are happy to agree a condition requiring maintenance of these sightlines and this has been added accordingly (no.16).

- 6.20 Land registry map search documents have been provided which demonstrate that the tarmac road is under private ownership. The verge in front of the paddock and including the new access is in the ownership of the applicant. The small area between the pond and the road is untitled, ie no one owns the verge and like the rest of Chickenden Lane, adjacent owners maintain it as they want or as instructed under a condition.
- 6.21 Two photos are displayed below which look west and east as if one was standing in the middle of the lane at the point of the new access. The hedge will be cut back to provide the site lines. It can be seen that there is a electricity pole but this like all highway furniture this is discounted when calculating sightlines as vehicles can be seen from either side.



### **PUBLIC SECTOR EQUALITY DUTY**

- 6.22 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

### **Community Infrastructure Levy**

- 6.23 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 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.

## **7 CONCLUSION**

- 7.01 Subject to satisfactory detail being submitted to demonstrate that future water run-off will not threaten the long-term health of the trees on site and to the imposition of conditions, there would be no unacceptable impact on the existing trees on site, or on protected species through the dredging of the pond or ditch. Additionally, sufficient sightlines from the access have been demonstrated and their maintenance can be secured by condition.

7.02 All other matters remain as per the committee report dated 24 August 2023.

**EIA Screening**

EIA Development	No
Comments	Development does not meet criteria or thresholds for EIA development

**8 RECOMMENDATION**

**GRANT PLANNING PERMISSION subject to the following conditions**

with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions and/or informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee:

- 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 shall be carried out in accordance with the following approved plans and documents: 10D, 11B, 110H, 111B, 12B, 14C, 15E, 18A, 211, Financial Viability Assessment, Structural and Building Survey, Tree Survey Schedule, Tree Condition Report, Ecological Assessment, Heritage Statement, Flood Risk Assessment.  
Reason: To clarify the approved plans and to ensure the development is carried out to an acceptable visual standard.
  
- 3) The development hereby approved shall not commence until a photographic and descriptive record in accordance with level 2 of Historic England's document entitled "Understanding Historic Buildings A Guide to Good Recording Practice" has been submitted to and approved in writing by, the local planning authority. The approved descriptive record shall also be submitted to the relevant Historic Environment Record.  
Reason: To ensure that any evidence of historic significance is appropriately recorded.
  
- 4) Notwithstanding details on submitted drawings the development hereby approved shall not commence until large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the Local Planning Authority
  1. Reused and new internal joinery
  2. Reused and new external joinery.
 The development shall be carried out in accordance with the approved details  
Reason: To ensure the appearance and the character of the building are maintained.
  
- 5) Prior to the commencement of development, tree protection in accordance with the current edition of BS 5837 shall have been installed on site. All trees to be retained must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

- 6) No development including site clearance shall take place until an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority. The AMS should detail implementation of any aspect of the development that has the potential to result in the loss of, or damage to trees, including their roots and, for example, take account of site access, demolition and construction activities, foundations, service runs and level changes. It should also detail any tree works necessary to implement the approved scheme and include a tree protection plan.  
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

- 7) Prior to the commencement of development, the ecological mitigation for reptiles, dormouse, hedgehogs, breeding birds and badgers shall have been implemented as detailed within the Ecological Assessment (Bakerwell; April 2023). On completion of the mitigation works a letter must be submitted to the LPA demonstrating it has been completed. The mitigation shall be retained permanently thereafter.  
Reason: To protect the ecological value of the site.

- 8) Prior to the commencement of development, the ecological mitigation for bats shall have been implemented as detailed within Ecological Assessment (Bakerwell; April 2023) with a letter submitted to the LPA demonstrating it has been completed or evidence submitted to demonstrate that mitigation has been subsequently amended by a Natural England EPS licence. The mitigation shall be retained permanently thereafter.  
Reason: To protect the ecological value of the site.

- 9) As detailed in Section 10 of the Ecological Assessment by Bakerwell, bankside vegetation for the pond and the ditch shall be cut back by 1/3 of on a three year rotation to control vigorous plants. Cutting should only be undertaken between November – February.

Where sediment and aquatic vegetation is remove from the pond and the ditch, no more than a 1/4 of the pond area/ ditch/swale length shall be cleared in any one year. After clearance, material shall be left on the bank for at least 48 hours to allow wildlife time to re-enter the water, before being removed and composted or disposed of properly.

The presence of invasive alien species should also be monitored and managed if found to be present, with fish being removed humanely. No fertilisers or herbicides shall be used within the waterbodies or within the application site.

Reason: To protect the ecological value of the site.

- 10) Prior to the commencement of development, the applicant, or their agents or successors in title, shall have secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority. Works shall only proceed in accordance with the approved details.  
Reason: To ensure that features of archaeological interest are properly examined and recorded.

- 11) Prior to first occupation of the approved dwelling living accommodation must be raised a minimum of 300mm above the design flood level of 18.64m AODN (i.e.

above 18.94 AODN). Sleeping accommodation must be raised 600mm above the flood level (i.e. above 19.24m AODN).

Reason: To mitigate against flooding impact.

- 12) Prior to first occupation of the approved dwelling flood resistance and resilience measures to the existing ground floor shall be in place that are in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority. The measures shall follow the advice of DEFRA's document Improving the Flood Performance of New Buildings Flood Resilient Construction. These measures shall be retained permanently thereafter.  
Reason: To mitigate against flooding impacts.
- 13) Within the first 3 months following first occupation of the approved dwelling evidence shall be submitted to show that residents of the dwelling have signed up to the EA's Flood Warning Service.  
Reason: To mitigate against flood impact
- 14) Prior to first occupation of the approved dwelling measures taken for the on site enhancement of biodiversity shall be in place that are in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the enhancement of biodiversity including measures integrated into the building structure and on the wider site such as bird boxes, swift bricks bat boxes, bug hotels, log piles, wildflower planting and hedgerow corridors. All features shall be maintained permanently thereafter.  
Reason: To enhance ecology and biodiversity on the site in line with the requirement to achieve a net biodiversity gain from all development
- 15) Prior to first occupation of the approved dwelling the approved details of the parking/turning areas shall be completed 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.
- 16) The development shall not be occupied nor the use commenced until pedestrian visibility splays with no obstruction over 1.0m above the access footway level are provided in accordance with approved drawing number 211. They shall be maintained as such thereafter.  
Reason: In the interests of highway safety.
- 17) Prior to first occupation of the approved dwelling hard landscape works shall be in place that are in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority. Plans shall show the finished level of the drive as the same or lower than the existing ground level and show that all hard surfaces are porous or drain onto a porous surface within the site boundaries. All features shall be maintained permanently thereafter  
Reason: To ensure a satisfactory appearance to the development and ensure the protection of existing trees and mitigate against flood impact.
- 18) At the end of the first planting season (October to February) following first occupation of the approved dwelling landscaping shall be in place that is in accordance with a hard and soft landscape scheme that shall have previously been submitted to and approved in writing by the Local Planning Authority. The hard and soft landscape scheme shall be designed in accordance with the principles of the Council's Landscape Guidelines (Maidstone Landscape Character Assessment Supplement 2012). The scheme shall show all existing trees, hedges and blocks of

landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed, provide details of new on-site planting and include a planting specification (species, spacing, siting, quantities and maturity) implementation details and a [5] year management plan.

Reason: In the interests of landscape, visual amenity and to ensure a satisfactory appearance to the development.

- 19) If any of the existing trees or hedges retained on site or trees, hedges or other landscaping in the approved landscape plan within a period of five years from the first occupation of the dwelling are removed, die or become, in the opinion of the local planning authority, so seriously damaged or diseased that their long term amenity value has been adversely affected, shall be replaced in the same location during the next planting season (October to February), with plants of an appropriate species and size to mitigate the impact of the loss as agreed in writing by the local planning authority.

Reason: In the interests of landscape, visual impact, and amenity of the area and to ensure a satisfactory appearance to the development.

- 20) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (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, AA, B, C, D, E and F to that Order shall be carried out to the new dwelling hereby approved without first obtaining the permission of the Local Planning Authority.

Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by prospective occupiers.

- 21) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The submitted details shall be in accordance with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light, GN01, dated 2011 (and any subsequent revisions) (Environmental Zone E1), and follow the recommendations within the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting', and shall include a layout plan (demonstrating they will not impact the bat roost) with beam orientation (All lights downward facing and on motion sensors or timers) and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.

Reason: To safeguard the character and appearance of the countryside, wildlife and in the interests of residential amenity.

- 22) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the LPA. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with the National Planning Policy Framework (NPPF).

- 23) Prior to the first occupation of the approved dwelling decentralised and renewable or low-carbon sources of energy shall be incorporated into the development to provide at least 10% of total annual energy requirements of the development. The decentralised and renewable or low-carbon sources of energy shall be in accordance with details that have previously been submitted to and approved in writing by the

local planning authority and once installed the decentralised and renewable or low carbon sources of energy shall be retained thereafter.

Reason: To ensure an energy efficient form of development.

- 24) The materials to be used in the development hereby approved shall be as indicated on the approved plans.

Reason: To ensure a satisfactory appearance to the development.

### **INFORMATIVES**

- (1) The proposed development is CIL liable.
- (2) Code of practice for construction sites.
- (3) Need for Listed Building Consent

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