

REFERENCE NO - 17/504579/OUT		
APPLICATION PROPOSAL Outline application for the demolition of existing buildings and the erection of 8no. dwelling houses with 'Access', 'Layout', 'Scale' and 'Appearance' to be considered at this stage with 'Landscaping' reserved for future consideration		
ADDRESS Durrants Farm West Street Hunton ME15 0RY		
RECOMMENDATION Grant Planning Permission subject to planning conditions.		
SUMMARY OF REASONS FOR RECOMMENDATION		
<ul style="list-style-type: none"> • The proposal involves the removal of an unneighbourly and unconstrained commercial development. • The site is well enclosed, and the proposed housing will result in an inward looking and self-contained development acceptable in design terms while not resulting in any material impact on the rural and landscape character of the area. • The proposal will bring about improvements to the setting of an adjoining heritage asset. • The proposal is acceptable in relation to amenity, highways and wildlife impacts while making a windfall contribution towards meeting housing supply in the Borough. • As a result of these conclusions, the balance of issues fall significantly in favour of granting planning permission for the proposed development. 		
REASON FOR REFERRAL TO COMMITTEE Recommendation contrary to the views of Hunton Parish Council		
WARD Coxheath And Hunton	PARISH/TOWN COUNCIL Hunton	APPLICANT AGENT Mr M Stevens MKA Architects LTD
TARGET DECISION DATE 16/12/19 (EOT)		PUBLICITY EXPIRY DATE 22/08/19

Relevant planning history

07/0469: Certificate of lawfulness for an existing development being the use of the land and buildings as a workshop and secure covered and open storage for plant, machinery and materials in connection with a demolition contractor's yard – GRANTED 24/08/2007

MAIN REPORT

1.0 SITE DESCRIPTION

- 1.1 The application site, which is set back just over 120 metres from West Street, is approached by narrow access track. At its northern end it is occupied by Durrants Farm, in residential use, to the west and south of which is a yard and a number of buildings of industrial size and character which have lawful use rights as workshops, secure covered and open storage for plant, machinery and materials in connection with their use as a demolition contractor's yard.
- 1.2 To the south west of the main grouping of buildings is an open area partly used for open storage in the proximity of the buildings but currently open for much of its length of just under 100 metres.

- 1.3 There is dense tree and hedgerow cover along the north and south west site boundaries with an area of orchard to the south east. Abutting the site to the north west is Durrants House, a Grade II Listed Building (LB). In a wider context the application site lies in open countryside.

2.0 PROPOSAL

- 2.1 Outline planning permission is sought to demolish Durrants Farm along with all buildings to the south west along with the removal of all areas of open storage. These works are to permit redevelopment of the site for 8 no detached houses with access, layout, scale and appearance to be considered at this stage with landscaping left reserved.
- 2.2 Eight buildings will be demolished (having a combined footprint of 925 sqm metres). The eight replacement houses (including garages) having a footprint of 1568 sqm metres.
- 2.3 It should be noted that though the application site area exceeds the area covered by the lawful development certificate 07/0468 above (and includes Durrants Farm and the area to the east and south) the area to be developed is restricted to the area of the LDC and curtilage of the house known as Durrants farm.
- 2.4 The proposal as originally submitted showed a mix of 4 and 5 bedroom units, all two storey with a contemporary square profile design regularly spaced around a straight road terminating in a circular turning area.
- 2.5 In response to original concerns regarding the design of the proposed development the following information was submitted by the applicant:
- The site is self contained and inward looking. Typically housing and farmsteads grow up in an organic way and this is reflected in their layouts.
 - When making proposals in an organic/ historical context the layout would reflect this.
 - The application site is not within or abutting an organic rural context and to impose such a layout would be out of context.
 - The application site has its own inward style.
 - The architecture has been designed to be modern and low lying so that is not easily visible from the road or walks surrounding it.
 - The buildings are rectilinear in design and this has been reflected in the site layout.
 - Due to the proposed tree screening the site layout will have no impact on the wider countryside.
 - Redesigning the layout to make it appear more informal given the site characteristics and impact of the development is not considered to be justified in the circumstances.
- 2.6 In response to concerns over the design of the houses, revised plans have since been submitted and now show traditional designed and proportioned two storey houses all with pitched roofs. The outline planning application has also been amended with appearance no longer being reserved.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework 2018(NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: SS1, SP17, SP18, SP19, DM1, DM3, DM4, DM5, DM30,

4.0 LOCAL REPRESENTATIONS

- 4.1 19 neighbouring properties consulted – no representations received in connection with the proposal as originally submitted.
- 4.2 2 representations received in connection with the amended proposal are summarised below:
- 8 large houses excessive being located within our small, rural village and harm openness of countryside.
 - Although house design improved still too large and obtrusive while harming the character and setting of nearby listed buildings.
 - Result in substantial increase in development and encroach into open countryside well in excess of the commercial area acknowledged by the lawful development certificate.
 - No provision for affordable housing.
 - Disputes accuracy of the viability assessment.
 - Potential health hazard risks to residents due to site contamination.
 - Design and layout too suburban and does not maintain or enhance the village character of Hunton.
 - Proposed do not meet the need of Hunton – Hunton Plan identified a need for small units.

5.0 CONSULTATIONS

- 5.1 **Hunton PC:** Objected to the proposal as originally submitted on the following summarised grounds:
- Site put forward for housing in two 'call for sites' procedures as part of local plan preparation but rejected on both occasions– from this it must be concluded the site was deemed unsuitable for development as the site has not been allocated for housing.
 - The Council is able to demonstrate a 5 year supply of housing land – as such no housing justification for proposed development.
 - No commercial business operating from the site which should not be considered a brownfield site.
 - The proposed development replaces a number of old barns, sheds and enclosures with 8 houses with the stated footprint increasing from 925m² to 1,568m² creating a more substantial built development.
 - The formalised layout of the houses, giving the impression of a cul de sac, does not reflect the sporadic nature of the dwellings in the area.
 - The modern design of the dwellings is suburban and would not blend in with the dwellings of mixed character in the locality.
 - The development would be intrusive and out of keeping with the rural landscape and detrimental to the character and appearance of the local countryside.
 - Proposal would significantly intensify built development within the open countryside having a significant urbanising effect upon the site and substantially change its character.
 - The proposed design of the houses would be out of character with, and not enhance, the local, natural and historic character of the area.
 - Proposal represents unsustainable development as the site is located in a relatively isolated location, outside of any defined built up area in open countryside.
 - Hunton does not have any shops, a doctors surgery, a dentist or other services normally found in sustainable locations in areas identified for housing growth in the Local Plan.
 - Occupants of the proposed housing would be heavily reliant on cars to access facilities and services on a day to day basis as Coxheath, Yalding, and Maidstone not easily accessible by public transport.

- Site area well in excess of the commercial area identified in the lawful development certificate.
- Site not capable of accommodating more than 4 dwellings without causing harm to rural character of the area.

6.2 Following receipt of revised plans continue to raise objection on the following grounds:

- Note the site plan no longer includes the cherry orchard and open field which extended well southwards from the location of the southern boundary of houses 7 and 8.
- However concerned the site still extends further to the south of the boundary of the approved demolition yard with units 5, 6, 7 and 8, outside the approved site area.
- Accepts the four houses numbered 1 to 4 as a replacement for the demolition contractor's yard.
- House designs more appropriate for a rural area representing a positive move but large houses do not meet identified need for small units in the Parish. concerned that the size of houses does not match the needs of the area.

6.3 **EHO:** No objection subject to imposition of condition to address site contamination

6.4 **Kent Highways:** No objection for the following reasons: Personal injury collision records confirm no incidents recorded recently and for many years beforehand. Given this and that the amount of traffic likely to be generated by the development is not considered to be severe the existing access is considered capable of serving the proposed development.

Note that refuse freighters turning right or left out of the site will require the entire width of the carriageway to successfully complete this manoeuvre in one movement. However due to limited amount of traffic and low traffic speeds on local roads and small number of refuse freighter movements this is considered acceptable.

6.5 **MBC Landscape:** Whilst there are no protected trees on, or immediately adjacent to, the site there are potentially significant trees and important hedgerows within the area. The site is located within the Yalding Farmlands landscape character area, as defined in the Maidstone Landscape Character Assessment. The Maidstone Landscape Capacity Study: Sensitivity Assessment - January 2015 assesses the area as being of high overall landscape sensitivity and sensitive to change. It considers that:

Development potential is limited to within and immediately adjacent to existing settlements and farmsteads in keeping with existing. Other development could be considered to support existing rural enterprises, although extensive, large scale or visually intrusive development would be inappropriate.

Relevant guidelines and mitigation:

- Consider the generic guidelines for the Low Weald in the Maidstone Landscape Character Assessment 2012
- New development should respect the local vernacular in scale, density and materials
- Conserve orchards and the traditional small scale field pattern
- Conserve the largely undeveloped rural landscape and the remote quality of existing development
- Conserve the rural setting of traditional buildings and farmhouses

- Conserve the undeveloped character of the landscape
- Soften the impact of agricultural buildings and fruit growing equipment storage areas with native planting
- Increase habitat opportunities around water bodies and ditches by promoting a framework of vegetation in these areas
- Soften the visual prominence of large agricultural barns through native planting

Considers the proposed development does not reflect the Maidstone Landscape Character Assessment principles for the Yalding Farmlands landscape character area. However, if minded to permit would want to see conditions attached covering landscape details and the provision of an Arboricultural Method Statement in accordance with the current version of BS5837: 2012, which includes a tree protection plan.

6.6 **KCC Ecology:** The ecological survey advised there is a need for bat and reptile surveys to be carried out. Government guidance advises that the recommended surveys should be carried out prior to determination to ensure that the LPA understand what protected species are present and if appropriate mitigation can be implemented.

- Advise that Government Guidance makes clear that carrying out such surveys after planning permission is granted should only be permitted in exceptional circumstances and that what constitutes exceptional circumstances is a planning and not ecological consideration.
- Have reviewed the worst case scenario mitigation strategy submitted with the planning application and advise it is likely to be sufficient to mitigate the impact on bats and reptiles from the loss of habitat associated with the proposed development.
- It confirms there is sufficient space within the applicant's ownership to create an offsite reptile mitigation area and bat barn.
- Note the submitted information states that mitigation may be reduced following the results of the ecological surveys.
- Notwithstanding if Council is minded to grant planning permission the proposed works should be implemented in full not only to secure mitigation but also to secure ecological enhancements.
- If consent granted bat and reptile surveys and an updated detailed mitigation and enhancement strategy informed by the bat and reptile surveys should be secured by condition.

7.0 APPRAISAL

7.1 The key issues in the determination of this application are principle, impact on the character and setting of the countryside, design and layout, heritage, amenity, highways and wildlife.

Principle:

7.2 It has been contended that as the site is not allocated for housing development and as the Council is able to demonstrate a 5 year supply of housing land there is no justification for the proposal. The assessment carried out as part of an earlier 'call for sites' process has also been raised.

7.3 Dealing first with the 'call for sites' issue, the Parish Council are correct that Durrants Farm was considered as part of this process in connection with the preparation of the local plan. However the affected land not only included Durrants Farm, the land the subject of the lawful use as a workshop and secure covered and open storage for plant, machinery and materials in connection with a demolition contractor's yard but also significant areas of adjoining farmland.

- 7.4 It was concluded that development of the site for housing would result in unacceptable intensification of development adjacent to the existing housing while causing harm to the character of the countryside. Furthermore it would result in considerable expansion of Hunton as a settlement which was devoid of essential community facilities.
- 7.5 The site area of the current planning application is significantly reduced in size only affecting the area covered by the lawful development certificate and curtilage of Durrants Farm.
- 7.6 As only redevelopment of previously developed or brownfield land is being proposed the proposal bears no material resemblance to the site rejected as part of the 'call for sites' process. Furthermore as development on brownfield land is being proposed the proposal falls to be considered under policy DM5 of the local plan.
- 7.7 Assessment of the proposal therefore turns on detailed planning considerations and whether it satisfies the criteria for acceptable windfall development set out in policy DM5 of the local plan.
- Brownfield land:**
- 7.8 The contention has been made that the application site is no longer in commercial use and such cannot be considered as a brownfield site. There are numerous sites lying dormant or otherwise underused to which such a claim could be made.
- 7.9 Unless (a) there is clear evidence of a use being abandoned (which is extremely hard to substantiate in planning terms and could not be supported in this case, or (b) that the use has been superseded by an implemented planning permission which also does not apply) it follows the application site constitutes a brownfield site to which policy DM5 can be applied.
- 7.10 The pre-ambles to policy DM5 states amongst other things that a number of brownfield sites in current or previous economic use are located in the countryside. Such sites are outside of the settlement boundaries, and countryside restraint policies apply. Exceptionally, the council will consider proposals for residential development on brownfield sites in rural areas. Key considerations will include:
- The level of harm to the character and appearance of an area;
 - The impact of proposals on the landscape and environment;
 - Any positive impacts on residential amenity;
 - What 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, and what distances, if there are no more sustainable alternatives.
- 7.11 Policy DM5 goes on to state, amongst other things, that "Exceptionally, the residential redevelopment of brownfield sites in the countryside which are not residential gardens and which meet the following criteria will be permitted provided the redevelopment will also result in a significant environmental improvement and the site is, or can reasonably be made, accessible by sustainable modes to Maidstone urban area, a rural service centre or larger village. i. The site is not of high environmental value; and ii. If the proposal is for residential development, the density of new housing proposals reflects the character and appearance of individual localities, and is consistent with policy DM12 (relating to housing density) unless there are justifiable planning reasons for a change in density".

- 7.12 The lawful use of the application site being the use of the land and buildings as a workshop and secure covered and open storage for plant, machinery and materials in connection with a demolition contractor's yard is self evidently not a use of high environmental value. Furthermore though the use may be running at a low level or be dormant, if the use was resurrected and running as a going business, given the size of the site and nature of the lawful use it has the capacity to cause significant ongoing visual and environmental harm including being a significant generator of inappropriate HGV traffic along narrow country roads.
- 7.13 As such it is considered that significant environmental benefits could be secured by an appropriate form of redevelopment resulting in removal of unsightly buildings, open storage and yard areas, reducing the potential for noise and disturbance, removal of HGV's from inappropriate rural roads while improving the wildlife potential of the site. There is also the impact of the current use of the site on the character and setting of Durrants a Grade II LB, abutting the site to the west. The proposal therefore also brings the opportunity for improving the character and setting of this heritage asset in accordance with the provisions of policy DM4 of the local plan.
- 7.14 Regarding whether the site can reasonably be made accessible by sustainable modes to the Maidstone urban area, a rural service centre or larger village. The nearest centre of any significance is Yalding just over 1.63km to the west. It is not considered there are any feasible physical works that could be carried out to address this.
- Landscape Impacts:**
- 7.15 The site is located within the Yalding Farmlands landscape character area, as defined in the Maidstone Landscape Character Assessment. The Maidstone Landscape Capacity Study: Sensitivity Assessment - January 2015 assesses the area as being of high overall landscape sensitivity and sensitive to change.
- 7.16 The MBC landscape advisor considers the proposed development fails to reflect the Maidstone Landscape Character Assessment principles for the Yalding Farmlands landscape character area. However this comment needs to be placed in context. The application site and surrounding area is largely level with the application site set back just over 120 metres from West Street and approached by narrow access track. There is dense tree and hedgerow cover along the north and south west site boundaries with an area of orchard to the south east. The intention is also to supplement boundary screening.
- 7.17 Apart from long range views from West Street there are no footpaths or other vantage points enabling public views of the site. As such the site occupies an enclosed and inward looking setting. Subject therefore to the proposed development being low profile it is considered development of the application site can take place without harming the wider landscape.
- 7.18 Turning to Low Weald in the Maidstone Landscape Character Assessment 2012 the guidelines relevant to this application are considered to be as follows: *New development should respect the local vernacular in scale, density and materials*
- 7.19 The traditional pitched roof design of the houses now being proposed means no conflict identified with this guideline.
- 7.20 *Conserve orchards and the traditional small scale field pattern* - Retention of the existing substantial orchard abutting the site to the south east is proposed - retention of existing field patterns are not relevant to this proposal.

- 7.21 *Conserve the rural setting of traditional buildings and farmhouses* The current use and nature of the buildings occupying the site means this is not relevant to this application. There is a Listed Building abutting the western site boundary and the impact of the proposed development on this will be assessed later in this report.
- 7.22 *Conserve the undeveloped character of the landscape* - The proposal concentrates development. This will minimise the impact of development on the locality compared to the existing more diffuse commercial activity currently being carried out. A further consideration is that though current commercial operations are low key there is no guarantee this will remain the case.
- 7.23 *Increase habitat opportunities around water bodies and ditches by promoting a framework of vegetation in these areas.* - There is what is referred to as a small pond on the site. However the submitted ecological appraisal refers to this as a single depression heavily overgrown with nettle and bramble scrub and supported approximately 1cm of water at the time of survey (August 2018) .It is proposed that this will rebuilt to form a water body on the proposed roundabout.
- 7.24 It is reiterated the site has an enclosed nature not easily visible from any public vantage point. It is therefore considered the opportunity exists for the site to be redeveloped without causing harm to the rural character of the area or wider landscape.

Design and layout:

- 7.25 One of the key tests of in satisfying the terms of policy DM5 is whether the proposal can secure significant environmental improvements. Design and layout are aspects of this assessment.
- 7.26 This is an outline proposal with now access, layout, scale and appearance to be considered at this stage with only landscaping left as a reserved matter.
- 7.27 Dealing first with scale, concern has been raised the proposed development will exceed the footprint of existing buildings occupying the site. While this is acknowledged, the proposal also results in the removal of an existing potentially unneighbourly use, all open storage (which can currently take place in an unregulated manner in terms of height and location) and all hardstandings. Loss of all these elements represent significant planning benefits and can be taken into account in determining the amount of building appropriate for this site.
- 7.28 In relation to scale, the proposed units are now traditional pitched roof units. Taking into account existing and proposed landscaping and set back from West Street to the north, it is considered there is likely to be little indication of built mass outside the immediate application site area.
- 7.29 Turning to design and appearance, the proposed dwellings now represent a traditional approach. As such there is considered to be no objection to their design. In addition, the proposed dwellings are not likely to be easily visible from outside the site while the development will be inward looking and self contained. The site therefore has its own micro environment divorced from its surroundings enabling the development to be insinuated into the area without causing material harm to the rural or landscape character of the area.
- 7.30 Concern has been raised that the proposal does not constitute an informal landscape dominated layout. The applicant responded to this concern as follows:

- The site is self contained and inward looking. Typically housing and farmsteads grow up in an organic way and this is reflected in their layouts.
- When making proposals in an organic/ historical context the layout would reflect this.
- The application site is not within or abutting an organic rural context and to impose such a layout would be out of context.
- The application site has its own inward style.
- Due to the proposed tree screening the site layout will have no impact on the wider countryside.
- Redesigning the layout to make it appear more informal given the site characteristics and impact of the development is not considered to be justified in the circumstances.

7.31 It is considered the above represents a valid statement of reasons justifying the proposed layout.

7.32 Given the site context it is therefore considered that in design and layout terms the proposal is an acceptable means of unlocking the development potential of this constrained rural site in accordance with the provisions of policy DM30 of the local plan.

Heritage considerations:

7.33 A short distance in from the western site boundary is the Grade II Listed Building (LB) of Durrants House. There is a dense tree screen separating the LB from the application site. Abutting the tree screen are buildings, open storage and yards forming part of the application site. The tree screen will be retained while all commercial buildings open storage and yards will be removed and replaced by dwellings set at a minimum of just under 10 metres back from the site boundary. It is therefore considered the proposed development will bring a substantial uplift to the setting of the LB in accordance with the provisions of policy DM4 of the local plan.

Amenity

7.34 In block spacing, size of amenity areas and privacy terms the proposed development will provide an acceptable standard of amenity for future residents in accordance with the provision of policy DM1 of the local plan. The only property outside the application site likely to be directly affected by the proposed development is Durrants House abutting the site to the west. However replacement of an unneighbourly commercial use with a more compatible residential use along with retention of existing boundary screening will result in an uplift to the amenity of Durrants House. The remaining concern in relation to Durrants House is potential loss of privacy from west facing 1st floor windows. However retention of the existing boundary screen will address this issue.

Highways

7.35 Though there may only be low level commercial activity currently being carried out the use is unconstrained in planning terms. It could therefore expand without seeking further permission resulting in additional HGV and employee traffic using narrow country lanes.

7.36 When compared to this traffic generated by 8 dwellings is likely to result in a reduced number of HGV and car movement to and from the site. Consequently the proposal could be viewed as bringing a betterment to local highway conditions and in the absence of objection from Kent Highways is considered acceptable in its highways impacts.

- 7.37 Kent Highways have requested a condition to secure a construction management plan. Guidance makes clear that planning conditions should not seek to control matters falling outside the remit of planning or addressed by other legislation. Such a condition would fail this test though there is no reason why Kent Highways concerns raised cannot be addressed by informative.

Sustainability:

- 7.38 The provisions of policy DM5 of the local plan includes reference to development being accessible by sustainable modes to Maidstone urban area, a rural service centre or larger village. Yalding is just over 1.63km to the west approached by narrow country roads. Realistically the majority of movements to and from the application site will therefore be by car.
- 7.39 It therefore falls to assess whether there is any justification for permitting this development in the absence of its meeting the sustainability requirements of policy DM5.
- 7.40 The sustainability objectives of the NPPF still require development to meet economic, social and environmental objectives. Sustainable transport is therefore only one element of the sustainability package.
- 7.41 The development will enable (a) the removal of an unneighbourly and poorly sited commercial use (b) its replacement with a housing making a valuable windfall housing contribution and (c) bring environmental and wildlife improvements to the area. Consequently it is considered that lack of accessibility by sustainable transport modes is more than offset by the wider environmental and other benefits arising from the proposal.

Wildlife

- 7.42 The submitted ecology survey identified within the site a number of habitats for protected species. No evidence of badgers, dormice, great crested newts were found. However there was evidence of bat roosts and nesting birds along with the need for additional reptile and bat surveys.
- 7.43 Mitigation measures include the need to design lighting to be bat sensitive and to avoid disturbance to breeding birds. Ecological enhancements are proposed with the provision of bird/ bat boxes a wildlife friendly planting scheme and log and brush piles.
- 7.44 KCC Ecology have raised concerns regarding planning permission being granted before further survey work is undertaken which should only be permitted in exceptional circumstances.
- 7.45 It nevertheless it accepts there is sufficient land within the applicant's ownership to secure an offsite reptile mitigation area and bat barn.
- 7.46 Sufficient space to enable translocation of protected species within the same or close to the area to their original habitats means the density of local fauna will not be affected while ensuring an acceptable replacement habitat is secured. It is considered this represents a case of sufficiently compelling exceptional circumstances enabling additional reptile and bat surveys to be secured by condition.
- 7.47 In addition while KCC Ecology notes the applicants only seek to secure mitigation proportionate to what the surveys reveal it contends that all the mitigation specified is necessary to secure ecological enhancements which is specified below:

- A range of bird boxes erected onto any buildings and trees to be installed on sheltered aspects close to vegetation at a height of 2-3m, preferably on north, north-east or north-west facing elevations.
- The installation of bat boxes installed in suitable locations would increase the site's potential for roosting bats. These boxes should be installed at a height of 3m or more at eaves height on sunny, sheltered aspects, away from direct illumination by artificial lighting and in a location, which ensures connectivity to foraging habitats within the wider landscape.
- The incorporation of a wildlife-friendly planting using native plant species benefitting invertebrates, birds and bats.
- Construction of log and brash piles on the site boundaries; and within the retained habitats in the south of the site would provide places of refuge for wildlife.
- Any tree and hedgerow planting should be undertaken using native species such as pedunculate oak, small leaved lime *Tilia cordata*, black poplar *Populus nigra*, wild service tree *Sorbus torminalis* or similar.

7.48 In the circumstances it is considered the interests of wildlife is sufficiently safeguarded in accordance with provisions of the NPPF and policy DM3 of the local plan.

Community infrastructure contributions and affordable housing

7.49 Requests for contributions towards S106 legal agreements must be assessed in accordance with Regulation 122 of the Act with any obligations being seen to meet the following requirements being they should be:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

7.50 In this case the relevant requirement relates to the provision of Affordable Housing (AH) in accordance with Policy SP20 of the local plan. This requires that 40% of housing schemes in the countryside should be affordable unless it can be demonstrated that AH targets cannot be achieved due to economic viability.

7.51 The application has been accompanied by a viability appraisal which concluded that the development would not be viable if financial contributions towards securing AH were sought.

7.52 Independent assessment of the applicant's viability appraisal supports this conclusion that the scheme cannot support any contributions towards AH though suggesting a 'clawback' mechanism in the event sales values increase due to an uplift in the housing market.

7.53 Such a 'clawback' would be delivered via a S106 legal agreement. The applicants have since confirmed their agreement to a 'clawback'.

Other matters

7.54 There is a requirement that surface water drainage be dealt with via a SUDS in order to attenuate water run off on sustainability and flood prevention grounds and is a matter can be dealt with by condition.

7.55 The proposal needs to be 'screened' as to whether it should have been accompanied by an Environmental Impact Assessment (EIA). As the site does not fall within an AONB nor does it exceed any of the Schedule 2 thresholds set out in

the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 no requirement for an EIA is identified. It should be stressed this conclusion does not imply support for the proposal or set aside the need to assess the proposal applying normal planning criteria.

CONCLUSIONS/BALANCING EXERCISE

- 7.56 The proposal involves the removal of an unneighbourly and unconstrained commercial development. The site is well enclosed and the proposed housing will result in an inward looking and self contained development acceptable in design terms while not resulting in any material impact on the rural and landscape character of the area.
- 7.57 The development will bring about improvements to the setting of an adjoining heritage asset, is acceptable in its amenity, highways and wildlife impacts while making a windfall contribution towards meeting housing supply in the Borough. It is therefore considered that the balance of issues fall significantly in favour of granting planning permission for the proposed development.

8.0 RECOMMENDATION –The Head of Planning and Development BE GRANTED DELEGATED POWERS TO GRANT planning permission subject planning conditions and the prior completion of a legal agreement to provide the following:
a 'clawback' mechanism to secure contributions towards the provision of affordable housing in the event sales values increase
(including the Head of Planning and Development being able to settle or amend any necessary terms of the legal agreement in line with the matters set out in the recommendation resolved by Planning Committee):

1. The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-a. Landscaping. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. Prior any part of the development hereby approved reaching damp proof course details of a sustainable surface water drainage scheme (including its long term maintenance) shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out before first occupation of any of the dwellings hereby approved and retained in accordance with the approved details at all times thereafter.

Reason: In the interests of pollution prevention, sustainability and flood prevention.

3. Prior to the development hereby approved reaching damp proof course samples of materials to be used in the construction of the external surfaces of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

4. Prior any part of the development hereby approved reaching damp proof course details of both hard and soft landscape works designed using the principle's established in the Council's adopted Landscape Character Assessment 2012 shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity, where possible), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme. 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: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

5. The development hereby approved shall not commence until details of an Arboricultural Method Statement (which shall include tree protection measures) prepared in accordance with the current edition of BS 5837:2012 have been submitted to and approved in writing by the local planning authority. 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. The parking/turning areas and access shown on the approved plans shall be completed before first occupation of any of the dwelling hereby approved and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) 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 and turning provision is likely to lead to parking inconvenient to other road users and result in conditions detrimental to the interests of road safety.

7. 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: To prevent harm to human health and pollution of the environment.

8. A Closure Report shall be submitted upon completion of the works. The closure report shall include full verification details as set out in point 3 of the preceding condition. 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; Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: To prevent harm to human health and pollution of the environment.

9. The development hereby permitted shall be undertaken strictly in accordance with the Preliminary Ecological Appraisal carried out by Greenspace Ecological Solutions dated August 2018 including the ecological enhancements set out in para 6.1 of the report within 3 months of first occupation.

Reason: To enhance the sites biodiversity assets.

10. Prior to the development hereby approved commencing bat and reptile surveys as detailed within the Preliminary Ecological Appraisal (Greenspace Ecological Solutions dated Aug 2018) must be submitted to the Local Planning Authority for prior approval in writing. The work shall only be carried out in accordance with the approved details.

Reason: In the interests of wildlife.

- 11 Prior to the development hereby approved commencing an updated mitigation and enhancement strategy informed by the bat and reptile surveys shall be submitted to and approved in writing by the Local Planning Authority which shall be in accordance with the mitigation and enhancements proposed within the Projected Mitigation Strategy for Reptiles and Bats (Greenspace Ecological Solutions; September 2018).

Reason: In the interests of wildlife.

11. Any external lighting installed anywhere on the application site including along the access road and around the access point onto West Street shall be in accordance with details that have previously been submitted to and approved in writing from the Local Planning Authority. Lighting shall only be installed in accordance with the approved details and retained as such at all times thereafter.

Reason: In the interests of bat protection and to safeguard the rural night time environment in the interests of visual amenity.

12. Prior to any part of the development hereby approved reaching roof level details of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority to include gaps for the passage of wildlife. The development shall only be carried out in accordance with the approved details.

Reason: In the interests of privacy and visual amenity.

13. The development hereby approved shall be carried out in accordance with the following plans nos: 2009/01B, 02E, 05B, 06B and 10, DAT/9.0A sheets 1 and 2 (site survey) 9.1 sheets 1 and 2 (outline elevations).

Reason: In the interests of amenity.

14. Prior to first occupation of individual dwellings a minimum of one electric vehicle charging point shall have been installed for the benefit of the occupier of that dwelling with the charging point thereafter retained for that purpose.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with paragraph 35 of the NPPF.

15. Prior to first occupation of individual dwellings cycle storage and bin storage shall be in place that is in accordance with details that have previously been submitted to and approved in writing with the approved storage retained thereafter.

Reason: In the interests of amenity.

INFORMATIVES:

- (1) You are advised before beginning the development to address the following concerns.
 - (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking, turning and unloading areas for construction and delivery vehicles and site personnel and visitors.
 - (c) Timing of deliveries
 - (d) Provision of wheel washing facilities
 - (e) Any necessary temporary traffic management /signage.
 - (f) Measures to prevent the discharge of surface water onto the highway.
- (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. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and

Transportation to progress this aspect of the works prior to commencement on site.

- (3) 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.

Case Officer: Graham Parkinson

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