

REFERENCE NO - 20/506064/FULL
APPLICATION PROPOSAL Demolition of existing vehicle workshops and erection of 10 No. dwellings and 1 No. commercial office building with associated access roads, parking, landscaping, drainage, and utilising existing access.
ADDRESS Culls Farm Dean Street East Farleigh ME15 0PS
RECOMMENDATION Grant subject to Conditions
SUMMARY OF REASONS FOR RECOMMENDATION <p>This is a brownfield site in the countryside which is predominantly surrounded by close board fencing and comprised of large utilitarian buildings and associated hardstanding in car related industrial uses and extensive hardstanding for open storage or display of vehicles. The existing site is of poor environmental value. The proposed development will not extend beyond existing curtilage and does not harm the character or appearance of the adjacent countryside.</p> <p>Having regard to the DM5 test that development should result in significant environmental improvement, it is considered that the removal of the existing commercial car sales operation and car related industrial activities that are more typically suited to an industrial area, represent a material benefit.</p> <p>A small office building and a range of bespoke house styles reflecting a farmstead appearance is proposed in a low-density layout incorporating the use of local typologies and significant incorporation of vernacular materials. The layout and character are therefore of high quality and are in-keeping with the surrounding hamlet in this part of East Farleigh and thus achieve a significant improvement in the character of the area and its environment. The development would also result in the decontamination of the site that lies over a Principal Aquifer.</p> <p>The layout of the site as a whole and the individual plots will provide a good quality of amenity for future residents and there is no impact on the amenity of adjacent residents subject to suggested conditions.</p> <p>The scheme has been amended to improve the quality of layout and design. Further consideration of the boundary treatment in the suggested condition will aim to meet the objectives of rural character, security and privacy to residents. The Landscape Following submission the scheme has been amended to improve the layout and design and to create a more rural 'farmstead' layout and typology. The Landscape Appraisal has been updated to take on the advice of the MBC Landscape Officer</p> <p>There are no transport, environmental or other technical objections from Statutory Consultees.</p> <p>Suggested conditions on low carbon/renewable energy and Biodiversity Net Gain will add to the significant environmental improvement of the site.</p> <p>The development of this site comprising previously developed land accords with relevant Local Plan policies relating to their redevelopment in the countryside except in regard of one issue, that being environmental sustainability due to the location relative to access to local services. However, there is no net worsening of environmental sustainability due to existing use rights of the car-related businesses that operate from the site and this should be positively balanced in the consideration of the scheme in terms of the partial breach of policy DM5.</p>
REASON FOR REFERRAL TO COMMITTEE

Non-compliance with Policy DM5 of the MBLP in relation to residential development of a brownfield site in the countryside not accessible by sustainable modes to local shops and services.		
WARD Coxheath And Hunton	PARISH/TOWN COUNCIL East Farleigh	APPLICANT Williams Group Ltd AGENT Robinson Escott Planning
TARGET DECISION DATE 30/07/21		PUBLICITY EXPIRY DATE 15/07/21

Relevant Planning History

89/1245

Variation of condition (viii) on MA/88/0797W. .
Approved Decision Date: 06.10.1989

89/0944

Existing crash repair and spray shop (surplus to requirements) convert to storage workshop and office accommodation as validated and amended by agent's plan No. 89/118/01B received 16 August 1989.
Refused Decision Date: 20.10.1989

88/0797

Change of use of redundant agricultural building into vehicle repair and spray shop.
Approved Decision Date: 05.10.1988

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site measures some 0.75 hectares in size with the lawful use of land and buildings comprising a vehicle repair workshop (including paint shop, MOT garage and valeting) and car sales centre. These are in large modern buildings and portacabins, along with expansive areas used for the open storage/display of vehicles. The existing uses are B2 (General Industrial) and Car Sales (sui generis). The site therefore comprises previously developed land (brownfield land) in the countryside.
- 1.02 The village of Coxheath is located 0.5 km to the south. It is the nearest "larger village" which has shops and local services including reasonable public transport links. There is a bus route past the site but it is an infrequent service and the bus stop is 500m from the site and the section of Dean Street near the site has no streetlights or footpaths.
- 1.03 The site lies over 50m from Dean Street and over 190m from Forge Lane and existing field boundaries and housing etc effectively screen the development site from public view from those roads.
- 1.04 Residential properties of Dean Street lie beyond the eastern boundary with the northern, western, and southern boundaries adjoining open agricultural land. There is an existing footpath KM39 some 50m to the northeast. The East Farleigh Dean Street Conservation Area is 172m to the North east. The nearest Listed Buildings are Malt House Cottages, on the far side of Dean Street, just north of the access

to Dean Street. The Cottages are sited over 60m from the main part of the site itself.

- 1.05 The site is located on the western side of Dean Street and is accessed via a driveway leading from the highway. The application site includes an adequate visibility splay to the south but not one to the north as this is in different land ownership. The land slopes up slightly from north to south being approximately 76m AOD on the northern boundary and approximately 80 m AOD on the southern boundary
- 1.06 The boundary is mainly close board fencing on the southern western and northern boundaries and a hedge line with a wire fence on the eastern boundary. A short line of tall Leylandii Conifers is planted on the very north eastern corner of the site. There are some young semi -mature oak trees and a line of lime trees on the site but it mainly laid to hard surfacing.
- 1.07 The existing buildings to be removed have a volume of 5581 cubic m and existing hardstanding removed of 5338 sqm. The premises currently have a total gross external floor area of 1120.5sqm. The large industrial units are up to 7m high at the ridge and prefabricated portacabins used as offices are generally only 2.75m tall.
- 1.08 The site lies over a Principal Aquifer.

2. PROPOSAL

- 2.01 The application is for a development of 10 dwellings set around a courtyard area, in conjunction with a small traditionally designed office building of chalet style design incorporating 195 sqm of gross office space.
- 2.02 The use of the existing access onto Dean Street is retained with unaltered visibility splays.
- 2.03 The dwellings would comprise 5no. detached 4-bedroom family homes, 2no. detached 3-bedroom chalet style dwellings and a terrace of 3no 3-bedroom properties.
- 2.04 The buildings have been designed to appear as a farmstead style development with an informal circulatory road layout to ensure large vehicles such as refuse freighters and fire tenders can access but avoiding unsightly large turning heads.
- 2.05 The design of the properties includes 5 no. conventional 2-storey dwellings of red brickwork and tile hanging/weather boarding and clay tile or slate roof, 1 includes some ragstone to the front elevation; a row of 3 barn style terraced dwellings with black weather boarding and slate roof and lead clad dormers, and 2 chalet style detached dwellings, also of a barn style design using the same materials.
- 2.06 The office suite would also have a traditional rural appearance. This is angled around the corner at the site entrance to provide architectural interest. It will be ragstone faced on the front and one side elevation , hanging tiles on other side elevation and plain clay tile roof, with lead clad flat roofed dormers to front and rear of each wing.
- 2.07 The 3 double car barns are intended to represent cart lodges and would be brick or weatherboarded including some elevations in ragstone. The remaining 7 properties have 2 parking spaces each with 5 layby spaces for visitors. The office building has 7 parking spaces, to be enclosed by ragstone walls.
- 2.08 The landscape strategy indicates the use of post and rail fencing around the boundaries and brick and ragstone walls in the frontages.

- 2.09 The preliminary Ecological Report advises there is no evidence of reptiles, great crested newts, bats, dormice, badgers, hedgehogs or common mammals or protected flora. Recommended mitigation would be ecologically sensitive lighting; hedgehog friendly gravel boards; new native hedgerow planting; native and nectar rich planting; integrated bird and bat boxes, log piles etc.
- 2.10 A total of 8 trees are proposed to be removed to facilitate the construction. Eleven lime trees will be retained and incorporated within an area of open space also to be used for the creation of a SUDS pond and planting. Trees that are removed will be replaced with equivalent long lived and native species. A 'Tree Survey outlining tree protection procedures and a revised issue of the Landscape Strategy with updated layout and ash removed from plant mixes was issued.
- 2.11 A revised Landscape Appraisal has been submitted with updated comments on the MBC Landscape Character Assessment and Landscape Capacity Study. The site is located in Greensand Fruit-belt -Maidstone, an area that is defined as a landscape in a good condition with moderate sensitivity and visibility with a prescribed policy action of 'conserve & reinforce.' The site is located on the slope of an undulating ridgeline located between the two river valleys of the Medway and the Loose.
- 2.12 The landscape strategy is based upon a number of principles, namely:
- taller buildings are located on the lower-lying ground at the north of the site
 - Signage, street furniture and fencing will be kept to the minimum
 - Timber fencing will be used to define garden boundaries
 - Building materials, fencing, street furniture and fencing will be muted in colour
 - The use of reflective surfaces and street lighting minimised
 - A low native hedgerow with scattered standard trees will be planted along the northern boundary
 - Boundary vegetation of good condition will be retained and inter-planted with locally appropriate trees and shrubs to provide a new softened and densely vegetated edge to the site,
 - mosaic of habitats to form linkages with wildlife corridors in the surrounding landscape
 - a small orchard area with heritage varieties within the communal space (for foraging animals);
 - wildflower meadow areas with a close mown edge and a SuDS pond
 - tree and scrub planting of locally appropriate native species of UK provenance to increase biodiversity on-site
 - provide connectivity to existing wildlife corridors in the surrounding landscape
- 2.13 A Landscape and Visual Impact Assessment be undertaken in order to demonstrate that the new dwellings would not have a greater impact on the surrounding rural areas than the existing industrial/commercial buildings.
- 2.14 A ground investigation report concludes that additional confirmatory investigation be conducted following the clearance of the site down to slab level (i.e. post demolition but prior to removal of the ground slabs), in order to facilitate more representative investigation beneath buildings / areas of hardstanding by trial pits. To date there is evidence of some contamination of made ground and ground gas emissions. Areas of proposed soft landscaping/gardens be afforded with a minimum thickness of 300mm "clean" cover system over a marker layer.

- 2.15 The Sustainability and Energy Statement demonstrates that the proposed site and room layout takes into account the desire to manage passive solar gain and optimise natural daylighting; together with the use of efficient building fabric. Windows would be as double glazed and are low 'e' soft coat and argon filled. Improvement over Building Regulations are to be employed for air leakage, thermal bridging, plus the use of energy efficient lighting and controls.
- 2.16 In terms of renewables, solar hot water heating panels and PV panels are feasible but are not proposed specifically. Instead it is proposed to enhance the fabric insulation and the houses and office unit will have air source heat pumps, which will provide space heating and hot water to each (and potentially cooling too). Water efficiency measures incorporated within the houses achieves the enhanced standard required by the Building Regulations. Discretely located rainwater butts could be provided to store rainwater for irrigation of landscaping.
- 2.17 The Drainage Strategy states that the surface water shall infiltrate to ground on site via swales, pond, attenuation tanks and 2 deep bore soakaways.
- 2.18 The foul water is to drain via gravity to the sewer beneath Dean Street.

3. POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan 2017 SP17; SP19; SP20; DM1; DM5; DM12; DM19; DM21; DM23; DM30
- Kent Minerals and Waste Local Plan 2020
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)

4. LOCAL REPRESENTATIONS

Parish Council

East Farleigh PC support subject to adherence on:

- sustainability
- highways issues
- commercial office space would be non-manufacturing
- monitoring levels of HGVs in development stage
- vision splays
- tree Officer should consider the semi-mature Oak Trees at this location.

Local Residents:

- 4.01 Seven representations received from 4 local residents raising the following (summarised) issues
- over development with too much car traffic
 - not in a sustainable location, reliant on car use, breaches DM5
 - Coxheath is not accessible by foot
 - open countryside

- Dean Street traffic is dangerous and busy cut through between Coxheath and Maidstone – needs traffic calming near the entrance
- Dean Street is unsafe to walk to a bus stop or cycle along with no footpath
- access point is on a bend and unsafe
- unrealistic Transport Statement because it is a predominantly web based car showroom
- Transport Statement uses inappropriate TRICS data
- Plot 11 blocks a legal right of way
- removing existing close boarding fencing and replacing with post rail fencing will seriously affect privacy
- hedges are shown but are actually on neighbouring land
- new house owners will complain about agricultural work
- commercial element could harm amenity
- the Heritage Statement does not provide any assessment of the impact upon setting or the listed cottages
- the landscape and visual assessment has been submitted in draft form so little weight to its findings
- the overall layout of the development is very urban in form
- the current infrastructure is inadequate eg poor internet and water pressure

Issues of rights of way, water pressure, internet and complaints about agricultural work are not material planning considerations and therefore cannot be taken into account in the determination of this application. The right of way issue has, in any event, been resolved by an amendment to the layout. The other matters raised by neighbours and other objectors are discussed in the detailed assessment below.

5. CONSULTATIONS

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

KCC (Highways and Transportation)

- 5.01 The access will be via the current arrangement that serves the business venture known as Williams Group, as a priority junction, off Dean Street. The visibility splay to the north of the priority junction with Dean Street does not meet the guidance set out in Manual for Streets. The splay to the south achieves 43 metres of visibility. If the junction was not already in place, it would not be accepted on safety grounds, however, of the personal injury collisions reported on CrashMap, it shows that the priority junction does not have any historic highway safety issues that require addressing as part of this application. Visibility for vehicles turning into the development, along Dean Street, is adequate in both directions.
- 5.02 A refuse freighter can access the site, with no issues
- 5.03 TRICS Database has been used to assess trips generated by the car displays and workshops, reducing from 208 per day to 80 per day with the redevelopment.
- 5.04 Each dwelling should have an Electric Vehicle Charging Point; 2 of the 5 office car parking spaces should be ready for Electric Vehicle Charging, with passive supply for the remaining 3 spaces

5.05 There is secure and covered cycle parking within the garden of each residential dwelling. We endorse the proposed £100 cycling voucher with each dwelling, but would ask if this could be extended to two x £100 vouchers, which may minimise the dependency on car travel, especially if e-cycles could provide an alternative to car. The office development will also have secure and covered cycle parking on site.

5.06 Unfortunately, Dean Street is without footways which restricts the ability to access bus services in the area, the nearest being on the junction with Forge Lane.

Natural England

5.07 No comments but refers to its Standing Advice to assess impacts on protected species.

KCC Ecology

5.08 Sensitive lighting design for bats should be secured.

5.09 Any work to vegetation that may provide suitable nesting habitats should be carried out outside of the bird breeding season (March to August) unless there is examination by an experienced ecologist prior to starting work and if any nesting birds are found, development must cease until after the juveniles have fledged.

5.10 The ecology report recommends suitable enhancement measures which should be incorporated into the development. This includes native tree/hedge planting and provision of integrated bird/bat bricks.

Kent Police

5.11 Recommend "Secured By Design" initiatives relating to: appropriate garden boundary treatments; post and rail fencing needs additional thick hedging is installed with wire stock type mesh fencing. SBD Homes 2019 guidance is that all garden fencing should be 1.8m in height. Any lighting plan should be approved by a professional lighting engineer to help avoid conflict and light pollution. Bollard lighting should be avoided. Parking for plots 2 and 3 needs natural and informal surveillance.

5.12 Following amendments: we have no objections to make regarding this planning application and no further comments to make regarding the additional information provided.

Environment Agency

5.13 No objections subject to contamination conditions.

KCC (Flood and Water Management

5.14 Initial Response: We would expect an on-site ground investigation to support the use of infiltration. It is recommended that soakage tests be compliant with BRE 365. Where there is any exceedance of the drainage network above the 30 year event, the exceedance plan should illustrate where exceedance occurs and the extent and depth of flooding. Exceedance must be controlled within the site boundary.

5.15 Final Response: We have reviewed the re-submitted Drainage Strategy and Maintenance Requirements Rev A and agree in principle to the proposed development.

Southern Water

5.16 Southern Water requires a formal application for a connection to the public foul sewer. Where SUDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-

term maintenance to avoid flooding which may result in the inundation of the foul sewerage system.

KCC Archaeology

- 5.01 The site lies in an area of archaeological potential associated with Roman and Post Medieval activity. Roman remains are known in the area and Culls Farm is part of a historic farm complex identifiable on the 1st Ed OS map. In view of the potential for Roman and later remains recommend archaeological evaluation.

MBC Environmental Protection

- 5.02 Traffic noise is unlikely to be significant. Do not consider the scale and/or location warrants either an air quality assessment or an Air Quality Emissions Reduction condition applied to it. However, installation of Electric Vehicle charging points would be a useful promotion of a sustainable travel option.
- 5.03 The site is currently a brownfield site previously used for storage and vehicle workshops, with historical use for agricultural purposes, and lays over a Principal Aquifer so suggest a contaminated land condition. The Preliminary Geo-Environmental Site Investigation Report report recommends further investigation of the site and various mitigation measures. No indication of high radon. The application form states that foul sewage will be dealt with via mains system; and the Council has no records of any known Private Water Supplies in the vicinity.
- 5.04 Details regarding any external lighting should be required as a condition of any planning permission granted.
- 5.05 Any demolition or construction activities may have an impact on local residents and so the usual conditions/informatives should apply in this respect. The buildings being demolished should be checked for the presence of asbestos and any found should only be removed by a licensed contractor.

MBC Parks

- 5.06 As the proposed site contains 10 residential dwellings there would be a requirement of 0.22 hectares of meaningful on-site open space within the development. For the purpose of our requirement calculations, the area on-site open space has been estimated as 0.0645ha.

MBC Landscape Officer

- 5.07 Initial Comments: The submitted Landscape Appraisal appears to be a draft and the baseline assessment considers the old 2004 version of the Maidstone Landscape Character Assessment and then references the Landscape Guidelines (LCA Supplement, dated March 2012, amended July 2013) It does not take account of the Maidstone Landscape Capacity Study. The Landscape Strategy Plan needs to reflect the Landscape Guidelines for the character area in which the site is located but should not include Ash trees as their planting is currently still restricted due to Ash Die-Back. There are a number of trees shown to be removed but no tree survey or arboricultural constraints appear to have been used to inform the design as recommended in BS5837:2012. However, the trees in question are small in stature and therefore their removal and replacement may be appropriate. Require an Arboricultural Method Statement, including protection details, to avoid the need for a pre-commencement condition if permission were to be granted.
- 5.08 Additional Comments: My initial comments have been addressed in revised report with updated comment on the MBC Landscape Character Assessment (March 2012 and updated July 2013) and Landscape Capacity Study (January 2015).

- 5.09 The trees affected by the development proposal (as detailed in the submitted tree survey report by KPS, dated 18th March 2021) are small in size and not considered to be of any quality to be an arboricultural constraint. Therefore, no arboricultural grounds for refusal, provided the development follows the recommendations and tree protection measures contained within the submitted tree survey.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:

- Principle
- Sustainability
- Highways
- Design and Layout
- Affordable Housing

Principle

- 6.02 The Local Plan identifies that windfall development is an important element of the overall housing delivery strategy. However, in relation to the principle of development, the site lies within the Countryside subject to policy SP17 of the Local Plan where development proposals will not be permitted unless they accord with other policies in the plan and they will not result in harm to the character or appearance of the area.
- 6.03 In terms of the employment use in the offices, Policy SP21 supports proposals for economic development in rural areas. Policy SP22 does not safeguard the existing site as an economic development area.
- 6.04 The site is previously developed land and Policy DM5 of the Local Plan supports the proposals for residential development of brownfield sites in the countryside which would result in significant environmental improvements to the site. This is where the site is accessible by sustainable modes to a rural service centre or larger village and also where that the land is not of high environmental value. Policy DM5 includes tests, namely:
- Is the existing site of a high environmental value ?
 - Does the density and character reflect the surrounding area ?
- 6.05 The existing site is not of a high environmental value, with utilitarian buildings/ structures and a number of large areas of external vehicle display. It does not make a positive contribution to the character and appearance of the area.
- 6.06 Due to the site's relationship to existing built development and limited visibility from the surrounding countryside, subject to the design and character of the development, the principle of residential development with a small office building would not impact upon the wider rural character of the area and therefore accords with Policy SP17 and the relevant tests within DM5.
- 6.07 Both the NPPF and the Local Plan recognise that good design is a key aspect of sustainable development. Policy DM1 emphasises the importance of good quality design whilst DM30 provides further guidance in respect of rural sites, where sensitivity to local typology is emphasised. In addition the Council has adopted its own version of BfL12 as a tool to help shape new residential development.

- 6.08 The scheme has responded to a number of relevant BfL 12 criteria: 2 swales and a SuDS Pond combine surface water attenuation with ecology and visual amenity benefits; the type and size of housing is designed to meet local needs; the design of the dwellings reflect local character; adequate car parking is provided to meet needs without dominating the layout due to careful siting of car barns and scope for ragstone/brick screen walling; the layout ensures that private gardens are orientated to optimise natural light; the communal open area is positioned to provide place making; there is provision for cycle storage to both offices and dwellings.
- 6.09 The density of development, with 10 dwellings provided, would be 13.3 dwellings per hectare which strikes a balance between making an efficient use of the land and providing a development that responds to the rural character of the site with elements of a "farmstead" appearance.
- 6.10 The footprint of the development is similar to existing although the volume is approx. 100 cubic m greater.. This has arisen from revisions to the scheme which, inter alia, introduced car barns instead of integral garages to improve the appearance of the dwellings to be more traditional and to reduce and screen areas of open vehicle parking. In my view, this marginal level of increase in volume (c. 1.8%) does not impact on the countryside but does achieve significant environmental improvement from design and street scene benefits.
- 6.11 The ridge heights of the proposed buildings will be higher than the existing structure (between 1.23 to 2.33m taller) as they are located throughout the site on sloping land, but the height of the structures will be lower than the established ridge heights of cottages higher up on Dean Street: the scale and the massing of built form is appropriate to the rural village edge setting.
- 6.12 The detailed Landscape Appraisal concludes that the impact of the proposal on the wider landscape has been considered and the sensitive design approach employed represents a development that is appropriate to the site's rural setting.
- 6.13 The public views to the site from the locality are filtered by orchard planting, roadside and field boundary hedgerows, shaws and shelterbelts or topography, which restricts views east to west. There are limited close to medium range viewpoints from publicly accessible land towards the site. The only identified views towards the existing garage and workshop roofline from the immediate locality are from a very short section of Dean Street and the access drive.
- 6.14 The roofline of the proposed development will be below the established height of the existing residential buildings in the locality and the ridgeline which continues to rise above the site. The use of dark materials in the design of the buildings on the western boundary will form a recessive feature and thus serve to reduce visual impact.
- 6.15 There are no identified views from heritage assets or Conservation Areas and limited long-distance views from public rights of way in the wider landscape due to the extensive orchard, shelter belt and field boundary hedge planting and the topography.

Sustainability

- 6.16 The site is some distance from the defined larger village of Coxheath and the lack of footway and streetlights means that the site is not accessible by sustainable modes to a rural service centre and so is in conflict with that aspect of DM5. In order to assess compliance with policy DM5 relating to the redevelopment of previously developed land, it is relevant to take account of the existing use of the land when considering if the site is environmentally sustainable.

- 6.17 Members are advised that the reasoned justification to policy DM5 is as follows (my emphasis):

"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."***

- 6.18 Policy SP11 defines the nearest village of Coxheath as forming one of the larger villages with a range of shops and local services. However, whilst Coxheath is within walking distance, the site's occupants are unlikely to regularly access the village by cycle or on foot and the site is therefore not sustainable as a location for new development.

- 6.19 The submitted report by "Motion" firm of transport consultants states that the application site represents a sustainable form of development when compared to the likely vehicle movements etc associated with the existing car workshop and showroom.

- 6.20 Members are advised that appeal Inspectors are increasingly referring to net sustainability when considering this matter and the applicant's reference to comparison with the existing use rights of a B2 premises and car sales business is therefore of merit in my view. As mentioned by objectors, I do concur that the TRICS data does overstate this somewhat as it categorises the existing use as an edge of town car showroom and hence estimates 208 x 2-way movements in the working day compared to 80 for the proposed dwellings and offices. However, even allowing for the vehicle repair use taking up most of the floorspace with the likelihood of car sales being increasingly web-based as a trend, it would nonetheless be difficult to demonstrate that the redevelopment as proposed generates more car use than the existing or potential use of a commercial premises of such a large floorspace. In addition, net trip distances to local services are relatively short whereas the catchment area for customers visiting the car sales in particular would be wide.

- 6.21 Therefore I am of the opinion that there is no demonstrable net worsening of environmental sustainability due to the specific existing use rights and this should be positively balanced in the consideration of the scheme in terms of the assessment against policy DM5.

Highways

- 6.22 Policies DM21 and DM23 focus on assessing the transport impact of the development and the Council's parking standards.
- 6.23 The applicant's Transport Statement states that the proposals will result in a reduction in traffic flow on the surrounding highway when compared to the existing use.
- 6.24 KCC (H&T) do not object to the scheme on transport or parking grounds. This is despite the poor visibility from the access to the north as they state this is an existing situation for a busy access yet their analysis of crash data indicates no concerns for them.

- 6.25 The Highway Authority has requested a Construction Management Plan but due to the distance of the main development site from the public highway, it is not considered necessary in this case. However, an informative is suggested in regard of wheel washing and dust mitigation and that the PC be contacted with regard to routing of construction traffic.

Design, Layout and Landscape Impact

- 6.26 Policy DM1 outlines the principles of good design requiring all development to be of a high quality responding positively to the character and appearance of the local area in which it is situated. DM30 provides further guidance in respect of rural sites, where sensitivity to local typology is emphasised.
- 6.27 Policy DM1 also requires new development to create high quality public realm whilst respecting the amenities and occupiers of surrounding properties. It states that development should have regard to the existing landscape value of the surrounding area and should also look to protect biodiversity and requires any new proposals to provide adequate storage of waste including the provision for increased recyclable waste.
- 6.28 Policy DM12 concerns the density of housing development and seeks in principle for sites around the rural service areas and larger villages to achieve a density of 30 dwellings per hectare. However, this is to be read in conjunction with policy DM5 where sites in countryside locations are being considered. Here, a lower density of development is to be expected which explains and justifies the density proposed in this case of 13.3 dwellings per hectare. This strikes a balance between making an efficient use of the land and appearing in keeping with the rural setting of the site and its surroundings.
- 6.29 The scheme proposes a range of house designs in order to create variety within the scheme and rural typologies and good levels of detailing. The development is in keeping with the rural vernacular and the density of surrounding built form that can be seen within this part of Dean Street. In terms of architectural design, a traditional vernacular has been developed with high quality materials that would appear in keeping with a 'farmstead' style. The proposed palette of materials includes ragstone/red brick, timber weatherboarding, clay hanging tiles and clay or slate roof tiles. It will be necessary to specify the quality of the materials in a planning condition along with certain constructional details.
- 6.30 Details of the hard landscaping will be secured by condition to ensure that the appearance of the road surfaces and parking areas are also appropriate to this rural setting and continue the "farmstead" design approach.
- 6.31 It is considered that the scale and form of the development, together with the detailed design, materials and open/landscaped areas will lead to a high quality development in accordance with policies DM1 and DM30 subject to conditions as suggested to ensure that the proposed quality is achieved.

Open Space/Landscape/Ecology

- 6.32 Policy DM19 would require part of the site area to be accessible open space. However, the major proportion would be semi natural open space, which is not always appropriate to a development in a countryside location and where ecological mitigation is not required. The open area proposed is 645 sqm and is positioned to provide place making to the development and includes a pond, ecological features such as log piles and native landscaping (no Sycamores proposed).
- 6.33 Members will be aware that off-site open space is funded by CIL so contributions have not been sought.

- 6.34 An ecological assessment has identified that the existing site offers very limited habitat opportunity with no signs of protected species being present or foraging. This is due to the fact that the majority of the site is hard surfaced and/or commercially active.
- 6.35 Policy DM3 concerns the Borough's natural environment requiring the landscape character of important areas within the Borough to be recognised and it also seeks to ensure that no unacceptable harm to any protected species is caused. National Policy is moving towards 10% Biodiversity Net Gain and that can be achieved at this site. The applicant has indicated a commitment to provide ecological enhancements in the form of, for example, sensitive lighting; hedgehog friendly gravel boards; new native hedgerow planting; native and nectar rich new planting; integrated bird and bat boxes, log piles and a condition is suggested to secure this by the most appropriate methods.

Affordable Housing

- 6.36 Policy SP20 relates to affordable housing and specifies this is to be sought on development of 11 residential units or more or which have a combined floor space of greater than 1000sqm, so this is triggered here. Since the adoption of the Local plan, the NPPF was amended to refer to major development being where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more,
- 6.37 A Financial Viability Appraisal has been submitted in response to a policy requirement for affordable housing. The report reviews the financial viability of the scheme and confirms the development is unable to support the provision of any affordable housing. This is mainly based on the very high existing use value of the commercial premises on the site. The applicant has owned this site for many years and is therefore able to write off the land value ensuring deliverability.
- 6.38 The Financial Viability Appraisal has been reviewed by independent consultants (Dixon Searle) and it is confirmed that the existing use value means that with the low number of new units, it cannot be recouped in likely sale values. Dixon Searle have re-appraised the scheme with a much more conservative existing use value etc but they conclude that it still does not provide enough revenue with reasonable level of developer profit for there to be affordable housing contributions. The consultants further advised that they would not regard a review clause in a s106 agreement being warranted in this case, so this does not form part of the recommendation.

Other Matters

- 6.39 The area is safeguarded in the Kent Minerals and Waste Local Plan 2020. However, as the site is already developed, this not considered to be a constraint on the redevelopment proposed.
- 6.40 There is adequate distance between the new dwellings and office and neighbouring dwellings and their gardens so residential amenity is not affected by the siting of any of the dwellings and so policy DM1 is met in this regard but conditions on permitted development are suggested to ensure this in the long term.
- 6.41 The site is sufficient distance from the Conservation Area and any Listed buildings so as not to impact on Heritage Assets so Policy DM4 of the MBLP is not breached.
- 6.42 The application proposes specific renewable energy measures in the form of air source heat pumps rather than PV panels. It is recommended that renewable energy is secured by condition, also to seek rapid EV charging to dwellings and the offices with a requirement that the feasibility of PV panels of a suitable design and position be further investigated, eg roof integrated solar tiles.

- 6.43 A condition on sensitive external lighting is suggested that factors in the need for ecological and rural amenity aspects to be balanced against security requirements of Kent Police in accordance with Policy DM8.
- 6.44 The site can be decontaminated in principle subject to appropriate suggested conditions, according with policy DM 3 (Natural Environment). Similarly, foul and surface water drainage have technical solutions and the SuDS strategy accords with the desired hierarchy by including 2 swales and a pond and this is considered to be acceptable due to the added benefits of ecology and water quality from such features.
- 6.45 In terms of local representations, most matters have been addressed in the preceding sections. The issue over the boundary treatment affecting privacy can be dealt with by condition and it would be a requirement that neighbouring amenity is not affected.

CIL

- 6.46 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.

PUBLIC SECTOR EQUALITY DUTY

- 6.47 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.

7. CONCLUSION

- 7.01 This is a brownfield site in the countryside which is predominantly surrounded by close board fencing and comprised of large utilitarian buildings and associated hardstanding in car related industrial uses and extensive hardstanding for open storage or display of vehicles. The existing site is of poor environmental value. The proposed development will not extend beyond existing curtilage and does not harm the character or appearance of the adjacent countryside.
- 7.02 Having regard to the DM5 test that development should result in significant environmental improvement, it is considered that the removal of the existing commercial car sales operation and car related industrial activities that are more typically suited to an industrial area, represent a material benefit.
- 7.03 A small office building and a range of bespoke house styles reflecting a farmstead appearance is proposed in a low-density layout incorporating the use of local typologies and significant incorporation of vernacular materials. The layout and character are therefore of high quality and are in-keeping with the surrounding hamlet in this part of East Farleigh and thus achieve a significant improvement in the character of the area and its environment. The development would also result in the decontamination of the site that lies over a Principal Aquifer.
- 7.04 The layout of the site as a whole and the individual plots will provide a good quality of amenity for future residents and there is no impact on the amenity of adjacent residents subject to suggested conditions.

- 7.05 The scheme has been amended to improve the quality of layout and design. Further consideration of the boundary treatment in the suggested condition will aim to meet the objectives of rural character, security and privacy to residents. The Landscape Following submission the scheme has been amended to improve the layout and design and to create a more rural 'farmstead' layout and typology. The Landscape Appraisal has been updated to take on the advice of the MBC Landscape Officer
- 7.06 There are no transport, environmental or other technical objections from Statutory Consultees.
- 7.07 Suggested conditions on low carbon/renewable energy and Biodiversity Net Gain will add to the significant environmental improvement of the site.
- 7.08 The development of this site comprising previously developed land accords with relevant Local Plan policies relating to their redevelopment in the countryside except in regard of one issue, that being environmental sustainability due to the location relative to access to local services. However, there is no net worsening of environmental sustainability due to existing use rights of the car-related businesses that operate from the site and this should be positively balanced in the consideration of the scheme in terms of the partial breach of policy DM5.

8. RECOMMENDATION

GRANT planning permission subject to the 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) The development hereby permitted shall be carried out in accordance with the following drawings: 5990-PD 01 A Site Location Plan ; 5990-PD 10 B Proposed Site Plan ; 5990-PD 15 B Plot 1 Proposed Plans, Elevations & Sections ; 5990-PD 17 A Plots 2 & 3 Proposed Plans, Elevations ; 5990-PD 19 Plots 4 & 5 Proposed Plans Elevations Section ; 5990-PD 21 A Plot 6 Proposed Plans, Elevations & Sections ; 5990-PD 23 Plots 7, 8 & 9 Proposed Plans Elevations Section ; 5990-PD 25 B Plot 10 Proposed Plans, Elevations & Sections ; 5990- PD 27 B Plot 11 Proposed Plans, Elevations & Sections ; 5990-PD 30 B Proposed Sections - Sheet 1 ; 5990-PD 31 B Proposed Sections - Sheet 2 ; 5990-PD 35 Proposed Shed Plans Elevations ; 5990-PD 36 Proposed Bin Store Plans Elevations ; 5990-PD 38 A Plots 10 & 11 Garage Proposed Plans & Elevations ; 5990-PD 39 A Plot 06 Garage Proposed Plans & Elevations;
Reason: For the avoidance of doubt.
- 3) 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) further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure that features of archaeological interest are properly examined and recorded. These details are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- 4) Other than essential demolition to allow further site investigation for b), 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 by the local planning authority:

a) 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.

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

c) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment. 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.

Reason: To avoid pollution and harm to health. These details are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- 5) Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the LPA. Any long-term monitoring and maintenance plan shall be implemented as approved.
Reason: Should remediation be deemed necessary, the applicant should demonstrate that any remedial measures have been undertaken as agreed and the environmental risks have been satisfactorily managed so that the site is deemed suitable for use.

- 6) 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 the developer has submitted, and obtained written approval from the LPA for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the LPA.
Reason: There is always the potential for unexpected contamination to be identified during development groundworks.

- 7) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved the local planning authority. The detailed drainage scheme shall be based upon the Drainage Strategy and Maintenance Requirements Rev A prepared by Hodel dated 24 February 2021 and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):

-that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters

- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- 8) No building hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

- 9) Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

- 10) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the LPA, which may be

given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To prevent pollution of groundwater.

- 11) The office building shall be used as offices as a primary land use and for no other purpose (including any other purpose in Class E of the Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 or permitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any statutory instrument revoking and re-enacting those Orders with or without modification).

Reason: To allow control of the use of the building to safeguard the character, appearance and functioning of the surrounding area and/or residential amenities.

- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development to any dwelling hereby permitted within Schedule 2, Part 1, Classes A-H (inclusive) to that Order shall be carried out.

Reason: To safeguard the character, appearance and functioning of the surrounding area.

- 13) Before the development hereby permitted is first occupied, the proposed window to the first floor east elevation of plot 11 shall be obscure glazed and shall subsequently be maintained as such to the satisfaction of the local planning authority;

Reason: To prevent overlooking of adjoining properties.

- 14) The construction of the dwellings shall not commence above slab level until written details and photographs of samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved by the Local Planning Authority. These shall include coursed ragstone, timber weatherboarding, clay hanging tiles, clay roof tiles and slate or recycled slate roof tiles. The development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

- 15) The development hereby approved shall not commence above slab level until sample panels of ragstone demonstrating the colour, texture, bond and pointing of the mortar have been constructed on site which shall be approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The sample panels shall be retained on site until development using the relevant material is completed.

Reason: To ensure the quality of the development is maintained.

- 16) The development hereby approved shall not commence above slab level until sample panels of ragstone demonstrating the colour, texture, bond and pointing of the mortar have been constructed on site which shall be approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The sample panels shall be retained on site until development using the relevant material is completed.

Reason: To ensure the quality of the development is maintained.

- 17) Above ground construction work on the approved buildings shall not commence until full details of the following matters in the form of large scale drawings (at least 1:20 scale) have been submitted to and approved in writing by the Local Planning Authority:
- a) External windows and doors
 - b) Details of eaves and gables
 - c) Details of door and window headers and cills.
 - d) Details of roof hips and ridges.
 - e) Details of dormer windows
- The development shall be carried out in accordance with the approved details.
Reason: To ensure a high quality appearance
- 18) The development hereby approved shall not commence above slab level until details of roadways and hard landscape works have been submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details before the first occupation of the buildings.
Reason: To ensure a satisfactory appearance to the development
- 19) All existing trees and hedges on and immediately adjoining the site shall be retained, unless identified on the approved site plan as being removed, except if the Local Planning Authority gives prior written consent to any variation. All trees and hedges shall be protected from damage in accordance with the current edition of BS5837 and in accordance with the Tree Survey by "kps" hereby approved. Any trees or hedges removed, damaged or pruned such that their long term amenity value has been adversely affected shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions to mitigate the loss as agreed in writing with 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 drawing KEN2071 Fig 4 Rev E, the development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's Landscape Character Guidance has been submitted to and approved in writing by the local planning authority. 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 on-site replacement planting to mitigate any loss of amenity and biodiversity value together with the location of any habitat piles and include a planting specification, a programme of implementation and a 5 year management plan. The landscape scheme shall specifically address the need to provide screening of the boundaries.
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
- 21) The approved landscape details shall be carried out during the first planting season (October to February) following first occupation of the development. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation die or become so seriously damaged or diseased that their

long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation. Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

- 22) Notwithstanding drawing KEN2071 Fig 4 Rev E, construction shall not commence above roof plate level until details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before the first occupation and retained thereafter.

Reason: To ensure a satisfactory appearance to the development and in the interests of residential amenity.

- 23) The development shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved have been submitted to and approved by the local planning authority. Measures shall include:

Rapid EV charging points to each dwelling

Active EV charging (of 22kW or faster) to the office building

parking

details of number and location of Air Source Heat Pumps

Investigation as to the provision of solar PV of a type compatible with the design of the scheme.

The approved details shall be installed prior to first occupation and maintained thereafter. If any PV panels are installed and are or become defective, they shall be replaced as soon as is reasonably practicable.

Reason: In the interests of sustainable and energy efficient form of development.

- 24) Plots 2 and 3 shall not be occupied until pedestrian visibility splays to their parking areas of 2m x 2m with no obstruction over 1.0m have been provided and shall be subsequently retained.

Reason: In the interests of highway safety.

- 25) The approved details of the access road shall be completed before the commencement of the use of buildings hereby permitted. The approved sight lines to Dean Street on 5990- PD 01 A "Site Location Plan" shall be retained free of all obstruction to visibility above 1.0 metres thereafter.

Reason: In the interests of highway safety.

- 26) The approved details of the cycle parking and the vehicle parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them. Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

- 27) Prior to occupation, a lighting design plan for biodiversity should be submitted to and approved by the Local Planning Authority. The plan will show the type and locations of external lighting, demonstrating that areas to be lit will not disturb bat activity. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter. This scheme shall take note of and refer to 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. No lighting shall be installed except in accordance with the approved scheme which shall be retained and operated in accordance with the approved scheme.
Reason: In the interests of biodiversity and rural amenity.
- 28) The development hereby approved shall not commence above slab level until details of a scheme for biodiversity net gain of at least 10% on the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods (such as swift bricks, bat tubes and bee bricks) and through the provision within the site (such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and native hedgerow corridors) and use of hedgehog friendly boundary treatments. The development shall be implemented in accordance with the approved details prior to first occupation and all features shall be retained thereafter.
Reason: To enhance the ecology and biodiversity on the site.

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) The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. 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.
- 3) Environment Agency advise that 'Preliminary Geo-Environmental Site Investigation Report' by SEC Ltd (reference 3199 19 08 09 Rpt 01 Rev 02 ES RR dated 14th August 2019). noted that not all areas of the site could be investigated due to operational constraints, and a supplementary post-demolition investigation was recommended. Four above ground hydrocarbon storage tanks also require appropriate decommissioning and removal.
- 4) The developer should be aware of the potential risks associated with the use of piling where contamination is an issue. Piling or other penetrative methods of

foundation design on contaminated sites can potentially result in unacceptable risks to underlying groundwaters. We recommend that where soil contamination is present, a risk assessment is carried out in accordance with our guidance 'Piling into Contaminated Sites'. We will not permit piling activities on parts of a site where an unacceptable risk is posed to Controlled Waters.

- 5) 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/whatwe-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.
- 6) The buildings being demolished should be checked for the presence of asbestos and any found should only be removed by a licensed contractor.
- 7) No demolition/construction activities shall take place, other than between 0700 to 1900 hours (Monday to Friday) and 0700 to 1300 hours (Saturday) with no working activities on Sundays, Bank or Public Holidays.
- 8) You are advised that wheel washing and dust mitigation should be carried out during the construction period.
- 9) You are advised to contact the Parish Council with regard to routing of construction traffic.

Case Officer: Marion Geary