

**Stansted
Downs**

562518 161213 21 April 2010

TM/10/00887/FL

Proposal:

Demolition of existing chicken sheds, workshop, store, packing shed, stables and other associated structures (total 3464sqm floorspace) and erection of 8 no. dwellings with associated parking, garaging, access and landscaping

Location:

Oakwood Farm Vigo Road Fairseat Sevenoaks Kent TN15 7LT

Applicant:

Mr P K And R And Mrs B Durrant

1. Description:

- 1.1 The proposed redevelopment would entail replacement of all the existing chicken sheds and structures within the site with 8 dwelling houses. Six of the dwellings contain 4 bedrooms and the remaining two contain 5 bedrooms.
- 1.2 The proposed development has been laid out with the dwellings informally arranged around a central courtyard. The buildings alignment, form and design varies in an attempt to provide a more 'organic' feel for the proposed development rather than producing a standardised formal layout with generic house types that adhere to a particular building line.
- 1.3 It is planned to retain much of the existing mature boundary treatments around the site and to plant groups of fruit trees within the courtyard and between some of the proposed dwellings.
- 1.4 The proposed dwellings vary in terms of size, form and design. Units 1 and 3 are chalet style dwellings (with first floor accommodation located within the roof void) and stand 7.3 m high to ridge level. These dwellings would have hipped roofs with a catslide to the rear and on one end elevation that would terminate 2.3m above ground level. These units would be finished externally with a red brick plinth above which the walls would be clad with white coloured weatherboarding. The roof would be clad with plain clay tiles. Unit 3 contains an integral double garage attached to the front of the dwelling, whilst for unit 1, this would be detached from the dwelling house.
- 1.5 Unit 2 is a two storey dwelling and would stand 8.6m high to ridge level. It would measure 15.7m in length and 9.7m in width. The roof of this dwelling would also be hipped at one end and incorporate a catslide below the hipped end and also to the rear. This dwelling would be constructed externally from red brickwork and white coloured weatherboarding. The roof would be clad with red clay plain tiles. It is also proposed to construct a detached double garage to the north side of this dwelling which would be set back behind its rear building line.
- 1.6 Units 4 and 5 would be the pair of semi detached 4 bedroom dwellings and have been designed to be similar in character to a converted former agricultural building. The building as a whole would measure 28 metres in length, 15 metres

in width (reducing to 10 metres) and would stand 8.5 metres in height to ridge level. The building would incorporate a large catslide roof to the rear that would terminate 2.2 metres above ground level. This building would also contain a red brick plinth, above which the walls would be clad with black stained weatherboarding. The roof of the building would be clad with plain clay tiles.

- 1.7 Unit 6 is a detached 5 bedroom dwelling with an 'L' shaped plan form. It measures 19 metres in length, 17 metres in width (narrowing to 10 metres) and would stand 9.2 metres high at ridge level. This building would also have an attached double garage. This dwelling would contain a red brick plinth, above which the walls would be clad with black stained weatherboarding. As with the other dwellings, the roof of this unit would be hipped, include a catslide element at its southern end and be clad with plain clay roof tiles.
- 1.8 Unit 7 has been named "The Farmhouse" and has a different character and appearance to the other dwellings within this development. It would measure 17.8 metres in length, 11.8 metres in width and 7.9m high to ridge level. The building would be of red brick construction at ground floor level with plain clay tile hanging above on the front elevation. The rear elevation would contain some white coloured weatherboarding at first floor level. As with the other dwellings this one would have a hipped roof and would contain catslides at both ends.
- 1.9 Unit 8 is single storey and 'L' shaped in plan form. The two main arms of the building would be 18.5 and 18.7 metres in length. It would stand 5.5 metres in height to ridge level. The walls of this unit would be clad with black stained weatherboarding and the roof finished with slate tiles.
- 1.10 The applicant has submitted a detailed statement in support of the application. This concentrates on the imminent closure of the existing egg production facility within this site (by 1st January 2012) due to EU laws that require the cessation of this type of intensive egg production. The statement considers the nature of development that could potentially be built on this site as a replacement for the egg production facility and which would comply with the regulations concerning the "enriched" caged bird system of egg production. It is stated that to change to this system of production, the vast majority of the site would have to be filled with buildings (6 new buildings measuring approximately 65m x 10m in floor area and standing 3m high to eaves level). Provision would also need to be made for a new egg packing building as well as provision for the storage and removal of manure from the site.
- 1.11 The applicant also makes the point that, whilst the agricultural use would cease under this proposal, the redevelopment of the site for residential purposes would enable the applicant to continue egg production in accordance with the current welfare standards elsewhere locally and that it is the applicant's intention to do so, given that his staff and client base are local to this geographical area.

1.12 The supporting statement also considers the impact upon residential and rural amenity of an upgraded egg production facility operating within the site, in terms of smells and pests causing disturbance to local residents.

1.13 The supporting statement also states that a redevelopment scheme comprising new build housing could achieve a higher rating on the Codes for Sustainable Homes (at least level 3) whereas a conversion of the existing buildings could only achieve a rating of Code Level 2.

2. Reason for reporting to Committee:

2.1 Due to the controversial nature of the proposed development and because it represents a departure from the Development Plan.

3. The Site:

3.1 All of the application site area lies within the MGB. The buildings to be replaced and the site of the proposed dwellings are located outside the village confines of Fairseat whilst the access serving this site is located within Fairseat village.

3.2 The site lies to the south of Vigo Road, to the rear of a row of residential properties. Open fields lie to the south (rear of the site). Residential properties are located to the north and west of the site which lie along the south side of Vigo Road and the east side of Platt House Lane.

4. Planning History: (Most relevant)

TM/06/00818/FL Grant With Conditions 24 August 2006

Part demolition and change of use of chicken sheds to B1 (light industrial) and B8 (storage and distribution) uses

TM/07/04079/FL Application Withdrawn 6 February 2008

Part demolition and change of use of four chicken sheds and barn to B1(c) light industrial

TM/08/03288/FL Approved 17 April 2009

Demolition of 1192msq of floorspace and change of use of four poultry buildings to eight live/work units and associated landscaping

TM/08/03306/FL Refuse 10 September 2009
 Appeal allowed 28 September 2010

Demolition of 981m2 floorspace, change of use of 3 poultry buildings and barn to light industrial (B1C) uses and associated landscaping

TM/09/01570/RD Approved

4 August 2009

Details of external materials and landscaping submitted pursuant to conditions 6 and 7 of planning permission TM/06/00818/FL: Part demolition and change of use of chicken sheds to B1 (light industrial) and B8 (storage and distribution) uses

5. Consultees:

5.1 PC: It is recognised that the poultry farm is unviable as an agricultural unit. The application has been designed as a total concept to echo farm buildings both in design and scale, resembling a typical Kentish farmyard. Within this concept there is provision for 8 dwellings. This approach is highly commended by the Parish Council. The design, mix and number of dwellings fit in well with the village.

5.1.1 There is a concern however that the 2 “paddocks”, which the Parish Council understands are intended to be sold with and attached to 2 of the houses, could be separated from this by the non-completion of one of the 2 houses, thus providing access. It is feared that should the scheme be sold to another developer, such a developer may seek to build more houses. The Parish Council therefore asks that conditions or covenants are attached to protect the paddocks from any development, including garden use. A suggestion has been made that a 10-year landscape plan involving the planting of trees could provide this protection, but the Planning Authority may be able to put forward more suitable alternatives. It is also considered that although termed “paddocks”, they are not big enough to support any horse or pony and that the condition or covenant includes that they are not to be utilised for equine activity, to prevent the future construction of stables or other features connected with the keeping or exercising of horses.

5.1.2 The Parish Council also asks that permitted development rights are removed from this development, in order to preserve the concept and overall appearance and scale of the site.

5.1.3 The Parish Council will resist any attempt to alter the concept or increase the number or character of the proposed properties. The Parish Council also understands this concept has the support of neighbours.

5.2 DHH: Environmental Protection:

I would recommend the use of informatives regarding the removal of asbestos from site, construction working hours and disposal of waste from the site.

5.2.1 Contaminated Land:

The submitted desk top report has identified some potential pollutant linkages. The report is fit for purpose for the determination of this application and so I would advise the imposition of a condition regarding how to deal with this issue.

- 5.3 Kent Highways: I have no objections to the proposals. The submitted site layout shows that the development will be gated. If the gates are permanently closed and electrically operated, site management must be in place to permit delivery vehicles and other visitors access to the development.

The applicant must liaise with Kent Highway Services prior to and during the construction phase to ensure that the safety of all users of the public highway is maintained. The applicant must provide on site parking for all construction staff along with on site parking and turning to accommodate delivery vehicles. Mud and debris must not be deposited onto the public highway. Suitable wheel washing facilities must be provided.

- 5.4 EA: No objection to the application providing conditions are imposed that deal with any contamination within the site, requires details of foul water disposal and surface water drainage to be submitted in order to prevent pollution of the ground water.

- 5.5 Private Reps: 33/1X/8S/4R. Eight letters have been received supporting the proposed development. One letter has been received expressing neutral comments. Four of the responses received raise the following objections:

- The use of the site for light industrial use is preferred to the proposed housing.
- The proposal would introduce more traffic on to the local roads which are already in a bad condition due to weather and traffic using them.
- The scheme is not for diversification of the existing farm use.
- There are no measures in place for the protection of the paddocks, where planning permission could be sought to build additional dwellings.
- The site is subject to Green Belt policy that should protect this land
- If allowed, the scheme would set an embarrassing precedent which would open floodgates for other farmers in the locality to build houses on their land
- If residential is granted, there should be no more than six dwellings built within this site.

5.5.2 The eight letters received in support of the application do so for the following reasons:

- The development is preferable compared to the permitted industrial uses of the site and their associated goods vehicle movements (including HGVs).
- The application is an ideal use for such a location in the village.
- The proposed “model farm concept” and design of the housing is impressive.
- The scheme is supported by other residents and the PC.
- The application will enable the existing use to move to another site and so secure the jobs for those who currently work on this farm.

5.5.3 The letter containing neutral comments expresses the opinion that if permission is granted for this development, there should be a covenant that would not enable the paddocks to be built on in the future.

6. Determining Issues:

- 6.1 Current Government guidance contained within PPG 2 (Green Belts) states at paragraph 3.1 that there is a presumption against inappropriate development within the Green Belt and that such development should not be allowed except in very special circumstances.
- 6.2 It states further at paragraph 3.2 that inappropriate development is, by definition, harmful to the Green Belt and it is for the applicant to show why permission should be granted.
- 6.3 Policy CP 3 of the TMBCS requires proposals to accord with national Green Belt policy.
- 6.4 Policy CP 14 of the TMBCS relates to developments outside the settlement confines of established villages and towns. Like PPG 2, it lists a number of types of developments that are considered to be appropriate within the countryside. Whilst two of them relate to agriculture (development that is necessary for the purposes of agriculture or development that secures the viability of a farm provided it forms part of a comprehensive farm diversification scheme), the proposal is not considered to fall within these categories. The proposal is not directly necessary for the purposes of agriculture and would not form part of a diversification scheme as the agricultural use on this site would cease as a result of the proposed development.
- 6.5 Policy CP 14 also states that, within the Green Belt, inappropriate development which is otherwise acceptable within the terms of this policy will still need to be justified by very special circumstances.

6.6 The proposed development of 8 dwellings within this site does not fall within any of the categories of development specified within paragraph 3.4 of PPG 2 as being appropriate within the Green Belt. Accordingly, the proposal is considered to be inappropriate development and planning permission should only be granted if a case of very special circumstances can be identified.

6.7 Current Government advice contained within PPS 7 seeks to protect the countryside for its own sake. However it also states at paragraph 14:

“Whilst much of the land use activity in the countryside is outside the scope of the planning system, planning has an important role in supporting and facilitating development and land uses which enable those who earn a living from, and help to maintain and manage the countryside to continue to do so.”

6.8 As has been stated before, this proposal cannot be regarded as a farm diversification scheme as the agricultural use on this site would cease. However, it is the applicant’s intention to continue a similar agricultural business but on another site. The redevelopment of the current site would help to facilitate the new operation.

6.9 It is apparent that the existing agricultural use of this site has to cease by 1 January 2012 due to the changes in EU and domestic legislation regarding the intensive production of eggs. There are three current options available to the landowner:

1. Implementing the planning permissions to convert the existing buildings to either live/work units (ref TM/08/03288/FL) or B1 (Light Industrial) (TM/08/03306/FL)

2. Redeveloping the site for continued egg production under the enriched caged bird system.

3. Doing nothing and leaving the site vacant.

6.10 Option 3 is not at all desirable as the site could become derelict, prone to vandalism and would be a wasted opportunity for improving the visual and environmental quality of the site. It would leave the future use of the site “unresolved” and potentially liable to a range of speculative uses and proposals, which may or may not be pursued legitimately through the planning process.

6.11 Implementing the planning permissions for either the live/work or the B1 schemes has the benefit that the site would generate finance that could be invested in an alternative egg production facility elsewhere. However, the applicant considers there to be doubt as to whether either of the schemes are viable in themselves and consequently if they would deliver the objectives of relocating the farm

business. Whilst this may not by itself constitute “very special circumstances” to justify the alternative approach now proposed, it is a key factor in the overall assessment of the site and the current proposal.

- 6.12 As indicated earlier in this report, to redevelop the site in order to produce eggs by the enriched caged system, would require much larger chicken sheds to be built (in order to comply with the standards prescribed for such a system), taking up a larger area of the existing site area than the existing buildings. Account must also be taken of the impact of intensifying egg production within this site upon the amenity of the neighbouring residential properties in terms of additional vehicle movements (including those made by HGVs) and the increased amount of manure to store and remove from site. Whilst no specific details have been provided of how many vehicle movements would be associated with an enriched caged system of egg production for this site or how much manure would be stored and removed from site, it is apparent that such a use could have negative environmental/traffic/residential amenity impacts upon the locality.
- 6.13 It is clear from the representations received from local residents that opinion is divided on the subject of the principle of the proposed development. Some local residents would prefer a residential development over a commercial development, which is considered by some to be likely to cause more disturbance to residential and rural amenities than the proposed residential use, due to the quantity and nature of vehicle movements associated with light industrial uses.
- 6.14 The existing buildings within this site are of a very utilitarian appearance that befits their original and current use but are not typical of more traditional or common agricultural buildings in the rural area of the Borough. In their existing state they constitute rather unsightly features in the landscape adjoining the village. The approved conversion schemes entail undertaking very few changes to the buildings or the site as a whole and, whilst it is a policy compliant development, it will not be particularly beneficial to the locality in terms of layout, built form and appearance.
- 6.15 The proposed redevelopment would reduce the amount of floorspace within the site and would provide a more spacious arrangement of buildings than currently exists. Indeed the proposed development would have a footprint of 1589 sq m and the total amount of floor space would be 2378 sq metres. By contrast, the existing buildings have a footprint (and floor area) of 3,464 sq m. The proposed buildings would stand taller than the existing ones (between approximately 1.5m and 5m higher). However, due to the form, design, siting and layout of the proposed buildings, the existing tree screening around the site and the existing dwellings that are currently located along Vigo Road and Platt House Lane, the proposed dwellings are unlikely to be visually prominent from these public highways, in my opinion. Consequently, the scheme is not considered to cause

significant harm to the openness of the Green Belt or its amenity. Indeed on balance the visual impact of the proposed development is likely to make a significant improvement in this respect.

6.16 In concluding on the issue as to whether a case of very special circumstances exists with this proposal, the above points can be summarised as follows:

- Due to changes in EU law, the existing agricultural use has to cease operating by January 2012.
- Due to the limited size of the site, constructing an enriched caged system of egg production would, according to the applicant, result in the majority of the site being built over with larger buildings than currently exists.
- Changing to the enriched cage system of egg production would intensify the existing use of the site which has been reduced in scale pending the need to cease production, with the associated increase of vehicle movements including by HGVs.
- The scheme would enable the existing uses to relocate to an alternative site.
- The consented schemes for the change of use of the existing buildings are considered to have associated drawbacks.
- The proposal would have a materially beneficial effect on the locality in terms of the visual and environmental impact of the current uses and structures compared with those proposed.
- The proposed dwellings are considered by some local residents to be preferable to the consented scheme for the use of some of the existing buildings for B1 use as the residential scheme is considered to cause less disturbance to their amenity. The Parish Council also supports the principle of the proposed residential scheme.

6.17 Concern has been expressed by some local residents that permitting this scheme would set an undesirable precedent for similar proposals on other farm sites. However, a particular development does not set a precedent in planning terms as circumstances vary from one site to another. The case of very special circumstances that is described above centres on the highly specific issues that relate to this particular site, the physical proximity of the site to existing houses and the edge of the village, the nature of the current use, its planning history and the comments that have been received through the consultation process. It is most unlikely that an identical set of very special circumstances would exist for a scheme to redevelop another farm in the locality for residential purposes, in my opinion.

- 6.18 Taking all of the above factors into consideration, I have arrived at the conclusion that a case of very special circumstances does exist for this development that outweighs the harm to the Green Belt from inappropriate development and any other harm. This is a matter of judgement, but I believe that the balance is in favour of supporting the principle of this particular proposal in the particular circumstances of this site.
- 6.19 As Members will be aware, previous development schemes have been resisted on this site as it has not been considered to be a particularly sustainable location for new development. Indeed permission was refused by the Borough Council for a scheme to convert some of the existing chicken sheds to B1 (Light Industrial) use under ref.TM/08/03306/FL for this reason. However, this scheme has very recently been granted permission on appeal and the Inspector opined that the scheme did not run counter to national policy on this issue that is contained within PPS 7. This decision is material to the consideration of the current application. I do not consider that the proposed residential development is any less sustainable than the approved Light Industrial use, where the majority of journeys to and from the site are likely to be made by private motor vehicles.
- 6.20 Government guidance contained within PPS 3 (Housing) states that best use should be made of previously developed land including land and buildings that are derelict or vacant. PPS7 echoes this as one of its key principles. Agricultural land is not defined as “previously developed land” within Annex B of PPS 3. However, as stated earlier in this report, the site has to cease current egg production operations by 1st January 2012 at which time the site will become vacant. There is, therefore, merit in seeking an acceptable form of development for this site before it actually becomes vacant and which would facilitate an existing long established local business to relocate to another site.
- 6.21 PPS 3 has recently been amended and the previous national indicative minimum density of 30 dwellings per hectare has now been deleted from paragraph 47 of this PPS which states at paragraph 50:
- “The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form.”*
- 6.22 The focus is, therefore, to ensure that new development respects the quality of the local environment without requiring it to be an imitation of existing development in terms of density, layout, form and appearance. This is also a key principle of PPS 7.
- 6.23 Policy CP 24 of the TMBCS follows in the same vein as it requires all development proposals to be well designed and of a high quality in terms of detailing and use of appropriate materials. Proposals must through scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings.

- 6.24 The proposed development consists of a mixture of 4 and 5 bedroom dwellings arranged in a spacious layout surrounding a central courtyard. The design concept of the proposed scheme is that of a traditional farmstead laid out in an organic form. The proposed dwellings vary in scale, form and detailed design, but have a common architectural style, which produces a cohesive development. The buildings, with the exception of unit 8 (The Stables) have been designed with steeply pitched roofs clad with plain clay tiles, which are common to both traditional agricultural buildings and rural dwellings in this locality. The palette of materials chosen for the proposed buildings includes red multi stock brickworks, white and black weatherboarding. With the exception of unit 7 (The Farmhouse), the dwellings have been designed to not appear overly domestic in character. This is achieved by the overall form of the buildings, the use of external materials, the buildings' proportions and the design of fenestration.
- 6.25 The layout and treatment of the external areas is also very important and in this case the central courtyard would reflect the existing use and nature of this site. It is, therefore, not proposed to introduce large areas of "domestic" shrub planting within the communal courtyard area, but to have a simple planting scheme consisting of fruit trees planted in regular blocks or rows. The submitted details show the existing mature trees and hedge planting around the periphery of the site to remain in place which currently restrict views into the site from public vantage points and will help to soften the visual impact of the proposed development.
- 6.26 The proposed scheme, in terms of its scale, layout, form and design, is designed to be sensitive to the character of the built form of existing development within Fairseat as well as to the adjacent countryside, in my opinion.
- 6.27 Concern has been expressed by the Parish Council and local residents concerning the future use of the two grassed fields described as "paddocks" on the submitted layout plans. Views have been put forward that allowing this development could set a precedent to allow the "paddocks" to be built on in the future. However, the case of very special circumstances that is considered to exist for this proposal relates specifically to the developed portion of the existing site. Any proposal to develop the paddocks for housing or other uses in the future would have to be assessed on its individual merits at that time and it is unlikely, in my opinion, that the same set of circumstances that exist in this particular case would apply to a proposal to build houses on the "paddocks". However, the Local Planning Authority would not be able to impose a planning condition to the effect that the that the paddocks could not be built on in the future as that would be unreasonable and would fail the tests set out in Circular 11/95.
- 6.28 Due to the size of the proposed development and the application site area, the proposal triggers the need to apply policy CP 17 of the TMBCS that relates to the provision of affordable housing. In this particular case, due to the location of the site away from an established town or rural service centre and given the scale and nature of the proposed dwellings, it is not considered appropriate to physically

provide affordable housing as part of this development scheme. The possibility has been explored of seeking from the developer a financial contribution to pay towards the cost of providing three dwellings elsewhere within the Borough, where there is a need for affordable housing. Negotiations are still ongoing with the applicant concerning the final sum of money to be sought.

- 6.29 The proposed development also triggers the threshold for open space provision as set out in policy OS 3 of the MDE DPD. Again, due to the nature and form of the proposed development, it is considered that a financial contribution towards the enhancement of existing off site open spaces within the Borough would be more appropriate than providing relevant open spaces within the proposed development. This and the financial contribution towards off site affordable housing provision would need to be secured by way of a planning obligation under section 106 of the Town and Country Planning Act 1990 (as amended).
- 6.30 With regard to the matter of highway safety, Kent Highway Services has not objected to the proposed development. The proposed eight dwellings are likely to generate less traffic than the consented conversion schemes for B1 use and in particular would not attract regular movements by commercial vehicles. Furthermore, any traffic generated by the proposed development would be significantly less than the historic level of vehicles movements that occurred when the egg farm was operating at full capacity.
- 6.31 Due to the separation between the proposed and existing dwellings, the proposed development would not cause unacceptable detriment to the residential amenities of neighbouring properties in my opinion. Whilst traffic from the site would pass between two existing dwellings (Oakwood and Oakwood Farm Cottage), this would cause less disturbance to the occupiers of these dwellings than the traffic associated with the existing egg farm and no more and possibly less than any disturbance caused by the permitted uses of the site for live/work or light industrial purposes, in my opinion.
- 6.32 Policy CC 1 of the MDE DPD requires proposed residential developments to incorporate passive design measures to reduce energy demand. Five of the proposed dwellings have been orientated so their habitable rooms face within 30° of south and mature deciduous planting already exists to the south and east of the proposed dwellings that would help to allow natural day and sun light to permeate the properties during the winter but would shade them during the summer months. Precise details of the proposed sustainable construction measures have not been submitted at this stage, but these can be the subject of a planning condition. However, it is anticipated that the proposed dwellings would meet the requirements of code level 3 of the Code for Sustainable Homes, which would comply with policy CC1.

6.33 I note the comments of the EA and DHH regarding contaminated land and pollution of controlled waters. I am satisfied that conditions could be used to deal effectively with these matters.

6.34 In light of the above, I consider that the merits of the proposed development are such that the proposal is acceptable when taking all matters into consideration. Consequently, I recommend that planning permission be granted. However, as this development is a departure from the Development Plan, the application will need to be referred to the Secretary of State.

7. Recommendation:

7.1 **Grant Planning Permission** as detailed by the following submitted details:

Site Plan 2565/SK 001 B dated 23.07.2010, Roof Plan 2565/002 C dated 23.07.2010, Proposed Plans and Elevations 2565/003 B dated 30.07.2010, Proposed Plans and Elevations 2565/006 C dated 23.07.2010, Proposed Plans and Elevations 2565/007 B dated 30.07.2010, Elevations 2565/011 A dated 16.06.2010, Design and Access Statement dated 07.04.2010, Other dated 07.04.2010, Planning Statement dated 07.04.2010, Supporting Statement dated 07.04.2010, Transport Statement dated 07.04.2010, Other contaminated land dated 21.04.2010, Plan DHA/7411/10 A dated 07.04.2010, Location Plan 2565/000 A dated 07.04.2010, Existing Plans 07.34.02 dated 07.04.2010, Elevations 07.34.04 dated 07.04.2010, Elevations 07.34.05 dated 07.04.2010, Elevations 07.34.06 dated 07.04.2010, Proposed Plans and Elevations 2565/004 A dated 09.06.2010, Proposed Plans and Elevations 2565/005 B dated 15.06.2010, Proposed Plans and Elevations 2565/008 A dated 09.06.2010, Proposed Plans and Elevations 2565/009 B dated 15.06.2010, Supporting Statement KL/7411 dated 09.06.2010, Supporting Statement dated 09.06.2010, Report Bat Survey dated 08.04.2010, subject to:

- Referral to the Secretary of State, the proposal being a departure from the adopted Development Plan;
- The applicant entering into a planning obligation under section 106 of the Town and Country Planning Act 1990 (as amended) to provide a financial contribution towards the provision of off site affordable housing and for the enhancement of off site open space within the Borough (the final sums to be delegated to Officers to negotiate), and;
- The following conditions:

Conditions / Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2. No development shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality.

3. The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

4. No building shall be occupied until the area shown on the submitted plan as turning area has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved turning area.

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.

5. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

6. No development shall be commenced until:

(a) a site investigation has been undertaken using the information obtained from the desktop study to determine the nature and extent of any contamination, and

(b) the results of the investigation, together with a risk assessment by a competent person and details of a scheme to contain, treat or remove any contamination, as appropriate, have been submitted to and approved by the Local Planning Authority. The assessment and scheme shall have regard to the need to ensure that contaminants do not escape from the site to cause air and water pollution or pollution of adjoining land.

The scheme (method statement) submitted pursuant to (b) shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking of the development hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority of the presence of any such unforeseen contamination.

Prior to the first occupation of the development or any part of the development hereby permitted:

(c) the approved remediation scheme shall be fully implemented insofar as it relates to that part of the development which is to be occupied and upon completion of the remediation a report shall be submitted to the LPA that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

(d) a Certificate shall be provided to the Local Planning Authority by a responsible person stating that remediation has been completed and the site is suitable for the permitted end use.

Reason: To ensure that the development complies with the approved details in the interests of protection of the environment and harm to human health.

7. No development shall take place until details of a scheme for the disposal of foul and surface water drainage has been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

Reason: To prevent pollution of ground water.

8. None of the buildings hereby permitted shall be occupied until underground ducts have been installed by the developer to enable telephone, electricity and communal television services to be connected to any premises within the site without recourse to the erection of distribution poles and overhead lines and notwithstanding the provisions of the Town and Country Planning (General

Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no distribution pole or overhead line shall be erected within the area except with the express written consent of the Local Planning Authority.

Reason: In the interests of visual amenity.

9. The dwellings shall achieve Level 3 of the Code for Sustainable Homes (or any national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a final code certificate has been issued for it certifying that Code Level 3 has been achieved.

Reason: In order to comply with policy CC1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Classes A to H of Part 1 and Class A of Part 2 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto. (R001)

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of visual and rural amenity.

11. The development shall be undertaken in accordance with the recommendations set out in section 5 of the Extended Phase 1 and Bat Survey by Corylus Ecology dated March 2010.

Reason: In the interests of ecology and in order to comply with policy NE 2 of the Managing Development and the Environment Development Plan Document 2010.

12. No development shall take place until details of finished floor, eaves and ridge levels relative to an identifiable and permanent datum point have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details. (D008)

Reason: To ensure that the development does not harm the character or visual amenity of the locality.

13. All of the existing buildings shown to be demolished on plan ref. DHA/7411/10 A shall be demolished and all arisings removed from site prior to the occupation of any of the dwellings hereby approved.

Reason: In order to prevent piecemeal implementation of the approved development in the interests of residential and rural amenity.

Informatives

1. The site is underlain by a secondary aquifer (Clay-with-Flints) over a principal aquifer (the Lewes Nodular Chalk) and lies within Source Protection Zone 3 for the Stansted public water supply. Accordingly only uncontaminated water should be allowed to discharge into the ground and trapped gullies and interceptors should be used for drainage from the access roads and car parking areas.
2. The applicant is advised that if any asbestos is found on site during the demolition works, this must be removed in a controlled manner by an appropriately qualified operator. Further advice concerning this matter can be obtained from the Health and Safety Executive.
3. The applicant is encouraged that during the demolition and construction phases, the hours of working be limited to 08.00 to 18.00 Monday to Fridays, 08.00 to 13.00 on Saturdays and that no works take place on Sundays or public holidays, in order to minimise disturbance to the adjacent residential properties.
4. The applicant is advised not to dispose of waste from the site by incineration and that a Site Waste Management Plan will be required in this instance due to the scale of the development. For further advice concerning this matter, please contact the Borough Council's Environmental Health service on 01732 876180 or in writing to Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent ME19 4LZ.
5. The proposed development is within a road which does not have a formal street numbering and, if built, the new property/ies will require new name(s), which are required to be approved by the Borough Council. To discuss suitable house names you are asked to write to the Chief Solicitor, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or telephone Trevor Bowen, Principal Legal Officer, on 01732 876039. To avoid difficulties, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation. (Q049)
6. You are advised that, in undertaking the works hereby approved, due regard should be had to the provisions of the Wildlife and Countryside Act 1981 relating to the protection of species and habitats. The applicant is recommended to seek further advice from Natural England, The Countryside Management Centre, Coldharbour Farm, Wye, Ashford, Kent, TN25 5DB. (Q034)

Contact: Matthew Broome