

**Ightham** **TM/15/02819/FL**  
**Wrotham, Ightham And Stansted**

**Hybrid Planning Application: Full Planning Permission for change of use and alterations of existing agricultural building (building A) to light industrial and storage, demolition of existing agricultural buildings and replacement with an office building. Outline Planning Permission (with details of appearance, landscaping and scale reserved) for demolition of agricultural buildings and replacement with 3 terraced cottages and 2 detached houses. Associated development including roadways, parking and access changes at West Yaldham Farm Kemsing Road Kemsing for Mrs Eliza Ecclestone**

**PRIVATE REPS:** Two further representations have been received, one replicating previous comments and another stating:

- *Residents of St. Edith's cottages cannot continue with the unacceptable deterioration to our road. The road was never built to take high speed cars who use it as a short cut. It was never built to take lorries and modern day farming vehicles. Again, today, we have Kent County Council out repairing the potholes. We take our lives into our hands every time we walk from our houses to our cars. As your records will show there have been serious accidents at the crossroads between Kemsing Rd and Fen Pond Lane due to traffic traveling at the ludicrous speed limit of 60 mph. It is totally unacceptable to consider more housing that will inevitably increase traffic that will travel at this speed. We, like properties in built up areas, need a speed limit of 20 mph plus speed bumps. If not there will be a fatality before too long. We pay full rates and have no services. This has to change.*

**DPHEH:** The concerns raised above relate to highway matters which have been fully addressed within the main report.

The existing access is proposed to be adapted and a detailed scheme is to be sought by condition to ensure the design and final treatment is appropriate for this location, but also bearing in mind the existence of the current access as a fall-back position. The existing agricultural access to St Clere on the bend of Kemsing Road would remain as a private farm access and bridle way. The development of the West Yaldham Farm site will have no bearing on the use of the St Clere access and bridle way as separate access is already in existence and would be improved.

The Unilateral Undertaking has not yet been submitted by the applicant, however the resolution recommended in the main report was to secure an acceptable agreement prior to referral to the NPCU. As such, the absence of an Agreement does not result in the need to defer the application from this evening's agenda. The Unilateral Undertaking will ensure that the units are to be provided as affordable in perpetuity.

## **AMENDED RECOMMENDATION**

### **REVISED AND ADDITIONAL CONDITIONS**

#### Commencement Conditions

- 1 The development hereby permitted in respect of Area 1 shaded purple on plan number 024 as attached to this Decision Notice shall be begun before the expiration of three years from the date

of this permission.

Reason: In pursuance of Sections 91 and 92(2) of the Town and Country Planning Act 1990.

- 2 Application for approval of the reserved matters for Area 2 as shaded green on plan number 024 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

- 3 The development hereby permitted in outline shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

#### Joint Conditions

- 4 The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:

(a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).

(b) No fires shall be lit within the spread of the branches of the trees.

(c) No materials or equipment shall be stored within the spread of the branches of the trees.

(d) Any damage to trees shall be made good with a coating of fungicidal sealant.

(e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.

(f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

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

- 5 The existing trees and shrubs shown on the Arboricultural Report dated 12 September 2014, other than any specifically shown to be removed, shall not be lopped, topped, felled, uprooted or wilfully destroyed without the prior written consent of the Local Planning Authority, and any planting removed with or without such consent shall be replaced within 12 months with suitable stock, adequately staked and tied and shall thereafter be maintained for a period of ten years.

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

- 6 None of the buildings hereby approved shall be occupied until underground ducts for the relevant component of development have been installed by the developer to enable telephone, electricity and communal telephone services to be connected to the relevant component 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 2015 (or any order amending, revoking and re-enacting that Order), no distribution pole or overhead line shall be erected within the area without the approval of the Local Planning Authority.

Reason: In the interests of visual amenity.

- 7 No building within shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans.

Reason: To ensure the safe and free flow of traffic.

- 8 The use of any building within any sector of the site shall not be commenced, nor the premises occupied, until the area shown on the approved plan as vehicle parking, loading and off-loading and turning space has been 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 2015 or any order amending, revoking and re-enacting that Order) shall be carried out on that area of land or in such a position as to preclude its use.

Reason: Development without provision of adequate accommodation for the parking, loading, off-loading and turning of vehicles is likely to lead to hazardous conditions in the public highway.

- 9 Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based on the outline proposals submitted 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 100yr storm) can be accommodated and disposed of through proposed infiltration devices. Any exceedance discharging to the existing ditch should be restricted to less than that of any existing discharge.

(ii) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

a) a timetable for its implementation, and

b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

- 10 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority (in consultation with the Environment Agency); this may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

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

- 11 Vehicular and pedestrian access to the land reserved in Outline shall be provided in perpetuity from Area 1 shaded purple on plan number 024 unless an alternative access arrangement is approved by the Local Planning Authority.

Reason: To ensure the residential development is provided with access to the public highway.

- 12 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, 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 protect the underlying groundwater from the risk of pollution.

#### Full Planning Conditions

- 13 No development shall take place above ground level within Area 1 shaded purple on plan number 024, until details and samples of all materials to be used externally for the buildings in that sector 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 visual amenity of the locality.

- 14 Before the development within Area 1 shaded purple on plan number 024 commences above ground level on site, a scheme of hard and soft landscaping and boundary treatment including a scheme for the future management of the communal open spaces relating to the land within that sector shall be submitted to and approved by the Local Planning Authority. 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 comprised in the relevant sector 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.

- 15 No development shall take place within Area 1 as shaded purple on plan number 024, until details of slab levels for this sector have 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 ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

- 16 No occupation of any building shall take place within Area 1 as shaded purple on plan number 024 until details of the surfacing and draining of the vehicle parking area within that sector have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details before the parking area is brought into use and shall be so retained at all times thereafter.

Reason: To ensure a finish to the parking area consistent with the character and appearance of the locality.

- 17 Any gateway to the access shall be set back 18.0 metres from the edge of the highway.

Reason: To enable vehicles to stand off the highway whilst any gates are being operated.

- 18 Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 or the Town and Country (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), the layout of the development within Area 1 as shaded purple of plan number 024 shall not be varied by means of sub-division or amalgamation of any units, nor by the insertion of additional floors, without the prior approval by the Local Planning Authority.

Reason: To enable the Local Planning Authority to assess the impact of such variation on parking and vehicle circulation and attraction in the interests of Highway safety and amenity.

- 19 Within Area 1 as shaded purple on plan number 024, prior to the installation of such equipment, details shall be submitted for approval to the Local Planning Authority of the siting and design of any plant, machinery and equipment (including ventilation, refrigeration and air conditioning systems). Such details must demonstrate that the various items of plant, machinery and equipment associated with the application will not exceed NR35 at the nearest noise sensitive premises. This will include details of any mitigation measures needed. All approved mitigation measures shall be installed prior to operation of the plant, machinery or equipment and retained at all times thereafter, unless otherwise agreed by the Local Planning Authority.

Reason: In the interests of achieving an acceptable aural environment for nearby residential properties.

- 20 No occupation of any building hereby approved within Area 1 as shaded purple on plan number 024 shall be occupied until details of a scheme for the handling, storage and disposal of all waste materials and refuse have been submitted to and approved in writing by the Local Planning Authority. The approved scheme, which shall show provision for the covered storage of such materials, shall be fully implemented before the use of the development is commenced, and shall be retained and utilised at all times thereafter.

Reason: In the interests of pollution control in general and residential amenities in particular.

- 21 No development shall be commenced within Area 1 as shaded purple on plan number 024, until the following have been submitted to and approved by the Local Planning Authority:

(a) a contaminated land desktop study identifying all previous site uses, potential contaminants associated with those uses including a survey of the condition of any existing building(s), a

conceptual model of the site indicating sources, pathways and receptors and any potentially unacceptable risks arising from contamination at the site;

(b) based on the findings of the desktop study, proposals for a site investigation scheme that will provide information for an assessment of the risk to all receptors that may be affected including those off site. The site investigation scheme should also include details of any site clearance, ground investigations or site survey work that may be required to allow for intrusive investigations to be undertaken.

If, in seeking to comply with the terms of this condition, reliance is made on studies or assessments prepared as part of the substantive application for planning permission, these documents should be clearly identified and cross-referenced in the submission of the details pursuant to this condition.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

- 22 No development shall take place within Area 1 as shaded purple on plan number 024, other than as required as part of any relevant approved site investigation works until the following have been submitted to and approved by the Local Planning Authority:

a) results of the site investigations (including any necessary intrusive investigations) and a risk assessment of the degree and nature of any contamination on site and the impact on human health, controlled waters and the wider environment. These results shall include a detailed remediation method statement informed by the site investigation results and associated risk assessment, which details how the site will be made suitable for its approved end use through removal or mitigation measures. The method statement must include details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended).

The submitted scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority in writing of the presence of any such unforeseen contamination along with a timetable of works to be undertaken to make the site suitable for its approved end use.

(b) prior to the commencement of the development the relevant approved remediation scheme shall be carried out as approved. The Local Planning Authority should be given a minimum of two weeks written notification of the commencement of the remediation scheme works.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

- 23 Following completion of the approved remediation method statement, and prior to the first occupation of the development within Area 1 as shaded purple on plan number 024, a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the remediation scheme at above and below ground level shall be submitted for the information of the Local Planning Authority.

---

The report shall be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Where it is identified that further remediation works are necessary, details and a timetable of those works shall be submitted to the Local Planning Authority for written approval and shall be fully implemented as approved.

Thereafter, no works shall take place such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

- 24 No occupation of any building shall commence within Area 1 as shaded purple on plan number 024 until a detailed scheme of modifications to the access with Kemsing Road have been submitted to and approved by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 or 1:500 detailing kerbs, any retaining features, and the design of any gates. The development shall be carried out in strict accordance with the approved details and the modified access shall be completed prior to occupation of any building within Area 1.

Reason: In the interests of highway safety and visual amenity.

- 25 Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any amended Order) Building A shall be used for a mixed B1(c)/B8 Use and for no other purpose (including any other purpose in any Class of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument amending, revoking and re-enacting that Order).

Reason: In the interests of safeguarding the rural and residential amenities of the locality.

- 26 Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any amended Order) the Office building shall be used for a B1(a) Use and for no other purpose (including any other purpose in any Class of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument amending, revoking and re-enacting that Order).

Reason: In the interests of safeguarding the rural and residential amenities of the locality.

- 27 No delivery vehicles shall arrive, depart, be loaded or unloaded within the application site outside the hours of 07.00 to 18.30 Mondays to Fridays, 07.00 to 13.00 Saturdays, or at any time on Sundays or Public and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid unreasonable disturbance outside normal working hours to nearby residential properties.

- 28 The business activities within Building A and the Office building shall not be carried on outside the hours of 07.00 to 18.30 Mondays to Fridays and 07.00 to 13.00 Saturdays with no working on Sundays or Public and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid unreasonable disturbance outside normal working hours to nearby residential properties.

- 29 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Class A, of Part 6 of Schedule 2 of that Order within the land shaded pink on 'Estate and Council Boundary Plan' received on 30.10.2015 unless planning permission has been granted on an application relating thereto.

Reason: To safeguard the openness of the Green Belt from further agricultural buildings.

- 30 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Class H (extension to industrial/warehouse), of Part 7 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: To safeguard the openness of the Green Belt from further bulk/mass.

- 31 No retail sales shall take place from the commercial buildings hereby approved

Reason: The Local Planning Authority would not support any retail sales in such an isolated location away from designated retail areas and along rural lanes.

- 32 Prior to commencement of development within Area 1 as shaded purple on plan number 024 the applicant, or their agents or successors in title, will secure the implementation of

i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

ii following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority will be implemented.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

- 33 No occupation of any building shall take place within Area 1 as shaded purple on plan number 024 until details of external lighting have 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 ensure that the development does not harm the rural or visual amenity of the locality.

- 34 No building shall be occupied until a Traffic Management Plan has been submitted to and approved by the Local Planning Authority. The Plan shall detail the routing of HGVs and how routing will be managed and regulated to encourage HGVs to avoid the local centres of Kemsing and Wrotham.

Reason: In the interests of avoiding highway conflicts within local village centres.

- 35 The access hereby approved shall be constructed from a bonded surface for the first 5m from the edge of the highway.

Reason: In the interests of highway safety.



- 36 No building shall be occupied until details of a scheme for the storage and screening of refuse has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

Reason: To facilitate the collection of refuse and preserve visual amenity.

- 37 No occupation of any building shall take place within Area 1 shaded purple on drawing number 024 until details of a scheme of foul 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. The details shall include the location, size, full manufacturers details, calculation/demonstration to show that the proposal is adequate in terms of capacity to take the outfall from the system and an assessment in relation to National Planning Policy Guidance, Paragraph: 020 Reference ID: 34-020-20140306 in respect of Non-Mains Sewerage and Building Regulations Approved Document H - Drainage and Waste Disposal.

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

- 38 No building within Area 1 as shaded purple on plan number 024 shall be occupied until noise attenuation measures cited in Section 7 of NoiseAir's reports (refs 6458, 6457 and 6446-v2) have been implemented. Such measures shall retained at all times thereafter unless otherwise agreed by the Local Planning Authority.

Reason: In the interests of ensuring an acceptable aural climate.

- 39 No building within Area 1 as shaded purple on plan number 024 shall be occupied until NoiseAir's report (refs 6449 dated 27 May 2015) has been submitted to and approved by the Local Planning Authority. All mitigation measure outlined within the approved report shall be implemented prior to occupation and retained at all times thereafter unless otherwise agreed by the Local Planning Authority.

Reason: In the interests of ensuring an acceptable aural climate.

#### Outline Planning Conditions

- 40 Approval of details of the appearance of the development, the landscaping of the site, and the scale of the development (within the upper and lower limits for the height, width and length of each building stated in the application hereby approved) (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority.

Reason: No such approval has been given.

- 41 No development shall take place above ground level within Area 2 shaded green on plan number 024, until details and samples of all materials to be used externally for the buildings in that sector 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 visual amenity of the locality.

- 42 The details submitted in pursuance of condition 40 shall be accompanied by a scheme of landscaping and boundary treatment including a scheme for the future management of the

communal open spaces relating to the land within that sector which shall include a tree survey specifying the position, height, spread and species of all trees on the site, provision for the retention and protection of existing trees and shrubs and a date for completion of any new planting and boundary treatment. The scheme as approved by the Authority shall be implemented by the approved date or such other date as may be agreed in writing by the Authority. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Authority gives written consent to any variation.

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.

- 43 No development shall take place within Area 2 as shaded green on plan number 024, until details of slab levels for this sector have 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 ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

- 44 No occupation of any building shall take place within Area 2 as shaded green on plan number 024 until details of the surfacing and draining of the vehicle parking area within that sector have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details before the parking area is brought into use and shall be so retained at all times thereafter.

Reason: To ensure a finish to the parking area consistent with the character and appearance of the locality.

- 45 No occupation of any building hereby approved within Area 2 as shaded green on plan number 024 shall be occupied until details of a scheme for the storage and screening of refuse bins have been submitted to and approved in writing by the Local Planning Authority. The approved scheme, which shall show provision for the covered storage of such materials, shall be fully implemented before the use of the development is commenced, and shall be retained and utilised at all times thereafter.

Reason: In the interests of pollution control in general and residential amenities in particular.

- 46 No development shall be commenced within Area 2 as shaded green on plan number 024, until the following have been submitted to and approved by the Local Planning Authority:

(a) a contaminated land desktop study identifying all previous site uses, potential contaminants associated with those uses including a survey of the condition of any existing building(s), a conceptual model of the site indicating sources, pathways and receptors and any potentially unacceptable risks arising from contamination at the site;

(b) based on the findings of the desktop study, proposals for a site investigation scheme that will provide information for an assessment of the risk to all receptors that may be affected including those off site. The site investigation scheme should also include details of any site clearance, ground investigations or site survey work that may be required to allow for intrusive investigations to be undertaken.

If, in seeking to comply with the terms of this condition, reliance is made on studies or assessments prepared as part of the substantive application for planning permission, these documents should be clearly identified and cross-referenced in the submission of the details pursuant to this condition.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

- 47 No development shall take place within Area 2 as shaded green on plan number 024, other than as required as part of any relevant approved site investigation works until the following have been submitted to and approved by the Local Planning Authority:

a) results of the site investigations (including any necessary intrusive investigations) and a risk assessment of the degree and nature of any contamination on site and the impact on human health, controlled waters and the wider environment. These results shall include a detailed remediation method statement informed by the site investigation results and associated risk assessment, which details how the site will be made suitable for its approved end use through removal or mitigation measures. The method statement must include details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended).

The submitted scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority in writing of the presence of any such unforeseen contamination along with a timetable of works to be undertaken to make the site suitable for its approved end use.

(b) prior to the commencement of the development the relevant approved remediation scheme shall be carried out as approved. The Local Planning Authority should be given a minimum of two weeks written notification of the commencement of the remediation scheme works.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

- 48 Following completion of the approved remediation method statement, and prior to the first occupation of the development within Area 2 as shaded green on plan number 024, a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the remediation scheme at above and below ground level shall be submitted for the information of the Local Planning Authority.

The report shall be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Where it is identified that further remediation works are necessary, details and a timetable of those works shall be submitted to the Local Planning Authority for written approval and shall be fully implemented as approved.

Thereafter, no works shall take place such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

49 Prior to commencement of development within Area 2 as shaded green on plan number 024 the applicant, or their agents or successors in title, will secure the implementation of

i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

ii following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority will be implemented.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

50 No occupation of any building shall take place within Area 2 as shaded green on plan number 024 until details of external lighting have 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 ensure that the development does not harm the rural or visual amenity of the locality.

51 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Classes A, B and E, of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: In the interests of preserving the openness of the Green Belt and controlling further development within the AONB.

52 No occupation of any building shall take place within Area 2 shaded green on drawing number 024 until details of a scheme of foul 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. The details shall include the location, size, full manufacturers details, calculation/demonstration to show that the proposal is adequate in terms of capacity to take the outfall from the system and an assessment in relation to National Planning Policy Guidance, Paragraph: 020 Reference ID: 34-020-20140306 in respect of Non-Mains Sewerage and Building Regulations Approved Document H - Drainage and Waste Disposal.

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

---

**Wrotham** **TM/15/02431/FL**  
**Wrotham, Ightham And Stansted**

**Proposed temporary (30 years) change of use from agriculture to agriculture and solar photovoltaic farm with associated static arrays of photovoltaic panels together with cabins to contain inverter cabinets and transformers, storage cabin and a cabin to house a substation, with perimeter fencing, CCTV network, trackways, landscaping and ecological enhancements at Land Between M20 And M26 West Of Ford Lane Wrotham Heath for Good Energy Development (No.2) Limited**

**APPLICANT:** The applicant, in an email (dated 4.11.2015), has expressed concern that in respect to the impact of the development on the setting of the Grade II \* listed buildings in the area that the report at paragraph 6.17 refers to "less than significant harm", which is still harm and therefore Heritage England would need to be consulted. It has been mentioned that the listed buildings are separated from the site by the high embankment and infrastructure of the M26 and therefore there is no inter-visibility for which the submitted Heritage Report concludes would cause no harm.

The applicant has also queried the necessity of referring the application to the National Planning Casework Unit (NPCU).

**HIGHWAYS ENGLAND:** A consultation response has been received from Highways England which has not objected to the proposed development but has recommended conditions to be attached to any planning permission. These are to ensure that drivers on the M20 and M26 are not distracted by glint and glare from the solar panels and that the impact on the safety of motorists from dust and airborne particles from the construction works is minimised.

**DPHEH:** For clarification, Highways England still formally owns the non-adopted access road off Ford Lane. This is currently gated.

Paragraph 6.17 of the report refers to the submitted Heritage Desk-Based Assessment and its conclusion that the development would not harm the heritage significance of the Grade II\* Listed buildings of Ford Place or Nepicar House or the Grade II Listed Hognore Farmhouse. The Authority concurred with this conclusion however incorrect phrasing was provided in summary to this section relating to impact of the development on heritage assets in the area.

The site lies between two motorways that converge on the eastern boundary. There are no listed buildings within the site or that can be seen from within the site. The closest is Ford Place which lies just south of the M26, which is at that point on an embankment. Ford lane passes beneath it. Consequently the application site cannot see be seen from Ford Place and Ford Place cannot be seen from the site. The setting of this listed building was significantly damaged when the M26 was built. The development would therefore have no impact either visual or environmental upon the setting of any listed building in the area. The last part of Paragraph 6.17 should therefore be amended to acknowledge that the development would not result in harm to the significance of designated heritage assets in the area. There is consequently no need to consult Heritage England on this proposal as the applicant has pointed out.

Paragraph 4 of The Town and Country Planning (Consultation)(England) Direction 2009 advises that Green Belt development which includes development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt requires referral to the Secretary of State, in this case to the NPCU. The proposed development is considered to meet this requirement, notwithstanding that I have concluded in my report that the impact is acceptable on balance.

Highways England has suggested 4 conditions which have been added below.

Conditions 5 and 6 have been amended to include the retention and protection of the existing hedgerows on the site. Condition 17 already refers to the protection of the existing hedgerows.

Informatives have been added relating to the surveying of the condition of the public highway where the access road joins the highway before and after construction, the provision of wheel washing facilities and the need to obtain consent from Highways England in respect to the use of the access road between the public highway and the site and to seek measures that deter fly tipping.

## **AMENDED RECOMMENDATION**

**Grant Planning Permission** in accordance with the following submitted details: Planning Statement received 07.09.2015, Statement of community involvement received 09.09.2015, Location Plan received 23.07.2015, Site Plan GE-SL-175-PL R03 received 23.07.2015, Plan G.0248\_02-A Landscape Designations received 23.07.2015, Plan SCREENED ZONE Theoretical Visibility received 23.07.2015, Other M20 AND M26 VIEWS received 02.11.2015, Design and Access Statement received 23.07.2015, Ecological Survey received 23.07.2015, Soil Report AGRICULTURAL LAND CLASSIFICATION received 23.07.2015, Flood Risk Assessment received 23.07.2015, Desk Study Assessment HERITAGE received 23.07.2015, Survey G.0248\_05-A Tree Survey received 23.07.2015, Schedule TREE received 23.07.2015, Topographical Survey A124/8321/1B received 23.07.2015, Topographical Survey A124/8321/1A received 23.07.2015, Cross Section GE-AT-175-PL R01 Access Track received 23.07.2015, Proposed Plans and Elevations GE-SUB-175-PL R01 Client Substation received 23.07.2015, Proposed Plans and Elevations GE-DNO-160-PL R01 DNO Substation received 23.07.2015, Details GE-SF-175-PL R02 Site Fence received 23.07.2015, Plan GE-ST-175-PL R01 Storage Container received 23.07.2015, Plan GE-SC-175-PL R01 Communications Link received 23.07.2015, Plan GE-EL-175-PL R01 Site Elevations received 23.07.2015, Plan GE-CL-175-PL R01 Site Clearances received 23.07.2015, Plan GE-SC-175-PL R02 CCTV received 23.07.2015, Proposed Plans and Elevations GE-EL-175-PL R02 Inverter/Transformer received 23.07.2015, Email received 04.11.2015, Other COMMITTEE MEETING BRIEFING received 05.11.2015, Email + PHOTOS received 23.10.2015, Email SWEPT PATHS received 23.10.2015, Email + LETTER received 26.10.2015, Email received 26.10.2015, Visual Impact Assessment LANDSCAPE received 19.08.2015, Email SUPPORTING INFORMATION received 16.10.2015, Report TRANSPORT/CONSTRUCTION received 24.08.2015, subject to the following:

- Referral of the application to the Secretary of State in accordance with the Town and Country Planning (Consultation) (England) Direction 2009; and
- The conditions in the main report and the following:

**Amended Conditions:**

5. Development shall not commence until a Construction Environmental Management Plan detailing how the habitats and hedgerows within and surrounding the site will be protected during the construction phase. This shall also include details of appropriate fencing to restrict access into key ecological areas, information on any timing restrictions and measures to prevent damage to sensitive ecological habitats. The development shall be carried out in accordance with the approved Management Plan.

Reason: To safeguard protected species and protect the biodiversity of the local area.

6. Development shall not commence until a Landscape and Ecological Management Plan that details how the retained hedgerows and habitats, and newly planted areas are to be managed to maximise their biodiversity value and achieve the objectives of ecological mitigation and compensation, which shall set out any measures necessary to ensure protected species are appropriately accommodated within the operational site. The development shall be carried out in accordance with the approved Management Plan.

Reason: To safeguard protected species and protect the biodiversity of the local

**Additional Conditions:**

18. The applicant is required to provide a Glint and Glare Assessment to identify any potential locations on the site that would produce glint or glare that would be visible from the Strategic Road Network. The assessment which shall include any proposed mitigation shall be issued to the Local Planning Authority and approved by Highways England by commencement of works on site.

Reason: To ensure the safe operation of the Strategic Road Network, that drivers are not distracted by glint and glare from the solar panels.

19. The applicant is required to provide a Construction Management Plan detailing appropriate mitigation measures to ensure that the risk of dust and airborne particles are minimised. Any mitigation measures should be agreed with Connect plus Services (CPS), who are the maintenance and operations contractor managing the M25 DBFO on behalf of Highways England, prior to commencement of the works.

Reason: Due to the close proximity of the works to the adjacent M20 and M26 Motorways there is a potential risk that any airborne dust created by either the construction of the compound or access track works during the construction stage may have a safety impact on motorway users.

20. There shall be no vehicular access directly or works undertaken from the Strategic Road Network associated with the development, both during construction and during operations of the site at all times.

Reason: To ensure the safe operation of the Strategic Road Network, that drivers are not distracted by glint and glare from the solar panels.

21. Tree planting to mitigate the glare that may be experienced by passing drivers must be wholly within the site boundary, and maintained by the developer, with no access being granted directly from the motorway or adjacent land under the control of Highways England, demarcated by the motorway fencing. Any existing or future planting within Highways England's boundary shall not be relied upon to screen against glint or glare.

Reason: To ensure the safe operation of the Strategic Road Network, that drivers are not distracted by glint and glare from the solar panels.

### **Informatives**

1. The applicant should liaise with the highways authority to survey the condition of the highway infrastructure before and after the construction of the development to ensure that any damage to the highway is repaired. The applicant is asked to consult The Community Delivery Manager, Kent County Council, Kent Highway Services, Double Day House, St Michaels Close, Aylesford Tel: 08458 247 800.
  2. The applicant should provide the necessary wheel washing facilities prior to commencement of work on the site and for the duration of construction of the development.
  3. The developer should be made aware that consent will need to be obtained from Highways England to use the access road that links the application site with the adopted highway.
  4. The applicant is invited to liaise with Highways England to ensure measures to minimised fly tipping in the vicinity.
-

**Change of use of the former Chequers Inn to residential including partial demolition and rebuild to create a pair of semi-detached houses, plus the erection of two new detached houses and associated access, garaging and car parking at The Chequers Inn Basted Lane Crouch Sevenoaks for JAC Planning**

**PRIVATE REPS:** An email (dated 10.11.2015) has been received from the adjoining neighbour at High Crouch requesting clarification as to whether the Golden Leyland Cypress tree shown to be situated between the dwelling and garage to Plot 1 is to be retained or removed. The tree is shown to be removed on the Tree Survey.

The neighbour has advised that the removal of the tree would greatly impact on the setting of the listed building of High Crouch. It is requested that the mentioned Golden Leyland Cypress be retained and the tree protection fence line be amended to include this tree.

A request for the developer to enter into a restrictive covenant agreement to protect the vegetation along the common boundary has also been put forward by this neighbour.

**Applicant:** The agent has advised in an email (11.11.2015) responding to the neighbours comments that the landscaping on the Site Plan is indicative only and that it would be difficult to retain the mentioned Golden Leyland Cypress given its location on site and the likely building processed that may affect it. It has also been stated that the tree is not of a high enough calibre to warrant protection, as advised in the submitted Tree Report. It has therefore been confirmed that this tree is to be removed. The applicant agrees that the tree adds to the boundary screening but would not affect the setting of the listed building.

In order to provide additional boundary screening for the mutual benefit of the parties, the applicant has proposed that the landscaping condition be altered to specify that further planting of appropriate indigenous species be incorporated into the landscaping plan.

**DPHEH:** The mentioned Golden Leyland Cypress is situated about 5m inside the common boundary with High Crouch and is situated within the scope of the development. It is acknowledged that the tree is quite tall and therefore would contribute to the screening of the development from High Crouch. However, a group of Leyland Cypress of a similar height are situated along the common boundary adjacent to and slightly forward of this tree. I consider that these trees and the others shown to be retained and protected in the Tree Report would provide sufficient visual screening of High Crouch. I do not consider that the removal of the tree would harm the setting of the listed building.

It is important to note that Golden Leyland Cypress is not considered to be a suitable species for this location and given its position within the scope of the development there is no objection to its removal, subject to additional semi-mature tree planting of local provenance being provided along this part of the boundary to reinforce the landscaped screening of the development. As put forward by the applicant, Condition 8 requiring the approval of a detailed landscaping plan for the development can be altered to secure this provision. It is also considered reasonable to refer to planting to be provided to screen the electricity transformer on the site. The existing and proposed planting that will form part of the landscaping plan reserved by condition will be protected for a period of 10 years.

Any covenant arrangement is strictly a matter between adjoining land owners and is not considered to be a material planning consideration.

Members may wish to note that the land slopes down moderately from east to west and therefore the new Plot 1 dwelling on Basted Lane will sit on higher ground than that of High Crouch. This has been depicted with reasonable accuracy on the street-scene plans. The ridge heights of the proposed dwellings, public house building and Beechwood House have been tabled below. Please note that the ridge height of the Plot 4 dwelling was not stated correctly within the report. Its height is 8.2m not 7.7m. Given this dwelling's relationship with the much larger and higher dwelling of Beechwood House and its



