

- 1.2 The business centre will comprise six buildings split into ten separate offices arranged around a central courtyard. The four retained buildings are along the northern and southern edge of the courtyard. The two replacement buildings have a combined floorspace of 161 sq. metres and will be of a similar scale and built in similar materials (i.e. ragstone walls, timber windows/doors and slate tiles) to those used throughout the retained buildings. It is intended that the small business centre would create flexible lease offices (Use Class B1a) ranging from 300 sq. ft up to 1200 sq. ft (28 sq. metres to 112 sq. metres), with the aim of attracting new start-up businesses.
- 1.3 The small business centre would be separated from the works storage facility to the east by a 1.8m high dividing wall. Four existing buildings are to be replaced with one large industrial building (measuring 64m x 10m in footprint and just under 7.5m to the highest part of the sloping roof) which would be used for the storage and servicing of plant and equipment associated with the applicant's construction business. This new industrial building would be finished externally with a mix of horizontal and vertical cedar boarding, aluminium windows/doors and four roller shutter doors on the southern elevation. This building has a sloping pitched roof which rises to its maximum ridge height on the southern side (facing into the courtyard) and is proposed to have a grass roof. The new building would be used for a mix of B2/B8 uses.
- 1.4 A new office building (measuring 18m x 12m in footprint and just under 7.5m to the roof ridge) is proposed within the centre of the application site which would accommodate staff associated with the applicant's construction business. The office building would be three storeys in height, with a lower ground floor area owing to site topography. The office building would have a grass roof, similar to that of the new industrial building. This building is proposed to be within Use Class B1(a).
- 1.5 The proposals involve the demolition of a former pair of workers cottages set incongruously high (owing to previous mineral working of the site) to surrounding land levels. Once these cottages are demolished, the surrounding land would be re-graded to achieve a more uniform and gently undulating profile within the application site.
- 1.6 An existing Public Right of Way (PROW MR244) currently runs through the application site, leading along the southern boundary of the site, and turning northwards to the west of the existing pair of redundant workers cottages. This PROW runs across land which would be re-graded, land to be used for open storage and part of the new large shed. Therefore, the applicant has indicated that they wish to pursue a formal diversion with the Local Highway Authority should planning consent be forthcoming for the development. It is indicated as part of the application documents that the PROW would be relocated along the western and then northern boundaries of the application site, following a route understood to have been previously followed before earlier mineral operations.

- 1.7 Two separate new car parking areas would be created to serve the business centre and the new office building. The business centre car park would be located in the central courtyard of the retained and new buildings which would serve the 10 units which make up this element of the proposal. A new car park would be created on the re-graded land to the south-eastern corner of the application site to provide sufficient parking to serve the new office building occupied by the applicant's construction business.
- 1.8 An area of open storage is proposed to the east of the new storage shed and new office building. It is intended that this open storage area would allow plant and machinery to be stored whilst either waiting for repair or servicing (in the new industrial building to be built to the west) or waiting to go back out to site. The application details that open storage would be limited to the storage of plant, machinery or equipment no higher than the roof height of the adjacent new shed which has an overall roof height of 7.5 metres.
- 1.9 The application involves a fairly significant level of earthworks to re-grade the land surrounding the proposed open storage area and subsequent landscaping planting, notably to the north and to the south, with the intention that the proposed open storage area, new shed and office accommodation are screened from the wider landscape of the Kent Downs AONB and surrounding countryside. The application has recently been amended to demolish two former workers' cottages which sit on artificially elevated land within the application site and re-grade this land with the aim of creating a more natural landform.
- 1.10 Whilst the Grade II Listed Cricketts Farmhouse is included within the red-line application site area, no specific works are proposed to this building as part of the application. The applicant has however indicated that it is the intention to carry out refurbishment works to this Listed Building in the future (subject to further approvals, as necessary) with the aim of reinstating the building to provide a longer term viable use. Whilst no works are proposed to the Listed Building itself, the application would result in changes to the setting of the building through the reinstatement of a formal lawn to the south west of the building and the removal of incongruous structures (such as a weighbridge and bund) left behind from previous mineral workings.

2. Reason for reporting to Committee:

- 2.1 In the general public interest owing to the nature of the proposals being a departure from the Development Plan.

3. The Site:

- 3.1 The application site is largely rectangular in shape, with an area of approximately 3.25ha, to the north of the H+H Celcon blockworks and south-west of Borough Green Landfill Site.

- 3.2 Vehicular access is provided via an access which runs north from the Dark Hill roundabout with the A25 under the mainline Ashford-London railway line. Immediately to the north of the railway line the access divides into two; vehicular access is provided to the east to serve the existing H+H Celcon blockwork plant whilst access to the north provides access to the application site. A set of vehicle entrance gates at the point where the road splits provides site security to the section of entrance road leading to up the application site.
- 3.3 The entire application site is located within the MGB. Part of the site, excluding the eastern most part, is within the Kent Downs AONB designation. It is also situated within a water gathering area and parts of the site are indicated as being within Flood Zones 2 and 3. There is a safeguarded route for the Borough Green Bypass to the west and north of the site. A Public Right of Way (MR244) runs from the northern side of the mainline railway line along the site access road, turning east along the southern edge of the application site and north across the application site just to the western edge of the existing pair of workers cottages.
- 3.4 A Grade II Listed Building (Cricketts Farm House) is located within the application site to the west of the existing collection of farmstead buildings. There are a number of outbuildings/structures located within the curtilage of this building, including a weighbridge and area of bunding, both understood to have been associated/left behind from former mineral operations.

4. Relevant Planning History:

TM/95/50990/MIN Grant With Conditions 22 September 1995

Continuation of use of farm buildings for repair of earthmoving plant for use in adjoining sandpits

TM/11/00794/FL Grant with conditions 15 May 2012

Retention of portable building (building 9), change of use of buildings 1, 2, 4, 7 and 8 for storage purposes, use of buildings 3 and 9 for office purposes and use of buildings 5 and 6 for the storage purposes and/or the storage, repair or maintenance of machinery or plant used for mineral extraction

5. Consultees:

- 5.1 Ightham PC: Supports the application as it has the benefit of preserving the important historic building of Cricketts Farm.
- 5.2 Wrotham PC: Supportive of the revised application because it comprehensively addresses all of planning issues of the site, including previous concerns about the route of the footpath which is moved back to a pre-quarrying route that enhances its landscape amenity value. The inclusion of an office to replace farm cottages

perched incongruously at the previous landform level will bring more employment opportunities to the area as will the 'start-up' business park, housed within the restored farmstead.

5.2.1 The restoration of the Listed Farmhouse and its setting with farmstead will bring much needed regeneration to a previously rundown area

5.3 Borough Green PC: Welcomes this proposal in principle however makes the following comments:

- there are some discrepancies in the Planning Statement, in particular geographical inaccuracies with regard to Stangate Quarry;
- the Rymmey design and route of the footpath meets with the PC approval; and
- the PC can see no reason to remove the bund to the west, as, we understand, has been suggested by others.

5.4 KCC (Highways): In terms of trip generation onto the adjoining highway network, it is considered that the impact is acceptable and therefore have no objection to this application. Confirms that the car parking standards proposed are appropriate according to the uses proposed.

5.5 Kent Fire & Rescue Service: Confirms that the means of access is considered satisfactory. In addition, it notes that any proposed entrance gates should be accessible to the Fire Service in the event of a fire (*either by linking them to the fire alarm or providing a key pad, the details of which should be agreed with the Fire Service*).

5.6 KCC (Public Rights of Way): Notes that a formal footpath diversion will be required should the proposals go ahead. A two metre type 1 surfaced path will be required for the new route. It must be highlighted that even if planning consent is obtained, anything across the path would be an obstruction to the Public Right of Way and we would have to stop the works proceeding. In order to avoid significant delays the diversion of the way should be considered at an early stage.

5.7 Environment Agency: No objections, subject to the imposition of planning conditions to cover the following aspects: surface water drainage, contamination/remediation works and no infiltration of surface water drainage into the ground.

5.8 Kent Downs AONB Unit: Welcomes some of the changes made on the application which remove the farm cottages, remodel the land, introduce soft landscaping and planting and close the courtyard by proposing new offices. However, the juxtaposition of the large 'shed' to the smaller buildings to be retained challenges the concept of reinstating the courtyard. New large barn like structures are acceptable if located sensitively in relation to the remaining buildings. The layout

of the 'shed' is not a complementary setting for the restored courtyard 1. The realignment of this large building further away from the 'heritage courtyard' and separated with soft landscaping might help to reduce the overpowering impact both the structure and the associated activities would have. Presently there is still far too much unenclosed hardstanding and operative 'compound' space available to the east, and this will still impact on the views from the AONB to the north. This could be contained by the realignment of the large 'shed' building.

- 5.9 Campaign to Protect Rural England – Protect Kent (CPRE): Is of the opinion that the revised application satisfactorily addresses all of our concerns about the original application. There are now increased opportunities for local employment and the reconfiguration of buildings is beneficial to long distance views from the Downs scarp. Overall the proposal will revitalise a run-down area and restore a listed farm and associated farmstead.
- 5.10 Private Reps: 7/0X/0R/0S. The application was advertised by site and press notices indicating that the application comprises major development, affects the setting of a Listed Building (Cricketts Farmhouse) and a Public Right of Way and that the development is a departure from the Development Plan. No letters of representation have been received on this application.

6. Determining Issues:

- 6.1 In considering applications it is necessary to determine them in accordance with the Development Plan unless other material factors indicate otherwise. In this respect the more growth orientated character of the NPPF, published in March 2012 as national Government policy, has to be taken into account. The key planning considerations in this instance relate to the acceptability of the proposals within the Green Belt, the Kent Downs AONB and the countryside, public vantage points from the PROW, the impact on the setting of the Listed Building and its curtilage, highway impacts, economic benefits and flood risk.
- 6.2 Policy CP1 of the TMBCS sets out the Council's overarching policy for encouraging sustainable development. Similarly, the NPPF places a strong presumption in favour of sustainable development (para. 14), stating that this should be seen as a '*golden thread*' running through decision-taking.
- 6.3 As noted above, the application site is located within the MGB and outside of the built settlement confines. The NPPF makes it clear (in para. 89) that the construction of new buildings within the Green Belt should be regarded as inappropriate development, except for, *inter alia*:
- the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development (para. 89); or

- the re-use of buildings provided that the buildings are of permanent and substantial construction (para. 90).

6.4 In this instance, the proposed development (taken as a whole) does not specifically fit into either of these categories. Whilst certain aspects of the proposals involve the redevelopment of previously developed sites (i.e. brownfield land), other aspects of the proposal, for instance the open storage area, are located on land which has been subject to mineral restoration and therefore is considered to have been restored for agricultural purposes – in this instance sheep grazing on the several occasions I have visited the site. Also, whilst a number of existing buildings are proposed to be converted, there is a significant element of new buildings which would not fall into the exemptions outlined above. Furthermore, it should be noted that whilst a number of the buildings to be converted may be of permanent and substantial construction (see discussions further below), they currently only benefit from an extant permission for temporary use (until early 2019) under consent reference TM/11/00794/FL (which is discussed below).

6.5 In view of this, I consider that the proposals, when taken cumulatively, represent inappropriate development within the Green Belt. The NPPF states (para. 87) that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore, it stresses (in para. 88) that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. It is therefore necessary to consider whether a case of very special circumstances exist in this case which would be sufficient to set aside the general presumption against inappropriate development.

6.6 In this context, it is necessary to consider the purpose of the Green Belt. Paragraph 80 of the NPPF specifically sets out five purposes, as follows:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

6.7 In relation to this application, the proposals, if permitted, would not result in the urban sprawl of a large built-up area, nor result in neighbouring towns merging into one another; both owing to the site's relative remoteness from surrounding urban

areas. Neither would the proposals conflict with the purpose of preserving the setting/special character of any historic towns.

- 6.8 The application site is located in a somewhat unique position, bordered to the south by heavy industry (H+H Celcon blockworks), to the north east by Borough Green Quarry/Landfill and to the north by restored land forming part of Ightham Sandpit. This forms an important backdrop in which any development on this particular site needs to be considered. Furthermore, a significant part of the application site is already covered by existing functional buildings and hard standings. A number of these buildings are considered to be of permanent and substantial construction, whilst some have reached the end of their useable life and are therefore proposed for demolition and replacement as part of this application. There are various structures (for example a former weighbridge and bund) within the curtilage of the Listed Building which are considered to adversely affect its setting. There is also a pair of redundant and dilapidated former agricultural workers' cottages located in the south-eastern corner of the application site which sit incongruously high in the general landform owing to past mineral activities at the site.
- 6.9 It is apparent from a review of the planning history that the buildings currently on site comprise, variously, buildings that were formerly associated with the operations of Cricketts Farm as an agricultural enterprise and, subsequently, used for the storage, repair and maintenance of plant used for mineral extraction. Subsequently, a temporary permission (which expires in early 2019) was granted in 2012 for the retention/change of use of these buildings (TM/11/00794/FL) to B2/B8 type uses. This permission appears to have been implemented although, from several visits to the site, activities appear to be on a low-key basis and not to the extent which this temporary permission could provide for. The presence of an extant permission, albeit temporary, is a material consideration in the determination of this application.
- 6.10 This application presents a realistic opportunity to re-develop this partially derelict and unattractive site within the Green Belt to create an overall high quality scheme. It also presents an opportunity to deliver economic benefits, through job creation and employment with new business start-up units, and the relocation of a successful construction company to the site. The application details that the proposals would create in excess of 40 jobs within an area of derelict and currently under-used land. I am mindful of the overall strong support which the NPPF affords to economic development (i.e. that 'significant weight should be placed on the need to support economic growth through the planning system', para. 19) and therefore consider that the overall economic benefits of the scheme are capable of forming a very special circumstance in this instance.
- 6.11 Turning back to the purposes of the Green Belt, it is important to consider whether the development would result in the general encroachment of the countryside in this location. As outlined above, much of the site is already developed with a

series of existing buildings and hard standings. Considering the proposals on a purely numerical basis, the application proposes the demolition of some 939 sq. metres of building footprint, compared to the proposed construction of some 1042 sq. metres of new building footprint. However, the largest footprint of development within the Green Belt would arise from the proposed open storage area which would be in the form of concrete hard standing. This area would amount to approximately 4320 sq. metres (0.43 ha) of hardstanding, upon which construction plant and equipment would be stored. The applicant has indicated that such construction plant and equipment would be no higher than the adjoining ridge height of the new shed and office building which have an overall maximum roof height of 7.5 metres. Having explored options for the open storage element of the proposal, the applicant has advised that the open storage area is fundamental to its proposals as a whole, owing to the need to have a location to store plant and machinery pending repair/servicing in the new shed and or awaiting dispatch to construction sites. Whilst I accept that there will inevitably be an element of encroachment of the countryside in this Green Belt location, this needs to be considered against the backdrop and surrounding uses of the site as discussed in paragraph 6.8 above.

- 6.12 The application proposes fairly significant engineering works to re-grade the land across the application site where the existing pair of dilapidated workers' cottages are currently located. These engineering works would create a more in-keeping land form generally across the site and when viewed from wider public viewpoints taken from the nearby Public Right of Way. The works would also see the creation of new landscaped bunds to the northern, eastern and southern boundaries of the open storage area and new office car park which would deliver both enhanced visual screening to the existing farmstead buildings (to be converted), the new shed and office building and open storage area. A significant amount of landscape planting, together with the earthworks proposed to create a more natural landform across the application site are, in my view, benefits of the scheme which could be capable of forming very special circumstances in this case.
- 6.13 Whilst an extant temporary permission exists for the use of a number of the farmstead buildings within the site, a permanent use of the site has not yet been found. At the time that temporary planning permission was given for the conversion of the existing buildings, it was felt that beyond the temporary period (i.e. from 2019 onwards), the buildings maybe required by the then applicant (H+H UK Ltd) as operational buildings to serve a western extension to Ightham Sandpit. The western extension of Ightham Sandpit was submitted by H+H UK Ltd as part of the emerging Kent Minerals and Waste Local Plan, although was not allocated as a 'preferred options' site in the Mineral Site Plan: Preferred Options Consultation (May 2012). It is therefore unlikely that the western extension of Ightham Sandpit will come forward during the period of the emerging Kent Minerals and Waste Local Plan (i.e. 2013 – 2030) due to other more suitable soft sand sites being available within the County which are located outside of the AONB. Therefore, it is unlikely that this collection of buildings will be required for

minerals operations in the locality; a decision which is likely to have influenced the then owner of the site (H+H UK Ltd) to sell the Cricketts Farm site to the current applicant.

- 6.14 It is also unlikely that the buildings would be demolished since they have existed on site for a considerable time. In my view, it would be desirable to find a long-term acceptable solution to both use the largely derelict site and enhance the general countryside/Green Belt locality. I therefore afford a degree of weight in favour of finding a suitable and viable use for this collection of under-used buildings and dilapidated site.
- 6.15 Taking all these factors into consideration, I am of the view that there is a case of very special circumstances which exist in this particular case which is sufficient to set aside the general presumption against inappropriate development in the Green Belt.
- 6.16 That said, should Members resolve to grant permission for this scheme, it will be necessary to refer this application to the Secretary of State for Communities and Local Government, under the requirements of The Town and Country Planning (Consultation) (England) Direction 2009 owing to the scale of this major development in the Green Belt.
- 6.17 Having established the view that very special circumstances exist in this case, I intend to address the remaining planning considerations in turn, dealing first with the impact on the AONB.
- 6.18 The NPPF reaffirms (para. 115) the importance that LPAs should give to conserving the landscape and scenic beauty in an AONB, which have the highest status of protection in relation to landscape and scenic beauty. Furthermore, it states (para. 116) that permission should be refused for major developments in the AONB except in exceptional circumstances and where it can be demonstrated they are in the public interest. Considerations of such applications should include an assessment of:
- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
 - any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
- 6.19 In this case, it should be noted that the majority of the site is located within the Kent Downs AONB, this being the Farm House, the existing farmstead buildings and land where part of the new shed and new offices would be located. The

proposed open storage area, by and large, is located immediately outside of the AONB boundary. That said, the entirety of the proposals as a whole are considered to have a bearing on the landscape and scenic beauty of the AONB and therefore the proposals will be assessed in that context.

- 6.20 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) which specifically considers the landscape impacts of the proposals on the wider countryside, including the AONB designation. A long-section has been provided showing the H+H Celcon site, through the Cricketts Farm application site and in a northerly direction across the rising land of the wider AONB (to the west of Wrotham village) from a viewing area on the A20. This section provides a visual demonstration of the application site in the wider context of the rising land; in this context the H+H Celcon site is located at approximately 80m AOD, the application site is approximately 81m AOD and the public viewing area near the top of the A20 is approximately 142m AOD. The section detail and LVIA demonstrate that the application site, including the proposed development, will be located below the line of sight and would sit against the visual backdrop of the H+H Celcon blockworks, a heavy industrial site with prominent chimney stacks.
- 6.21 In terms of the number of visual receptors likely to obtain views of the site, these are very limited owing to the enclosure of the site by woodland and topography. Receptors are likely to be limited to users of the site itself, walkers on the Public Right of Way (MR244) and a limited number of receptors able to obtain views of the site from the North Downs escarpment, where there are more open panoramic views southwards across the entire valley.
- 6.22 It is considered that any changes in views for users of the PROW would be improved overall due to the restoration of buildings, the general tidying up of the site and associated planting and re-engineering ground works. From a key receptor site (a public viewing area at the top of the A20), the site is virtually indistinguishable with the naked eye, other than its general location being ascertained in the foreground of the H+H Celcon blockworks factory. Whilst it is accepted that there could be a slight visual change from the public viewpoint on the North Downs escarpment arising from the increase in built development within the application site, such visual change is likely to be outweighed by the design mitigation measures incorporated within the application proposals. These mitigation measures being the proposed green roofs to the new industrial shed and office building, the removal of the pair of former workers' cottages and re-grading of land within the application site to create a more natural landform and the substantial landscape planting/bunding proposed. Therefore, I concur with the findings of the LVIA in so far as, in the medium to longer-term, the proposed scheme is likely to be beneficial to overall visual amenity both within the site and from any views to the site.

- 6.23 In terms of the national test for major development within the AONB, I am satisfied that there are considerable local economic benefits to re-developing this current dilapidated and under-used site which is, to a large extent, already within the AONB. Whilst I acknowledge that some of the site benefits from an extant temporary use, the long-term restoration and ultimate planning use of this site is currently unknown. I therefore afford significant weight in this instance to not only the economic benefits this scheme would deliver, but also the visual benefit to the general landscape character that the proposals would create through the high quality redevelopment of a currently dilapidated and unattractive site within the AONB. Furthermore, these proposals offer a greater degree of security as to the long-term future of this site in terms of its planning use and appearance. It is acknowledged that the proposals could be developed elsewhere outside of the AONB, but that this in itself would not result in the high quality re-development of a dilapidated site within the AONB.
- 6.24 In this particular case, I am satisfied that there are exceptional circumstances which exist which would set aside the presumption against approving major developments in the AONB. In reaching this view, I am particularly mindful of the existing nature of the site and the high-quality mitigation which is proposed in this instance.
- 6.25 Having considered the indicative diversion route of the PROW (to the west of Cricketts Farm House and then north along the application site boundary), I am satisfied that publically obtainable views from the new route, subject of course to obtaining the necessary consent from the Highway Authority for its diversion, would not be adversely affected owing to the proposed mitigation described above.
- 6.26 Turning to the impacts on the setting of the listed building, I am mindful that the NPPF (para. 132) states that when considering the impact of a proposed development on the significance of a designated heritage asset (i.e. the Listed Farm House in this instance), great weight should be given to the asset's conservation. In this particular case, I am of the view that the conversion of the existing farmstead buildings, together with the new buildings within/around the central farmstead courtyard (i.e. part of the small business centre development) would all be of functional appearance, although would maintain the general aesthetic of the farmstead through the use of matching materials (i.e. ragstone walls, timber windows/doors and slate tiles). The improvements to the farmstead to create the small business centre would provide an overall visual improvement to the setting of Cricketts Farm House, the adjacent Grade II Listed Building. Other improvements to the Farm House would arise from creating a more appropriate and attractive curtilage for this building, through removing existing buildings/structures which currently exist such as bunding and a weighbridge, remnants of past mineral workings.

- 6.27 Whilst this application does not include any proposals to refurbish the Listed Building itself, the applicant has indicated that this is the intention in the longer-term should permission for the current proposals be forthcoming. Depending on the nature of works proposed in the future to refurbish Cricketts Farm House, it is likely that Listed Building Consent would be required in due course in any case. On the basis of the current proposals, I am satisfied that they would preserve and indeed enhance the overall setting of Cricketts Farm House.
- 6.28 In terms of highway impacts, the existing access road is understood to be within the ownership of the wider H+H Celcon landholding and is of substantial width and construction, constructed to accommodate the movement of large vehicles associated with the previous mineral workings at the site. This access road provides a direct link to the Dark Hill roundabout on the A25, a main trunk road between Borough Green and Sevenoaks. The internal site access road would provide adequate access to the application site for the vehicles associated with the proposed uses.
- 6.29 KCC (Highways) has raised no objections to the proposals on highway grounds, noting that in impact and parking terms the proposals are acceptable. The NPPF has a significant bearing in terms of highways impact as the nationally applied test is that an impact must be “severe” in order for Highways and Planning Authorities to justifiably resist development on such grounds. In this case, the advice of the Highway Authority is entirely justifiable on the basis of the location of the development to the main road network, existing highway infrastructure on the site and the planning history of the site.
- 6.30 Policy DC1 of the MDE DPD details that the reuse of existing rural buildings that are of permanent and sound construction and are capable of conversion without major or complete reconstruction will be permitted subject to satisfying a series of criteria. The majority of these criteria (including impact on the character of the area, effect on residential amenity, highway safety, etc.) form considerations which have been assessed in any event. As described earlier in this report, an extant temporary permission already exists, and is understood to have been implemented, relating to the conversion of many of the buildings on site for storage/office purposes under permission TM/11/00794/FL.
- 6.31 The application site is situated over flood zones 1, 2 and 3. The Environment Agency has assessed the proposals for a business park with associated storage/offices as a ‘less vulnerable’ use, however they note that the refurbishment of the Listed farm house as a dwellinghouse would increase the risk to ‘more vulnerable’. It should be noted however that the Farmhouse exists at present and its refurbishment is not specifically proposed in this instance; instead full refurbishment is likely to require further consent from the LPA.

- 6.32 It is noted that the EA has raised no objection to the proposals, subject to the imposition of conditions covering the submission of a surface water drainage scheme, a contamination/remediation scheme and that there is no infiltration of surface water drainage into the ground without the prior express consent. I consider that these conditions are reasonable in this instance and can accordingly form part of any grant of planning permission.
- 6.33 In terms of phasing of the development, it is reasonable and necessary in this instance to ensure that various elements of the wider landscape mitigation are undertaken at certain stages by planning condition. Specifically, the key mitigation measures here include the demolition of the existing pair of former workers' cottages which currently sit incongruously high in the landscape, the re-grading of surrounding land and creation of new bunds to the north, east and south of the open storage area, and the removal of a bund and associated former plant (i.e. weighbridge) within the setting of the Listed Building. Having discussed the phasing of these elements with the applicant, I consider it reasonable to require these measures to be undertaken prior to the erection of the new shed and office building to serve the applicant's own construction business element of the proposals. Accordingly, I propose that a phasing condition is imposed as part of any approval for this scheme.
- 6.34 Having considered the proposals in the context of the Development Plan and other relevant material planning considerations, I am satisfied that, on balance, there are a sufficient set of very special circumstances which exist in this instance in order to justify the proposals in this Green Belt location. Furthermore, I have concluded that on the basis of the existing site, together with the proposed mitigation measures, the proposals for this major development are supportable in the AONB under the exceptional circumstances as discussed above. There are also no other material considerations which exist in this case that lead me to a different view other than that planning permission should be granted for this scheme, subject to the imposition of appropriate planning conditions as set out below.

7. Recommendation:

7.1 Grant Planning Permission in accordance with the following submitted details:

Statement O'KEEFE STATEMENT dated 24.02.2014, Transport Statement dated 24.02.2014, Planning Statement dated 20.01.2014, Photographs dated 20.01.2014, Location Plan RD1504-SA-001 dated 12.02.2014, Tree Plan 13383-200-04TP dated 20.01.2014, Site Plan SS-1504-001 dated 12.02.2014, Proposed Elevations RD1504-AA-100 dated 20.01.2014, Proposed Elevations RD1504-AA-110 dated 20.01.2014, Proposed Elevations RD1504-AA-120 dated 20.01.2014, Proposed Elevations RD1504-AA-130 dated 20.01.2014, Proposed Elevations RD1504-AA-140 dated 20.01.2014, Proposed Elevations RD1504-AA-150 dated 20.01.2014, Proposed Floor Plans RD1504-GA-230 A dated 20.01.2014, Email dated 08.04.2014, Environmental Assessment 409-04390-

00003 dated 08.04.2014, Email dated 23.04.2014, Drawing OK-CRF-WWS-01 dated 23.04.2014, Letter DATED 31 JUL 2014 dated 01.08.2014, Other Document issue register dated 01.08.2014, Design and Access Statement A dated 01.08.2014, Visual Impact Assessment B dated 01.08.2014, Section RD1504-LS-002 A dated 01.08.2014, Proposed Floor Plans RD1504-AA-171 A dated 01.08.2014, Proposed Floor Plans RD1504-AA-172 A dated 01.08.2014, Proposed Floor Plans RD1504-AA-173 A dated 01.08.2014, Proposed Roof Plan RD1504-AA-174 A dated 01.08.2014, Proposed Elevations RD1504-AA-175 A dated 01.08.2014, Demolition Plan RD1504-SA-010 A dated 01.08.2014, Drawing RD1504-LA-001 C dated 01.08.2014, Proposed Floor Plans RD1504-GA-200 B dated 01.08.2014, Proposed Floor Plans RD1504-GA-210 B dated 01.08.2014, Proposed Roof Plan RD1504-GA-220 B dated 01.08.2014, Proposed Elevations RD1504-AA-160 A dated 01.08.2014, Proposed Elevations RD1504-AA-170 B dated 01.08.2014, Proposed Elevations RD1502-AA-180 B dated 01.08.2014, Proposed Elevations RD1504-AA-190 B dated 01.08.2014, Proposed Elevations RD1502-AA-200 B dated 01.08.2014, Drawing OK-CRF-WWS-01 P2 dated 09.05.2014:

7.2 Subject to the **referral of the application to the Secretary of State for Communities and Local Government** in accordance with the Town and Country Planning (Consultation) (England) Direction 2009; and

7.3 The following **conditions**:

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

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

2 Before the development hereby permitted is commenced, a phasing plan showing the stages and timescales for each element of the development shall be submitted to and approved by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved phasing plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that mitigation works are undertaken in an appropriate timeframe to minimise potential harm to the rural landscape and amenity.

3 No development of any phase of development in accordance with conditions 2 shall take place above ground level 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.

- 4 No development of any phase of development in accordance with condition 2 shall take place above ground level 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.

- 5 Prior to the installation of any external lighting serving any phase of the development in accordance with condition 2, full details of the lighting for that phase shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of rural amenity.

- 6 No development of any phase of development in accordance with condition 2 shall take place above ground level until details of proposed finished floor, ridge and eaves levels of buildings and ground levels within the application site (including areas of proposed bunding) have been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved level details.

Reason: In order to control the development and to ensure that the development preserves the rural amenity of the countryside.

- 7 Barn 1, 2, 3, 4, 5 and 6 and Office 1 as indicated on 'Proposed Landscape Strategy' (drawing number RD1504-LA-001 Revision C) shall only be used as offices and for no other purpose (including any other purpose in Class B1 of the Town and Country Planning (Use Classes Order) 1987 as amended), or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.

Reason: The proposal was determined on the basis of the information provided as part of the application, having regard to the impact of the use on the openness of the Metropolitan Green Belt, the character of the area and the impact on the highway network.

- 8 Shed 1 as indicated on 'Proposed Landscape Strategy' (drawing number RD1504-LA-001 Revision C) shall only be used for the storage, repair or maintenance of machinery or plant used as part of the applicant's construction business and for no other purposes (including any other purpose in Classes B2 and B8 of the Town and Country Planning (Use Classes Order) 1987 as amended), or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.

Reason: The proposal was determined on the basis of the information provided as part of the application, having regard to the impact of the use on the openness of the Metropolitan Green Belt, the character of the area and the impact on the highway network.

- 9 Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 or the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), the layout of the development shall not be varied by means of sub-division or amalgamation of any units, nor by the insertion of additional floors, without the prior permission in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to assess the impact of such variation on parking and vehicle circulation in the interests of safe and free flow of traffic.

- 10 No materials, plant or other equipment of any description shall be kept or stored in the open other than in the area shown as "concrete hard-standing laid to falls" as shown on 'Proposed Landscape Strategy' (drawing number RD1504-LA-001 Revision C). Any materials, plant or other equipment stored in such area shall not exceed 7.5 metres in height.

Reason: In order to control the development and ensure that the proposals are acceptable within the rural landscape and amenity.

- 11 Any materials, plant or other equipment stored within the defined open storage area (as defined by condition 10) shall only be materials, plant or other equipment associated with the applicant's construction business which is ancillary to the occupation of the adjoining industrial and office buildings.

Reason: In order to control the development and ensure that the proposals are acceptable within the rural landscape and amenity, and to ensure that the open storage element of the proposals are undertaken on an ancillary basis to the occupation of the adjoining industrial and office buildings.

- 12 The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space for that phase (in accordance with condition 2) 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.

- 13 No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved by the Local Planning Authority. The surface water drainage strategy should seek to implement a SUDS hierarchy that achieves reductions in surface water run-off rates to Greenfield rates. The approved scheme shall be implemented as approved prior to the first occupation of the relevant phase of development (in accordance with condition 2) hereby permitted.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- 14 No development shall be commenced until:

(a) a desk study has been submitted which includes a review of all past uses of the site, a conceptual site model and any potentially unacceptable risks arising from contamination at the site;

(b) if recommended by the desk study, a site investigation should be undertaken to determine the nature and extent of any contamination; and

(c) the result of the investigation, together with an 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.

Any scheme 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 such unforeseen contamination.

Prior to the first occupation of the relevant phase of development hereby permitted:

(d) any approved remediation scheme shall be fully implemented insofar as it relates to that part of the development which is to be occupied; and

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

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

Reason: In the interest of amenity and public safety and in accordance with the requirements of the National Planning Policy Framework 2012.

- 15 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect the underlying groundwater from the risk of pollution and in accordance with the requirements of the National Planning Policy Framework 2012.

- 16 No infiltration of surface water drainage into the ground at the site is 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 controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To protect the underlying groundwater from the risk of pollution and in accordance with the requirements of the National Planning Policy Framework 2012.

Informatives

- 1 During the demolition and construction phases, the hours of working (including deliveries) shall be restricted to the following times: Monday to Friday 08:00 hours – 18:00 hours; Saturday 08:00 hours – 13:00 hours; and no work on Sundays, Bank or Public Holidays.
- 2 The applicant is advised that Public Right of Way (MR244) must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phase) or the surface disturbed without the express consent of the Highways Authority.

Contact: Julian Moat