

Shipbourne
Borough Green And Long Mill

23 September 2021

TM/21/02565/FL

Proposal: Demolish the existing extended property and associated outbuildings and construct a more sustainable new build replacement residential property

Location: Avenue Cottage Shipbourne Road Tonbridge Kent TN11 9NU

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1. Description:

- 1.1 Planning permission is sought for the demolition of the existing detached and previously extended dwelling and construction of a replacement residential property, comprising of a 'estate style' dwellinghouse.
- 1.2 The dwellinghouse would be two storeys high, with accommodation within the loft rooms to form three floors of living accommodation. The wings to either side of the main dwelling would be single storey, again with rooms within the loft spaces to form two floors of accommodation. The rear of the property includes a single storey flat roof element, with a roof terrace.
- 1.3 The maximum ridge height of the highest part of the house is 8.8 metres and the ridge height of each wing are 5.9 metres and 6 metres (due to changes in surrounding land levels). The floor levels of the proposed dwellinghouse would be lower than the existing dwellinghouse.
- 1.4 The appearance and design of the proposed property is neo-Georgian, with sash windows and false-pitch roofs and pitch roof dormer windows. The materials would comprise of red brickwork walls with stone detailing to windows, banding, porch and parapets, white windows and a slate roof.

2. Reason for reporting to Committee:

- 2.1 At the request of Councillor Mike Taylor to enable the committee to consider the design and sustainability/climate change impacts of the proposal.

3. The Site:

- 3.1 The site is located outside the built confines and is within the Metropolitan Green Belt. It is sited to the south-west of A227/Tonbridge Road, to the south-west of Shipbourne and north of Tonbridge.
- 3.2 The site is accessed via Public Bridleway MT49. The accessway/Public Right of Way is amongst Ancient Woodland, which opens up to an area laid to grass approximately 100 metres in front of the dwellinghouse.

3.3 To the north of the site is Public Bridleway MT49 and woodland, to the east is Public Bridleway MT50, woodland, an area laid to grass and fields, to the south is an area of Ancient Woodland and to the west is an area used as an agricultural field used for the grazing of animals.

3.4 The site contains a detached and previously extended mid to late 19th century estate cottage. There is also a detached three-bay garage with storage and associated amenity land.

4. Planning History (relevant):

TM/75/10110/FUL Grant With Conditions 6 August 1975

Alterations and additions to existing cottage.

TM/80/10685/FUL Grant With Conditions 17 November 1980

Two storey side extension to form double garage, storage space.

TM/83/10716/FUL Grant With Conditions 22 February 1983

Two storey pitched roof extension to side of existing dwelling.

TM/88/11462/FUL Grant With Conditions 13 October 1988

Extension to rear.

TM/93/00550/FL Grant With Conditions 11 February 1994

Renewal of permission TM/89/0066 for the conversion of barn into dwelling

TM/04/04188/FL Grant With Conditions 28 July 2005

Triple open fronted garage and log store

TM/07/03012/FL Approved 18 September 2007

Porch and bay window to side elevation

TM/10/00078/NMA Approved 1 February 2010

Alteration to elevation and roofline being a non-material amendment to the scheme permitted under planning permission TM/07/03012/FL: Porch and bay window to side elevation

TM/21/00527/LDP Certifies 20 April 2021

Lawful Development Certificate Proposed: Construction of new outbuilding and pool with associated hard landscaping

Lawful Development Certificate Proposed: Construction of new pool house outbuilding and new garden store outbuilding

5. Consultees:

5.1 PC: The following (summarised) comments are made:

- No objection to the size and scale of the proposed replacement property.
- The application is contrary to the NPPF 2021 (paragraphs 130c, 132 and 134 and the Managing Development and the Environment Development Plan Document 2010.
- The application is contrary to the Shipbourne Design Statement and the National Model Design Code.
- The proposed property is out of character with the local rural vernacular design and does not represent innovative design.
- Despite how the site cannot be seen by many, is not in a Conservation Area, and is not in the Kent Downs AONB does not mean that its design is unimportant – national policy states that design is important wherever it is and that it should reflect the local character of place.
- The commitment to sustainability is only to that required by the current Building Regulations. No opportunities for producing renewable energy have been taken to ensure that the new structure is zero carbon and makes a contribution to the grid. There is no commitment to either reuse or recycle existing materials. As such the proposal is contrary to the TMBC Climate Change Strategy and paragraph 152 of the NPPF.
- Therefore, the Parish Council do not support the application and request it is refused.

5.2 KCC (PROW): No representations received

5.3 TMBC EP: No information has been provided about the drainage proposed to be installed for this development. Consideration must be given to DETR Circular 03/99 Planning Requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in Development and Building Regulations Approved Document H - Drainage and Waste Disposal.

5.3.1 The applicant is advised that it is their best interest to maintain the sewage treatment unit at regular intervals. Sewage discharges must comply with the General Binding Rules as set in the Environmental Permitting (England and Wales) (Amendment) (England) Regulations 2014. Additionally, the unit will need

to combat seasonal loading, as well as use of chemicals to avoid damage to the micro-organism. An observed detrimental effect upon the private water supply would be enforceable for the protection of public health and the avoidance of nuisance.”

5.4 Private Reps: 1 + site + press notice/0X/0R/1S: Letter of support summarised as follows:

- Advise that they have lived in the area a long time/still live close to the application site and regularly pass the site.
- Demolition and rebuild considered to make the building suitable for modern needs, be easier to improve sustainability and energy efficiency and would be more financially viable.
- Parish Council objections noted, however consider the proposed replacement would be in-keeping with the local vernacular, citing local building of the ‘The Hoad’, ‘The Shooting Lodge’ and ‘Fairlawne’.

6. Determining Issues:

Development in the Green Belt:

6.1 The site lies within the Metropolitan Green Belt and as such restrictive policies apply. Policy CP3 of the Tonbridge and Malling Borough Core Strategy 2007 (TMBCS) is the adopted development plan policy pertaining to the Green Belt and sets out that national Green Belt policy will be applied generally within the Borough. National policy is contained at Section 13 of the NPPF (revised version published July 2021).

6.2 Paragraph 137 of the NPPF states that:

“the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”

6.3 Paragraph 138 goes on to outline the five purposes of the Green Belt which are:

- “a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*

e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”

6.4 Paragraph 147 then sets out that:

“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”

6.5 It continues at paragraph 148 that:

“when considering any planning application, 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 resulting from the proposal, is clearly outweighed by other considerations.”

6.6 Paragraph 149 states that:

“Local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt”.

It then goes on to set out a number of exceptions to this, as follows:

“a) buildings for agriculture and forestry;

b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

e) limited infilling in villages;

f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or*

- *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”*

6.7 The most relevant exception to this application is:

“d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;”

6.8 The existing building is a two-storey dwellinghouse, which has been extended to either side and the rear, comprising of two storey and single storey additions. The building has a wide and deep footprint as a result. There is also a three-bay single storey garage with storage.

6.9 The proposed replacement building would be a substitute for the existing dwellinghouse and garage. It would be in the same use as the existing buildings – being used for domestic purposes. It would be part two storey, part single storey, with loft rooms. It would include a false-pitch roof, with roof dormers. The applicant has drawn a comparison between the existing and proposed buildings, with there being a 8.48% decrease in gross external area (from 538.7m² to 493m²). There would also be a 0.64% decrease in volume (from 1521.5m³ to 1511.7³). The mass of built form across the site would be compressed as a result of the demolition of the detached garage. The proposed dwellinghouse would be of a similar width and depth as the existing dwellinghouse. Therefore, the replacement building would be in the same use and not materially larger than the one it replaces. As such the proposed development complies with paragraph 149 (d) of the NPPF and Policy CP3 of the TMBCS.

6.10 The acceptability of the scheme in relation to Green Belt policy is grounded in the removal of existing buildings, both the significantly extended dwellinghouse and detached garage. It is therefore considered reasonable and necessary to remove permitted development rights in relation to further enlargement and outbuildings. Without such a condition, extensions and outbuildings could be constructed that would cumulatively result in the new dwellinghouse appearing materially larger than the one it replaces.

Development in the countryside:

6.11 In addition to the Green Belt policies considered above, it must also be recognised that the site lies within the designated countryside more generally. In this respect, policy CP14 of the TMBCS states:

“In the countryside development will be restricted to:

- (a) extensions to existing settlements in accordance with Policies CP11 or CP12 ;*
- or,*

- (b) the one-for-one replacement, or appropriate extension, of an existing dwelling, or conversion of an existing building for residential use; or*
- (c) development that is necessary for the purposes of agriculture or forestry, including essential housing for farm or forestry workers; or*
- (d) development required for the limited expansion of an existing authorised employment use;*
- (e) development that secures the viability of a farm provided it forms part of a comprehensive farm diversification scheme supported by a business case; or*
- (f) redevelopment of the defined Major Developed Sites in the Green Belt which improves visual appearance, enhances openness and improves sustainability, or*
- (g) affordable housing which is justified as an exception under Policy CP19; or*
- (h) predominantly open recreation uses together with associated essential built infrastructure; or*
- (i) any other development for which a rural location is essential.”*

6.12 The proposal involves the one-for-one replacement of an existing dwellinghouse (CP14 b). As such, the proposal meets the requirements of policy CP14.

Replacement rural building:

6.13 As the property is a rural building, Policy DC2 of the Managing Development and the Environment Development Plan Document 2010 (MDE DPD) applies:

“A replacement building in the countryside will be permitted subject to meeting all of the follow criteria:

- (a) it would not be materially larger than the existing building and it would be appropriate in scale and design to its setting and any neighbouring buildings and to the character of the area within which it is located as defined in the Character Area Appraisals SPD;*
- (b) the proposal does not result in the fragmentation and/or severance of an agricultural land holding creating a non-viable agricultural unit;*
- (c) full account is taken of any biodiversity interest in accordance with Policy NE3;*
- (d) it is not in an isolated position in relation to infrastructure and services; and*
- (e) the demolition of the existing building would not result in the loss of a building of architectural or historic interest or a building that contributes to local character.”*

6.14 The building would not be materially larger than the existing building, as detailed above in assessing the merits of the application in relation to the Green Belt. In relation to whether it would be appropriate in scale and design to its setting/area and whether it would involve the loss of a building of architectural or historic interest, this is detailed below in the design section.

6.15 The proposal would not result in the fragmentation and/or severance of an agricultural land holding or be in an isolated position as the dwellinghouse is a one-for-one replacement of a domestic dwellinghouse.

6.16 In relation to the impact upon biodiversity, this is detailed in the ecology section below.

Neighbouring amenity/amenity for future occupiers:

6.17 In relation to the impact of development upon residential amenity, policy CP24 of the TMBCS states:

“Development which by virtue of its design would be detrimental to... amenity... will not be permitted.”

6.18 Additionally, paragraph 130 (f) of the NPPF advises that planning policies and decisions should ensure that developments:

“create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users...”

6.19 The plot is isolated with substantial separation from nearby residential dwellings. As a result, the proposal would not have any greater impact on the amenity of neighbouring dwellings by way of loss of light, sunlight, outlook or privacy and neither would it be overbearing.

6.20 The house is generously sized. The proposed site plan illustrates that the property would have generous usable amenity space located around the property. As such, it would provide a good standard of amenity space for future occupants.

6.21 Accordingly, the development would provide an adequate standard of amenity to both nearby residents and future residents of the proposed dwellinghouse. The proposal therefore complies with policy CP24 of the TMBCS and paragraph 130 (f) of the NPPF.

Design, character and appearance:

6.22 Policy CP24 of the TMBCS sets out a number of key objectives in terms of design. It requires that:

“All development must be well designed and of a high quality in terms of detailing and use of appropriate materials, and must through its scale, density, layout,

siting, character and appearance be designed to respect the site and its surroundings.”

“All development should accord with the detailed advice contained in Kent Design, By Design and Secured by Design and other Supplementary Planning Documents such as Village Design Statements and Planning Briefs and, wherever possible, should make a positive contribution towards the enhancement of the appearance and safety of the area.”

“Development which by virtue of its design would be detrimental to the built environment, amenity or functioning and character of a settlement or the countryside will not be permitted.”

6.23 Policy SQ1 of the MDE DPD is also relevant to design and requires that:

“1. Proposals for development will be required to reflect the local distinctiveness, condition and sensitivity to change of the local character areas as defined in the Character Area Appraisals SPD.

2. All new development should protect, conserve and, where possible, enhance:

(a) the character and local distinctiveness of the area including its historical and architectural interest and the prevailing level of tranquillity;

(b) the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views; and

(c) the biodiversity value of the area, including patterns of vegetation, property boundaries and water bodies.”

6.24 Policy NE4 of the MDE DPD specifically relates to development and the impacts upon trees hedgerows and woodland. It states that:

“The extent of tree cover and the hedgerow network should be maintained and enhanced. Provision should be made for the creation of new woodland and hedgerows, especially indigenous broad-leaved species, at appropriate locations to support and enhance the Green Infrastructure Network as illustrated on the Diagram. This includes provision of new habitats as part of development proposals.”

6.25 Paragraph 130 of the NPPF details that:

“Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;...

6.26 Additionally, paragraph 134 of the NPPF explains that:

“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”

6.27 The National Design Guide 2021 sets out the characteristics of well-designed places and demonstrates what good design means in practice. It forms part of the government’s collection of planning practice guidance and was intended to be read alongside the separate planning practice guidance on design process and tools. Paragraph 56 of the National Design Guide states that:

“Well-designed places contribute to local distinctiveness. This may include:

- adopting typical building forms, composition, articulation, proportions, features, materials, details, patterns and colours of an area;*
- drawing upon the architectural precedents that are prevalent in the local area including the proportions of buildings and their openings;*
- using local building, landscape or topographical features, materials or planting types;*
- introducing built form and appearance that adds new character and difference to places, with particular attention to how buildings meet the ground and sky;*
- creating a positive and coherent identity that residents and local communities can identify with.”*

6.28 There is also the Shipbourne Design Statement, mentioned by the Parish Council and within the reasons for calling-in the application to planning committee. The Shipbourne Design Statement was, in 2002, adopted by the Council as Supplementary Planning Guidance (SPG). However, 2002 pre-dates the current system of plan-making (2004) and was associated with the 1998 Local Plan. Since then, the Council has prepared a suite of Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs) in accordance with the relevant legislation and regulations. The Shipbourne Village Design Statement does not feature in this suite of documents, and it has not been reviewed in line with current regulations, policies or practice guidance. Therefore, as the production of the Design Statement pre-dates the current planning system and the Council's current adopted development plan, it can no longer be referred to as Supplementary Planning Guidance (SPG). However, the Shipbourne Design Statement is still considered to be a material planning consideration for decision making purposes. The weigh to be afforded to the documents is for the decision maker to determine.

6.29 Page 27 of the Design Statement sets out a series of 'Basic Design Principles'. Of relevance to this application are the following:

"2. Changes to boundary treatments must demonstrate sympathy with their specific rural and landscape setting.

"3. Development should demonstrate a response to its landscape context by maintaining important views of landscape features and realising the potential of local ecology and landform."

"4. New development of any scale should not be viewed in isolation. Design and layout should be informed by the local historic context and the surrounding buildings – their shape, materials, style, mass, height and proportion. Density and plot size are vital factors in conserving the character of Shipbourne."

"5. New structures can be innovative. The existing array of different eras of building demonstrates that contemporary designs can be successfully absorbed in this landscape and that, in capable hands, slavishly copying the vernacular is unnecessary."

"6. Many domestic buildings within Shipbourne lie under the background tree line, so any new building should be unassertive and subsumed by the landscape setting..."

6.30 It however should also be noted that the Design Statement mentions:

"This design statement does not intend to impose any design or style on new development but seeks to guide and encourage any new development to be inspired by this regional personality as expressed in the local buildings. "

- 6.31 The site is located in an area where it would have no visibility from the nearest road (Shipbourne Road). Public bridleways however straddle both the north and east boundaries of the site, meaning that the site is clearly visible by anyone passing the site using the public rights of way. The vista to the north-east, north and south are mostly blocked by extensive woodland, however open views from the west and east can be obtained.
- 6.32 The existing property is a mid to late 19th century detached two storey estate cottage, however it has been extended to either side and the rear, resulting in the current building being large, disjointed and the original cottage being consumed by the resultant extensions. The materials comprise of unpainted and painted white/cream brickwork to the ground floor and clay hanging tiles to the first floor. Clay roof tiles are used to clad the existing roofs and dormers. The windows comprise of timber casements, with a range of styles including leaded glazing bars white glazing bars and no glazing bars. To the rear there is a large white UPVC conservatory, which dominates this elevation.
- 6.33 There is also a detached three-bay garage with storage, of no amenity value. The Conservation Officer has advised it is rare for post-1840 houses to be listed, and when they are, they are good examples of the type. They advise that Avenue Cottage has been extended to such a point that it has lost its special character as a modest estate cottage. As such the demolition of the existing buildings are considered acceptable as their removal would not result in the loss of any historically or architecturally significant buildings.
- 6.34 The proposed dwellinghouse is of a neo-Georgian style. It would be two-storeys high, with accommodation within the loft rooms to form three floors of accommodation. The wings to either side of the main dwelling would be single storey, again with rooms within the loft spaces to form two floors of accommodation. This design results in a visually pleasing symmetrical building, with each wing stepping down to reduce its visual prominence. The rear of the property includes a single storey flat roof element with a roof terrace; however, this would be single storey and to the rear, therefore with less visibility from public vantage points.
- 6.35 The replacement building would cover a similar area to the existing built form and would represent a slight decrease in built volume; however, it would be set further into the site, therefore reducing its visual prominence. The width and depth of the replacement building would be similar to the existing building as a result of previous extensions.
- 6.36 The floor levels of the proposed dwellinghouse and land would be lower than the existing situation, whilst the maximum height of the new property (8.8 metres) would be similar to the existing building, therefore in-keeping with the height of built form on site currently and in-keeping with the surrounding trees and

landscape setting. To ensure it is fully suitable, the submission of floor and site land levels should be required via planning condition.

- 6.37 The roof would comprise of a false-pitch roof, with parapet walls, pitch roof dormer windows and impressive stone chimneys to either flank elevation. This design appears visually interesting. The windows throughout the building are appropriately proportioned.
- 6.38 The materials would comprise of red brickwork walls with stone detailing to windows, banding, porch and parapets, white sash timber or composite windows and slate false-pitch roofs, with a flat roof to the single storey rear element. No materials details have been provided for the finishing of the dormer cheeks, the flat roof or of the roof windows. However specific details of the materials proposed can be obtained via planning condition.
- 6.39 The red brickwork, white sash windows and pitched roof dormer windows are all features which link the property to the local vernacular, as illustrated within the Landscape and Visual Appraisal, despite the Neo-Georgian design. It is considered that the general overall appearance of the replacement property, although not being of a traditional Kentish Vernacular design, would be in-keeping with the wider landscape character. This is because the site is separated from surrounding built development, as such there is no specific built form character to compare to and copy, as would be the case such as for development proposals within the centre of Shipbourne. It is typical for detached dwellinghouses to incorporate a range of building styles, including the Kentish Vernacular or of another design either of the era of their construction or to reflect the grandeur of the house and associated estate. This is noted within the Shipbourne Design Statement, which states:

“Vernacular architecture is the minor architecture of a region at a particular time in history and creates the local character. It is the architecture that was not used for pretentious buildings that demonstrate wealth and power but for the simple farmhouses, farm buildings and cottages that made up the rural landscape of most English villages.”

- 6.40 Such building design can be witnessed within the vicinity, whereby other detached dwellinghouses comprise of a range of styles, including Kentish Vernacular, but also of other varied styles including that of ‘Hookwood Farm, Puttenden Road’, ‘Fairhill, Riding Lane’ and ‘Glen House, Hildenbrook Farm’. The properties include grand designs and are sited within estate/parkland settings. The proposed dwellinghouse would be read and understood in a similar way, which can be witnessed especially when walking westwards along public bridleway MT49 - upon exiting the woodland the vista opens up with grassland on either side and the impressive neo-Georgian ‘estate style’ house would be directly in front. As such, it is considered on this occasion that the redevelopment proposal is acceptable,

providing a detached 'estate style' dwellinghouse, similar to other large houses within the surrounding countryside.

- 6.41 The initial accessway to the site will be finished in a tarmac surface, which would match the adjacent public right of way surface. The driveway within the site would comprise of permeable block paving. Further tree planting is proposed within the site, including areas of wildflower meadow, shrubs and planting and amenity grassland. The boundary treatments would comprise of an entranceway with a double gated vehicular entrance, with ragstone or brick walls and piers. Adjacent to this would be estate railings strengthened by beech hedges. It is proposed to retain and infill any gaps along the north, east and south boundaries with native hedging. The west boundary is proposed to be retained more open by only installing estate railings. Such a landscaping scheme is considered acceptable for an estate property and similar to other such large, detached properties within the vicinity. Considering the lack of specific details for elements, including but not limited to the iron gate, brick or ragstone wall and estate fencing, it is considered reasonable to require the submission of detailed landscaping plans and information by condition.
- 6.42 The application is supported by a detailed Landscape and Visual Appraisal. It details that "the proposed development proposals are deemed generally in keeping with the existing landscape quality and character" and does not identify any unacceptable harm as a result of the development proposal. These conclusions have been reviewed and are accepted.
- 6.43 Overall, drawing these factors together, the demolition of the buildings is considered acceptable and the replacement design is considered to be appropriate, achieving a good standard of design in a manner in-keeping with the character and appearance of the local area. It would be similar to other large detached dwellinghouses within the area, which are set-back from the roads with large entrance drives and situated within estate/parkland settings. As such, it would accord with the expectations of policy CP24 of the TMBCS and SQ1 of the MDE DPD, alongside paragraphs 130 and 134 of the NPPF.

Highway safety and parking provision:

- 6.44 Policy SQ8 of the MDEDPD sets out a number of criteria in terms of road safety and parking. Of relevance to this application are:

"2. Development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network."

"4. Development proposals should comply with parking standards which will be set out in a Supplementary Planning Document."

6.45 IGN3 sets out the adopted standards for parking provision across the Borough, although it is accepted that this is now an aged document and associated evidence base, which means substantially less weight should be afforded to the standards it prescribes.

6.46 Paragraph 110 of the NPPF outlines that:

“in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users; and

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”

6.47 Paragraph 111 is also particularly relevant and outlines that:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

6.48 The proposal would retain the rural access track to the property from the adopted highway of Tonbridge/Shipbourne Road. The re-designed boundary treatments adjacent to the access and access gates are considered acceptable. They have been set back, ensuring vehicles can pull in off the bridleway and would maintain sufficient visibility splays when accessing the public bridleway.

6.49 The scheme would result in the property having a larger driveway, which would enable easier manoeuvring of vehicles within the site. It would provide more than adequate parking provision for a property of its size.

6.50 Accordingly, the development would comply with policy SQ8 of the MDE DPD and paragraphs 110 and 111 of the NPPF.

Ecology and biodiversity:

6.51 Local Plan policies relating to ecology and biodiversity are contained within the MDEDPD. Policy NE2 of the MDE DPD requires that:

“1. The biodiversity of the Borough and in particular priority habitats, species and features, will be protected, conserved and enhanced and;

2. The restoration and creation of new habitats will be pursued where these promote permeability and contribute to the UK and Kent Biodiversity Action Plan

targets having regard to the areas of biodiversity opportunity identified on the Green Infrastructure Network Diagram”

6.52 Also of relevance to this application is Policy NE3 of the MDE DPD, which states that:

“1. Development that would adversely affect biodiversity or the value of wildlife habitats across the Borough will only be permitted if appropriate mitigation and/or compensation measures are provided which would result in overall enhancement. Proposals for development must make provision for the retention of the habitat and protection of its wildlife links. Opportunities to maximise the creation of new corridors and improve permeability.

2. Proposals for development must make provision for the retention of the habitat and protection of its wildlife links. Opportunities to maximise the creation of new corridors and improve permeability and ecological conservation value will be sought.

3. Where development is permitted the Council will impose conditions, where necessary and appropriate, and/or planning obligations will be sought, subject to all of the following criteria;

(c) minimising disturbance;

(d) protecting and enhancing the site's ecological conservation value and extent;

(e) contributing towards the objectives of the Kent Biodiversity Action Plan;

(f) ensuring appropriate management and monitoring; and

(g) if damage to or loss of the site is unavoidable, creating new or replacement habitats of enhanced ecological value and extent in order to reinforce the Green Infrastructure Network as illustrated on the Diagram.”

6.53 Paragraph 174 of the NPPF sets out that:

“Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”*

6.54 Paragraph 180 of the NPPF is also relevant and sets out that:

“When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁵⁸ and a suitable compensation strategy exists; and*
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.”*

- 6.55 The application is supported by an Ecological Impact Assessment. The assessment details that the existing house offers habitat for two species of bats. The report however states that a European Protected Species Mitigation (EPSM) licence will be obtained from Natural England prior to the start of works. Due to the presence of a suitable pond within 250m of the site and the presence of suitable terrestrial habitat within the site, there is potential for great crested newts to be present. To compensate for any potential impacts to great crested newts, a European Protected Species Mitigation (EPSM) Licence will be obtained. These measures would ensure that protected species will be safeguarded.
- 6.56 The assessment details an Ecological Mitigation and Enhancement Strategy within Appendix 5. With the mitigation measures in place, the proposals are not considered to harm protected species and could provide a biodiversity net gain. However, a series of these measures rely on previously certified but not constructed outbuildings under applications TM/21/00527/LDP and TM/21/01956/LDP. These measures therefore rely on buildings outside the control of this planning application. Therefore, it is considered reasonable to require, prior to any above ground works, a revised Ecological Impact Assessment which details ecological mitigation measures which do not rely on previously certified permitted development outbuildings to be submitted to and approved by the local planning authority. This can be properly and appropriately secured by the imposition of condition.
- 6.57 With these considerations in mind, and when taking into account the imposition of a condition, on balance I consider the proposal complies with the requirements of policies NE2 and NE3 of the MDEDPD and paragraphs 174 and 180 of the NPPF.

Climate change, sustainability and renewable technologies:

- 6.58 It should be noted that adopted policies CC1 and CC2 within the MDE DPD are considered to be out-of-date. This is because The Housing Standards Review in 2014 removed the voluntary Code for Sustainable Homes and made it clear that local plans should not be setting any additional local technical standards or requirements relating to the energy performance of new dwellings. The energy performance of new build homes is a matter for the national Building Regulations.
- 6.59 Notwithstanding this position, it is clear that (whilst not adopted for Development Management purposes) the Council's corporate Climate Change Strategy is a material consideration. As such, it is for the decision maker to decide what weight should be afforded to it in the overall balance.
- 6.60 The Council's Climate Change Strategy covers the period 2020-2030 and applies to all aspects of the Council's business, not just planning. It states that where the local plan is silent on a specific issue (which is the case given that the adopted policies are out of date and the current position with the new local plan progression), the NPPF and the climate change strategy will remain material planning considerations to be considered when determining planning applications.

This application must therefore be determined in accordance with the requirements set out within the NPPF, as follows:

6.61 Within the NPPF, at paragraph 152 it states that:

“The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”

6.62 Additionally, paragraph 157 of the NPPF advises:

“In determining planning applications, local planning authorities should expect new development to:

a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and

b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.”

6.63 The submitted Design and Access Statement details how the existing property, due to its age, is draughty and has a low energy efficiency rating. Conversely, it sets out that the proposed dwellinghouse will include a range of sustainable and renewable materials and systems to make sure the property is as energy efficient as possible to seek to meet new climate change guidelines within building control to create a long lasting and sustainable property for the future. These statements are considered acceptable in principle, however, lack specific details and detailed information. As such, it is considered necessary to require a scheme to be formally submitted prior to any above ground development taking place. The scheme should detail specifically how the dwellinghouse will be designed and constructed to reduce energy demands and which shows where renewable technologies will be employed and embedded within the construction of the building and the materials to be utilised. A condition should also be imposed requiring electric vehicle car charging points to be installed within the site. Members will be aware that national guidance sets out that conditions can enhance the quality of development and enable development to proceed in a wholly acceptable manner. Furthermore, where conditions can be used to make development acceptable, these should be utilised. As such, this is an acceptable way of ensuring the development comes forward in an acceptable manner in this respect and certainly result in a more sustainable building than what currently exists on site.

- 6.64 In this respect, it should be noted that it would not be reasonable to require the re-use of existing materials from the demolished buildings. This is because the re-use of materials would likely not result in a high-quality level of development as many of the roof tiles are aged and nearing life expectancy, many of the bricks have been painted and their removal and re-setting would not result in a high-quality appearance and the timber windows would likely not last during removal and re-setting.
- 6.65 As has been reported in the ecology section, with an appropriately worded condition, the development will create/improve the existing wildlife habitats within the site.
- 6.66 On this basis, I can conclude that the proposed development meets the national and Council requirements in terms of climate change and renewable technologies by way of the Council's Climate Change Strategy and paragraphs 152 and 157 of the NPPF.

Drainage:

- 6.67 Environmental Health have advised that no information has been provided about the drainage proposed to be installed for this development. From discussions with the applicant, it has been identified that the current property has a cess pit system, which the development would replace by installing a soakaway for surface water and a foul treatment plant within the property for foul drainage (also detailed on the application form). This is considered satisfactory and can be covered and ensured under Building Regulations. An Informative should however be attached based upon the Environmental Health comments.

Concluding remarks:

- 6.68 The proposed replacement building would be of a high standard of design, in keeping with the surrounding area. No harmful impacts would arise to ecology, neighbouring amenity, sustainability/climate change, parking, or highways safety as a result of the proposal, when considering the tranche of planning conditions that can be imposed to ensure the quality of the development.
- 6.69 Accordingly, the application is recommended for approval.

7. Recommendation:

- 7.1 **Grant planning permission** in accordance with the following submitted details: Landscape Layout 01 A dated 23.09.2021, Proposed Floor Plans 5664 - PD04 dated 23.09.2021, Proposed Elevations 5664 - PD05 dated 23.09.2021, Existing Plans and Elevations 5664-PD02 dated 23.09.2021, Location Plan and Proposed Site Plan 5664-PD03 E dated 23.09.2021, Location Plan and Existing Site Plan 5664-PD01 dated 23.09.2021, Design and Access Statement dated 23.09.2021, Ecological Assessment dated 23.09.2021, Other Great Crested

Newt Impact Assessment & Conservation Payment dated 23.09.2021, Appraisal - Landscape and Visual dated 23.09.2021, subject to the following conditions:

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 No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until details 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: In the interests of visual amenity.

- 3 No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until a plan showing the proposed finished floor levels, eaves and ridge levels of the dwelling and finished ground levels in relation to the existing ground levels of the site and adjoining land has been submitted to and approved by the local planning authority. The works shall be carried out in strict accordance with the approved details.

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

- 4 Notwithstanding the submitted Ecological Impact Assessment dated 21st September 2021/ref No. 0703_R01_EcIA, no above ground works, including demolition, shall commence until a revised Ecological Impact Assessment which details ecological mitigation and enhancement measures which do not rely on previously certified permitted development outbuildings shall be submitted to and approved by the local planning authority. The works shall be undertaken in accordance with the recommendations of the ecological assessment and retained thereafter.

Reason: To ensure the protection of protected wildlife species.

- 5 No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until a detailed scheme that demonstrates how the approved dwellinghouse will be designed and constructed to reduce energy demands and which shows where and how renewable technologies will be employed across the development have been

submitted to and approved in writing by the Local Planning Authority. The development will be carried out in strict accordance with the approved details.

Reason: In the interest of reducing the energy demands of the development in accordance with paragraphs 112, 152 and 157 of the National Planning Policy Framework 2021 and the Borough Council's Climate Change Strategy.

- 6 The development hereby approved shall be carried out in such a manner that all trees are protected in accordance with the recommendations within BS 5837 – Trees in relation to design, demolition and construction.

Reason: In the interests of good horticultural practice.

- 7 The proposed hardstanding shall be constructed of porous materials or provision made to direct surface water run-off from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse/site.

Reason: Development of hardstanding without the suitable disposal of surface water is likely to lead to unacceptable surface water run-off onto land outside the ownership of the applicant.

- 8 Notwithstanding the scheme of hard and soft landscaping and boundary treatment shown on Landscape Strategy (Drg. No. 01), prior to the first occupation of the dwelling hereby approved a detailed scheme of hard and soft landscaping and boundary treatment 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, 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. 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: In the interests of visual amenity.

- 9 Before the dwelling hereby approved is occupied, buildings identified on the Proposed Site Plan (Drg. No. 5664-PD03 rev. E) for demolition, shall be demolished and all arisings therefrom shall be removed from the site and the land made good.

Reason: To protect the openness of the Green Belt and visual amenity of the rural area.

- 10 Before the dwelling hereby approved is occupied, the area shown on the Proposed Site Plan (Drg. No. 5664-PD03 rev. E); as vehicle parking space and vehicle turning area shall be 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 2015 (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 and turning area.

Reason: To ensure that adequate parking and turning facilities are provided, and maintained and retained.

- 11 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, B, C, D 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 protecting the openness of the Green Belt.

- 12 Before the development hereby approved is occupied, details of the installation of car charging points shall be submitted to and approved in writing by the Local Planning Authority. The charging points shall be installed in accordance with the approved and retained thereafter.

Reason: To encourage the use of electric vehicles in the interests of mitigating climate change in accordance with paragraph 110(e) of the NPPF.

Informatives:

- 1 Please note that previously certified outbuildings under applications TM/21/00527/LDP and TM/21/01956/LDP certified that the buildings were permitted development at the date of issuing the Lawful Development Certificates. These outbuildings would not be permitted development if constructed and only used following the demolition of the existing house.
- 2 The applicant is advised that it is their best interest to maintain the sewage treatment unit at regular intervals. Sewage discharges must comply with the General Binding Rules as set in the Environmental Permitting (England and Wales) (Amendment) (England) Regulations 2014. Additionally, the unit will need to combat seasonal loading, as well as use of chemicals to avoid damage to the micro-organism. An observed detrimental effect upon the private water supply would be enforceable for the protection of public health and the avoidance of nuisance.

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