
East Malling And Larkfield
Larkfield

5 June 2025

TM/24/00769/PA

Location: Land & Building East of Rose Cottage, 440 Lunsford Lane, Larkfield
Aylesford

Proposal: Demolition of existing building and the erection of a new building comprising a mixed use office and workshop space (Class E(g)) and detached garage to rear.

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1. Introduction

- 1.1 Members will recall that this application was reported to APC3 on 13 March 2025.
- 1.2 Following the introduction of the item and the representations from the public speakers, members voted to defer the application to enable a committee site visit to be undertaken.
- 1.3 There have been no amendments or change to national or local plan policy since the application was deferred, as such the site description, history, consultee responses and third-party comments all remain as per the original officer's committee report which can be found at Appendix 1 and therefore these elements have not been recited in this report.
- 1.4 This report, however, does seek to clarify points raised by committee members and third-party representations, this includes an amendment to the description of development which has been amended to exclude reference to a previous use.
- 1.5 Given the significant number of representations in regard to the historic use of the existing building and without evidence submitted by the applicant and/or a certificate of lawfulness for an existing use being in place, the Council will retain a neutral position on the former use of the building. This updated position has been reflected in the report below.

2. Description of Proposal:

- 1.1 Planning permission is sought for the demolition of the existing building and the erection of a new building comprising of mixed use office and workshop space (Use Class E(g)) together with a detached garage/store to the rear.
- 1.2 The replacement building would be 14m wide x 12m deep and 6.5m high at its highest point. (The footing for the existing workshop building on the site is 15.5m x 14m x 5.5m).

- 1.3 The main entrance into the site remains unchanged for vehicles and pedestrians. The office has the main entrance to the front, and the workshop element has an entrance at the rear and side of the building.
- 1.4 The building proposes to incorporate three elements:
- A self-contained workshop, on the ground floor at the rear (Use class E formerly B2) comprising a GIA 55 sqm
 - Office space spilt over two levels, ground floor to the east and throughout the first floor /roof comprising a combined GIA of 168 sqm
 - Separate Garage at rear providing covered parking for 2 vehicles and some storage for grounds keeping. (GIA 12 sqm).

2. Reason for reporting to Committee:

- 2.1 This application is referred to Committee by Councillor David Thornevell on the grounds of neighbour amenity and highway issues.

3. Determining Issues:

Policy Guidance

- 3.1 Under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Local Planning Authority is required to determine planning applications and other similar submissions in accordance with the Development Plan in force unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Tonbridge and Malling Local Development Framework Core Strategy (TMBCS) adopted in September 2007, the saved policies of the Tonbridge and Malling Borough Local Plan 1998 (TMBLP), Development Land Allocations DPD (DLA DPD) adopted in April 2008 and the Managing Development and the Environment DPD (MDE DPD) adopted April 2010.
- 3.3 The National Planning Policy Framework ("NPPF Dec 2024") and the associated National Planning Practice Guidance ("NPPG") are also important material considerations together with Kent Design Guide and Kent County Council's Parking Standards (January 2025).

Principle of Development

- 3.4 The site lies in the countryside, to the north of Larkfield. The countryside is defined as the part of the Borough lying outside the confines of the urban areas as identified in Policy CP11 and the rural settlements identified under Policies CP12 and CP13.
- 3.5 The concept of sustainability argues in favour of concentrating most development in or adjoining existing built-up areas. However, there can be cases where some

development and diversification of use in the countryside can be beneficial and sustainable. Where development in the countryside is justified, the preference will be for the re-use or redevelopment of existing buildings.

3.6 NPPF paragraph 88a) relates to supporting a prosperous rural economy, this notes planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well designed new buildings.

3.7 Policy DC2 MDE DPD focuses specifically on the replacement of rural buildings. Paragraph 7.3.3 encourages the replacement or reuse of existing buildings in rural areas for 'economic development purposes' it states:

'The Council will consider any proposals for the replacement of suitably located existing buildings of permanent design and construction in the open countryside for economic development purposes. Replacement of buildings will be favoured where this would result in a more acceptable and sustainable form of development than would be achieved by the conversion of existing buildings and bring about an environmental improvement in terms of the impact of the development and its surroundings'.

3.8 Policy DC2 therefore supports the principle of the application, subject to the design and compliance with other policy considerations.

3.9 In addition, the site would be considered previously developed land (PDL). Utilising PDL for new development aligns with the Governments objectives and is acceptable in principle.

3.10 In addition, the principle of demolishing and replacing the existing building on site has been established with the grant of permission in 2023 permission for the demolition of the existing garage/workshop/barn building and the erection of a 4-bedroom detached house with detached double garage (23/00397/FL). This permission also establishes an increase in maximum height from 5.5m (existing) to 7m (dwelling).

Assessment of Use Class E

3.11 The application seeks planning permission for a mixed-use development comprising an office and a workshop, both falling under Class E(g) of the Town and Country Planning (Use Classes) Order 1987.

3.12 As members are aware the Town and Country Planning (Use Classes) Order 1987 places the uses of land and buildings into various categories known as Use Classes. Under the Use Classes Order, buildings/sites can potentially change how they are used without requiring planning permission, so long as it stays in the same Use Class or moves to another Use Class that falls within the permitted change.

3.13 Use Class E g) specifically relates to uses which can be carried out in any residential area without causing detriment to the amenity of the area. Criterion (g) allows for:

- i) Offices to carry out any operational or administrative functions*
- ii) the research and development of products or processes or*
- iii) any industrial process.*

being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

3.14 In this case, examples of what processes are likely to be undertaken in the workshop element are:

- Small adaptations to furniture and equipment (site equipment such as saws, towers, ladders, light repairs to ground repair equipment, modification to lighting fittings and similar site based materials)
- Fabrication of small project mock ups and Prototyping (Lighting, control boxes, furniture items.)
- Bench testing and trialling of small project mock ups (Lighting, controls boxes, furniture samples, painting samples of joinery items for client sign off)
- Preparation of sample boards for clients
- Office and site equipment repairs
- Office and site equipment maintenance PAT testing etc
- Ancillary equipment and supplies to allow for the above.

3.15 It is also worth remembering that the workshop element comprises only 55 sqm so its use is constrained by its size in any event.

3.16 If members are minded to approve, a condition would be imposed for the use of the building to specifically fall within Class E (g) and moreover, the wording of the condition would also restrict any permitted change within the Use Class Order, thus ensure the use would remain as proposed.

3.17 The proposed use is considered a main town centre use as defined in Annex 2 of the NPPF. Paragraph 91 of the NPPF states that “local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan”. However, the same approach should not be applied to applications for small scale rural offices or other small scale rural development.

3.18 The site is in the countryside, in a rural setting. The proposal is for an office/workshop that is relatively small in scale by floor areas and employee numbers. Hence, it is not required to pass the sequential test on this occasion.

3.19 Therefore, subject to conditions, Officer's raise no objection in regard to the use of the building.

Assessment on Character and Appearance

3.20 Paragraph 135 of the NPPF sets out 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;
- d) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public spaces) and distractive places to live, work and visit; and
- f) 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

3.21 Development of poor design that fails to reflect local design policies and government guidance on design should be refused as set out in paragraph 139 of the NPPF.

3.22 Policy CP1 of the TMBCS states that all proposals for new development must result in a high-quality sustainable environment. This is expanded upon in sub-paragraph 6.1.5 and includes matters such as making efficient use of land and making a positive contribution to local distinctiveness, character, townscape and the setting of settlements.

- 3.23 Policy CP24 of the TMBCS seeks to ensure that all development is well designed and respects the site and its surroundings. In addition, policy SQ1 of the MDE DPD requires development to reflect the local distinctiveness, condition and sensitivity to change of the local character areas. These policies are broadly in conformity with those contained within the Framework which relate to quality of new developments
- 3.24 The design is for a chalet style building with a workshop and office space to the ground floor and further offices within the roof space. The replacement building would be smaller in size in terms of its overall footprint when compared to the existing building to be removed, albeit it is acknowledged that the replacement building would be approximately 1 metre taller than the existing. However, it is also material to note that the proposed building would be 0.5 metres lower than the extant permission for the dwelling, which also saw an increase in footprint as well as height. The ridge of the proposed building matches the height of the adjoining neighbour to the east with a pitched roof and gable end to the north.
- 3.25 The design of the proposed building takes a contemporary approach which responds to the type of materials that can be seen locally, utilising timber cladding and brick work that would appear appropriate to its context. A standing seam roof has been employed in the design in order to respond to the use of the building.
- 3.26 The proposed building is in line with the adjacent building to the east and west, it maintains a clear separation from the perimeter of the site on all sides; the building to the boundary is 1.5m on the west side, 3.8m on the east side, 11.6m to the north side and 18m to the south of the site. This is comparable to the existing building.
- 3.27 The proposed development also relocates the garage approved under the extant scheme for the dwelling, which saw the garage building located forward of the front building line in favour of placing this to the rear.
- 3.28 Whilst third party comments have raised concerns with regard to the harm to the character and appearance of the area, these concerns relate more to the use of the building and more specifically in relation to the increase in traffic and not in relation to the character and appearance of the building itself.
- 3.29 The proposal also includes renewable features in the interests of promoting sustainable design in accordance with policy DC2. The design employs the use of both PV solar panelling and air source technology these should permission be forthcoming would be secured by condition.
- 3.30 Concluding on character and appearance, it is considered that the proposal would result in a well design scheme, that would fit in with the overall form and layout of its surroundings, in compliance with paragraph 135 (NPPF), Policy CP24 of the Tonbridge and Malling Borough Core Strategy and Policy SQ1 Managing Development and the Environment Development Plan.

Highways and Parking

- 3.31 Paragraph 115 of the NPPF states that, in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that, inter alia, safe and suitable access to the site can be achieved for all users. Paragraph 116 adds 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.
- 3.32 Policy SQ8 of the Managing Development and the Environment DPD states that development proposals should comply with the adopted parking standards and development proposals will only be permitted where they would not significantly harm highway safety.
- 3.33 Turning first to the parking provision, the submitted drawings show 12 parking spaces are proposed in total, 9 spaces will be provided for the office element, 4 of these are located to the front and 5 located to the rear. 3 spaces will be provided for the workshop element, and these are incorporated within the building itself.
- 3.34 Of the 12 spaces, 2 will be designated accessible parking spaces and 1 space will be of sufficient size to qualify as an accessible space, but this will not be specified.
- 3.35 Kent County Council has recently published revised parking standards. It sets out that for mixed use developments, the parking provision should first be determined for each constituent land use or building. The scope to reduce overall parking through shared provision between uses should then be discussed with the Local Planning and Highway Authorities.
- 3.36 The building would comprise of a workshop element and an office element. For the workshop element, B2 uses (now Class E) KCC Parking Standards (2024) requires 3 spaces for workshops under 200m². In regard to the office element, 1 space per 20m² is required which equates to 9 spaces (8.5) given a combined parking requirement of 12 spaces.
- 3.37 The proposed site layout drawing also demonstrates sufficient turning space within the site for vehicles to enter and exit in a forward gear.
- 3.38 In addition to vehicle parking the proposal will include cycle storage and parking for 2 motorcycles.
- 3.39 Therefore, in regard to parking provision, the proposal would comply with KCC parking standards (2025) for both vehicle and cycle provisions.
- 3.40 Turning to the access, the site would utilise an existing access. As members are aware as part of the application process statutory consultees are consulted on applications where appropriate and where the thresholds for consultation apply. In this case, the proposal falls under the threshold for consultation with KCC as highway authority, however due to the number of third-party representations received, a decision was taken to consult KCC.

- 3.41 KCC having considered the development proposal and its effect on the highway network, raises 'no objection' subject to conditions relating to the provision and permanent retention of the vehicle loading/unloading and turning facilities and the provision and permanent retention of the vehicle parking spaces and/or garages as shown on the submitted plans prior to the use of the site commencing.
- 3.42 This formal response from KCC prompted further representations and specifically comments in relation to the existing signage at the entrance of Lunsford Lane which notes the road as "unsuitable for heavy goods vehicles".
- 3.43 First, it is important to note that the signage does not prohibit heavy goods vehicles, only indicates that the road, arguably the single storey element, is unsuitable for heavy goods vehicles.
- 3.44 Further clarification was sought from KCC Highway on whether when undertaking their assessment, the existing signage was taken into account. KCC Highways confirmed that they are fully aware of the existing restrictions on Lunsford Lane and duly considered them in making a recommendation of no objection, also noting that whilst it is accepted and self-evident that Lunsford Lane is constrained, it is not considered that the development would generate significant amounts of traffic, and therefore have an impact on the highway network that could be considered 'severe.'
- 3.45 In addition, KCC noted that the majority of the objections centre around the potential for the development to attract heavy good vehicles. Although no quantitative assessment of the likelihood of this occurring in practice has been completed as part of the planning application via a Transport Statement. KCC have noted these comments and have stated that a development of this size would not be required to provide a Transport Statement because it does not exceed the threshold for one.
- 3.46 Moreover, even if the sites commercial use is discounted, KCC Highway consider the development is still clearly modest in scale. Therefore, whilst it is noted that various objectors question the classification of the existing use as a workshop; regardless of whether the use is considered as a workshop or a barn, both could generate movements by larger vehicles, and this has been noted by KCC Highway.
- 3.47 KCC also noted that many of the third-party representation refer to pre-existing traffic concerns many of which use Lunsford Lane to access the lakes. Comments, photographs and videos have been received by KCC Highways on existing lorries/HGVs however, KCC consider that this does not necessarily reflect the proposed used and state that it is material to remember that the actual workshop area proposed is only 55 sqm.
- 3.48 In addition, the agent has confirmed in relation to deliveries, the business activities primarily involve office operations with occasional deliveries of office supplies. There would be no significant manufacturing or industrial activities involving large scale deliveries. It has also been confirmed within this submission that the applicant will not

engage in manufacturing activities on site, nor do they have any intention to do so in future and members are reminded of the suggested conditions relating to the use.

- 3.49 It is therefore considered subject to conditions that the access and parking proposals comply with Core Strategy Policies CP1, CP2, CP25, Managing Development and the Environment DPD Policy SQ8 and the NPPF.

Assessment on Neighbour Amenity

- 3.50 Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 outlines that development by virtue of its design which would be detrimental to amenity will not be permitted. Policy CP1 of the Core Strategy also requires proposals to have regard to impacts on residential amenity.
- 3.51 Paragraph 135 (f) of the NPPF states 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.
- 3.52 Third party comments have raised concerns in regard to noise and disturbance created by the use and comments raised in general that the use is not suitable for the area.
- 3.53 As set out in paragraph 3.13 above, criterion g) of Use Class E specifically relates to uses which can be carried out in any residential area without causing detriment to the amenity of the area and conditions already suggested will ensure that the use remains within Use Class E(g).
- 3.54 Therefore, in regard to the use of the building subject to conditions, it is not considered that the use would be detrimental to the amenities of neighbouring properties. In addition to those conditions suggest regarding the Use, the Council's standard informative would also be added which sets out working hours during the construction period.
- 3.55 In regard to overlooking, there are no windows proposed at first floor level in the western side elevation (adjacent to Rose Cottage). The first-floor window in the eastern elevation serves a rest area/break out area for the office use. This window faces towards a large, tall outbuilding located within the curtilage of The Barn. It is acknowledge that this building does comprise a self-contained dwelling at first floor level, however, as confirmed by the committee site visit the proposed building would not afford any view over this dwelling and specifically over the balcony of that self-contained dwelling as the balcony is further to the rear than the proposed building coupled with existing vegetation along that boundary. Moreover, it is also important to acknowledge that the existing building already has a window in the eastern elevation as such the proposal would not create any unacceptable overlooking.

- 3.56 The windows facing towards the front and rear of the proposed building would also not create any unacceptable overlooking as they do not face any residential amenity area for the dwellings in the immediate area. Officers' are therefore satisfied that the proposal would not harm the amenities of neighbouring properties in relation to overlooking.
- 3.57 In regard to overbearing, it is acknowledged that the building would see an increase in height from that currently on site, and as a consequence, the proposed building would be taller than the adjacent dwelling known as Rose Cottage. However, the principle of a taller building on this site and in a similar location, including distances from boundaries, has already been established by the grant of permission in 2023 for the dwelling (23/00397/FL). In fact, it is material to note that the proposed building would actually be slightly lower (0.5m) in height than that established under the 2023 permission.
- 3.58 Therefore, to conclude on neighbour amenity, Officers are satisfied the proposal would not harm neighbour amenity subject to conditions and as such accords with Policy CP24 TMBCS and the aims of the NPPF.

Assessment on Heritage Assets.

- 3.59 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 3.60 Chapter 16 of the NPPF relates specifically to conserving and enhancing the historic environment. It requires applicants to describe the significance of any heritage assets affected, and LPAs to identify and assess the particular significance of any heritage asset that may be affected by a proposal. The section clearly sets out what LPAs should take account of in decision making and that any potential impact is considered in relation to the significance of the heritage asset potentially affected.
- 3.61 There are listed buildings located to the North, North East and South West of the application site and these were originally associated with the former Great Lunsford Farmstead.
- 3.62 When undertaking an assessment of the proposal on the heritage assets, the extant permission for the erection of the dwelling is a material consideration and in officers' opinion, the starting point.
- 3.63 When undertaking the assessment on the previous application, it was noted that not all the existing/remaining farmstead buildings in connection with the Great Lunsford Farmstead are listed and moreover it was noted that there have been a series of conversions and later new builds, which included the existing building (subject of this application). It was concluded that this has altered the overall setting of the original

farmstead which led to the view that there have been successive curtilage redefinitions and severances that no longer reflect the original pattern.

3.64 In this regard the proposed application would concur with this assessment.

3.65 In addition, the location of the extant dwelling and its separation distances between the application site and the listed buildings were considered sufficient to ensure the proposed dwelling would not affect the settings of these listed buildings in particular The Barn which is adjacent to the eastern elevation.

3.66 Whilst the workshop building is comparable in size, height, length, separation distances and general quantum of development it is acknowledged that the proposal is materially different in its intended use to the approved scheme.

3.67 With this in mind two specific questions were directed to the Conservation Officer, these were:

Firstly, in view of the previous comments, would you agree that there would be no more harm to the setting of the listed buildings when looking just at the 'visual' of what is proposed compared to what has been approved? The height of the workshop building would be less than approved, similar in length but greater in depth.

My second question is – do you think the 'use' would have any impact on the listed buildings.

3.68 In response to the first question, the Conservation Officer agrees that there would be no more harm to the setting of the listed buildings when looking just at the 'visual' of what is proposed compared to what has been approved.

3.69 However, the Conservation Officer, as outlined in the statutory consultation response above, advised that the separation distances between the buildings should not be relied upon as a primary justification for the proposal's acceptability, as those distances are not considered to be particularly generous. It is acknowledged that some third-party representations may have misinterpreted this comment. For clarity, the Conservation Officer did not raise an objection to the proposal on the basis of separation distances, but rather observed that the spatial relationship between buildings—both in the existing and proposed arrangements, as well as the extant scheme—is relatively constrained.

3.70 Furthermore, in regard to separation distances, the proposed building would be some 3.8 metres from the eastern boundary which is not materially different to the extant permission which was 3.9 metres from that boundary. Moreover, it is important to also note that the 6 metre x 10 metre detached garage (with a pitched roof height of 6 metres) which was around 1 metre from the eastern boundary, would under the proposed scheme see this building removed and a slightly smaller garage building located to the rear western side of the site, further away from the listed building.

- 3.71 With regard to the second question, the Conservation Officer is of the opinion that the use proposed would be in line with both historic and recent use so would confirm that this is very unlikely to affect the setting of the adjacent listed buildings.
- 3.72 Therefore, with this in mind Officers' are of the opinion that the proposed scheme would have less impact on the adjacent listed building than that granted under the extant permission which notably was considered acceptable in regard to the setting of the listed buildings.

Assessment on Flooding

- 3.73 Paragraph 176 (NPPF) states that applications for some minor development and changes of use, should not be subject to the sequential test, nor the exception test. but should still meet the requirements for site specific flood risk assessments as set out in footnote 63.
- 3.74 Paragraph 181 (NPPF) states that "When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
 - b) the development is appropriately flood resistant and resilient;
 - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
 - d) any residual risk can be safely managed; and
 - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan".
- 3.75 Policy CP10 states, "within the floodplain development should first seek to make use of areas at no or low risk to flooding before areas at higher risk, where this is possible and compatible with other policies aimed at achieving a sustainable pattern of development".
- 3.76 The site is located in flood zone 2 and 3, and whilst it is acknowledged that no FRA has been submitted with this application, as with the heritage assessment regard needs to be given to the extant permission for the erection of a dwelling.
- 3.77 In relation to the extant permission, a FRA was submitted, the report by Herrington's dated January 2023 covered, climate change; definition of flood hazard; probability and consequent of flooding; offsite impacts and other considerations; flood mitigation

measures; the sequential test and exception test; and conclusions and recommendations.

- 3.78 The FRA report for the extant permission concluded that the proposed development is at low risk of flooding from all sources, but the report did note that in extreme weather conditions the access roadway may experience flooding and int that regard the dwelling will provide a safe refuge. This would not be materially different to the proposed development. In addition, the FRA report noted that the hardstanding area on site will be increasing slightly and as such it was recommended that the use of SuDs is explored where possible.
- 3.79 It is important to note that in response to the FRA and the erection of a dwelling on the site the Environment Agency raised no objection and no conditions were suggested.
- 3.80 Given that the location and quantum of development is comparable with the extant permission, and more significantly that the proposal would not increase the amount of hardstanding from that which was approved under the extant permission, your Officer's are satisfied that the proposal is acceptable in relation to flooding.
- 3.81 It is also noted that there has been no change to the site circumstances since the FRA was undertaken in January 2023 or significant changes to national or local plan policies in terms of flood risk that would result in the FRA reaching a different conclusion. Moreover, it was considered that further consultation or a further FRA report was not required due to the mixed use being a use less vulnerable then residential.

Biodiversity

- 3.82 Policy NE2 of the MDE DPD outlines that the biodiversity of the Borough and in particular priority habitats, species and features, will be protected, conserved and enhanced. Policy NE3 of the MDE DPD also states 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 an overall enhancement. Proposals for development must make provision for the retention of the habitat and protection of its wildlife links. The Council will impose conditions, where necessary and appropriate, to minimise disturbance, protect and enhance a site's ecological conservation value, to ensure appropriate management and monitoring and creating new or replacement habitats of enhanced ecological value.
- 3.83 Paragraph 187 of the NPPF advises planning decisions should contribute to and enhance the natural environment, including protecting and enhancing sites of biodiversity and minimising impacts on and providing net gains for biodiversity. Paragraph 193 of the NPPF states if significant harm to biodiversity resulting from a development cannot be avoided through relocation, mitigation or compensated for,

then planning permission should be refused, whilst opportunities to improve biodiversity in and around developments should be integrated as part of their design.

- 3.84 In regard to biodiversity, it is now a national requirement that small scale developments must provide at least a 10% biodiversity net gain.
- 3.85 The application is accompanied by a BNG report and the required metric calculations have been submitted together with a preliminary ecological appraisal.
- 3.86 KCC Ecology advice service has reviewed the information submitted and advise that sufficient ecological information has been provided in the preliminary ecological appraisal (KB Ecology). The biodiversity net gain (BNG) requirements have been met with a BNG metric, assessment report and a net increase of 32.69% habitat units and 34.94% hedgerow units, meeting the 10% net gain requirements.
- 3.87 Biodiversity Gain Plans are not required to be submitted with the application and are required to be produced under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) therefore an informative will be imposed to bring to the attention of the applicant that a biodiversity gain plan along with supporting information is required to be submitted once planning permission has been granted to demonstrate in more detail how the proposed biodiversity net gain will be delivered.
- 3.88 It is noted that the existing building has evidence of bird nests, and the surrounding vegetation could support breeding birds. The PEA suggests mitigation of conducting works outside the breeding bird season and or a survey to confirm the absence of nesting birds, with nest boxes erected as part of the development for mitigation of lost roosting spaces.
- 3.89 KCC Ecology agree with the proposals and a precautionary works statement and sensitive lighting strategy is required and a condition is suggested in this regard. It is also understood that the trees, hedgerow and vegetation will be minimally impacted by works. However, that which is to be retained should be protected during construction (including site clearance). This will ensure it is protected and any protected species (e.g. breeding birds) making use of it are also protected. Therefore, to protect from adverse impacts to protected species during clearance and construction we recommend a precautionary work statement is a condition.
- 3.90 In addition, in regard to enhancements we advise that an enhancement plan is provided that includes the actions proposed in the PEA, (KB Ecology, May 23), and the ownership and responsibilities for future management. This would also be secured via a condition.

Other Matters

- 3.91 Whilst the Council's Environmental Health Officer has raised no objection in relation to contamination, it is noted that contamination was considered on the extant scheme

and for which several conditions were imposed. The delegated report for the extant scheme states “that according to historic maps the site has gone through several stages of development which may have resulted in a layer of made ground of unknown composition”. It was also noted that “the current use of the site is described as a garage/workshop, which could include sources of contamination such as from the storage of fuels, machinery, etc”. as a consequence, contamination conditions were imposed, these conditions are suggested to be imposed should planning permission be granted.

- 3.92 The site for the proposed works lies in an area of potential associated with early prehistoric activity, as with the extant permission a condition in relation to archaeology is suggested.
- 3.93 It is noted that third party comments reference other applications for similar schemes such as in Heron Road in Larkfield, these applications have been viewed but your officers’ do not consider that they are comparable and as members are aware each application must be assessed on its own merits.
- 3.94 Third party comment has also raised concerns with regard to a potential fire risk being next to wooden buildings and storing machinery and flammable building goods in it. It is not considered that there is any material difference between the existing building and its use then that proposed. Moreover, as a commercial building there will be stricter controls on such matters. Fire safety is a matter regulated by the Building Regulations, which fall outside the remit of the development management process. Compliance with the fire safety requirements would be achieved through building regulation approval.
- 3.95 Comments have been raised that there are plenty of industrial areas nearby so the need to erect a random building in this location is not necessary. As set out above the use of the building fall within Use Class E(g) is a use that is considered compatible in a residential area.
- 3.96 Comments on existing activities and the stationing of a container on the site are not matters that are for consideration when determining this application.
- 3.97 A comment was also raised over the need for an actual garage building. The Council and KCC highway authority raise no objection of the use of a garage style building to provide parking. A garage of more domestic appearance would in fact harmonise with the area and its use also serves to accommodate storage in connection with the maintenance of the building and the land.

4. Recommendation: Approved Subject to the following conditions

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- Site Location Plan – Drawing No. 0247-001
- Existing Site Plan – Drawing No. 0247_X010
- Existing elevations – Drawing No. 0247_X200
- Existing Ground Floor Plan and Mezzanine Drawing No. 0247_X100
- Existing Sections Drawing No. 0247_300
- Existing side elevations Drawing No. 0247_X201
- Proposed Site Plan – Drawing No 0247_P010
- Proposed First Floor Plan – Drawing No. 0247-P101
- Proposed Ground Floor Plan - Drawing No. 0247_P100
- Proposed Front and Rear Elevations - Drawing No. 0247_P200
- Proposed Side Elevations - Drawing No.0247_P201
- Proposed Roof Plan - Drawing No.0247_P102
- Proposed Sections – Drawing No. 0247_P202
- Proposed Sections & Garage Elevations - Drawing No. 0247_P203
- Preliminary Ecological Appraisal by KB Ecology dated 26 May 2024 Ref No. 2023/05/01
- Biodiversity Net Gain Report by KB Ecology dated 14 June 2024 Ref No. 2023/05/01b
- Biodiversity Net Gain Statement received 12 June 2024
- On site habitats plan existing – Drawing No. 0247_X010

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

3. 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.

Use conditions

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no development or change of use (outside of flexible Class E(g)) shall be carried out unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of protecting the character and amenities and highway safety.

Ecology conditions

5. Prior to the occupation of the building, a lighting plan for biodiversity shall be submitted to and approved in writing by the local planning authority. The strategy shall include the following:

- Plan showing location of any external lighting
- Downward facing
- On a motion sensor (where possible)
- Follow the recommendations within Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 08/23 Bats and Artificial Lighting at Night'

The plan must be implemented as approved.

Reason: In the interests of protecting and enhancing wildlife species

6. From commencement of works (including site clearance), to avoid impacts to protected and priority species, the following precautionary mitigation should be implemented:

- 1) The hedgerow and trees to be retained, including their roots, will be protected from damage;
- 2) All temporarily stored building materials (that might act as temporary resting places) will be isolated within hardstanding areas and raised off the ground, e.g. on pallets.
- 3) Any work to vegetation/structures that may provide suitable bird nesting habitats should be carried out outside of the bird breeding season (1st March to 31st August inclusive) to avoid destroying or damaging bird nests in use or being built. If within the breeding bird season a survey by a suitably qualified person needs to be conducted to confirm absence, prior to commencing works.
- 4) If at any time a protected species is discovered within the works area all works must stop while a suitably qualified ecologist and/or Natural England are consulted.

Works will not resume until any required surveys and/or mitigation are completed.

Reason: In the interests of protecting and enhancing wildlife species

7. Within 3 months of works commencing within the site an ecological enhancement plan must be submitted. It must demonstrate that durable ecological enhancement features will be incorporated into the buildings and site to benefit biodiversity. The plan must be implemented as approved.

Reason: To protect habitats and species identified in the ecological surveys.

Highways

- 8 The building hereby permitted shall not be occupied, until the areas shown on the submitted layout as loading/unloading and turning facilities has been provided. 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 the loading/unloading and turning facilities

Reason: In the interest of highway safety.

- 9 The building hereby permitted shall not be occupied, until the areas shown on the submitted layout as vehicle parking including garages and turning space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 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.

Reason: To ensure that adequate parking is provided, maintained, and retained.

- 10 No development hereby permitted shall commence unless and until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following:

- (a) Routing of construction and delivery vehicles to / from site;
- (b) Parking and turning areas for construction and delivery vehicles and site personnel;
- (c) Timing of deliveries;
- (d) Provision of wheel washing facilities;
- (e) Arrangements for environmental management control of all demolition and construction works;
- (f) Hours of operation.

The Construction Management Plan shall thereafter be implemented in accordance with the approved details throughout the course of construction.

Reason: In the interest of highway safety and to safeguard the amenities and interests of the occupants of other property in this residential area.

Contamination

11. No development shall be commenced until the following have been submitted to and approved by the Local Planning Authority:
- (a) a contaminated land desktop study identifying all previous site uses, potential contaminants associated with those uses including a survey of the condition of any existing building(s), a conceptual model of the site indicating sources, pathways and receptors and any potentially unacceptable risks arising from contamination at the site;
 - (b) based on the findings of the desktop study, proposals for a site investigation scheme that will provide information for an assessment of the risk to all receptors that may be affected including those off site. The site investigation scheme should also include details of any site clearance, ground investigations or site survey work that may be required to allow for intrusive investigations to be undertaken. If, in seeking to comply with the terms of this condition, reliance is made on studies or assessments prepared as part of the substantive application for planning permission, these documents should be clearly identified and cross referenced in the submission of the details pursuant to this condition.

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

12. No development shall take place other than as required as part of any relevant approved site investigation works until the following have been submitted to and approved by the Local Planning Authority:
- a) results of the site investigations (including any necessary intrusive investigations) and a risk assessment of the degree and nature of any contamination on site and the impact on human health, controlled waters and the wider environment. These results shall include a detailed remediation method statement informed by the site investigation results and associated risk assessment, which details how the site will be made suitable for its approved end use through removal or mitigation measures. The method statement must include details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended).

The submitted scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking hereby permitted. Such arrangements shall include a requirement to notify the Local

Planning Authority in writing of the presence of any such unforeseen contamination along with a timetable of works to be undertaken to make the site suitable for its approved end use.

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

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

13. Following completion of the approved remediation method statement, and prior to the first occupation of the development, a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the remediation scheme at above and below ground level shall be submitted for the information of the Local Planning Authority. The report shall be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Where it is identified that further remediation works are necessary, details and a timetable of those works shall be submitted to the Local Planning Authority for written approval and shall be fully implemented as approved.

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

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

Drainage

14. No above ground development except demolition or site survey work, shall take place until full details of the means of foul surface water disposal have been submitted to and approved by the Local Planning Authority. Connection to the Public Sewer should be the first considered method of sewage disposal, however if the intention is not to connect to mains drainage the submitted details must demonstrate why this is not practicable and provide full details of the size, location and maintenance regimes of any treatment system.

Reason: In the interests of public health.

Archaeology

15. If during construction works items or features of archaeological and historic importance are discovered, all development shall cease. It will then be necessary

for the applicant, or their agents or successors in title, to secure the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed, and items of interest and finds are recorded. The watching brief shall be submitted to Local Planning Authority immediately on discovery of any historic item or feature.

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

Climate change

16. Prior to the occupation of the building the solar panels and air source technology to be provided as shown on drawing No. 0247_P200 (Front and Rear Elevations) shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure that the development is carried out in accordance with the plans and documents hereby approved.

Informatives

1. During the demolition and construction phases, the hours of noisy working (including deliveries) likely to affect nearby properties should be restricted to Monday to Friday 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no such work on Sundays or Public Holidays.
2. Although it would not be possible at this stage under Environmental Health legislation to prohibit the disposal of waste by incineration, the use of bonfires could lead to justified complaints from local residents. The disposal of demolition waste by incineration is also contrary to Waste Management Legislation. It is therefore recommended that no bonfires are lit on the site.
3. Under paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 (as amended) every planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:
 - (i) a) Biodiversity Gain Plan has been submitted to the planning authority, and
b) the planning authority has approved the plan.
 - (ii) This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.
 - (iii) For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the

consented development please see the Government Website: Submit a biodiversity gain plan (www.gov.uk).

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