

Hildenborough **556599 150106** **27 October 2014** **TM/14/03644/FL**
Hildenborough

Proposal: Demolition of existing buildings on site and construction of 2 detached residential dwellings and associated access and landscaping
Location: Alexander Stables Vines Lane Hildenborough Tonbridge Kent
Applicant: Kent & Medway NHS Social Care And Partnership Trust

1. Description:

- 1.1 Full planning permission is sought for the demolition of the existing buildings and the erection of two detached one and a half storey residential dwellings. The properties would also have a small shed in the rear garden area for the storage of bicycles and other ancillary domestic paraphernalia. The site is proposed to be accessed from the access road to Alexander House to the western side of the site, across an area of land which is proposed to be planted as an orchard. The dwellings would have a hardstanding area to the front for car parking and turning with a landscaped area to the southern boundary with the open field.
- 1.2 The application was withdrawn from the Agenda prior to the Area 1 Planning Committee of 25 February 2015 as it became apparent that some neighbours had not received their letters informing them of the committee date.

2. Reason for reporting to Committee:

- 2.1 At the request of the Ward Member Cllr Rhodes and in the public interest given the Green Belt setting.

3. The Site:

- 3.1 The application site currently comprises a small complex of single storey brick buildings which were originally used as stables, and which the applicant has stated were most recently in use for occupational therapy by the NHS. These buildings are now redundant as they have not been used in recent years.
- 3.2 The southern boundary to the site is open to agricultural fields, with a small low level fence demarcating the boundary between the application site and the surrounding land. The northern and eastern boundaries are marked by dense and mature hedgerows and trees which largely screen the site from the neighbouring dwellings to the north and the public footpath which runs along the eastern boundary.
- 3.3 The site is accessed from a shared access road which runs to the west of the site, connecting to Vines Lane which is to the north. Views into the site from the access road are readily available due to the open nature of the western boundary.

3.4 The site is located outside the built confines of Hildenborough village and is therefore in the countryside for development plan purposes. The site is located within the Metropolitan Green Belt; the local landscape is of no other special designations.

4. Planning History (relevant):

TM/05/02667/FL Grant With Conditions 3 January 2006

Demolition of existing stables and construction of 5 no. 1 bedroom units with communal rooms (for persons with learning difficulties).

5. Consultees:

5.1 PC: Raise objection on the following grounds:

- The site is within the MGB and the PC cannot find any very exceptional circumstances for the development of the three large detached houses or see how it will enhance the openness of the area.
- The development would demolish historic Victorian buildings.
- It is proposed to erect at least one detached house on undeveloped land.
- Overdevelopment of the site not in keeping with those buildings it is proposed to demolish and would not enhance the appearance of this otherwise rural area. The development is totally inappropriate to the rural area.
- Concern with regard to the impact upon ecology and the fact only one pond has been surveyed.
- The site is frequently waterlogged therefore drainage in the local area would need to be improved.
- Access would be provided from a narrow, single carriageway private road which serves as access for carers to those living in sheltered accommodation as well as all residents. The development would add to traffic problems experienced by all residents as well as those living in the area as a result of speeding traffic on Vines Lane.
- Safety concerns with regard to the volume of traffic on the site and access roads to the site.
- The loss of mature trees to accommodate the orchard, of particular concern would be the loss of the species of old apple if it is present on the site.

5.2 KCC (Highways): Raise no objections subject to conditions.

5.3 KCC PROW: Raise no objections.

5.4 Natural England: Raise no objections.

5.5 Private Reps: *Original Consultation*: 11 + site notice/0X/18R/0S: Objections raised on the following grounds:

- The development does not meet the tests of paragraph 89 of the NPPF - the exception of the previously developed land should not apply to the whole site as not all of the land has been previously developed.
- The fact that the land was previously developed does not allow comprehensive development that would undermine the purposes of the Green Belt.
- The proposed development would have a greater impact upon the openness of the Green Belt. This is due to the fact that the existing built form is relatively low key within the landscape due to its single storey form. The proposed development would significantly increase the bulk and massing of the built form on the site and would dominate the site.
- The positioning of housing units across the whole site will be of detriment - especially the positioning of plot 1.
- The applicant has not demonstrated Very Special Circumstances to justify the development as the condition of the site is not so exceptionally poor as to justify new buildings within the Green Belt.
- The conversion of the existing buildings as a fall-back position would be favourable in terms of maintaining the openness.
- The previous planning permission was granted due to the Very Special Circumstances of the need for the accommodation, without this the development would have been inappropriate. The proposed development is larger than that previously approved.
- The location of the site is unsustainable due to its distance from local services resulting in a car-dependent residential development.
- The site is subject to surface water flooding and it is unclear how adequate drainage would be provided as it is believed that the subsoil is clay and therefore soakaways would be inappropriate.
- The proposed development would result in the loss of terrestrial and reptile habitat. The mitigation measures are inadequate and would be difficult to enforce over the lifetime of the development.
- The development proposes new trees on land outside of their ownership.

- The application states there would be improvements to the access but this is a track owned by Alexander House. They have not been informed of any works to the access.
- Concern with regard to responsibilities for the access after the site is redeveloped.
- Concern with regard to conflict between vehicles accessing the site conflicting with those at Holly Lodge. Plus those residents at Holly Lodge require emergency access at all times. This has not been given consideration in the submission.
- The existing site is over developed at Holly Lodge and causes significant disturbance to local residents. The proposed development would cause intolerable disturbance to the neighbours even before any building starts.
- The development would only benefit the applicant who has not considered the long term effects on the immediate neighbours.
- Concern with regard to an intensification of use of the access to pedestrians, horse riders and other vehicles.
- The development would blight the outlook for a number of neighbouring properties.
- The development would block light and unacceptably overlook Owls Hoot.
- The site is already being marketed for sale even though planning permission has not been granted - question the integrity of the planning system.
- The dwellings are large in size with small gardens - would families living in the countryside want this?
- Concern the development would set a precedent elsewhere.
- The development would be unsettling to the very sick residents of Holly Lodge who currently enjoy a peaceful existence.
- The development would place considerable burdens on the village of Hildenborough, the existing roads and limited public transport and schooling.
- The fact that the NHS trust no longer has use for the site and so has let it degrade cannot be taken as an excuse to allow the development.
- The private drive is not built for construction traffic and the building of Holly Lodge caused considerable damage to the driveway and gate posts.

- The bridle path and footpath run along the edge of the site. The ditches along the sides of the footpath are already nearly at capacity, the development can only exacerbate this situation.

5.5.2 Additional Consultation: 28/0X/6R/0S. Objections raised as follows:

- The development would increase vehicular traffic in an already busy country lane.
- The extent of hardstanding is unacceptable in an area of high water table and little opportunity for rainwater runoff.
- Although the height of the proposed buildings has been reduced, they would still dominate the existing adjoining properties and affect privacy.
- The omission of garages will most probably result in future applications to erect garages.
- Objections to the proposals do not relate to numbers of dwellings but rather the principle.
- Although the development would replace existing buildings it is the character of the site that would be altered inappropriately.
- The right thing to do would be to pull down the existing buildings and sell the land for grazing.
- The Council should not consider any dwellings to be acceptable.
- The land could not be considered to be brownfield land.
- Any dwelling of any sort with its associated activity would have a greater impact on the existing openness of the area.

5.5.3 Since 25 February, a further 3 letters of objection have been received raising the following additional points:

- The amendments have not resolved ecological issues.
- Once permission is granted for the two dwellings, the applicant will seek to develop the proposed fruit orchard.
- The application site is not brownfield land.
- The proposed development would not reduce the existing footprint when you take into account the driveways, hardstanding, dwellings and sheds. This would have a significant impact that far outweighs the existing single storey work sheds which have not been used since the 1990's.

- The Alexander House estate has already been over developed. This should be taken into consideration when any decision is made.
- Ongoing concern about services and the high water table on the site.
- The site has never and should never be used for residential purposes.
- Overlooking to Brambleside by 8 windows due to the repositioning of plot 2 and the removal of trees.

6. Determining Issues:

- 6.1 The NPPF along with policy CP1 of the TMBCS (2007) and policy CC1 of the MDE DPD (2010) place sustainability at the heart of decision making, ensuring that new development does not cause irrevocable harm to the environment and balancing this against the need to support a strong, competitive economy and protect the social welfare of existing and future residents. Policies CP1 and CP24 of the TMBCS 2007 and Policy SQ1 of the MDE DPD require high quality design which reflects the local distinctiveness of the area and respect the site and its surroundings in terms of materials, siting, character and appearance.
- 6.2 The application site is located outside the settlement confines of Hildenborough Village and therefore is in the countryside for development plan purposes. Policy CP14 of the TMBCS seeks to prevent the incursion of built development within such areas in order to protect the character and appearance of the countryside. The site is also located within the MGB. The purpose of the MGB is to check the unrestricted sprawl of large built up areas, preventing the merging of neighbouring towns and villages and to safeguard the countryside from encroachment. Paragraph 79 of the NPPF states that the essential characteristics of such areas are their openness and their permanence. Any inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. This is supported by policy CP3 of the TMBCS.
- 6.3 Paragraph 89 of the NPPF states that certain forms of development are not inappropriate in the Green Belt. Included within the definition of development which is not considered to be inappropriate is limited infilling or the partial or complete redevelopment of previously developed sites (Brownfield Land), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- 6.4 This current policy framework post-dates the planning permission that was granted in 2006 for the construction of 5 x 1 bedroom care units to extend across the application site and the neighbouring piece of land which is now proposed to be planted as an orchard. In any event, in that case, the very specific type of

residential accommodation represented very special circumstances due to the specialist needs of the end user. The occupation of the development was restricted by condition on the planning permission.

- 6.5 As highlighted above, since that time the policy context against which the application must be considered has changed. The NPPF makes provision for the redevelopment of previously developed land within the Green Belt as an exception to the definition of inappropriate development subject to certain criteria. Previously developed land is defined within the NPPF as land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. The eastern half of the application site currently hosts buildings and their associated curtilage which runs to the boundary fence to the south and along the western side of the proposed boundary to plot 1. The entirety of the now proposed built development and the associated residential curtilages therefore falls within the area that meets the criteria to be considered as previously developed land on the site.
- 6.6 With these factors in mind, the proposed development is therefore not inappropriate development by definition, provided that it meets the criteria in the NPPF. As such, the acceptability of the development falls to be assessed in terms of the impact of the development upon the open nature and function of the Green Belt, when considering the reasons for including land within it, and other factors that may cause any other harm.
- 6.7 The existing buildings on the site are of a single storey form, with a total footprint area of 310m². These buildings are of a substantial construction although somewhat dilapidated due to their disuse in the most recent years. The proposed development would represent a reduction in footprint area from the existing buildings to a total footprint (including the shed buildings) to 286m². It is acknowledged that the proposed buildings would be higher than the existing buildings as they would have a one and a half storey form with a height of approximately 7 metres rather than the overall height of 4m at present. However, the detached nature of the proposed dwellings and the spacing between them would limit their impact upon the openness of the site when considered in relation to the existing buildings which have a larger footprint and greater mass due to their attachment to one another. It is proposed to retain an open boundary to the south to allow the site to remain open to the countryside, and the built development would be concentrated on the existing previously developed land. As such, on balance, it is considered that the development would not have a detrimental impact upon the openness of the Green Belt.
- 6.8 In order to protect the openness of the Green Belt in the longer term and to allow the Local Planning Authority to retain control with regard to the construction of additional ancillary buildings on the site, it is considered reasonable and necessary

to remove permitted development rights for extensions to the dwellings and the construction of outbuildings along with the construction of new fences, walls and other means of enclosure. This can be adequately secured by planning condition.

- 6.9 In order to promote sustainable development in rural areas, paragraph 55 of the NPPF states that housing should be located where it will enhance or maintain the vitality of rural communities and that new isolated homes in the countryside should be avoided unless there are special circumstances such as the re-use of redundant or disused buildings which would lead to an enhancement of the immediate setting. Although this proposal does not seek to re-use existing buildings on the site, these structures appear capable of conversion due to the fact that they are of substantial construction, and therefore such a scheme of conversion would be policy compliant. Notwithstanding the capability of the existing buildings for conversion, the wording of the NPPF highlights central government policy to be supportive of the provision of new housing development where this would not result in the provision of new buildings in the rural landscape. This is a material consideration in the determination of this planning application.
- 6.10 The application site is located to the rear of a string of dwellings generally fronting onto Vines Lane, clustering around the junction with Riding Lane. The dwellings have a loose knit semi-urban grain which is characteristic of development in rural areas and are generally well spaced with substantial gardens. The development would introduce two dwellings onto land which is currently occupied by a more intensive form of development. The former stable buildings are of no visual merit and their original form has been detracted from by the modern conservatory extension to the southern elevation. The buildings cover a substantial part of the application site and have a considerable mass due to their sprawling footprint. For these reasons there is no objection to the loss of the former stable buildings; indeed there would be visual betterment in some respects.
- 6.11 The proposed dwellings which would replace the existing built development would be of a detached nature and well spaced from one another with relatively spacious gardens. The dwelling houses would be of an unassuming scale and bulk with a one and a half storey form and 7 metre height and have been well designed to sit within the rural locality. The amount of built development on the site, including hardstanding areas and the boundary treatments, would allow the site to retain an open character which would maintain the visual grading of the built development into the countryside. The creation of the orchard area and the addition of boundary planting would retain the soft edge to the residential development along Vines Lane and would respect the loose knit grain which is intrinsic to the character of the locality.
- 6.12 The proposed development would be no more harmful in sustainability terms than the *conversion* of the existing buildings into residential accommodation or indeed their permitted use from 2006. The proposed development offers the opportunity to

provide a visual amelioration of the site with the provision of two new well designed dwellings. These factors balance in favour of the development.

- 6.13 Development plan policy along with the NPPF requires that all new development does not result in harm to the residential amenities of neighbouring properties in order to allow for an environmental and social sustainability. The closest neighbours to the application site are situated at Stone Lodge, 25 metres to the north west, and Brambleside, 32 metres to the north. One neighbour at Owls Hoot has raised concern that the development would cause an unacceptable loss of light and overlooking to their property. This dwelling is situated 40 metres from the end of the rear garden areas of the proposed dwellings. These separating distances would prevent an adverse impact being caused due to overlooking or by the development being unacceptably overbearing.
- 6.14 Concern has been raised by the neighbour at Brambleside that the development would cause an unacceptable overlooking to their property. This neighbour would be situated 30 metres from the rear elevation of the closest of the two new proposed dwellings. Although trees are proposed to be removed, some tree screen would remain between the site and the neighbour. Although some overlooking would be able to occur, the separating distance would prevent this from being at an intensive and harmful level.
- 6.15 Some local residents have raised concern that the development would impact upon the quiet enjoyment of the local area by the residents of Holly Lodge who require a quiet environment due to their medical needs. It is important to note that no objections have been received from Holly Lodge despite the property being notified of the application. These neighbours are situated over 40 metres from the proposed residential dwellings. The noise and disturbance from a small scale residential development of two houses would not have a significant impact upon the tranquillity of the locality overall, and could have less impact than the lawful use of the site. In light of this, it is not considered that the development would have a detrimental impact upon the specific needs of the residents of Holly Lodge.
- 6.16 Access to the properties would run to the western side of Stone Lodge. The existing access road serves Alexander House to the south and Holly Lodge (6 residential units for people with autism) to the west. The use of the access for two additional dwellings would cause some increase in vehicular movements. However, given the limited small scale of the development and the fact that the existing buildings could be converted into residential dwellings, this would not cause a harmful level of noise and disturbance to the neighbouring residential occupants.
- 6.17 The proposed dwellings are of sufficient size to provide adequate internal living accommodation and have access to external garden areas. This would prevent harm being caused to the residential amenity of future occupants of the dwellings.

- 6.18 Paragraph 32 of the NPPF requires decision making to take account of a safe and suitable access to the site being achieved for all people; and improvements that can be taken within the transport network that cost effectively limit the significant impacts of the development. Paragraph 32 clearly states that development should only be prevented where the residual cumulative impacts of development are severe.
- 6.19 A significant level of concern has been raised with regard to the impact of traffic movements upon highway safety. Particular issues which have been raised relate to access to the neighbouring residential care units at Holly Lodge, intensification of use of the access road, and use of the access onto Vines Lane.
- 6.20 The site is accessed by way of a single track access road from Vines Lane. This access road currently serves Alexander House and Holly Lodge as well as providing rear access to Stone Lodge. It is noted that the residential care use at Holly Lodge results in vehicular movements to and from the site which are more intense than the original dwellings they replaced. These matters were assessed at the time of the previous planning application and were considered to be acceptable. As such, this application can only consider the cumulative impact of the addition of two dwellings to this existing situation.
- 6.21 As highlighted by the NPPF, the assessment of highway impact is a severity test, with a requirement that development is only refused where the cumulative impacts of development are severe. The development proposes a minor development of two dwellings. These dwellings would result in additional traffic movements through the access and along the access road but would not significantly intensify the use of the access, especially when considered in relation to the potential lawful use of the site for occupational therapy purposes (D1). Furthermore, the buildings themselves could be converted into more residential accommodation which would have the same highway impact as that proposed as part of the current application.
- 6.22 The application site is located away from the service centre of Hildenborough and several letters of objection have raised the issue that this would increase the reliance upon the private car, especially as there are no footpaths along the edge of the highway or good public transport links. Paragraph 34 of the NPPF requires that new development that would generate significant movement are located where the need to travel would be minimised and the use of sustainable transport modes could be maximised. The proposed development would not generate significant traffic movement as discussed above, and therefore its location away from the village centre is acceptable in highway terms.
- 6.23 It is not proposed to make any alterations to the access onto Vines Lane; this land is not in the ownership of the applicants. KCC Highways has raised no objections to the intensification of use of the access onto the public highway.

- 6.24 The development proposes the provision of two car parking spaces to serve each dwelling with a turning area within the site. This would prevent the need for vehicles to park on the private access road or on the public highway at Vines Lane. This is in compliance with the parking standards within IGN3 as set out by KCC Highways but in the form adopted by TMBC.
- 6.25 Access to and from Holly Lodge would not be adversely impacted by the proposed development as sufficient parking is to be provided within the application site. The access road to Holly Lodge and Alexander House is in a private ownership and therefore if the access was to become blocked this would be a private civil matter.
- 6.26 The application has been supported by an arboricultural report assessing the impact of the development upon the trees on the site and outlining mitigation measures to prevent damage to retained trees. The report identifies three trees which need to be removed regardless of the development occurring due to the fact that they are unsafe. It is also proposed to remove one apple tree which is of a Category C along with other small trees and shrubs. Trees around the boundaries of the site which are a mixture of Category B and C would be retained, maintaining the visual amenity value they afford to the landscape and providing a soft edge to the residential scheme.
- 6.27 In order to protect the trees during construction the report proposes a series of measures including the installation of fencing around the calculated tree protection areas (as shown on drawing number J49.47/01 Rev A); no storage of materials within the Root Protection Area's along with no lighting of fires; no levels changes on the site; and the routing of services outside of the RPA's. These methods are fully detailed within the arboricultural assessment and could be controlled by condition on any planning permission.
- 6.28 The proposed orchard is shown to be maintained as a wildlife area. No details of a management plan have been provided to ensure its long term maintenance and protection for such purposes. In light of this, I recommend that a condition be imposed to require submission and approval of details prior to the commencement of the development in order to ensure an appropriate detail can be agreed to prevent harm being caused to protected species, and for its retention and maintenance in perpetuity.
- 6.29 The application site has been identified as being suitable habitat for protected species including reptiles (slow worms and grass snakes) and newts, and as a foraging area for bats. A Phase 1 habitat survey has been submitted with the application to detail the presence of protected species on the site and to set out a methodology for protecting and mitigating harm.
- 6.30 The report identifies that the buildings themselves show no presence of roosting bats but that the site is passed over by bats foraging for food. The demolition of the existing buildings should therefore not result in the loss of bat roosts but a

precautionary approach is recommended to these works, timing demolition at appropriate times of year when the bats are least vulnerable to disturbance and under the supervision of a qualified ecologist.

- 6.31 The site is host to great crested newts and is in close proximity to three ponds which provide an aquatic habitat. The ecological report recommends that prior to the commencement of any development the newts will need to be trapped and relocated. The loss of the small area of habitat could be partially compensated for by the provision of the orchard area to the west of the site along with internal planting to the residential site to the east.
- 6.32 There is also a presence of reptiles on the existing site including slow worms and grass snakes. Once again the ecological report recommends a trapping and relocation exercise on the existing site prior to the commencement of development. As only part of the land is to be developed there is opportunity for relocation of species onto land to the west which would limit the harm caused due to the loss of habitat.
- 6.33 Details of a mitigation and enhancement strategy for protected species could be required by planning condition to ensure that any development did not cause harm to protected species and took the opportunity to ameliorate the local habitats.
- 6.34 The site has also been identified as having the potential for contamination due to its historic use as an agricultural building, along with the fact that other developments within the locality have required remediation. A condition requiring the submission of a contamination report and remediation strategy would be required by condition on any planning permission on the precautionary principle.
- 6.35 A concern raised by occupants of the neighbouring dwellings relates to surface water flooding. The application site is not situated within flood zones 2 or 3 but is situated approximately 190 metres away from these flood zones. Although it is noted that the site becomes waterlogged due to the clay subsoil, surface water drainage is a matter to be considered by way of the Building Regulations regime. Notwithstanding this, the development offers some opportunity to improve land drainage by way of the installation of new drainage systems. This should present the opportunity to prevent surface water flooding from occurring to the neighbouring dwellings.
- 6.36 A Public Right of Way runs from north to south east along the boundary to the application site. It is not proposed to place any development on the Public Right of Way as it is located outside of the application site. The existing buildings currently bound the footpath; these would be removed and a new boundary line established. These works would not impact upon the Public Right of Way. The ditches along the side of the footpath are the responsibility of the landowner but the footpath is already muddy and soft underfoot as it is sheltered by trees and the existing building. KCC PROW has raised no objections to the application as they do not consider the development would detrimentally impact upon the footpath.

6.37 In light of the above assessment, I conclude that the proposal is acceptable in light of the requirements of the NPPF in terms of the principle of the proposed development, given its location within the Metropolitan Green Belt and the specific detail of the proposed development in terms of its impact on the Green Belt and the locality generally. It also accords with policies CP1, CP3, CP14 and CP24 of the TMBCS and policies SQ1 and SQ8 of the MDE DPD. As such, the following recommendation is put forward:

7. Recommendation:

7.1 **Grant Planning Permission** in accordance with the following submitted details: Email Fm Agent dated 19.01.2015, Existing Plans DHA/10141/20 Ground figure dated 19.01.2015, Proposed Layout DHA/10141/21 dated 19.01.2015, Proposed Layout DHA/10141/22 Landscaping _ ecology dated 19.01.2015, Proposed Floor Plans DHA/10141/23 Plots 1 _ 2 dated 19.01.2015, Proposed Elevations DHA/10141/24 Plot 1 dated 19.01.2015, Proposed Elevations DHA/10141/25 Plot 2 dated 19.01.2015, Proposed Plans and Elevations DHA/10141/26 Garden shed dated 19.01.2015, Details DHA/10141/27 Ecology dated 19.01.2015, Letter Covering letter dated 27.10.2014, Habitat Survey Report dated 27.10.2014, Planning Statement dated 27.10.2014, Arboricultural Survey dated 27.10.2014, Location Plan DHA/10141/01 dated 27.10.2014, Existing Plans DHA/10141/02 Ground figure dated 27.10.2014, 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 91 of the Town and Country Planning Act 1990.

2 No development shall take place until written details and photographs of all materials to be used externally in the construction of the dwelling have been submitted to and approved by the Local Planning Authority and samples of the materials shall be made available at the site for inspection by Officers of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

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

Reason: To ensure no adverse impact upon highway safety resulting from potentially hazardous on-street parking.

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

Reason: In order to enable the Local Planning Authority to regulate and control further development within this site in the interests of the environment.

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

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

- 6 Prior to the commencement of development details of a mitigation and enhancement strategy for bats, reptiles and amphibians shall be submitted to and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the existing populations of protected species and to improve the habitat on the site.

- 7 The development shall be carried out in accordance with the recommendations of the Arboricultural Implications Assessment by Broad Oak Tree Consultants dated 20.10.14 and detailed on drawing number J49.47/01 Rev A.

Reason: In order to prevent the loss of trees on the site.

- 8 No development, other than demolition of any building, removal of hardstanding, ground investigations or site survey works, shall be commenced until:

a) A site investigation based on the recommendations in the Phase 1 Contaminated Land Assessment by Lustre Consulting has been undertaken to determine the nature and extent of any contamination, and

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

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

c) The approved remediation scheme shall be fully implemented insofar as it relates to that part of the development which is to be occupied, and

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

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

Reason: In the interests of amenity and public safety.

- 9 Before occupation of either of the dwellings hereby approved the former stable buildings shown for removal on the approved plan shall be demolished and all materials arising therefrom shall be removed from the site in its entirety.

Reason: In the interests of residential and visual amenities.

- 10 Prior to the commencement of the development a management strategy for the area of proposed orchard as shown on the submitted site layout plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include:

- i) Type and maturity of the trees to be planted
- ii) Timetable for implementation
- iii) Persons responsible for implementing the works
- iv) Details of the initial aftercare and long term maintenance

The approved development shall thereafter be implemented in accordance with the approved details to a timeframe previously agreed in writing by the Local Planning Authority and all features shall be retained in that manner thereafter in perpetuity.

Reason: To safeguard and improve natural habitats within and adjacent to the site.

Informatives:

- 1 The Borough Council will need to create new street name(s) for this development together with a new street numbering scheme. To discuss the arrangements for the allocation of new street names and numbers you are asked to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmbc.gov.uk. To avoid difficulties, for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
- 2 The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings and extensions.
- 3 With regard to the construction phase of the development, the applicant is asked to take all reasonable steps to mitigate any impact upon surrounding residents. With this in mind, they are strongly encouraged to apply for a Section 61 Control of Pollution Act 1974 'prior consent' notice to regulate working hours/methods. It is recommended that you contact the Environmental Health Pollution Control Team on pollution.control@tmbc.gov.uk in advance of the commencement of works to discuss this further. The applicant is also advised to not undertake construction works outside the hours of 08.00 -18:00 Mondays to Fridays, 08:00-13:00 on Saturdays and to not undertake works on Sundays, Bank or public holidays. Furthermore, arrangements for the management of demolition and construction traffic to and from the site should be carefully considered in the interests of residential amenities and highway safety. With regard to works within the limits of the highway and construction practices to prevent issues such as the deposit of mud on the highway, the applicant is encouraged to consult The Community Delivery Manager, Kent County Council, Kent Highway Services, Double Day House, St Michaels Close, Aylesford Tel: 03000 418181 at an early time.
- 4 It is recommended that bonfires are not held at the site as this can cause justifiable nuisance for neighbours.

- 5 The Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in the future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

Contact: Kathryn Holland