

## REPORT SUMMARY

**REFERENCE NO -** 21/01465/FULL

### APPLICATION PROPOSAL

Proposed conversion of redundant farm buildings to five new residential units with associated parking, landscaping, access onto Franks Hollow Road and creation of attenuation pond (amended description).

**ADDRESS** Scriventon Farm And Buildings Four Winds Farm Speldhurst Tunbridge Wells Kent TN3 0TU

**RECOMMENDATION** – to Grant subject to conditions (please refer to section 11.0 for the full recommendation).

### SUMMARY OF REASONS FOR RECOMMENDATION

- In the absence of a five year supply of housing, the housing supply policies, including those related to the Limits to Built Development (LBD) are “out-of-date”. Paragraph 11 of the National Planning Policy Framework (NPPF) 2021 requires that where relevant policies are out-of-date permission for sustainable development should be granted unless specific policies in the NPPF indicate that development should be restricted, and all other material considerations are satisfied;
- The proposal is for the conversion of four existing farm buildings which is considered as appropriate development in the Metropolitan Green Belt and was previously considered acceptable on this site;
- The scheme now proposed, is considered to overcome the previous reasons for refusal, with less overall residential development proposed, what is proposed would be concentrated and less dispersed across the site. Conversion would be limited to four buildings, excluding the farm building to the north east. The layout is considered sympathetic to this sensitive location. The overall scale and appearance would not have a detrimental impact on the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty within which the site stands, and will not impact on the openness of the Green Belt;
- The buildings are substantial and will not require major rebuilding. The new materials used in the conversion are appropriate for a development of this kind and will result in an acceptable appearance;
- Car parking to meet the needs of the site can be accommodated without any material visual intrusion from outside the site and amendments made to the layout to ensure that parking is laid out to reflect the rural nature of the site;
- Access would be provided from the east, on a tarmacked existing private drive;
- A public footpath runs through the site and along the existing access track. It is not considered that the volumes of traffic envisaged by the application will impact on pedestrian safety;
- There is considered to be no material disturbance to adjoining residential occupiers;
- The proposal would create an adequate environment for future occupiers; and;
- Other issues raised have been assessed and there are not any which would warrant refusal of the application or which cannot be satisfactorily controlled by condition.

### INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL

The following are considered to be material to the application:

**Contributions (to be secured through Section 106 legal agreement/unilateral undertaking):** N/A

<b>Net increase in numbers of jobs:</b> N/A			
<b>Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs:</b> N/A			
The following are not considered to be material to the application:			
<b>Estimated annual council tax benefit for Borough:</b> £919			
<b>Estimated annual council tax benefit total:</b> £9,190			
<b>Estimated annual business rates benefits for Borough:</b> N/A			
<b>REASON FOR REFERRAL TO COMMITTEE</b>			
Referred by Head of Planning Services			
<b>WARD</b> Speldhurst & Bidborough	<b>PARISH/TOWN COUNCIL</b> Speldhurst Parish Council	<b>APPLICANT</b> J + D Properties Ltd <b>AGENT</b> Mr Alan Madgwick	
<b>DECISION DUE DATE</b> 14/07/21 EOT 14/01/22	<b>PUBLICITY EXPIRY DATE</b> 08/01/21	<b>OFFICER SITE VISIT DATE</b> 01/06/21	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
84/00058/OUT	Dwelling for agricultural worker in farm buildings	Refuse	21/05/84
17/02743/FULL	Conversion of redundant farm buildings to 8 No. new residential units with associated parking and landscaping, and relocated access onto Barden Road	Refused and dismissed on appeal.	12/06/18
17/02743/FULL for 8 dwellings was refused on the following grounds;			
<ol style="list-style-type: none"> <li>1. The proposed conversion works, upgrading and widening of the access track, the introduction of a residential use and associated domestic paraphernalia would result in harm to the character and appearance of the Area of Outstanding Natural Beauty; and</li> <li>2. Insufficient information has been provided to demonstrate that there would be no harm to protected species or their habitat as a result of the development.</li> </ol>			
A subsequent appeal was dismissed			

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The site stands within the Metropolitan Green Belt (MGB) and the High Weald Area of Outstanding Natural Beauty (AONB), between Speldhurst, about 0.9 km to the south and west, and Bidborough, about 1.25 km to the north and east. It is at the northern edge of a loose group of dwellings that include the Birchwood House Nursing Home, accessed from Stockland Green Road and from Franks Hollow Road to the east. The private access road is tarmacked and accessed directly from Franks Hollow Road. The site is outside any of the Limits to Built Development

(LBD) as defined by the 2006 Tunbridge Wells Local Plan. For policy purposes therefore the site is considered to form part of the open countryside. The site is at an elevated position with views over a tract of land to its west.

- 1.02 The application site measures some 0.53 hectares. The access approach proposed to use, would access the highway network to the east, which would be significantly closer than the previous track that to the west which was proposed to use, which is a single track route some 970 metres long. That track joins Barden Road to the west near to Barden Furnace Farm, where it is shared with a further small group of dwellings. This route emerges onto Barden Road some 440 metres from the boundary of the Speldhurst LBD. By track and road therefore the site is approximately 1.45 km from the edge of Speldhurst village and some 3.35 km from the edge of Bidborough. Between the site and Barden Road the access track crosses a stream, is shared with a public right of way for approximately half its length and is still in use to service adjoining agricultural land. The track is surfaced partly with crushed gravel and, nearer to the buildings by two strips of concrete which has become uneven in places. It is narrow with few passing places. This access is now shown to be in the blue edged land of the application. To the east there is a track that links up with Franks Hollow Road, which is shown to be used in this application. This access is approx. 290m in length to reach the adopted highway.
- 1.03 The five buildings on the site comprise a mixed group accessed by a roadway forming a circuit through the site and a track leading to adjoining land north of the site. This group comprises the following:
- Building A – Timber framed poultry shed measuring 249sq.m. (41.6 x 6.0 x 3.5m), located on the west side of the group on a north/south axis;
  - Building B – A steel framed livestock building/store with a low pitched roof measuring 459sq.m. (27.5 x 16.7 x 7.2m), standing in the centre of the group;
  - Building C – A split level store with a painted, rendered east end and a blockwork west end under a pitched, corrugated roof, measuring 79sq.m. (19.8 x 4.0 x 3.7m) standing on the north side of the group on an east/west axis; and;
  - Building D – A masonry building with pitched roof measuring 45sq.m. (10.0 x 4.5 x 3.7m) occupying a position at the north-east corner of the group.

## **2.0 PROPOSAL AND PREVIOUS APPEAL**

- 2.01 This is a revised proposal, by the same applicant, for a residential conversion scheme. The previous proposal was refused at Planning Committee on 06 June 2018 by Members (following an officer recommendation to grant planning permission) and subsequently dismissed on appeal. The appeal decision is attached at Appendix A.
- 2.02 The Main issues considered at the appeal were;
- i) the proposal's effect on the character and appearance of the surrounding area, with particular regard to the AONB location; and
  - ii) the effect on identified protected species in the locality.
- 2.03 On the first matter the Inspector concluded that the conversion of five separate vacant agricultural buildings for residential purposes, are noticeably distanced from one another and the absence of any cogent physical relationship due to their varying

sizes and what is a collective disparate arrangement is compounded by the marked drop in land levels from the east to west. For example, Building A sits isolated from the central group of B, C and D and on a lower land level. Building E is a marked distance to the north east of the site, out on a limb.

- 2.04 The LVIA indicated that the proposed development would involve only limited visual effects as the resultant changes would ensure the landscape character remains in keeping with that of the immediate surroundings, and from a distance there would be minimal changes to the existing views of the barns. The Inspector accepted the barns would not be extended but commented that there would be new impacts such as associated paraphernalia, but more so due to their particular physical relationship, amplified by the separation distances involved and topography of the land, adversely affecting the cohesiveness of the scheme and, due to its extent, would encroach into the AONB, and impacting on its character.
- 2.05 The Inspector also commented that the LVIA made little mention of the accessway itself, the entrance off Barden Road was to be adjusted in line with KCC Highways Authority requests. Submitted plans indicated a 5m width access behind the junction with Barden Road, and the 'existing access track' being made good and extended to 3m in width. The Inspector was not convinced that the LVIA addressed or made a full and proper objective assessment as to its impact. Further, it is of note the extent of this access.
- 2.06 The Inspector in this appeal commented, that "on balance" (*officer emphasis*), the proposals extent goes significantly beyond what is a relatively close knit arrangement between buildings B, C and D which has a more obvious relationship to the nearby dwellings' substantial outbuilding to the south and sits at similar land levels. It was the span of development and associated artificial boundaries to the north and west that was considered to markedly alter the largely open nature of the landscape. The assertion in the LVIA that the development would give rise to only a 'low magnitude of change' to the landscapes character was not agreed and when taking into account implications from the intended access arrangements, the conclusion was considered less objective and not comprehensively and convincingly demonstrated, in the absence of compelling detail to the contrary the Inspector concluded harm to the character and appearance of the AONB and material conflict with CS policy CP4 and LP policies EN25, H13 and EN1 and the relevant advice of paragraph 172 (now 176 of the 2021 NPPF).
- 2.07 In relation to protected species, the Inspector referenced the need to minimise the impacts on and provide net gains for biodiversity and the presence of protected species is a material consideration. The Circular 06/2005, advises that surveys should be carried out before planning permission is granted. Surveys should only be required by condition in exceptional circumstances, this may be such circumstances where the applicant/appellant has undertaken recent surveys for protected species and is proposing to undertake final checks. In this instance a 2017 ecological survey had been carried out, identifying a number of species present. A Reptile survey was subsequently submitted. In the circumstances the Inspector, if he had been minded to approve, was satisfied, due to the survey work carried out and assessments, that a suitably worded condition could have been imposed.
- 2.08 The proposal now submitted makes a number of changes to the refused scheme, that would result in a less dispersed development across the site. The changes can be summarised as follows;
- The access point would be taken from east, a shorter access road to reach the public highway.

- Building E has been entirely removed from the scheme, which would concentrate development in the existing roadway forming a circuit through the site.
- Building A is to be used for car ports and home offices, (ancillary to the main accommodation) that would result in 3 less dwellings on the site, but also less associated parking and garden areas as a result.
- The conversion of Building A would provide additional space to serve the 5 proposed dwellings, reducing the need for additional ancillary buildings on site.
- The curtilage area has been drawn tightly to the rear of Building A and would not be extended further west, that was shown in the refused scheme.
- Two fields are shown to be retained as fields, reducing the residential curtilage compared to the refused scheme.
- Following submission of amended plans, the pond that is to be provided to the north west of the site, is now shown to be within the red line boundary and will provide ecological enhancement.

2.09 The proposal is to convert four existing buildings into a total of five dwellings, together with the creation of parking, garden curtilages and bin storage. Access into the site will come from Frank's Hollow Road. No extensions are proposed to any of the buildings as part of the conversion work.

2.10 The buildings on site would be converted as follows:-

- Building A – The poultry shed would be converted into 4 no. garages/carports and 3 no. home offices for the three dwellings proposed in building B. All existing cladding would be removed and replaced with timber to walls and an aluminium standing seam roof. This building is 210 m<sup>2</sup>. Space is shown for 8 vehicle parking bays.
- Building B – livestock building/store which would be converted into three x four bedroom units. A first floor would be inserted within the existing envelope of the building. The ground floor walls would be clad with vertical timber cladding with the first floor and roof covered by standing seam aluminium. Windows and doors would be powder coated aluminium. At first floor level on east and west elevations, terraces would be cut into the roof profile with combined vertical and sloping window sections set back from the line of the main walls. This building is 729 m<sup>2</sup>.
- Building C – Storage building converted into a single two bedroom unit. The rendered walls to the eastern section would be retained with new timber cladding replacing the blockwork at the western end. The roof would be standing seam aluminium with solar panels to the south elevation roof. Powder coated aluminium windows and doors, are shown. Parking spaces would be provided at the western end with surrounding garden. This building is 63 m<sup>2</sup>.
- Building D – Storage building would be converted into a one bedroom unit. It would have a rendered finish with a standing seam roof with solar panels on the west facing roof slope. Two parking spaces are shown to the eastern elevation of the building. The garden area to the east would be mostly within the canopy spread of existing trees. This building is 29 m<sup>2</sup>. 2 parking bays are shown to the front of the building.
- Access is to be taken from Franks Hollow Road/Stockland Green Road via the existing drive to Scriventon House for which there is an historical and legal right of access for all purposes to the farm buildings.

2.11 It is of note that the following changes were made to the layout during the course of the application;

- A more continuous area of parking in front of units 2, 3 and Building C;
- Grass verge to the western side of the access to Unit D including setting the garden boundary to Unit D from the track;
- A defined verge and defensible space to the south side of Unit 1; and rear garden paths to units 1-3;
- Area to the north east to be retained and landscaped for biodiversity enhancement;
- Attenuation pond added to the north west; and;
- Re-siting of communal waste to the south east of the site, away from the access and to assist in creating the verge to Unit 1 and some defensible space.

### 3.0 SUMMARY INFORMATION

	Existing	Refused scheme	Proposed	Change (+/-)
Site Area without access route	0.53 has	0.53 has	0.53 has	n/a
Land use	Agricultural	Residential	Residential	
No. of residential units	0	8	5	-3 compared to the refused scheme.
Total Floor area	997 sq. m.	1,471 sq. m.	832 sqm	- 165 sqm
Car parking spaces (inc. disabled)	N/A	18	2 spaces per unit and parking to the front of Building B	Approx. 16 spaces
No. of storeys	One	One/Two	One/Two	One/Two

### 4.0 PLANNING CONSTRAINTS

- Agricultural Land Grade 3 (*This information is taken from the MAFF 1998 national survey series at 1:250 000 scale derived from the Provisional 1" to one mile ALC maps and is intended for strategic uses. These maps are not sufficiently accurate for use in assessment of individual fields or sites and any enlargement could be misleading. The maps show Grades 1-5, but grade 3 is not subdivided.*)
- Ancient Woodland Ancient Woodland + 30M Buffer Area (*located to the north of the site*)
- Area of Outstanding Natural Beauty (AONB) (*statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000*)
- Strategic Flood Risk Area
- Environment Agency Flood Zone 2 & 3 (*located to the west of the site*).
- Environment Agency Flood Zone 3
- Metropolitan Green Belt
- Outside limits to built development
- Public Right of Way Public Footpath - WT65 – Running east/west past the south side of the group of buildings, particularly Building B.
- Potential Archaeological Importance – Barden Mill Farm
- Rural Lane - Barden Road

- Tree Preservation Order (located to the south east of the site).

## **5.0 POLICY AND OTHER CONSIDERATIONS**

### **The National Planning Policy Framework 2021 (NPPF)**

### **National Planning Practice Guidance (NPPG)**

#### **Site Allocations Local Plan (2016)**

Policy AL/STR1 – Limits to Built Development

#### **Tunbridge Wells Borough Core Strategy (CS) 2010:**

Core Policy 2: Green Belt

Core Policy 3: Transport Infrastructure

Core Policy 4: Environment

Core Policy 5: Sustainable Design and Construction

Core Policy 6: Housing Provision

Core Policy 14: Development in the Villages and Rural Areas

#### **Tunbridge Wells Borough Local Plan (LP) 2006:**

Policy MGB1: Metropolitan Green Belt

Policy LBD1: Development Outside the Limits to Built Development

Policy EN1: Design and other Development Control Criteria

Policy EN10: Archaeological Sites

Policy EN18: Flood Risk

Policy EN25: The Rural Landscape of the Borough

Policy H13: Conversion of Rural Buildings to Residential Use Outside the Limits To  
Built Development

Policy TP4: Access to the Road Network

Policy TP5: Vehicle Parking Standards

#### **Supplementary Planning Documents**

Farmstead Assessment Guidance SPD (February 2016) All buildings on site appear  
to date post 1939

Rural Lanes SPD (January 1998)

## **6.0 LOCAL REPRESENTATIONS**

- 6.01 Site notices were displayed at the site and in the vicinity of the site.
- 6.02 Site notices were displayed at the site and in the vicinity of the site from 13.12.21 following submission of amended plans, revised to incorporate the pond in the north west corner, into the red line.
- 6.03 A total of 81 objections (including 4 objectors sending multiple comments) received on the following grounds;
- Unsustainable location (no footpath or street lighting, public transport), increased traffic.
  - Franks Hollow Road is single track with poor visibility, safety concerns, poor sight lines.
  - Additional traffic on narrow lane, emergency services would be unable to get down lane.
  - Concerns about safe use of public footpath.
  - Light pollution/impact on dark skies/wildlife and impact on residential amenity from light.
  - Impact on AONB, would not blend into landscape, prominent position, domestic paraphernalia, blight.

- Inappropriate materials.
- Loss of Green Belt, urban development.
- Concerns about access from Barden Road.
- Concerns that the traffic movement data is unrealistic.
- Concerns future residents would use the Barden Road access.
- Increased demand for local services e.g Drs/schools.
- Not affordable housing.
- Not a significant change from refused application.
- Impact on wildlife.
- Rebuild not a conversion.
- Ownership disputes including access from Franks Hollow Road and ability to resurface the access.
- Any upgrade to access from Barden Road would increase flooding.
- Impact on Public Footpath.
- Noise pollution.
- Old Dairy Development proof development is unacceptable.
- Site rejected from new Local Plan in call for sites.
- Application lacking in detail.
- No economic, social or environmental benefits.
- Impact to ancient woodland.
- Concerns about flooding.
- Loss of agricultural buildings.
- No drainage details.
- Boundary hedging is outside of the site boundary.
- 2 houses refused on Stockland Green Road APP/M2270/W/21/3268633, one factor in refusal was the remote location.
- The access route is not suitable to meet minimum weight required by the Fire Service.
- Garden waste cannot be collected from Scriventon Oast due to the width of the access drive.
- Concern raised regarding procedural failings, the attenuation pond is shown to the north west outside the red line. The development of the pond will comprise an engineering operation and cannot form the subject of a condition. Electricity cables are shown on the block and locations plans, and would appear necessary to carry out the development. The line of the cables including the location of all poles should be included in the envelop of the development. For these reasons Judicial review will follow if granted.
- Additional harm from the residential pathways created.
- Biodiversity Net gain calculation is rejected in its entirety.

6.04 Following re-consultation, a further objection has been received from the Valley Conservation Society and one neighbour objection in relation to the following matters;

- Block and Location plans purport to include a line of overhead cables;
- Comment that a higher fee should be paid;
- Inclusion of the pond is merely a tick box response to the many wildlife, habitat and environmental objections to this proposed development;
- Addition of the pond is an afterthought to persuade the LPA of good intent;
- Proposal would create another development close to the one already built at the bottom of Barden Road – existing farm track between the two would provide an additional access and link between Barden Road and Frank's Hollow Road – creating precedent and presumption that the land in between could be in-filled much the same as at Mill Court, Penshurst Road;
- Weak, mitigating attempt to answer the many wildlife and environmental concerns;

- Additional harm raised by the attenuation pond, effluent treatment plans, and post and rail fencing, harm to the landscape character and visual amenity;
- Post and rail fencing around the perimeter is incongruous, a further urbanising feature causing harm;
- None of the above has been addressed in the documents;
- Judicial review will be sought – the impact of additional incursion into the Green Belt and AONB is more than a simple amendment; and;
- Failure to include the electricity cables, including the location of all poles remains a basic procedural shortcoming.

## **7.0 CONSULTATIONS**

### **Speldhurst Parish Council**

#### **7.01 Object on the following grounds;**

- Concerns offices/garages will be turned into dwellings
- Impact on PROW
- Negative impact on wildlife/biodiversity
- Access is unsuitable
- Increased traffic
- Rejected under call for sites
- Impact on AONB

#### **7.02 Kent Fire and Rescue Service**

**16/12/21** – No objection, following submission of revised plans. Kent Fire and Rescue Service confirm that emergency access requirements for the Fire and Rescue Service have been met. Fire and rescue access and facility provisions are also a requirement under B5 of the Building Regulations 2010 and must be complied with to the satisfaction of the Building Control Authority.

**09/06/21:** Confirm that off site access requirements of Fire and Rescue service have been met. However, attention is drawn to the site plan 3243-01f (A1) appears to show a narrow historical driveway to the eastern boundary leading to building D. The same plan appears to show a pinch point in the access road to the east of the proposed development. These observations are not considered to meet on-site access requirements. Use of the access to the east would not be acceptable. If granted, applicants should be aware that the Fire and Rescue Service would require the on-site access requirements need to comply with the table set out in the submitted letter. Access routes and hardstanding should comply with the table set out in the consultee response, and set out below;

Type of Appliance	Minimum Access Road Width	Minimum Clearance Height	Turning Circle Between Walls	Turning Circle Between Kerbs	Pinch Points Width (gates etc)	Minimum Weight Loading
Turntable Ladders and Hydraulic Platforms	3.7m	4.0m	29.0m	26.0m	3.1m	17 tonnes
						(23 tonnes)
Pumping Appliances	3.7m	3.7m	19.2m	16.8m	3.1m	12.5 tonnes
						(17 tonnes)

7.03 On-site access is a requirement of the Building Regulations 2010 Volume 1 and 2 and must be complied with to the satisfaction of the Building Control Authority who will consult with the Fire and Rescue Service once a building Regulations Application has been submitted.

7.04 **KCC Highways**

**23.11.21** – last comments – Condition relating ancillary occupation and parking could be conditioned. KCC Fire and Rescue may take a different view regarding the access.

Initial comment

No objections raised following a request for comments. A non-protocol response had originally been sent because the proposed development is for conversion of farm buildings to residential with an existing access from an unclassified road. In such cases KCC HA assume that the trips generated will be less than the extant use.

From the red-line boundary that the applicant is planning to use an existing access. While the current buildings have alternative track access from the west, the applicant could equally use the proposed access without constraints to serve the existing buildings if they were put back into agricultural / extant use.

7.05 It is generally assumed that the conversion of agricultural buildings to residential will generate/attract fewer trips (and few large vehicles) The applicant has also expressed this view in the 'Highway Overview' document (paragraph 1.17). The HA comment more trips data could be requested, but the HA comment Units B1, B2, B3 all have a within-unit 'Study' but they also have a 'Home Office' in a separate building (Building A). Whilst there could be a concern that these spaces could attract more trips than an average home office or study with the potential to attract client/customer trips and it is queried whether the units would be more than the average home office, if in planning terms it is non-residential office, a more detailed review of trip generation and any positive net change in trips would require a more thorough review of the access and visibility at the access.

7.06 KCC HA – have confirmed that a condition controlling the use to ancillary residential, would be suitable. (*Officer note – additional trip data has not therefore been requested*).

- 7.07 KCC Highways would object if KCC Fire & Rescue's comments cannot be resolved to their satisfaction. Attention is drawn to the fact that their comments do not appear to have been addressed.
- 7.08 The red-line shown on the Location Plan (top left corner of the Block Plan) encompasses the roadway east to Franks Hollow Road at Scriventon Lodge. KCC Fire & Rescue appear to have interpreted the entire access route as an 'on-site' issue and their concern in the third paragraph of their response may have been missed.
- 7.09 For reference, we typically require evidence of an access route with 3.7m width to an appropriately sized turning point within 45m of each building. KCC HA would also request a swept path demonstrating access for the fire tender and that the turning space is of appropriate size. However, as KCC Fire & Rescue have already provided comments it is requested that the applicant seeks to resolve this with KCC Fire & Rescue.

#### Public Rights of Way

- 7.10 Public Right of Way WT65 passes through the site. KCC Public Rights of Way comments on 22 June 2021. It is not clear if their comments have been addressed to their satisfaction.

#### Refuse Collection

- 7.11 The applicant has proposed a communal waste collection point which appears to be just within our required 25m drag distance for refuse collection services (public or private) which I presume are already using the access road to serve other properties (although you could seek confirmation of the current arrangement if you wish).
- 7.12 However, the applicant should note that the communal collection point would require residents to drag bins for some distance within the site. Our recommended maximum is 30m for residents to move a bin. This is exceeded for some units (particularly building C). However, this is frequently exceeded on rural sites of this size and I do not foresee an objection on this basis alone being sustained at appeal. Therefore, it is recommended that the applicant communicate the length of the drag distance with prospective buyers / residents.

#### Parking Requirements

- 7.13 An appropriate level of parking appears to be provided (assuming the site is 100% residential). I would recommend:
- That the double car barns measure at least 5.5m x 5.4m internally.
  - That the applicant confirms the space available for each external parking space (which need not be marked in reality but should offer at least 2.5m x 5.0m of space for each vehicle).
  - That the applicant provides at least one electric vehicle charge-point per property (Mode 3, AC, minimum output 7.4kW).

KCC HA would also request provision of cycle parking provision with secure storage space for one bicycle per bedroom and protection from the elements. This can be left to condition at this stage if you wish.

#### Construction Management Plan

- 7.14 If approved, please add the standard construction management plan condition.

- 7.15 **17/06/21:** Referring to the above description, it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. Standard informatives recommended.

**KCC Public Rights of Way**

**21/06/21:**

- 7.16 No objections raised, but KCC PROW Team have queried how the PROW (WT 65) will be accommodated. The public footpath has been identified in the application and it was also noted by the applicant that the legal line differs from the route walked by the public. The section of PROW crossing the site is a short section south of the proposed development, the footpath then continues across fields to the east. The walked route follows the farm track west towards Barden road, with the legal line leaving the track before re-joining the further south as shown on the enclosed plan.
- 7.17 The section of public right of way affected is currently a farm track/vehicular access, but it should be noted that maintenance to a standard suitable for vehicular access is the landowner/frontagers responsibility.
- 7.18 Further information is requested on how the public right of way will be accommodated along the section that crosses the site, including any proposed signage, or segregation to enhance pedestrian safety.
- 7.19 The following informatives to be brought to the applicants' attention:
- No furniture, fence, barrier or other structure may be erected on or across Public Rights of Way without the express consent of the Highway Authority.
  - There must be no disturbance of the surface of the Public Right of Way, or obstruction of its use, either during or following any approved development without the express consent of the Highway Authority.
  - No hedging or shrubs should be planted within 1 metre of the edge of the Public Right of Way.
  - Please also make sure that the applicant is made aware that any planning consent given confers no consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.

**TWBC Client Services**

- 7.20 **17/06/21:** Bins for the new properties to be purchased from TWBC by developer or client prior to being sold/occupied.

**TWBC Landscape & Biodiversity Officer (LBO)**

- 7.21 30.07.21 – Following earlier comments LBO confirmed, no further comments on the proposed plans, and the Biodiversity Net gain report demonstrates that the scheme meets or exceeds policy requirements.
- 7.22 Earlier comments can be summarised as follows;
- General approach is acceptable in landscape and biodiversity terms – but there are some details in the supporting ecology work and the general layout and landscaping that need to be addressed:
  - Provision for barn owls needs to be made, location to be established before determination but details can be secured through condition;
  - Mitigation for birds and bats, in the form of nesting and roosting opportunities within the buildings, general numbers and locations for now, full details by condition;
  - To properly assess the net gain provision, a clear plan is required of the habitats used for metric baseline and clear plan of the habitats used for the post development metric and access to the spreadsheet itself;

- It is important to establish how communal landscape areas and features will be retained and managed in the long term which may be a condition or legal agreement;
- Planting plan would benefit from more tree planting and will need further details, secured through condition, but the strategy should be clear at this stage in terms of general numbers and species, and details of hedge planting, width, protection, species, composition would be appreciated;
- A landscape condition would be required to include boundary treatments, at this stage a landscape masterplan be ensure it is clear what is proposed.
- The proposal loses some of its rural character through the use of sinuous roads, engineered geometry, front garden divisions and marked parking bays – improvements could include:
  - i Have a more open continuous area of parking in front of units 2, 3 and Building C
  - ii. Have a grass verge on the western side of the access to unit D including setting the garden boundary to Unit D back from the track.
  - iii. Irregular width and straightening of the southern access track – there is a need to retain and define a verge of defensible space to the southern end of Unit 1
  - iv. Units 1 to 3 have rear garden gates but no path – the bin store area could be broken up into two blocks and placed closer to the dwellings rather than being against the neighbours garage wall.
- levels between Building C and D is unclear and signage for the PROW through the site should be provided to prevent conflict with residents; and;
- there are no details of surface and foul water drainage.

#### **TWBC Environmental Health**

26.11.21

7.23 No objection raised, the revised report has been reviewed and no changes were identified since the first report and recommended discovery strategy remains. Satisfied that the same condition can be attached to the new application.

#### **7.24 CPRE – Objects on the following grounds;**

- The development is on a prominent rural site served by a narrow private road and leading on to a narrow rural lane. It is within the High Weald AONB and the Green Belt, outside the limits to built development of and some distance from the villages of Speldhurst and Bidborough.
- A Public Right of Way (WT65) passes through the site and the buildings are also visible from more distant parts of this footpath.
- This application is not markedly different from the previous application for conversion of these farm buildings to 8 dwellings that was refused first by the TWBC Planning Committee in June 2018 and subsequently at appeal (APP/M2270/W/18/3212228) in January 2019.
- While the number of proposed dwellings has been reduced and one building removed from the proposal, CPRE considers that the appeal judgement - that the development would be harmful to the character and appearance of the AONB and conflicts with the TWBC Core Strategy and Local Plan policies - applies equally to the current proposal.
- The site is in an unsustainable location where residents will be wholly reliant on private car use. Franks Hollow Road is a single track lane in parts, is one of the narrowest and steepest in the whole area around Royal Tunbridge Wells and has poor visibility, including at the proposed access point from the development. It has no footway or street lighting. Residents are unlikely to walk or cycle on this road or the footpath to Barden Road to shop at the limited facilities in Speldhurst or Bidborough.
- This is recognised by the applicants, as no provisions for active travel can be seen in the application but parking spaces and car ports are provided for 14 cars.
- CPRE are aware that the Public Right of Way is a well-used leisure route for ramblers, with Franks Hollow Road providing connection to other footpaths. Apart

from the dangers to walkers from private vehicles and delivery vans using the part of the PRow that passes through the site, a communal waste collection point for the development appears to be sited immediately alongside this footpath. CPRE suggest that the effect of the development on the safety and enjoyment of footpath users should be a material consideration in determining this application.

- CPRE are also very concerned about the impact of additional traffic on Franks Hollow Road. This is a designated Rural Lane in the TWBC Rural Lanes SPG and has been identified as a historic routeway, an important feature of the AONB which should be considered as a non-designated heritage asset (Objective R1 of the HWAONB Management Plan). It is currently in a poor state of repair and further damage is likely to be caused by additional traffic, with cars attempting to squeeze past each other or reversing to the few passing places. Additional traffic also increases the risk of traffic accidents, including at the proposed access from the development which is close to a sharp bend.
- Concerns raised regarding light pollution in an area of dark skies has been underestimated. The LVIA suggests that Barn A is solely used for garaging, implying that there will be limited artificial lighting used in this building. However, 9 of 17 west-facing windows will serve the proposed large home offices. External lighting will also be required for safety when walking between the garages/home offices and the dwellings, and to the communal waste collection point. Light spillage from windows in both building A and building B is likely to be visible at some distance from the site. While we note the recommendation for the lighting strategy and for bat boxes in the Updated Biodiversity Report, we do not believe that this fully addresses the potential impact on wildlife in and near the site.
- CPRE considers that the proposed conversion to residential use of this disparate group of agricultural buildings will materially change the character of this area and affect the enjoyment of the views across the AONB landscape. Barns are a common sight and blend into the landscape; the introduction of large windows on most elevations, garden boundaries, car parking areas and other domestic paraphernalia will adversely affect the perception of a tranquil rural route for walkers.
- If permitted, CPRE considers that conditions are required that relate to use of the home offices/car ports to be restricted to residents of the dwellings and not for independent use, removal of PD rights, external lighting to be strictly controlled.

## **8.0 APPLICANT'S SUPPORTING COMMENTS**

- This proposal has been carefully designed to take full account of the character of the location and the need to ensure a sensitive conversion proposal and the Appeal Decision of 7th May 2019. It represents a well-designed, sustainable proposal for this redundant Agricultural site, offering new housing to meet an acute local need.
- The Application proposal embodies the principles set out in the National Planning Policy Framework in making efficient use of existing land. This will be achieved without compromising the quality of the surrounding residential environment, the openness of the Green Belt or the character of the Area of Outstanding Natural Beauty, which will be preserved and enhanced by the conversion and re-use, with associated landscaping.
- The Application proposals accord with adopted Development Plan Policy and with Government advice and guidance. In the circumstances, Planning Permission can reasonably be granted.

### **Amended plans**

- In response to comments made on the amended plans, the agent has confirmed, there would be no overhead cables for this site, all electricity supplies would be underground, fee paid is based on the number of units proposed, and the additional site area has been consulted upon.

## **9.0 BACKGROUND PAPERS AND PLANS**

- Site location plan and block plan
- Existing and Proposed block plan
- Existing plans and elevations
- Biodiversity Net Gain report, July 2021
- Highway Overview
- Informal Landscape and Visual Impact Assessment
- Landscape Appraisal
- Landscape Plan E
- Hedge baseline and creation
- Planning, Design and Access Statement
- Structural Appraisal February 2021
- Phase 1 Contamination Risk Assessment April 2021
- 679- 100 Rev E Landscape Plan
- 3243 01 Rev J Block Plan and Location Plans
- 3243 02 Rev G Buildings A, C & D Proposed Plans, sections and Elevations
- 3243 03 Rev F Building B Proposed Plans, sections and Elevations
- 3243 06 E Site Sections, Boundary treatments & Materials
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## **10.0 APPRAISAL**

### **Principle of Development**

- 10.01 The site is located outside any of the LBD of any settlement and is thus considered to stand in the open countryside. It is also within the AONB and the MGB where, generally, new development would normally be restricted. However, in this instance the buildings exist and the proposal is for their re-use albeit with varying degrees of refurbishment work and new finishing materials. The site was considered within the SHEELAA as site 13, that concluded that "The site is in a rural area and there are concerns therefore about sustainability. Furthermore, any likely yield on this site is likely to be of a scale that is not considered suitable for allocation". The application site was considered as a site for potential yield of less than 10 residential units. It is necessary to consider the proposed development on its merits, and in accordance with the development plan in line with section 38 (6) of the Planning and Compulsory Purchase Act 2004, unless material considerations indicate otherwise.
- 10.02 The previous proposal for 8 dwellings under planning reference 17/02743/FULL, was refused at Planning committee due to the proposals effect on the character and appearance of the surrounding area, in particular with regard to the position in the AONB. The Inspector, when dismissing the appeal, found that, on balance, the proposals extent went beyond the close-knit arrangement between buildings B, C and D, the span of development and associated artificial boundaries would alter the open nature of the landscape. However, the Inspector also pointed out LP policy H13, concerned with conversion of buildings in the countryside, is relevant in instances of residential re-use, the creation of curtilages, access and parking facilities can be achieved without harm to the character of the countryside.
- 10.03 The updated National Planning Policy Framework (NPPF) (2021 and updated since the determination of the previous application) sets out at Paragraph 80, that new isolated homes in the countryside should be avoided unless there are special circumstances that would otherwise allow for them. One such circumstance is if a proposal is for the re-use of redundant or disused buildings and where it would lead to an enhancement to the immediate setting. At paragraph 150 d) the NPPF confirms that the re-use of permanent and substantial buildings within the Green Belt is not inappropriate development.

- 10.04 In the Core Strategy, Policy 2 “Green Belt” picks up on the national policy presumption against inappropriate development and Policy 4 “Environment” seeks to conserve and enhance the locally distinctive sense of place and character. The AONB will continue to be conserved and enhanced.
- 10.05 In terms of the saved policies of the Local Plan, Policy EN25 sets out a series of criteria that all development outside the LBD’s are required to satisfy, including that a proposal has a minimal impact on landscape character, and that alterations to a building would respect any local style and that they would have no significant impact on the buildings form, appearance or setting.
- 10.06 Policy H13 of the LP supports the residential re-use of a building whose bulk, form, general design, materials and scale is in keeping with its surroundings. The Policy sets out the following criteria that proposals for the conversion of rural buildings (including those in the MGB) to dwellings should satisfy:
1. The building would be capable of conversion without extensive alteration or rebuilding and/or extension
  2. The conversion can be achieved without detrimental effect on the building’s fabric or character
  3. The creation of a residential curtilage, access and car parking facilities could be achieved without harm to the character of the countryside
  4. The LPA is satisfied that, in the case of a recently constructed building, there was a genuine agricultural justification for the erection of the building originally.
  5. Re-use of the building for economic development purposes would be inappropriate by reason of its location or its scale or design; and
  6. The conversion would meet an identified local need for housing which does not conflict with a need to retain local employment opportunities, and is in a location that has good accessibility to a range of services in a nearby settlement.
- 10.07 It was previously concluded that the buildings proposed for conversion are typical agricultural buildings of a variety of sizes, finishes and design and are generally functional in appearance. Whilst not a consideration under Policy H13, the introduction of the “permitted development” prior notification procedure has allowed a wider range of buildings, including modern buildings, to be converted to dwellings. This site is in the AONB where this permitted development right does not apply, but in order to refuse the conversion it would have to be demonstrated that the proposal is harmful to the AONB. Whilst the existing buildings do not necessarily have a positive impact on the landscape, they can be considered to have settled into the landscape over time and are typical of the type of agricultural buildings found in the area, and are thus considered to be generally in keeping with their rural surroundings.
- 10.08 With reference to the criteria of Policy H13, the conversion works will involve material changes to the appearance of the buildings which all require replacement cladding, repairs or infilling to varying degrees. Changes are also proposed to add new openings for windows and doors. This is usual when considering the conversion of buildings of this type where the general form and character of modern buildings allows for less restriction on this extent of work than on more traditional farm buildings where much character derives from their lack of openings. It was previously

concluded that the subject buildings on this side would need varying degrees of alteration but their essential character will be retained and no extensions are proposed. Locational aspects of this site are discussed further below but the expected level of activity associated with residential use renders this use preferable to commercial uses which could generate further levels of traffic and/or larger commercial vehicles, and may put more pressure on the environment around the building for example for parking and storage. It was previously concluded that with the background of a continuing lack of a 5-year housing supply that a rejection based on criteria 5 and 6 of Policy H13 would be difficult to justify. The Council remains unable to demonstrate a five year housing land supply, and at August 2021 this stood at 4.89 years. A structural report has been submitted with the application that concludes conversion is a viable undertaking. The buildings are considered sound and not in need of major reconstruction. A schedule of principal repair items has been included. It is also recommended that any proposed conversion is carried out by a suitably experienced contractor who has prior experience of similar conversions. It is considered that points 1 & 2 have been addressed.

- 10.09 It is considered that the revised layout, that will be addressed below, addresses previous concerns raised by the Inspector in relation to the creation of residential curtilages, access and car parking facilities and that these can now be achieved without significant encroachment into and harm to the character or appearance of the countryside. The parking areas serving the buildings are on or immediately adjacent to existing areas of hardstanding, the layout of these spaces has been improved during the course of the application to respect the rural setting and character of the site.
- 10.10 The proposed residential curtilages are limited by the existing site boundaries and are not extensive. Furthermore, these have been reduced in area over those previous proposed under the refused scheme and, with the reduction in the number of dwellings, there has been a reduction in the number of private residential curtilages in any case. The access into the site would be from Franks Hollow Road which is already used by other residential properties and not considered to have a significant impact on the landscape or MGB. It is considered that the proposals comply with criteria 1, 2 and 3 of Policy H13. Criterion 4 does not apply owing to the age of these buildings.
- 10.11 As indicated previously current national legislation and policy has relaxed the requirements for conversions. The permitted development allowances for buildings outside AONB's has also further reduced previous restrictions by rendering some proposals acceptable without the need for formal consent. Although the character of the site would change to one of an entirely domestic nature, with the inclusion of gardens, and private parking, when taking into account additional landscaping and biodiversity measures that can be undertaken subject to condition, the proposal is not considered to reduce the openness of the MGB. Any further built development can be limited by removing permitted development rights by condition. The use of Block A as ancillary accommodation would assist with reducing the future level of development on the site.
- 10.12 Overall it is considered that the principle of this development is acceptable and to meet policy H13. It was previously concluded that the proposal (which is similar in character to the refused scheme) would be in accordance with Green Belt policy. In principle, the development is considered to accord with local plan policy and the NPPF. Local Plan policy makes provision for conversion of buildings to residential use where all of the criteria are met. Points 1 and 2 have been addressed in the preceding paragraphs, points 3 and 5 will be addressed below.

10.13 The proposal would contribute to providing a range of dwellings and contribute 5 units that weights in favour of the scheme given the lack of 5 year housing land supply. The proposal would make use of existing buildings, that already exist in a cluster on the site. Development is limited to the core buildings of block A-D making use of previously developed land. NPPF Paragraph 11 makes it clear that the presumption in favour of sustainable development in cases where the most important policies for the determination of the application are out of date, granting planning permission. In this case, policies related to the supply of housing supply are considered out of date. However, for the reasons set out, policy H13 is considered to accord with the NPPF 2021 and the would be in keeping with the direction of travel regarding permitted development rights. In this case para 11. D) i is not met, as it is not considered that the impact on the AONB (footnote 7) provides a clear reason for refusing the application. Therefore 11 d) ii must be considered and will be addressed below;

*ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

#### **Visual Impact and Landscape Impact including the AONB**

10.14 This proposal does not propose any overall changes to the scale and bulk of the existing buildings on site. The principal changes are visual and limited to their appearance as a result of new materials and openings for windows and doors provided in order for a suitable standard of accommodation and living standards to be realised. It is considered that they would not have a significantly greater impact on the wider AONB. To some extent they retain the character of rural buildings, mainly by reason of the materials, which are nonetheless appropriate on buildings of this type. The overall scale of the buildings would be as seen in the landscape at present from vantage points.

10.15 The following changes to the layout compared to the scheme dismissed on appeal, are as follows;

- The number of residential units has been reduced from 8 to 5. This results in a more compact scheme based around the access road to the south, and omits, Building E to the north, thereby reducing the spread of converted buildings, associated gardens, parking and separation distance of buildings to be converted.
- Whilst Building A would still be converted and stands at a lower level, this would be ancillary to the main use of Building B, and could assist in reducing the need for additional buildings on the site.
- The Inspector in this case was concerned the separation distance between the buildings previously proposed would be amplified by the separation distances, this would now be reduced to a more cohesive layout.
- Concern was raised regarding the use of a longer access, to Barden Road, that had not been thoroughly addressed in the LVIA – the track was to be made good – and extended to 3m in width. This would have a new section of track to link to the new access, of some 85m in length. The scheme now proposes access onto Franks Hollow that would be significantly shorter. This is an existing, tarmacked access road.

10.16 It is considered that the amendments to the layout, along with the overall reduction in the number of separate residential units on the site, have overcome the Inspector's concerns and reason for refusal in relation to the AONB.

- 10.17 New planting can contribute to the softening of the appearance but this will also be reliant on retaining the existing planting around the site. A landscape plan has been submitted following the comments of LBO that includes a native hedge to the north and west of the site, including land to the north west, outside the red edge. This area also includes a pond, that would provide both drainage but also be of more ecological benefit.
- 10.18 Parking is mostly restricted to locations within the group of buildings so that parked vehicles will not, as a result, be materially apparent from outside the site, or from adjoining, existing dwellings. The parking area in front of Building B has been amended during the course of the application to provide a more continuous area of parking and less domestic individual plots as originally submitted.
- 10.19 Residential curtilages have been tightly drawn around the buildings with no disproportionate incursions into the adjoining agricultural land. Existing boundaries are utilised with new outer boundaries mostly delineated with hedging. Furthermore, residential curtilages for Building B would now be more contained within the site and not so visually apparent from the edge of the site as previously proposed, overall there would be a reduction in residential curtilage on the site and residential paraphernalia is therefore more likely to be contained.
- 10.20 As set out previously further development, including garages and outbuildings can be controlled by removing permitted development rights, and landscaping, materials and car parking can also be controlled by condition.
- 10.21 The access has been revised from that proposed under the refused scheme, to take access of the existing Franks Hollow, but it is considered this is offset to some degree by closure of the existing access. The first section of the new access will be wide enough for two vehicles to pass which is seen as acceptable and necessary in terms of potential hazards from vehicles reversing onto Barden Road.
- 10.22 On balance any impacts on the visual amenity of the countryside and the appearance and character of the AONB are not considered so significant as to justify a reason for refusal. It is considered that point 3 of LP Policy H13 has been addressed satisfactorily.

### **Residential Amenity**

- 10.23 The nearest existing dwellings to the group of buildings are Scriventon Oast, which is adjacent to the existing group. Scriventon Lodge lays to the north of the access and Willow Tree Cottage to the south. Given the access is as existing it is not considered these neighbours would be directly affected by the proposals.
- 10.24 Scriventon Oast lies to the south of the group of buildings and shared its entire northern boundary with the site, with the nearest farm buildings a short distance away. A substantial garage/store stands between the Oast and the site and there are forecourt areas in front of both house and outbuilding. Scriventon Oast has a large mature garden including a pool. The proposed conversion works would, it is considered, have a limited impact as the size and bulk of the buildings remains as existing and thus there would be no unacceptable overshadowing, loss of light or loss of outlook. There are first floor windows in the southern flank of Building B being secondary bedroom windows and en-suite bathrooms. As these are approximately eight metres from the boundary it would not be unreasonable to require these to be glazed with obscured glass by condition so as to prevent overlooking. Other windows in the north and south elevations of this building would only give oblique views which in addition are partly interrupted by existing boundary planting and the outbuilding

attached to Scriventon Oast. The end flank wall of Building A is at ground floor level only and is at some further distance from the more private areas associated with Scriventon Oast. There will be added traffic noise and noise associated with domestic use, but it is not considered this would be likely to give rise to material disturbance.

- 10.25 The communal bin storage area is to be located to the east, it is not considered that this siting would result in harm to neighbouring amenity. A condition can be attached requiring details of an effective enclosure to be erected. Collection would be via the adjoining unaltered access that is to be used for emergency and larger vehicles. Refuse vehicles currently access adjoining dwellings so are in the vicinity of the site on a regular basis.

### **Highways**

- 10.26 It was previously concluded that in terms of its location this site is not particularly sustainable being some distance from the public highway with the access point in turn being at a distance from the nearest settlements (Speldhurst and Bidborough) which themselves only offer basic amenities. It would thus be highly likely that most trips to and from the site would be made in private cars. This is not an unusual situation in considering the conversion of agricultural buildings which, by their very nature, are often in remote locations away from services that residents will use. There is policy support in the NPPF for the conversion of such buildings which is seen as a special alternate circumstance to the normal presumption against allowing isolated dwellings in the countryside.
- 10.27 KCC Highways initially declined to comment on this application. The re-use of existing buildings is acknowledged through this application and the previous 2017 application. There is no objection in principle to this use in highway terms. Parking within the site is considered adequate to meet the needs of the development. Whilst the car ports would be narrower than expected from a new build carport/garage, within Building A, parking is also proposed to the front of Building B. Parking is shown to the front of Building D to serve that Plot. Parking is considered sufficient on the site to serve the development, at 2 spaces per unit and a significant area to the front of Building B.
- 10.28 Whilst KCC Highways comment that Kent Fire and Rescue's comments may not have been fully addressed, if the fire appliance is unable to turn, it is considered that the use of systems such as sprinklers within the dwellings may be a suitable alternative and the developer would also need to comply with Building Regulations. It is proposed that an informative is added to draw attention to the need for the applicant to consider these matters and the comments of Kent Fire and Rescue.

### **Impacts on the Public Footpath**

- 10.29 The public right of way crosses the south east corner of the site and runs north of the proposed access. The buildings are existing and will not change the route, furthermore, the access is also in position. It is understood from the agent that the access to the public right of way should be through Scriventon Oast's garden. There it is not considered reasonable to control this in any manner, there would be no worsening of the existing situation.

### **Ecology**

- 10.30 In terms of ecology, the LBO has reviewed the Biodiversity Net Gain report and concludes that the report demonstrates that the scheme meets or exceeds policy requirements. Furthermore, the application is supported by suitable landscape and

ecological studies that have informed the design and layout and mitigation of the scheme.

- 10.31 The communal landscape elements and features necessary to make the scheme acceptable need to be retained and managed, which may be achieved through condition. It is proposed that a LEMP condition, as set out in Section 11 of your reports, be included to secure the management of these areas. The LBO set out that more tree planting would be beneficial, to be secured through condition, however, the revised landscape plan sets out clear strategy and commitment to achieve this.
- 10.32 The general approach taken to landscape and biodiversity is considered to be acceptable. Provision needs to be made for barn owls, birds and bats in the scheme but can be secured through condition. There are no outstanding concerns in relation to ecology that cannot be addressed through conditions.

### **Flooding**

- 10.33 Records show that the buildings themselves do not stand on a flood plain. Whilst the previously proposed access, under the refused application, would have been located in the flood plain, the alternative access now proposed through Franks Hollow Road and Stockland Green are not affected by the flood plain. The Environment Agency previously raised no objection to conversion to residential on this site.
- 10.34 Drainage of the proposed scheme is stated as being to an effluent treatment plant with no connection to any existing drainage system being envisaged. A surface water system is to be laid through the site to connect into a new attenuation pond. These solutions would appear to be practical and proportionate and in the circumstances a condition requiring details of foul and surface water drainage is being recommended to assess the detail and ascertain that suitable provision is made.

### **Conclusion**

- 10.35 It is considered that the changes to the scheme are sufficient to overcome the Inspectors concerns when the previous appeal was dismissed on this site for 8 dwellings. The revision to 5 dwellings now proposed, along with the changes to the access, layout and less dispersed nature of the development, is considered appropriate and to accord with development plan policy. The proposal is for the conversion of existing buildings, and whilst the site is outside the LBD and within the MGB this type of development is not considered to be inappropriate in such a location and has previously been found to be acceptable. In regard to the impact on the character and appearance of the AONB, the proposal is considered acceptable for the reasons set out above. It is considered that the impact on protected species and ecology is acceptable and net gain has been demonstrated.
- 10.36 The buildings are substantial and require no major rebuilding or extensions to achieve their conversion. The materials used are considered appropriate for such a development and the design and appearance of the resulting dwellings is considered acceptable. Car parking can be achieved with little overall visual intrusion. Access relies on an existing unaltered access. The conversion of existing buildings and the scale of additional traffic is not considered to cause particular hazards for footpath users, or a diversion of the route taken by pedestrians. Landscaping and ecological needs can be met by condition. There is considered to be no material disturbance to adjoining residents. It is considered that the scheme as set out will not have a detrimental impact on the appearance or setting of the AONB.

10.37 In view of the above it is considered that this proposed development is acceptable in principle and is in accordance with the provisions of the development plan.

**11.0 RECOMMENDATION – GRANT** Subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Planning, Design and Access Statement  
Structural Appraisal February 2021  
Phase 1 Contamination Risk Assessment April 2021  
196- 100 Rev E Landscape Plan  
3243 01 Rev J Block Plan and Location Plans  
3243 02 Rev G Buildings A, C & D Proposed Plans, sections and Elevations  
3243 03 Rev F Building B Proposed Plans, sections and Elevations  
3243 06 E Site Sections, Boundary treatments & Materials

Reason: To clarify which plans have been approved.

3. Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the Local Planning Authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters. The details shall also include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: These details are required prior to the commencement of development due to the need to ensure that the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on or off site flooding.

4. Above ground construction of the development shall not commence until details of the proposed means of foul water sewerage disposal have been submitted to, and approved in writing by, the Local Planning. The development shall be carried out in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of foul water.

5. Written details including source/ manufacturer, of bricks, tiles, cladding materials and all paving/hard surfacing materials to be used externally shall be submitted to and

approved in writing by the Local Planning Authority before any above ground construction and the development shall be carried out using the approved external materials.

Reason: In the interests of visual amenity and to enable a high quality development.

6. Before any building is occupied, details for the storage and screening of refuse shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To facilitate the collection of refuse, preserve visual amenity and to reduce the occurrence of pests.

7. Before any building is occupied, details of any external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority. External lighting shall be installed in accordance with the approved details and no further external lighting shall be installed at any subsequent time.

Reason: In the interests of protecting the character and amenities of the locality.

8. If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.

b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: To ensure any potential contamination is identified and remedied appropriately.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development shall be carried out within Classes A, C, D, E, or G of Part 1 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order).

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

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), no windows, or similar openings shall be Inserted in the first floor of the south elevation of Building B, (Unit 1), or the north elevation of Building B (Unit 3) other than as hereby approved.

Reason: In the interests of the amenity of occupants of the adjoining property.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no gates, walls, fences or other means of enclosure shall be erected within the application site area other than as hereby approved.

Reason: To enable the Local Planning Authority to protect the visual amenities of the locality.

12. Before the first occupation of Unit 1 of Building B hereby permitted, the windows(s) at first floor level, south elevation, and the windows at the first floor, north elevation of Unit 3, shall be fitted with glass that has been obscured in the manufacturing process to Pilkington level 3 or higher (or equivalent) and shall be non-opening up to a maximum height of 1.7m above internal floor level. Both the obscured glazing and the non-opening design shall be an integral part of the manufacturing process and not a modification or addition made at a later time. The windows shall thereafter be retained as such.

Reason: In the interests of protecting the residential amenities of adjacent dwellings.

13. Any existing trees or hedges retained on site which, within a period of five years from the first occupation of a property, commencement of use or adoption of land, die or become, in the opinion of the local planning authority, so seriously damaged or diseased that their long term amenity value has been adversely affected, shall be replaced in the same location during the next planting season (October to February), with plants of an appropriate species and size to mitigate the impact of the loss as agreed in writing by the local planning authority.

Reason: To safeguard the amenity and nature conservation value of the trees that have failed and to maintain and enhance the character and appearance of the local area.

14. Prior the occupation of the development hereby permitted, vehicle parking and turning area shall be provided, in accordance with details submitted to and approved in writing by the Local Planning Authority, and shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users.

15. The parking and home office to be provided in Building A hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the Building B, Units 1 – 3 and shall be used for no other purpose.

Reason: To prevent the formation of a substandard dwellings without adequate independent living space, amenities, access and car parking, and in the interests of the character and visual amenities of the area.

16. Prior to the first occupation of any part of the development, full details of hard and soft landscaping and a programme for carrying out the works shall be submitted to the Local Planning Authority for approval, the submitted details shall accord with Drawing 679-100 rev E Landscaping plan. The submitted scheme shall include details of hard landscape works, including hard surfacing materials and boundary treatments; and details of soft landscape works, including planting plans, written specifications (including cultivation and other operations associated with the plant and grass establishment) and schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

Reason: In order to protect and enhance the amenity of the area.

17. The approved landscaping scheme shall be carried out fully in accordance with the approved programme. Any trees or other plants which, within a period of ten years from the completion of the development on that phase, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.

Reason: In order to protect and enhance the amenity of the area.

18. Prior to the first occupation of the dwellings hereby permitted, a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include bird and bat boxes within the development site, and in addition shall have regard to the enhancement of biodiversity generally. It shall be implemented in accordance with the approved proposals within it and shall be carried out in perpetuity.

Reason: To protect and enhance existing species and habitat on the site in the future and enhance such provision is incorporated in to the development prior to construction. Such details are fundamental to the application and are therefore required prior to its commencement.

19. Prior to the first occupation of the dwellings hereby permitted, details of a Landscape and Environmental Management Plan (LEMP) for the site in accordance with BS42020 Biodiversity to include details of the management of the communal open space and boundary hedging/landscaping, shall be submitted to and approved in writing by the Local Planning Authority. The site shall be maintained in accordance with this plan thereafter.

Reason: In the interests of the protecting the landscape character of the site and p reserving/enhancing its habitats and ecological value.

20. Prior to the commencement of the structural alterations to the buildings hereby approved, detailed drawings and a full written schedule of works shall be submitted to and agreed in writing by the Local Planning Authority including a method statement setting out the sequence of the works, and the works shall be carried out in accordance with the approved details. Should the extent of works alter during the course of the development then the applicant must submit full details of the proposed alterations for written approval prior to carrying out the works.

Reason: To safeguard the character and appearance of the buildings.

## INFORMATIVES

1. The applicant is advised that any foul sewage package treatment plant associated with this development will require an Environmental Permit under the Environmental Permitting Regulations 2010, from the Environment Agency, unless an exemption applies. The applicant is advised to contact the Environment Agency on 08708 506 506 for further advice and to discuss the issues likely to be raised. The applicant should be aware that the permit may not be granted. Additional 'Environmental Permitting Guidance' can be accessed via the Environment Agency main website <http://www.environment-agency.gov.uk>
2. The applicant is advised to contact Kent County Council Public Rights of Way and Access Service to discuss any alterations to the Public Right of Way including new surfacing and removal of steps at the site boundary.
3. The applicants attention is drawn to the Mid Kent Environmental Code of Development Practice, broad compliance with which is expected during the course of construction.
4. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.
5. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Case Officer: Marie Bolton

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.  
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.