

4.1 21/03663/FUL

Revised expiry date 2 May 2022

Proposal:

Conversion of an existing barn into a new 4-bedroom dwelling with associated parking, amenity space and landscaping.

Location:

Land North West Of Canada Farm, Canada Farm Road, South Darenth KENT DA4 9LA

Ward(s):

Farningham, Horton Kirby & South Darenth

Item for decision

This application has been called to Committee by Councillor McGarvey due to concerns about the standard of living for future occupiers of the proposed development and the impact on amenity as a result of noise and disturbance from the nearby kennels.

RECOMMENDATION: That planning permission be GRANTED 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.

In pursuance of section 91 of the Town and Country Planning Act 1990.

2) Prior to the installation of any new external facing materials to the building, details of the materials and finishes to the external facades of the building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved details.

To preserve the character and appearance of the area in accordance with policy EN1 of the Sevenoaks Allocations and Development Management Plan.

3) The development hereby permitted shall be carried out in accordance with the following approved plans and details: Drawing No. DHA/16071/01, DHA/16071/11 Rev A, DHA/16071/12 Rev A, DHA/16071/13 Rev A and DHA/16071/14.

For the avoidance of doubt and in the interests of proper planning.

4) Prior to the first occupation of the development, full details of hard and soft landscaping across the site, including any boundary fencing and hard surfacing, shall be submitted to and approved in writing by the Local Planning Authority. All soft landscaping shall be implemented not later than the first planting season following the first occupation of the development. All hard surfaces shall be laid in accordance with the approved details prior to the first occupation of the development.

To preserve the character and appearance of the area in accordance with policy

EN1 of the Sevenoaks Allocations and Development Management Plan.

5) No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work on Sunday or Bank/Public Holidays.

To protect the amenity of local residents, in accordance with policy EN2 of the Sevenoaks Allocations and Development Management Plan.

6) The development hereby approved shall be carried out in accordance with the recommendations set out in the Noise Impact Assessment dated January 2022 and produced by Omnia.

To protect the amenity of future occupiers, in accordance with policy EN2 of the Sevenoaks Allocations and Development Management Plan.

7) Bedroom 2 of the development hereby approved shall incorporate alternative ventilation to achieve a minimum attenuation performance of 24dB+ Ctr, in accordance with section 5.2 of the Noise Impact Assessment (dated January 2022 and produced by Omnia).

To protect the amenity of future occupiers, in accordance with policy EN2 of the Sevenoaks Allocations and Development Management Plan.

8) Prior to the commencement of the development, full details of the acoustic fence shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall demonstrate that the acoustic fence will meet the criteria detailed in section 5.1 of the Noise Impact Assessment (dated January 2022 and produced by Omnia).

To protect the amenity of future occupiers, in accordance with policy EN2 of the Sevenoaks Allocations and Development Management Plan.

9) Prior to first occupation of the development, acoustic testing shall be undertaken by a competent person. The findings of the acoustic testing shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the noise levels detailed in table 4 at paragraph 7.7.2 of BS 8233:2014 are met.

To protect the amenity of future occupiers, in accordance with policy EN2 of the Sevenoaks Allocations and Development Management Plan.

10) Prior to commencement of the development hereby approved, a phased contaminated land investigation of the site shall be carried out and submitted to and approved in writing by the Local Planning Authority. This shall comprise of 1. A Preliminary Risk Assessment which has identified: all previous (historical) uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; potentially unacceptable risks arising from contamination at the site; 2. A Site Investigation Scheme, based on (1) above, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site; 3. An options appraisal and remediation strategy, based on the Site Investigation Scheme and the detailed risk assessment (2), giving full details of the remediation measures required and how they are to

be undertaken. On completion of all remediation works, the applicant shall submit 4. A Verification Report demonstrating that all remedial works were undertaken to an appropriate standard. The report shall also identify any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The development shall be carried out in accordance with the approved details.

In the interests of pollution prevention and safety and to safeguard the amenities of residents, in accordance with the policy EN2 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.

11) If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority prior to the first occupation of the development.

In the interests of pollution prevention and safety and to safeguard the amenities of residents, in accordance with the policy EN2 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.

12) Prior to the first occupation of the development, the parking spaces shown on drawing no. DHA/16071/11 (Rev A) shall be provided in full and shall be so maintained and available for use as such at all times.

To ensure the development delivers appropriate parking provision in accordance with policy EN1 and T2 of the Sevenoaks Allocations and Development Management Plan.

13) Prior to first occupation of the development, details of an electrical vehicle charging point shall be submitted to and approved in writing by the local planning authority. The charging point shall be installed prior to the first occupation of the development and shall be maintained thereafter.

To encourage the use of low emission vehicles in accordance with policy T3 of the Sevenoaks Allocations and Development Management Plan.

14) No development, including any works of demolition or preparation works prior to building operations, shall take place on the site until a Construction Transport Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved statement will be adhered to throughout the construction period and shall include details of: (a) a photographic survey of Public Byway SD158 from the junction with Canada Farm Road to the entrance to the site;(b) parking for vehicles of site personnel, operatives and visitors;(c) loading

and unloading of plants and materials; (d) storage of plant and materials used in constructing the development and (e) measures for traffic management.

To mitigate the impact during demolition and construction relating to the safety and free flow of the Public Right of Way Byway SD158 and residential amenities, in accordance with policies EN1 and EN2 of the Sevenoaks Allocations and Development Plan and the National Planning Policy Framework.

15) Prior to the commencement of the development (including site clearance), all precautionary mitigation measures will be carried out in accordance with the details contained in sections 2.1 through to 2.18 of the Ecological Impact Assessment (Native Ecology December 2021).

To ensure the development does not cause harm to protected species, in accordance with policy SP11 of the Sevenoaks Core Strategy.

16) No external lighting shall be installed on the building or within the curtilage of the site other than in accordance with an external lighting design plan which shall first have been submitted to the Local Planning Authority and approved in writing. The plan will show the type and locations of external lighting, demonstrating that areas to be lit will not adversely impact biodiversity. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained as such thereafter.

To ensure the development does not cause harm to protected species, in accordance with policy SP11 of the Sevenoaks Core Strategy.

17) Prior to the first occupation of the development, details of an ecological enhancement plan shall be submitted to and approved in writing by the Local Planning Authority. This will include a native species-only landscape scheme. The development shall be carried out in accordance with the approved details and maintained thereafter.

To ensure the development delivers ecological enhancements in accordance with policy SP11 of the Core Strategy.

18) If foul water drainage is to a non mains system, prior to the commencement of the development a scheme for the proposed drainage arrangement shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details regarding the non - mains foul water drainage system. This shall include: a schematic diagram of the proposed foul drainage system, the total accommodation / buildings (including number of bedrooms to the property) that will use the existing or proposed system, drainage field / soakaway, estimated daily flow, capacity of the septic tank. The approved scheme must be implemented in full prior to occupation and maintained thereafter.

In the interests of public health, in accordance with the aims of the National Planning Policy Framework.

19) If the proposed development is to source water from a non mains supply, prior to occupation the applicant must submit a report from a suitably qualified and competent person which identifies the source of the private water supply, the proposed treatment process and demonstrates the capability of the treatment

system to achieve a sufficient and wholesome supply of water in accordance with Regulation 4 of the Private Water Supplies (England) Regulations 2016 (as amended). Once agreed in writing with the local planning authority, the treatment system must be installed and the water sampled prior to first occupation of the development, to ensure that the water is wholesome and safe to drink.

In the interests of public health, in accordance with the National Planning Policy Framework.

20) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting those orders), no development falling within Classes A, AA, or E of Part 1 of Schedule 2 to the said Order shall be carried out or made to the dwelling without the grant of planning permission by the local planning authority.

In order to protect the openness of the Metropolitan Green Belt in accordance with Policy GB1 of the Sevenoaks Allocations and Development Management Plan.

Informatives

1) The condition of the public right of way must be kept under review by the applicant and more planings added as necessary, by them, to ensure the public use is not adversely impacted.

2) The right of way must not be stopped up, diverted, obstructed (this includes any building materials, vehicles or waste generated during the works) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent. Any contravention of these restrictions could result in legal action being taken.

3) The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way.

4) The local authority has a statutory duty to risk assess and monitor all commercial and small shared supplies to ensure that the water supply meets all of the prescribed concentrations or values set out in the Private Water Supplies (England) Regulations 2016 (as amended)

National Planning Policy Framework

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

Description of site

- 1 The site comprises of an agricultural barn located on the western side of Canada Farm Road. The site is accessed by a byway that is open to all traffic.

Description of proposal

- 2 Conversion of an existing barn into a new 4-bedroom dwelling with associated parking, amenity space and landscaping.
- 3 During the course of the application, the application has been amended as follows:
 - An ecological impact assessment was provided;
 - The internal arrangements of the development were amended and elevations altered;
 - The access gate was removed from the proposal and parking and turning was reconfigured, including the addition of a visitor parking space; and
 - A tracking diagram was provided to demonstrate vehicle turning on site
- 4 In addition to the above, an updated noise impact assessment was provided with recommended mitigation measures and an explanatory letter.

Relevant planning history

- 5 20/00374/PAC - Prior Notification for a change of use from agricultural use to dwellinghouse and associated operational development. This application is made under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 - Prior Approval Refused - 31/03/2020

Policies

- 6 National Planning Policy Framework (NPPF)
- 7 Para 11 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development proposals that accord with an up-to-date development plan should be approved without delay.
- 8 Para 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:
 - the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- Footnote 6 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

9 Core Strategy (CS)

- L01 Distribution of Development
- L07 Development in Rural Settlements
- L08 The Countryside and the Rural Economy
- SP1 Design of New Development and Conservation
- SP2 Sustainable Development
- SP5 Housing Size and Type
- SP11 Biodiversity

10 Allocations and Development Management Plan (ADMP)

- SC1 Presumption in Favour of Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection
- EN7 Noise Pollution
- GB7 Re-Use of a Building within the Green Belt
- T2 Vehicle Parking
- T3 Electric Vehicle Charging Point

11 Other

- Development in the Green Belt Supplementary Planning Document (SPD)

Constraints

12 The following constraints apply:

- Green Belt
- Public Right of Way Byway
- Ancient Woodland to west of site
- Local Wildlife Site to west of site

Consultations

13 Horton Kirby and South Darenth Parish Council:

14 First response: - Objection. "Adequacy of parking (for visitors) and safety - this is sited on a single lane on a tight bend. There is nowhere else to park.

15 The plan is incorporating the public right of way/bridleway to the ancient woodland, concerns that this could become blocked.

16 The application is sited between 2 animal boarding kennels, concerns that residents would have issues with noise emanating from these established and popular businesses."

- 17 Responses following amendments: - No further responses have been received.
- 18 Environmental Health:
- 19 First response: -
- 20 “I have now reviewed the submissions including the information provided on behalf of Canada Farm Kennels and as a result I have the following observations.
- 21 The applicant will need to provide a phase 1 (desk top) contaminated land assessment and if so identified a phase 2 (intrusive) assessment. If the intrusive instigation identifies contamination then the applicant shall submit a remediation strategy to be agreed in writing by the local planning authority prior to implementation. On completion of all remedial works and any soil importation the applicant shall submit a verification report to be agreed in writing by the local planning authority prior to first habitation of the dwelling. If you are minded to grant permission this could be achieved by condition.
- 22 I am not entirely satisfied that the noise impact assessment provided by Omnia has fully characterized the potential noise exposure to the proposed dwelling. I am very familiar with the guidance mentioned in the assessment and interpretations that can be attributed to them. I have read the report provided on behalf of Canada Farm Kennels, undertaken by Able Acoustics and for the most part agree with observations made regarding the Omnia report.
- 23 The purpose of any assessment is to demonstrate the likely impact on the proposed development not on its best day, its worst day but what is the most likely impact on the development and here I believe the assessment by Able Acoustics has given a better characterization of the likely noise exposure to the proposed dwelling given the measurements and assumptions made regarding the character and level of noise likely to be experienced.
- 24 I am therefore not satisfied that the applicant has demonstrated that future inhabitants of the dwelling would not be adversely impacted by noise from the existing nearby business use.”
- 25 Response following amendments:
- 26 “Environmental Health has no objection in principle to the above application, however the following matters must be considered
- 27 Condition for Construction Hours recommended.
- 28 Noise - Having reviewed the document entitled ‘Noise Impact Assessment | C10663 | Canada Farm, Kent’ (dated January 2022) [produced by Omnia], I find the report, methodology and findings to be reliable. I therefore recommend that any future permission granted is in accordance with the Omnia report.

- 29 The development shall include an acoustic fence meeting the criteria detailed in section n5.1 of the Omnia report.
- 30 Bedroom 2 shall incorporate alternative ventilation to achieve a minimum attenuation performance of 24dB+ Ctr.
- 31 Condition for Electric Vehicle charging points recommended.
- 32 Contaminated Land - As the proposed end use is residential and the previous agricultural use may have introduced contaminants including herbicides and pesticides, or the use of a sheep dip. Conditions recommended.
- 33 Foul Water Drainage - Further information is required as to the proposed foul water drainage arrangement. If foul water drainage is to a non mains system, then I request the following condition is included with any future permission granted.
- 34 Private water Supply - If the proposed development is to source water from a non mains supply, I recommend a condition is attached to any future permission granted.
- 35 Condition recommended for acoustic testing.”
- 36 KCC Highways:
“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.”
- 37 KCC Ecology:
- 38 First response:
- 39 “We have reviewed the ecological information submitted in support of this application and advise that additional information is sought from the applicant prior to determination of the planning application.
- 40 We highlight concern regarding the proposed development’s impact to the adjacent woodland (which is also a Local Wildlife Site) and the loss of priority habitat (woodland) on-site.
- 41 Ancient Woodland, Priority Habitat and Biodiversity Net-Gain
Paragraph 180 of NPPF states “development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists”, with the Forestry Commission/Natural England’s Standing Advice stating there should be a 15m buffer-zone between the development and ancient woodland.
- 42 We also highlight that under section 40 of the NERC Act (2006) biodiversity must be maintained and enhanced through the planning system, and part of

this is to safeguard priority habitats (as defined in section 41 of the NERC Act), as well as maintaining biodiversity in general.

- 43 We appreciate that there is already an existing footprint within 15m of the ancient woodland but highlight that deterioration to the ancient woodland's ecosystem could occur indirectly once the development is operational. This includes potential impacts from light pollution (there are windows upon the south-west elevations, very close to the ancient woodland boundary), recreational disturbance, cat predation and spread of invasive species.
- 44 Whilst some impacts cannot be mitigated for (such as cat predation and recreational disturbance) some potential impacts can be mitigated for, and we would want to see assurance that every effort has been made to limit adverse impacts. This would include a redesign to omit windows from the western aspect (or another measure to limit internal light spill) and provision of a native species landscape plan. We would also seek assurance that there would be no light pollution from any external lighting once operational.
- 45 Moreover, it is unclear how much of the priority habitat on-site will be lost (if any) to parking, access and amenity grassland. We highlight concern that any loss of this habitat, combined with the loss of the dense scrub, will lead to an overall loss of biodiversity. At present, the development appears to entail a biodiversity net-loss which would contravene section 40 of the NERC Act and paragraph 180 of the NPPF (2021).
- 46 Given the small-scale nature of the site, combined with the amount of high-quality habitat onsite, it is difficult to see how biodiversity net-gain can be achieved. As such, the local planning authority will likely have to accept a loss of biodiversity if planning permission is granted.
- 47 If the local planning authority is minded to permit development, we would strongly recommend that the additional information regarding lighting and landscaping (mentioned above) is provided prior to determination.
- 48 Protected Species - Regarding protected species, it is considered that a precautionary approach is suitable for most protected species likely to be on-site (namely breeding birds, reptiles and dormice) but highlight that one tree (T1 as labelled in the report) has 'moderate' suitability for roosting bats.
- 49 It is unclear from the proposed site layout if tree T1 would be lost so we would seek clarification as to whether the tree is to be removed. If it is, one bat emergence survey will be required in accordance with current guidance, and this should be provided prior to determination of the application."
- 50 Response following amendments:
- 51 "Our previous advice note (30th November 2021), highlighted concerns regarding impacts to the ancient woodland and loss of biodiversity on-site. Whilst it is still not overly clear if biodiversity-net gain is being achieved, or if there will be no adverse impacts to the ancient woodland, efforts have been made to reduce potential impacts as much as possible.

- 52 This includes:
- Removing windows from the western elevation.
 - Clarification of the trees to be retained/removed.
 - Provision of a precautionary mitigation strategy and an outline landscape plan.
- 53 As such, we take the view that impacts to biodiversity/ancient woodland are likely to be minimal. If planning permission is granted, we advise that the conditions below are included.
- 54 Biodiversity and Lighting - To mitigate against potential adverse effects on bats (and other nocturnal wildlife), and in accordance with paragraph 180 of the National Planning Policy Framework 2019, we suggest that section 2.6 of the ecological impact assessment is consulted in the lighting design of the development. We advise that the incorporation of sensitive lighting design for bats is submitted to the local planning authority, as recommended in the ecology report, and secured via an attached condition with any planning permission.
- 55 Protected Species and Habitats - There is potential for protected species to be impacted, such as dormice, badgers and nesting birds, during construction. Therefore, a precautionary mitigation approach has been proposed. This includes measures such as appropriate timing of works, covering of excavations and sensitive vegetation clearance. The proposals also include measures to safeguard the ancient woodland and priority habitat on-site, such as the provision of protective fencing.
- 56 To secure the implementation of this approach, we advise that a condition is attached to any granted planning permission.
- 57 Biodiversity and Ecological Enhancement - Under section 40 of the NERC Act (2006), and paragraph 180 of the NPPF (2021), biodiversity must be maintained and enhanced through the planning system. Additionally, in alignment with paragraph 180 of the NPPF 2021, the implementation of enhancements for biodiversity should be encouraged.
- 58 The only proposed soft landscaping for biodiversity is ‘wildflower/shrub planting’. We highlight that any soft landscaping must consist of native species only. To secure this measure, we advise that a condition is attached to any granted planning permission.”
- 59 KCC Public Rights of Way:
- 60 First response:
- 61 “Public Right of Way Byway SD158 (not a bridleway as many of the comments state) runs from Canada Farm Road in a westerly direction along the northern side of this site. The public has the right to use a byway on foot, horseback, in horse drawn and mechanically propelled vehicles. However, this byway is surfaced with unbound plainings and does not constitute a readily suitable surface for residential vehicles although it can

be used by agricultural vehicles and 4x4s, but is mainly used by equestrians and pedestrians.

- 62 I enclose a copy of the Public Rights of Way network map showing the line of this path for your information.
- 63 The Planning Statement at 6.7 Transport Impacts says:
'6.7.1 Vehicular access to the site exists via established access from Canada Farm Road via the public bridleway, which is to be retained.' The present access point is not in line with the proposed vehicle entrance to the site. Indeed, having geo-referenced the layout plan to Mastermap it appears that the black line of the fence and gate proposed directly obstructs the line of the public right of way and I would **object** to the development on those grounds.
- 64 I also attach a picture from Google Streetview from January 2021 showing the surface of the byway and the entrance/exit onto Canada Farm Road. There is little visibility when exiting the site onto the public carriageway with bends in the road in either direction. Previously there were two wooden bollards limiting access to vehicles of 5 feet 10 inches in width as can be seen in the October 2016 and February 2009 and August 2009 Google Street Views.
- 65 6.7.2 states that, 'The proposed development would not be expected to generate significant additional vehicle trips and would not demonstrably impact upon local highway capacity, amenity or operation nor would it have any severe impact on the local highway network in line with the NPPF.'
- 66 I would disagree. The presence of occasional agricultural vehicles will be very different to a residential use of the site by a 4-bedroom property. There is no public transport within walking distance of the site so all trips will at least begin and end with a private vehicle.
- 67 The use of a sliding gate directly on the edge of the byway (if the plan is altered to show the correct boundary with the byway) is not acceptable as any delivery vehicles would have to wait on the byway, obstructing it, for the gate to be opened. The gate should be set back into the property so that waiting vehicles can be off the public right of way so that passage by the public along it is not impeded.
- 68 I would also question whether there is space within the proposed layout for vehicles to turn round so that they can leave the site in forward gear.
- 69 Canada Farm Road is a single track, winding carriageway with no opportunity for visitor parking along it which could result in obstruction of the byway if visitors and contractors are unable to park within the site.
- 70 If the plan is amended to take account of the public byway, access and parking then, if permission is to be granted, I would also request a condition.
- 71 Response following amendments:

- 72 “As stated in my letter of 6th December 2021 the public are incorrect in stating that the right of way is a bridleway. It is a byway open to all traffic and thus there is a right to drive along it in motorised vehicles. I would reiterate my comment that the surface is constituted of unbound planings. Constant daily use by residential vehicles and construction vehicles during the works will result in erosion where they turn into the site. This would need to be kept under review by the applicant and more planings added as necessary, by them, to ensure the public use is not adversely impacted.
- 73 I am happy to note that the amended layout shows the sliding gate removed which will mean vehicles do not have to wait on the public right of way and prevent obstruction of the route.
- 74 I also note that the Tracking plan T-01 Rev P1 shows that vehicles will be able to turn within the property so that they can leave the site in forward gear.
- 75 Further geo-referencing is difficult as so little, by way of adjacent permanent reference points are available so I would instead state that the right of way must not be stopped up, diverted, obstructed (this includes any building materials, vehicles or waste generated during the works) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent. Any contravention of these restrictions could result in legal action being taken. Conditions and informative recommended.
- 76 Natural England:
- 77 First response: “No comments.”
- 78 Response following amendments: “Natural England has previously commented on this proposal and made comments to the authority in our letter dated 24 November 2021.
- 79 The advice provided in our previous response applies equally to these amendments and additional information although we made no objection to the original proposal.
- 80 The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.
- 81 Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.”
- 82 Forestry Commission: Information provided but no objection.

- 83 Kent Wildlife Trust: No responses received.
- 84 Kent Archaeological Rescue Unit: No responses received.
- 85 Thames Water: No responses received.
- 86 South East Water: No responses received.

Representations

- 87 We received 11 letters of objection relating to the following issues:
- Bridle path incorporated into the site and the affect this may have on the public use of the path
 - Byway too narrow to accommodate horses and traffic safely
 - Change of use from bridle way to vehicular access to the property
 - Safety of building works being carried out on the land
 - Visitor parking
 - Fly tipping
 - Impact on Highways and Pedestrian Safety
 - Hazard to traffic, horse riders, walkers, cyclists
 - Noise and disturbance due to kennels in close proximity
 - Absence of acoustic evidence to confirm the suitability of the residential conversion
 - Water supply and pressure

Chief Planning Officer's appraisal

- 88 The main planning considerations are:
- Impact on the Green Belt
 - Design and Impact on the character of the area
 - Impact on residential amenity
 - Parking provision
 - Impact on Public Rights of Way
 - Highways and Pedestrian Safety
 - Biodiversity
 - Trees and Landscaping

Impact on the Green Belt

- 89 As set out in paragraph 149 of the NPPF, new buildings in the Green Belt are inappropriate development. There are some exceptions to this, such as the re-use of buildings provided that the buildings are of permanent and substantial construction. Paragraph 147 states that where a proposal is inappropriate development in the Green Belt, it is by definition harmful and should not be approved except in very special circumstances.
- 90 Paragraph 148 of the NPPF advises we should give substantial weight to any harm to the Green Belt. Very special circumstances will not exist unless the

potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. Therefore, the harm in principle to the Green Belt remains even if there is no further harm to openness because of the development.

91 Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form. Even if there is absence of harm to openness, there can be harm in principle to the Green Belt from inappropriate development.

92 Assessment against policy and impact on openness:

93 The NPPF states that new buildings in the Green Belt are inappropriate, however, under paragraph 150(d) there are exceptions including “the re-use of buildings provided that the buildings are of permanent and substantial construction” and provided that it preserves the openness of the Green Belt and would not conflict with the purposes of including land within it.

94 Policy GB7 provides the local policy on the re-use of a building within the Green Belt. It states that proposals will be permitted if the following criteria is met:

a) The proposed new use, along with any associated use of land surrounding the building, will not have a materially greater impact than the present use on the openness of the Green Belt or harm the existing character of the area; and

b) The applicant can demonstrate through a detailed structural survey and method statement that the buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction that would detract from their original character.

Where the proposal seeks the re-use of an agricultural building constructed within the last 10 years, it will be necessary for the applicant to demonstrate that there is no longer an agricultural need for the building, or that the building is no longer fit for its agricultural purpose.

95 The development would not materially harm the openness of the Green Belt or conflict with the purposes of including the land within it when compared to the present use of the building. This is because there would be no change in the scale, form, footprint, bulk or volume of the building as a result of the development. Externally, the development would see the introduction of window and door openings and Juliet balconies which would not extend beyond the existing built footprint of the building. The proposed garden amenity space is modest and the associated landscaping would not introduce any significant bulk or additional built form to the site.

96 The site is surrounded by trees and the development would not result in any additional built form which would encroach into the surrounding open fields or the countryside beyond. The surrounding fields to the north, west and east of the application site would remain undeveloped. Therefore, it is considered that the visual impact of the development on the openness of the Green Belt would be limited.

- 97 A structural assessment has been provided as part of the application. This document states that the building is sound and not in need of major reconstruction and can remain standing as existing throughout the construction process. Having carried out a site visit, I am also satisfied that the building is of permanent and substantial construction and that the development would not require major or complete reconstruction of the building.
- 98 It is not considered necessary for the applicant to demonstrate that there is no longer an agricultural need for the building as aerial imagery available to the Council demonstrates that the existing building has been in situ for more than 10 years.
- 99 Overall, it can be concluded that the proposal would not have a greater impact on the openness of the Green Belt than the existing development, and that the proposal would be appropriate by definition. The proposal would therefore comply with policy GB7 of the ADMP and the NPPF.
- 100 To ensure that any future development on the site do not cause harm to the openness of the Green Belt, it is considered appropriate in this instance to remove permitted development rights for extensions to the dwelling as well as outbuildings.

Design and impact on the character of the area

- 101 Policy SP1 of the Core Strategy and Policy EN1 of the ADMP state that all new development should be designed to a high quality and should respond to and respect the character of the area in which it is situated.
- 102 The proposal would involve the conversion of the existing barn into one residential dwelling with garden amenity space, parking and landscaping. Whilst this could be more intensive than the existing agricultural use of the barn, the overall appearance of the development would not be significantly different.
- 103 The existing barn is of a simple form and character with little animation provided by any openings. As such, the design and form of the existing barn would appear typical of a building with agricultural origins, and it sits comfortably within its rural setting.
- 104 In the context of the wider area, the barn is located on the western side of Canada Farm Road and is accessed via a byway from the road. The barn is partially visible from Canada Farm Road, particularly when approaching the site from the north. However, the site is also partially screened by the trees and foliage along the south, east and west boundaries and, as such, the existing barn does not appear as an unduly dominant feature within the street scene and instead sits quietly amongst its surroundings. This would continue to be the case after the building is converted into one dwelling as there would be no change to the overall scale, form, bulk, or height of the development that would significantly alter the visibility or prominence of

the building within the street scene. The large trees and foliage surrounding the barn would be retained which would help to soften the development.

- 105 In addition, it is considered that the works to convert the building into a dwelling would respect the rural character of the site and the surrounding area. The converted building would appear residential, however, it would maintain a simple design and appearance and would incorporate a pallet of materials which are typical of buildings located in a rural setting. The amount of window and door openings and the use of glazing at high level would not be beyond that which would reasonably be expected for a residential building. As such, it is considered that the dwelling would not appear unduly prominent or visually intrusive and the building would continue to sit quietly and comfortably amongst its surroundings, incorporating a rural and unobtrusive character.
- 106 The submitted plans give an indication of the palette materials to be used. This includes a black corrugated roof and walls, timber cladding with a natural finish and black powder coated double glazed windows. Full details and samples of these materials can be secured by a condition to ensure they are of high quality and sensitive to the surrounding landscape.
- 107 The eastern part of the site would be characterised predominantly by an area of hard surfacing to provide the associated parking and turning areas and a driveway. This is to be expected given the residential use of the site. Further details of hard surfacing materials could be secured by condition to ensure a high quality finish and adequate drainage.
- 108 In light of the above, it is considered that the design and appearance of the development would not have a detrimental impact on the character and appearance of the surrounding area and would comply with policy SP1 of the Core Strategy, policy EN1 of the ADMP and the NPPF.

Residential Amenities

- 109 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development. The Residential Extensions SPD recommends that a 45 degree test is undertaken for a loss of light to neighbouring dwellings, based on BRE guidance.
- 110 Neighbouring properties:
- 111 The proposed development would be situated a sufficient distance away from surrounding neighbouring properties and therefore would not have an adverse impact on residential amenities in relation to light, outlook and privacy.
- 112 In accordance with Environmental Health's comments, construction hours can be secured by a condition to ensure that the development does not result in excessive noise and disturbance for occupiers of surrounding properties.
- 113 Proposed development:

- 114 Policy EN2 also requires that the occupants of future development benefit from good standards of amenity.
- 115 The proposed internal layout and room sizes would be acceptable and meet National Space Standards. The dwelling would provide satisfactory natural light from sunlight and daylight with some rooms also being dual aspect.
- 116 The surrounding garden area would be of a sufficient size to serve the recreational needs of a family dwelling. The proposed boundary treatments would also ensure good levels of privacy for the future occupiers.

Noise and disturbance

- 117 Paragraph 130 of the NPPF states that planning decisions should ensure a high standard of amenity for existing and future users.
- 118 Furthermore, paragraph 185 states that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 119 Policy EN7 states that proposals will be permitted where a) development would not have an unacceptable impact when considered against the indoor and outdoor acoustic environment including existing and future occupiers of the development and the amenities of existing and future occupants of nearby properties; and b) development would not result in unacceptable noise levels from existing noise sources that cannot be adequately mitigated.
- 120 Concerns have been raised by a local ward member, the parish council and members of the public regarding noise and disturbance for future occupiers of the proposed development due to its proximity to two kennels, Canada Farm Kennels and Beeches Farm Kennels.
- 121 Canada Farm Kennels would be located approximately 72 metres away from the development and Beeches Farm Kennels would be located approximately 245 metres away.
- 122 The applicant has provided an updated noise impact assessment which considers the worse case scenario of nearby kennels operating at 100% capacity and includes recommended mitigation measures.
- 123 The assessment finds an exceedance of background noise levels within the external amenity areas of the application site and within Bedroom 2 of the southern facing façade of the proposed dwelling. As such, the report recommends an alternative scheme of ventilation for this bedroom to reduce internal noise levels. Additionally, an acoustic 2.5m fence has been recommended to reduce the noise levels within the external amenity area.
- 124 During the course of the application, a consultant working on behalf of the owner of Canada Farm Kennels also provided a noise survey prior to the applicant submitting an updated noise assessment considering the kennels operating at 100% capacity.

- 125 Environmental Health were consulted and have provided their specialist advice. They consider the amended noise report provided by the applicant and its methodology and findings to be reliable. They have recommended that any permission be granted in accordance with the report with the inclusion of the acoustic fence and the alternative ventilation for bedroom 2.
- 126 Despite the Green Belt status of the land, it is considered that an acoustic fence, at the height proposed, would be acceptable along the south eastern boundary of the site. Its visual impact would be softened by the existing mature trees and vegetation and it would be read in the context of the proposed residential development. Full details of the acoustic fence could be secured by a condition to establish its acceptability in both visual and noise reduction terms prior to the commencement of the development.
- 127 Prior to the occupation of the proposed dwelling, an acoustic testing report will be required via a condition to ensure that the noise levels experienced within both the dwelling and the external amenity areas are acceptable.

Contamination

- 128 As the previous use of land was agricultural, contaminants may have been introduced to the site. Environmental Health have therefore recommended a scheme to deal with the risks associated with contamination of the site. This can be secured by a condition.
- 129 For the reasons described above, and subject to the recommended conditions, it is considered that the proposed development would provide a high standard of amenity for existing and future occupiers of the proposed dwelling and would preserve the amenities of surrounding neighbouring properties.
- 130 As a result, the proposal would comply with policy EN2 and EN7 of the ADMP and the NPPF.

Parking and Highways Impact and Impact on the Public Rights of Way

- 131 The NPPF at paragraph 111 states: "Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."
- 132 Policy EN1 states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking. Policy T2 of the ADMP states that dwellings in this location with 4 bedrooms require 2 independently accessible parking spaces.
- 133 Policy T3 of the ADMP states that electrical vehicle charging points should be provided within new residential developments to promote sustainability and mitigate climate change.

Parking:

- 134 The proposed development would provide two independently accessible parking spaces and one visitor car parking space, which would be in accordance with the requirements set out under policy T2 of the ADMP. The provision of these parking spaces, and their permanent retention, can be secured by a condition.
- 135 Details of an electric vehicle charging point can also be secured by a condition, in accordance with policy T3 of the ADMP.

Impact on Highways and the Public Rights of Way Byway:

- 136 The submitted plans show that a new access would be created from the existing Byway to the west of Canada Farm Road.
- 137 Concern has been raised by the Parish Council and during public consultation in regards to the impact on highways and pedestrian safety due to limited visibility when exiting the application site onto Canada Farm as there are bends in the road in either direction. In addition, concerns have been raised in regards to the use of the byway to enter and exit the site as it is considered that the byway is too narrow to accommodate horses and traffic safely and that the use of the byway would be a hazard to traffic horse riders, walkers and cyclists.
- 138 It is important to note here that the byway is not a restricted byway and therefore the public has the right to use the byway on foot, horseback and in horse drawn and mechanically propelled vehicles such as cars. There is also an existing gated access to the site via the byway for vehicles.
- 139 Both vehicular and pedestrian visibility from the byway onto Canada Farm Road is an existing situation for all users.
- 140 KCC Public Rights of Way team have provided detailed comments on the acceptability of the proposal in relation to the byway. They originally objected to the application on the basis that: the black line of the fence and gate proposed would directly obstruct the line of the public right of way; there would be limited visibility when exiting the site onto the public carriageway; the use of a sliding gate directly on the edge of the byway would obstruct the byway; and there would be a lack of vehicle turning with the site as well as visitor parking.
- 141 In response to these concerns, the application has been amended. The access gate has been removed, a visitor parking space has been added and the parking and turning arrangements have been reconfigured. A tracking diagram has also been provided which demonstrates that users can enter and exit the site in a forward gear. The black line of the proposed fencing has also been set further within the site so that it would not directly obstruct the line of the public right of way.
- 142 In response to these amendments, KCC Public Rights of Way team have removed their objections. They are satisfied that the line of the public right of way would not be obstructed and that the amended layout would not

result in vehicles having to wait on the public right of way. They are also satisfied that the tracking diagrams show that vehicles would be able to adequately turn within the property and enter and exist the site in a forward gear.

- 143 KCC Public Right of Way team have advised that the surface of the byway is constituted of unbound planings. Constant daily use by residential vehicles and construction vehicles during the works could result in erosion where they turn into the application site. This would need to be kept under review by the applicant and more planings added as necessary, by them, to ensure the public use is not adversely impacted. An informative can be included upon any grant of planning permission advising the applicant of this, along with an informative to remind the applicant that the right of way must not be stopped up, diverted, obstructed or the surface disturbed.
- 144 It is not considered that the access onto the byway would have an adverse impact on traffic nor would the conversion of a barn into a dwelling. The access would be considered a minor access for one dwelling where the frequency of use would be low. As previously mentioned, the site would provide sufficient parking and turning so that occupiers and visitors do not have to park or wait on the byway.
- 145 On this basis, it is considered that the proposal would not result in the obstruction of the byway and would not harm users of the public rights of way. The proposal also would not have an adverse impact on parking or highways and pedestrian safety.

Construction traffic:

- 146 Notwithstanding the impacts of the proposed development once complete, concern has been raised to the traffic and distribution caused to the byway during the construction process.
- 147 The proposal would not constitute major development and there is sufficient space within the site for the parking and turning of vehicles, as well as the delivery and storage of materials. However, to mitigate the impact of the development during the construction phase, and to allow for the free flow of the byway, a condition is recommended to secure details of a construction transport management plan, in accordance with KCC PROW's advice. This would help ensure, for example, that the number of vehicles accessing the site at any time is appropriately managed so that the byway is not obstructed by traffic.
- 148 In light of all of the above, the proposal would comply with policy EN1, T2 and T3 of the ADMP and the NPPF, subject to conditions.

Trees and Landscaping

- 149 None of the trees within the site are protected by a Tree Preservation Order. The large mature trees along the boundaries of the site, which contribute to the rural and verdant character of the area, are shown on the proposed site plan to be retained.

- 150 The applicant has provided a landscaping plan which includes details of the proposed hard and soft landscaping for the development. 1.2m high timber post and rail fencing would be erected along the northern boundary of the site. The driveway would be constructed of resin bound gravel and the parking spaces would be constructed with a grass seed mix to create a permeable surface. The rest of the site would be laid to lawn and would incorporate wildflower/shrub planting.
- 151 Full details of both hard and soft landscaping could be secured by a condition upon any grant of planning permission to ensure that they preserve the character and appearance of the surrounding area.

Biodiversity

- 152 The NPPF at paragraph 180(b) states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. The application does not lie within an ancient woodland but is adjacent to.
- 153 Policy SP11 of the Core Strategy states that the biodiversity of the District will be conserved and opportunities sought for enhancements to ensure no net loss of biodiversity.
- 154 There is a Local Wildlife Site and Ancient Woodland located to west of the site, outside the application site boundary. However, the existing building is located within the 15m buffer zone of the Ancient Woodland.
- 155 Natural England's standing advice states that when assessing the impacts of a development on Ancient Woodland and protected species, the relevant inventories should be consulted and the direct and indirect impacts should be considered. Natural England have not provided any comments on the application.
- 156 In their original comments, KCC Ecology raised concern that the development could indirectly result in the deterioration of the Ancient Woodland's ecosystem through light pollution, recreational disturbance, cat predation and the spread of invasive species. They also raised concern that the development could result in the loss of the priority habitat on site and that the development may lead to the loss of biodiversity. It was also unclear whether the existing building or trees within the site are suitable for roosting bats.
- 157 Based on these concerns, the applicant has provided an ecological impact assessment report, which includes a precautionary mitigation strategy such as protective fencing to prevent harm to protected species during the construction period. The windows on the western elevation of the proposed dwelling have also been removed to limit internal light spill onto the adjacent woodland. In addition, the applicant has provided an outline landscaping plan with ecological enhancements.
- 158 In light of the above, KCC Ecology are satisfied that the impacts of the development on biodiversity and the ancient woodland are likely to be

minimal. To mitigate against any adverse impact on bats, they have requested a lighting design strategy, which can be secured by a condition. They have also requested that the implementation of the precautionary mitigation strategy be secured by a condition to ensure that protected species are not impacted during the construction period.

- 159 In addition, a condition for details of ecological enhancements, which incorporates a native species only landscaping plan has been requested. This is considered acceptable to ensure that the development does not result in a net loss of biodiversity.
- 160 The proposal would therefore comply with policy SP11 of the Core Strategy and the NPPF, subject to conditions.

Other issues

- 161 Concerns raised within public comments not discussed above include the following:

- 162 Fly tipping:

There is separate Environmental Health legislation to address issues regarding fly tipping. I therefore afford this matter limited weight in the determination of the application.

- 163 Drainage and water supply:

Environmental Health, in their comments, have requested details of foul water drainage and the source of private water supply. These details can be secured by conditions.

Planning balance

- 164 As the Council cannot demonstrate a 5 year housing supply at this time, the tilted balance of NPPF paragraph 11d) is relevant. For the reasons discussed above, the proposal would not be in conflict with the NPPF's policies for protected areas, such as the Green Belt, and so a presumption in favour of granting the development exists, adding additional weight in favour of granting planning permission.
- 165 The proposal would make a welcome contribution to the District's housing stock.
- 166 Other issues within consultation responses can be dealt with by planning conditions. This is compliant with the aims of the Government's Planning Practice Guidance. It states "...conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects."

Community Infrastructure Levy (CIL)

- 167 This proposal is CIL liable and there is no application for an exemption.

Conclusion

168 The proposal would be an acceptable form of development and would comply with local and national policies, subject to the conditions recommended.

169 It is therefore recommended that this application is GRANTED.

Background papers

Site and block plan

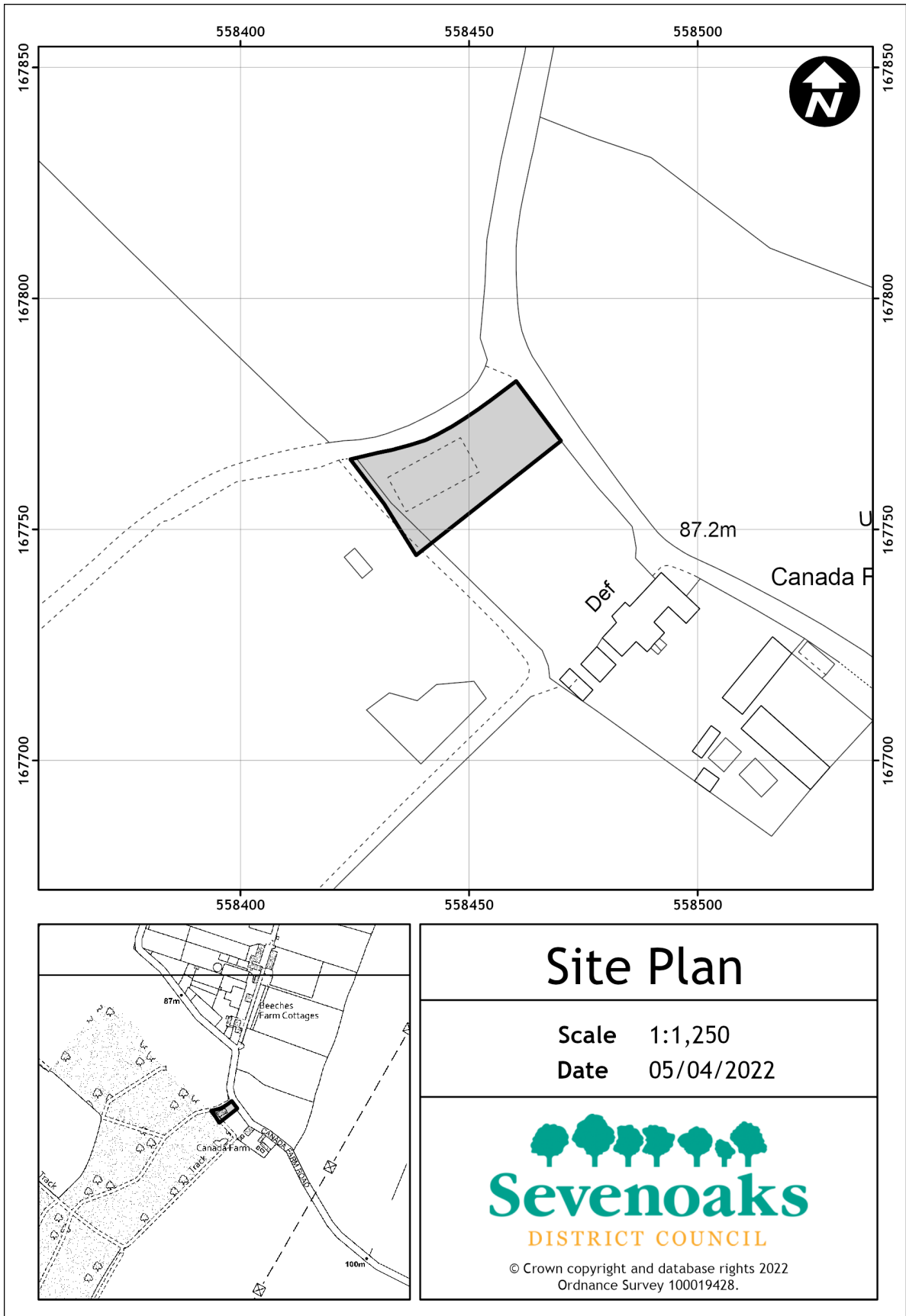
Contact Officer(s):

Hayley Nixon: 01732 227000

Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)



BLOCK PLAN

