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| Application Number | 19/00195/AS | |
| Location | Sidelands Farm, Little Olantigh Road, Wye, TN25 5DQ | |
| Grid Reference | 06636/46727 | |
| Parish Council | Wye with Hinxhill | |
| Ward | Wye with Hinxhill | |
| Application Description | Demolition of the existing buildings (Use Class D1) and the construction of flexible office space (Use Class B1), a coffee shop (Use Class A3) and two residential dwellings alongside associated access, parking and landscaping works. | |
| Applicant | Mr M Gomez, Sidelands Property Holdings Limited, Sidelands Farm, Little Olantigh Road, Wye, TN25 5DQ | |
| Agent | Mrs L Parker, BTL Design, Sidelands Farm, Little Olantigh Road, Wye, TN25 5DQ | |
| Site Area | 1.12 ha | |
| (a) 12/1+ | (b) R | (c) KHS/X, KCC Bio/X, SWS/+, KAS/X, FC/-, AAG/+, EHM/X, ABC Refuse/+, SECCCG/- |

Introduction

1. This application is reported to the Planning Committee because the amount of commercial floor space being created exceeds 1,000sqm and therefore it constitutes a major development.

Site and Surroundings

2. The site lies outside the built confines of Wye to the east of the village, on the rise of the North Downs. Access is via a narrow lane, Little Olantigh Road, although there is a bridleway (AE109) that comes up from the village to the north of the site. The site is surrounded by agricultural land. Outside the physical boundaries of the site is a large lay-by which is used for car parking.
3. The topography of the site rises from the west to the east and is enclosed by existing vegetation. There are currently 10 single storey buildings and 1

temporary portacabin on the site. The buildings are typically 2.4m to the eaves and 3.35m to the ridge. A plan of the site is shown below (figure 1). The buildings are mainly wooden clad former poultry houses which originally formed part of the former Wye College, although various interim uses appear to have taken place, which do not appear to have been authorised through the grant of planning permission.

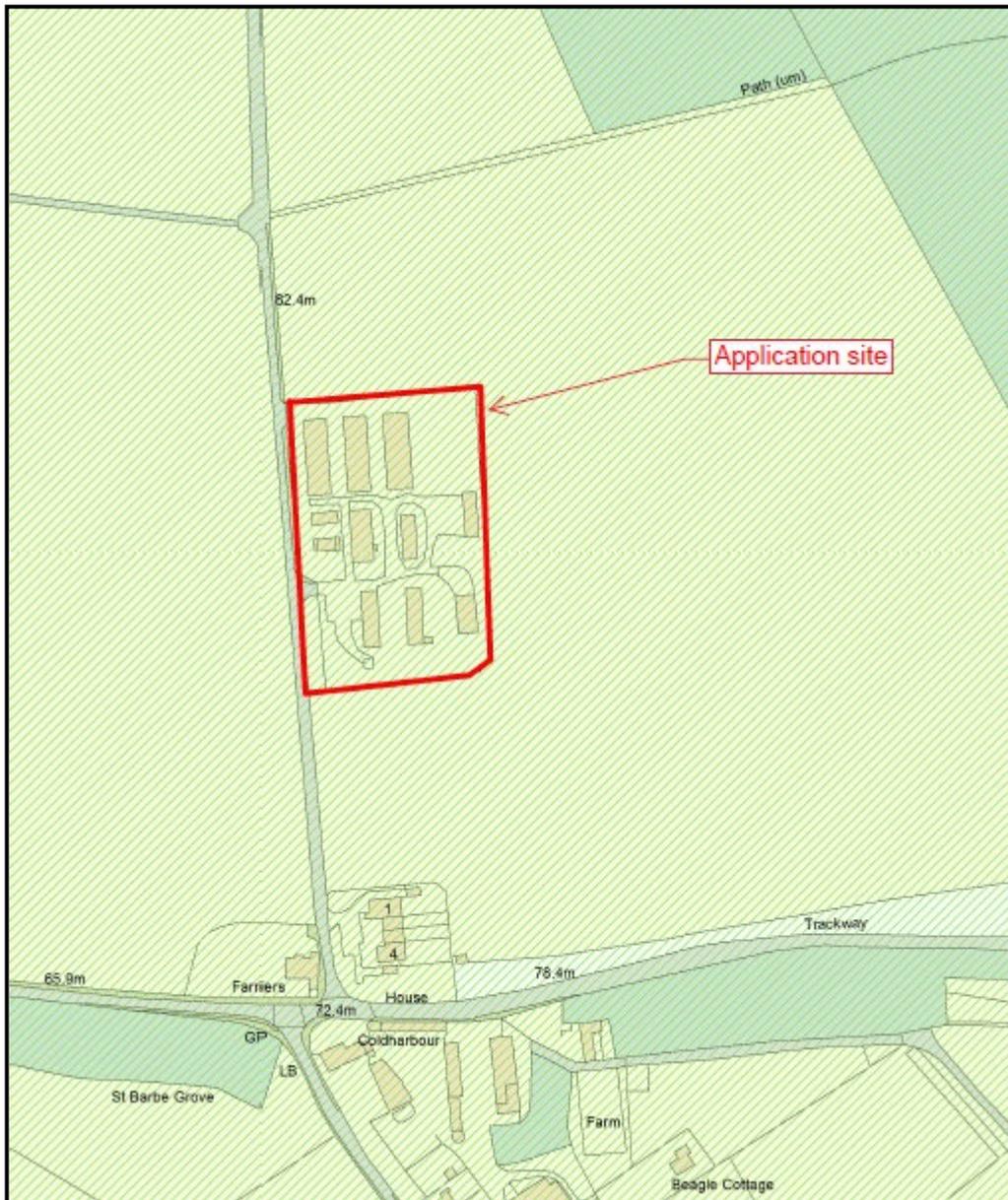


Figure 1 - Site location plan

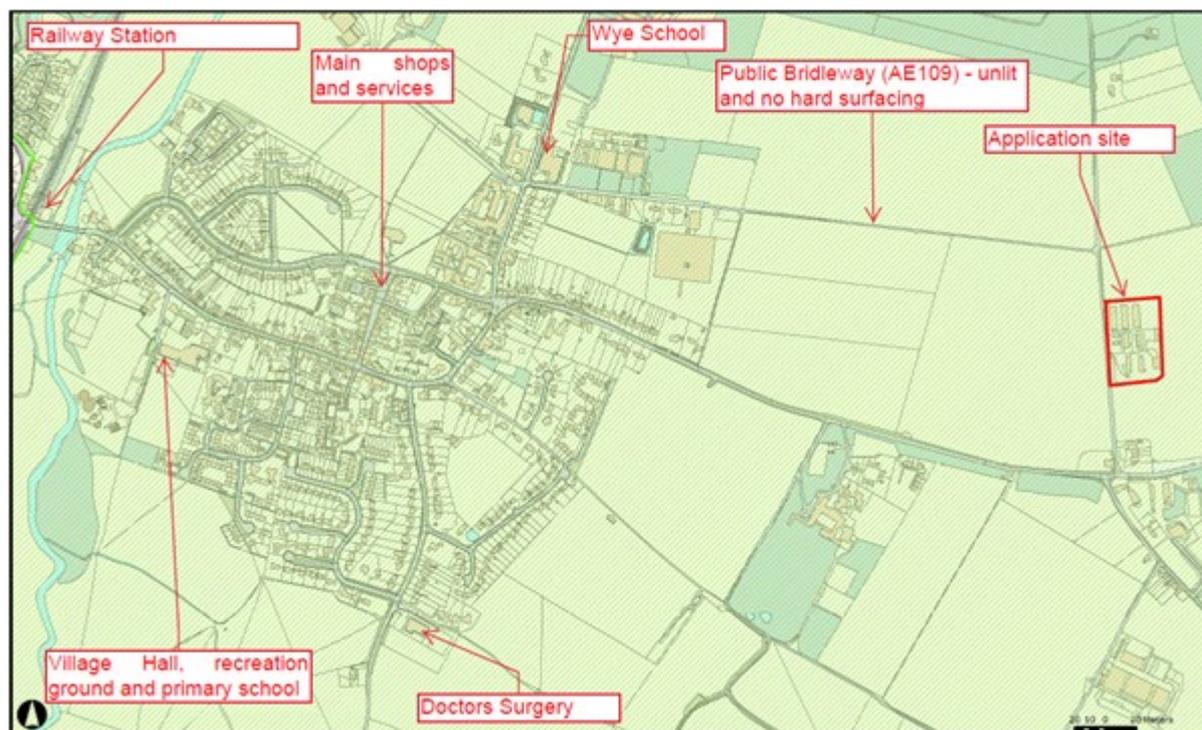


Figure 2 - Site in relation to day-to-day services

4. The site is within the Kent Downs Area of Outstanding Natural Beauty. The village of Wye benefits from a range of day-to-day services including two schools (primary and secondary), railway station, shops and doctors surgery which are located within the confines of the village and vary in distance from the site as shown on Figure 2. The nearest of these is the Wye Free School, to the west of the site, with the remainder of services between 1.5km and 2km from the site.

Proposal

5. Full planning permission is sought for the demolition of all of the existing buildings on the site and the erection of new single storey buildings for B1a office accommodation with associated A3 café use, parking and landscaping. On the southern part of the site, two dwellings are proposed with a separate private access adjacent to the main access to the site.
6. The following supporting documents have been provided with a brief summary of each following below:
 - Planning, Design and Access Statement
 - Flood Risk Assessment
 - Contaminated land – Phase 1 Report
 - Ecological Appraisal
 - Archaeological Report
 - Tree survey

Planning, Design and Access Statement

- Outlines the location of the site 0.7 miles from the edge of the village of Wye
- Public right of way within close proximity to the site and access to the village and its day-to-day services and proximity to other larger urban centres is highlighted
- Overview of the site, the existing 10 single storey buildings and the use in connection with the former Wye College
- Outlines temporary uses by a range of different tenants since the closing of the college in 2009 [**HoDMSS comment:** no such uses have benefited from planning permission where required and no supporting evidence has been submitted that such uses are lawful due the passing of time for enforcement purposes]
- Describes the context of the site and its enclosure with existing vegetation
- Brief overview of the site history including the most recent 2009 permission for conversion of buildings on the site
- Outlines the pre-application advice received from the Council which noted the development was 900m from the edge of built up confines of Wye, confirmed the buildings had a D1 use and therefore would constitute a new employment site in the countryside. The advice was broadly supportive [**HoDMSS comment:** the advice was given on the basis of a desktop assessment, the information provided at the time by the applicant, had suggested the use of the buildings had already taken place for B1a uses since the closing of Wye College, amongst others and at a time when the Council could not demonstrate a 5 Year Housing Land Supply (5YHLS)]
- The proposed development would cover an area of 2,440sqm.
- The existing buildings are now in poor state of repair

The proposal

- The proposed offices would be set around a central courtyard with each block having their own amenities
- The office space would be flexible for small and local start-up businesses who would share a range of facilities
- The proposed dwellings would be on the southern part of the site
- Plot 1 would include 5 bedrooms and living accommodation across 2 floors and benefit from a carport and parking area with a sedum roof and render with vertical timber cladding.

- Plot 2 is two storey and would also have 5 bedrooms split across a ground and partial first floor with detached car port and enclosed storage area. Timber cladding and render walls with a standing seam roof
- The dwellings would comply with HOU12
- Access to the site would utilise existing arrangements with a central access to both the commercial and residential parts of the site
- 49 on-site parking spaces would be provided for the commercial element of the scheme with disabled bays
- The dwellings would benefit from 2 parking spaces within their car port together with on-site turning and parking areas

Policy context/Appraisal of the development

- The planning policy framework is set out and includes the saved Local Plan (2000), the Development Plan (including the Core strategy, TRSDPD etc.) **[HoDMSS comment: this has now been superseded by the adoption of the Local Plan to 2030 as set out in the policy section which follows below]**
- The existing site had a B1 use approved and is a brownfield site and therefore EMP5 is not wholly applicable in this instance as it would be acceptable in principle
- The existing buildings on the site are not worthy of retention
- The reduction of built form across the site and retention of existing and new landscaping would ensure the commercial development is appropriately sensitive to the rural context
- There would be no adverse ecological issues arising from the proposed development
- There is sufficient separation distances between the proposed development and existing residential dwellings
- The proposed development, given the planning history of the site, would not generate vehicle movements which would be inappropriate to the surrounding rural road network
- The proposed café would serve the needs of the commercial office space but also passing trade
- The sequential test need not be applied to the café use given the provision in the NPPF for such uses to support sustainable rural tourism and leisure developments

- The residential development would comply with the criterion set out under HOU5
- There is a PROW which would enable day to day services available in Wye to be reached within easy walking distance
- There would be no harm heritage assets
- The sustainability benefits of the scheme are outlined as follows:
 - Economic – the proposed development would make better use of the previously developed land and be better suited to the end user than the conversion of the existing buildings. The employment floor space would be offered and promoted as a priority to local business and residents
 - Social – the proposed dwellings would provide support to local services and facilities to ensure they remain resilient and ensure they are retained. The proposal would enhance or maintain the vitality of the rural community as set out under paragraph 78 of the NPPF
 - Environmental – retention of existing landscaping, reducing the built form on the site and its scale would have a positive impact on the AONB. There would be compliance with BREEAM for energy efficiency in comparison to the conversion of the buildings which would be less energy efficient.
- Landscape impact as outlined above would be enhanced through the reduction of a number of buildings and built form across the site to improve the openness of the site and enable a contemporary design with rural features to reduce the impact of the built form which reflects the rural surroundings
- Sloping topography of the site from east to west with buildings 3 and 6 on higher ground, no building will exceed the ridge height of building 6
- The car parking will be constructed into existing ground levels to reduce visual impact
- Additional landscaping would be provided to reinforce the existing landscaping being retained
- The design of the buildings would include metal profiled roofing, vertical timber cladding, brick plinth, hit and miss cladding, render and aluminium windows
- The existing buildings are in a poor state of repair and require significant investment
- The Kent Downs AONB Management Plan refers to Wye Stour Valley landscape character area and recommends:

- Creating and reinforcing the ecological and impact of the river corridor
- Managing roadside hedgerows and plant hedgerow trees
- Establish small woodland blocks
- Plant poplar windbreaks to create new landscape structure
- Conserve and improve the setting of historic buildings
- The proposal achieves some of the actions where applicable
- The reduction of built footprint makes a significant contribution to the AONB
- The proposed materials are sympathetic to the surroundings landscape and character
- The proposed parking would comply with the required standards in the Local Plan
- There would be sufficient on site cycle parking provided in accordance with TRA6
- The proposal would utilise the existing site access with sufficient visibility and would generate vehicle movements, given the historical use of the site, which would not result in a severe residual cumulative impact on the rural road network
- Contamination report has been carried out (see below)
- Tree survey has been provided (see below)
- Ecology survey has been provided (see below)

Flood Risk Assessment

- Site is not within Floodzones 2 or 3 and therefore is at low risk of flooding from rivers or others sources
- The site is underlain with chalk
- The site is bounded by open fields on 3 sides and a road to the west with fields beyond
- The site currently drains overland from the north east to the south west due to its topography
- An appropriate SUDs compliant system achievable given opportunities on site

- Soakaways are considered to be acceptable given the soakage tests carried out
- Parking areas will be constructed on a permeable surface

Contaminated land – Phase 1 Report/Asbestos Report

- Stores and waste materials exist on the site, these will be removed prior to demolition on site
- Asbestos is present on the site and given this and the underlying chalk aquifer, the site is considered to be a medium risk overall in respect of ground contamination
- Recommendations are made for site clearance and demolition works
- Lifting of ground slab should be carried out in the presence of a qualified environmental engineer or similar
- Future risks associated with ground contamination are considered to be low risk.
- A condition could be imposed requiring an appropriate amount of contamination survey and remediation work
- Buildings 1 (partial), 2, 4, 7, 8, 9 and 10 are clad in profiled asbestos materials which will need to be removed in accordance with the relevant legislation

Ecological Appraisal

- Baseline survey of the site has been carried out, no further work is required for Amphibians, Reptiles or Badgers
- Appropriate consideration will be given to the site clearance due the potential for breeding birds given presence of suitable habitat
- A precautionary mitigation approach in respect of Dormice prior to any vegetation clearance is recommended
- Biodiversity enhancements recommended include provision of existing areas of hardstanding, additional trees and planting, all of which can be secured by condition.

Archaeological Report

- Desk based archaeological assessment undertaken notes the site does not impact on any designated heritage assets although there are a number of listed buildings within 500m of the site

- Watching brief can be secured by condition to record any remains

Tree survey

- No TPOs exist on the site
- Conclusion is that development would not be detrimental to the amenity value of the retained trees or surrounding landscape
- Demolition would not have a detrimental impact on the health or stability of the trees
- Recommendations for the demolition of building 3 given proximity to retained trees
- The removal of building 6 would require the building slab to be retained given the RPA of 3 trees extend under the existing building, this would protect these trees
- 16 trees would be removed from the site in order to improve highway visibility and to construct a track serving the electrical sub-station but it is not considered this would be detrimental to the landscape character
- An arboricultural method statement and tree protection plan are included

Plans

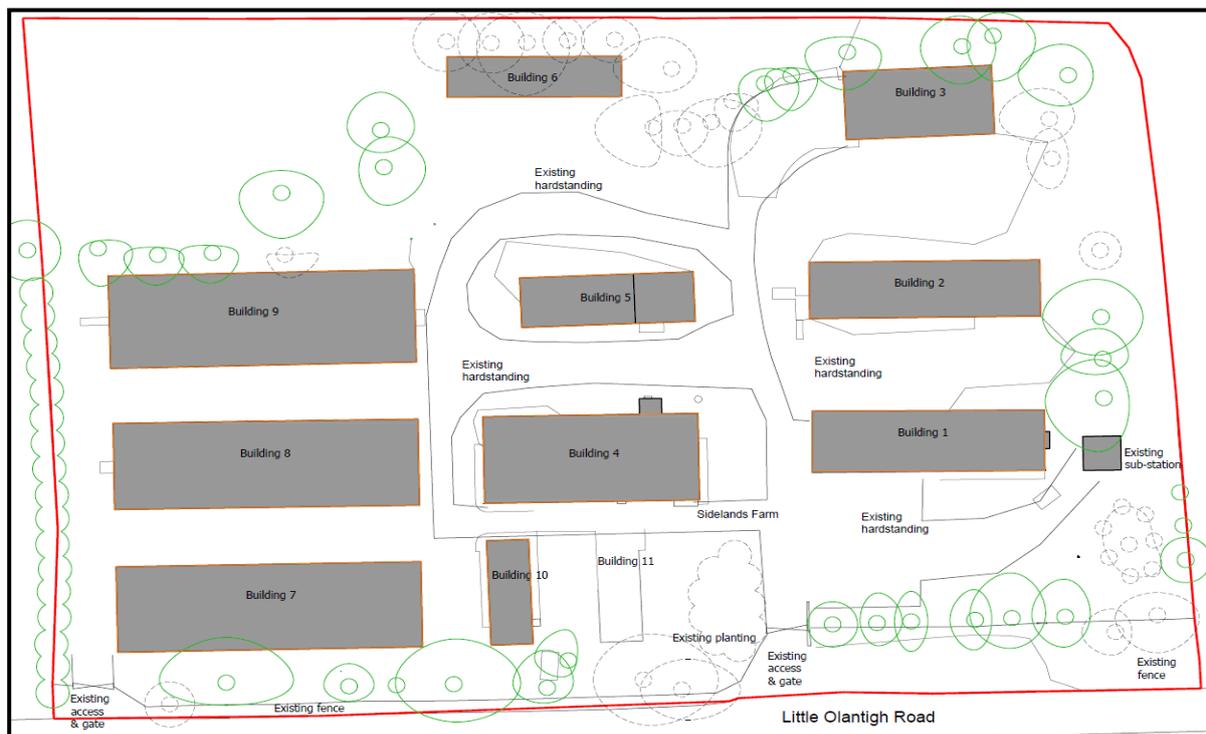


Figure 3 Existing Site Layout Plan

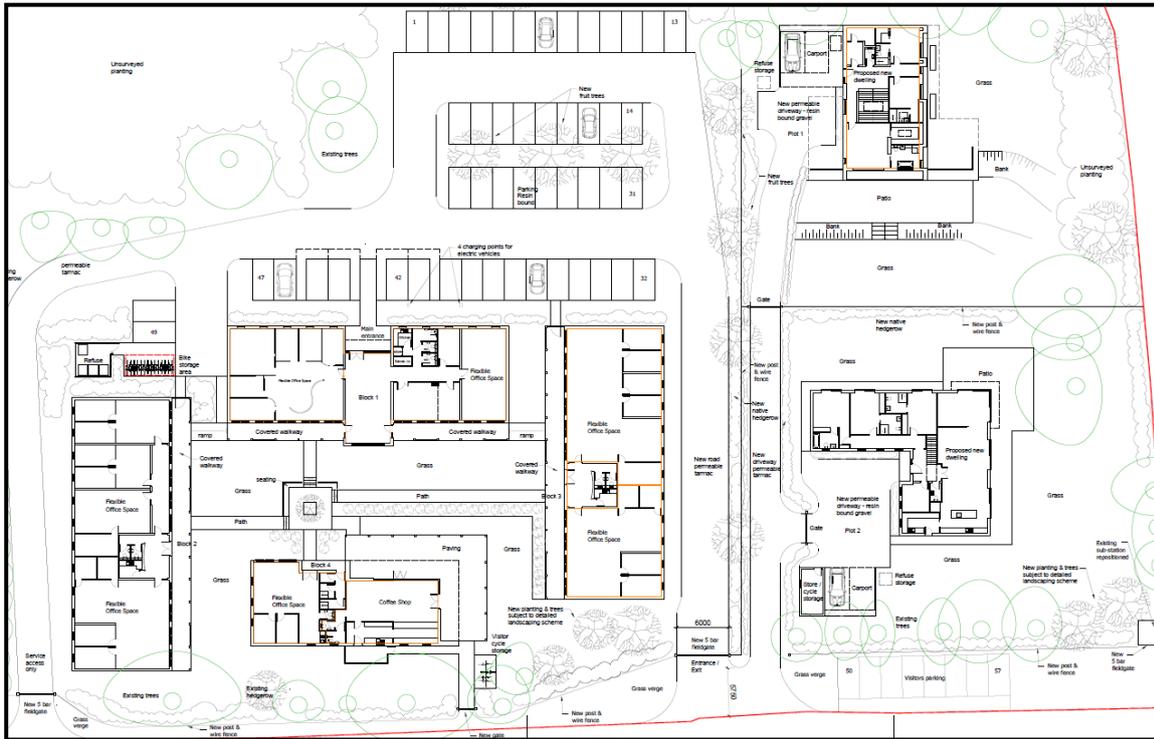


Figure 4 Proposed Site Plan

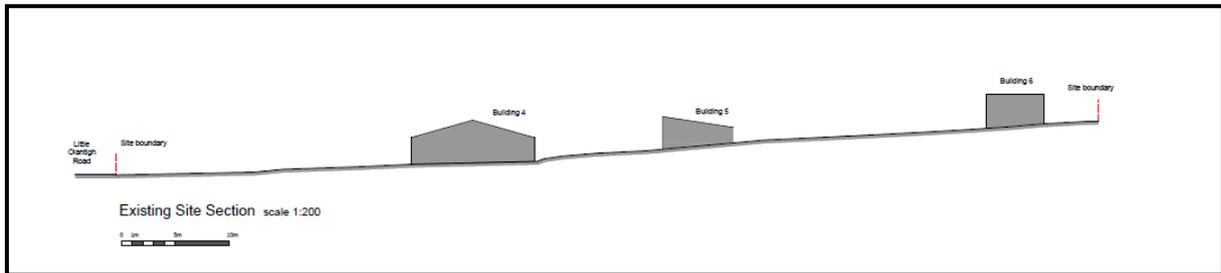


Figure 5 - Existing Site Section

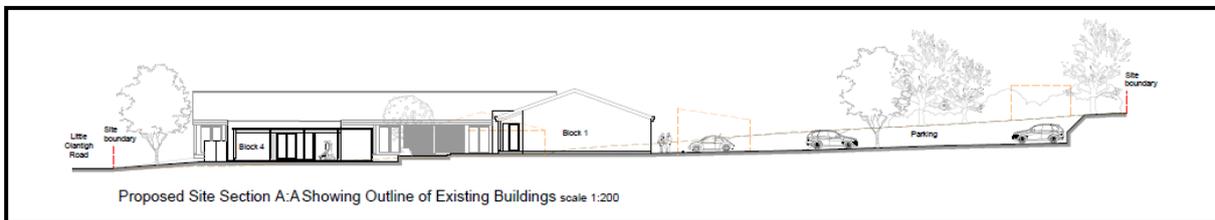


Figure 4 Proposed Section through the site

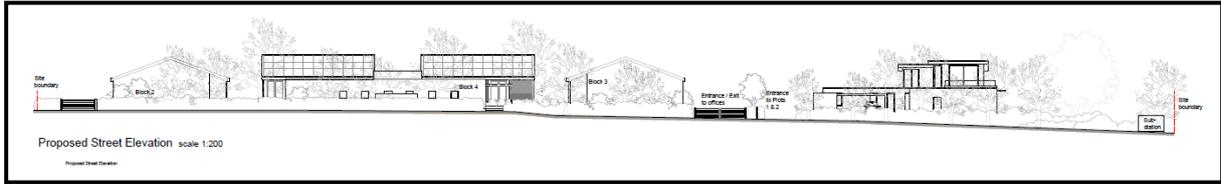


Figure 5 Street Elevation

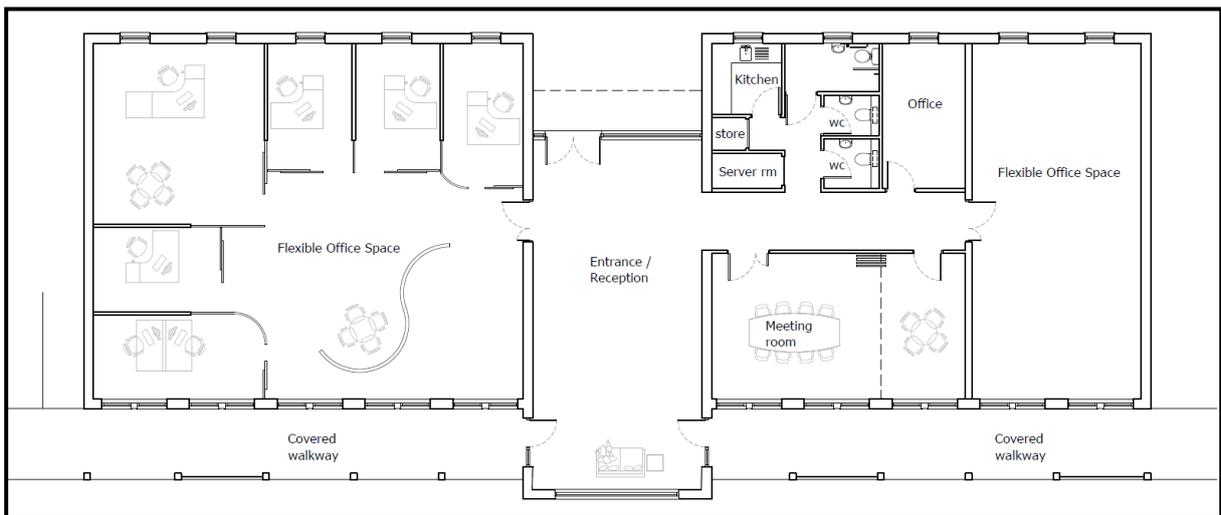
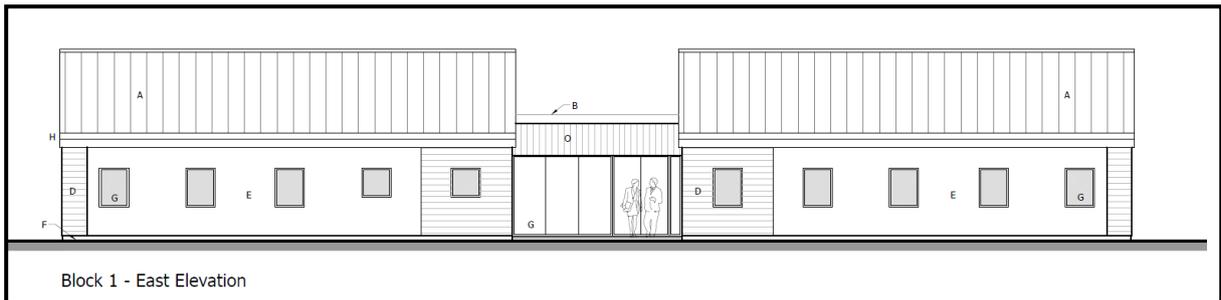


Figure 6 - Block 1 East and West Elevations and Floor Plan

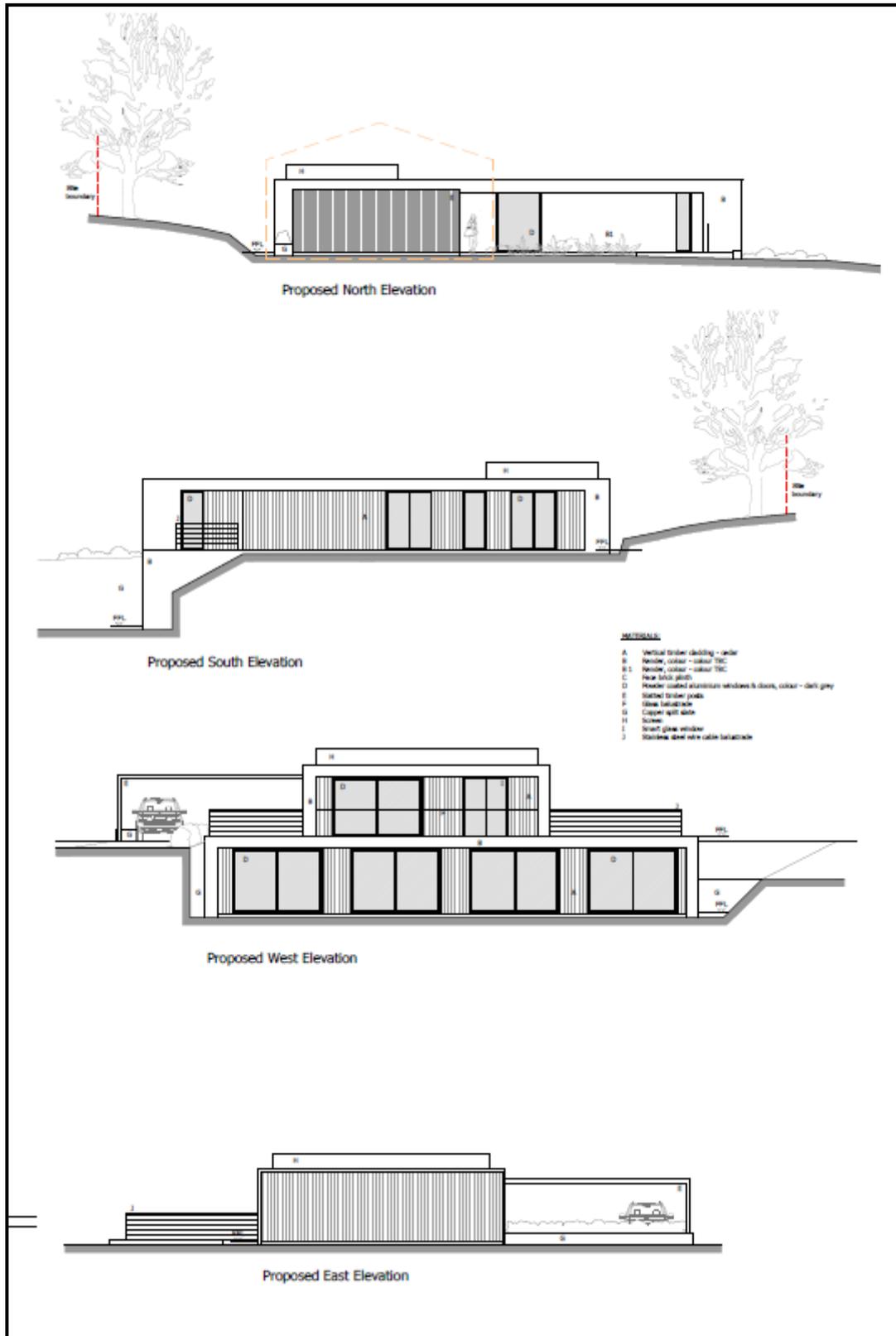


Figure 7 Dwelling 1 Elevations

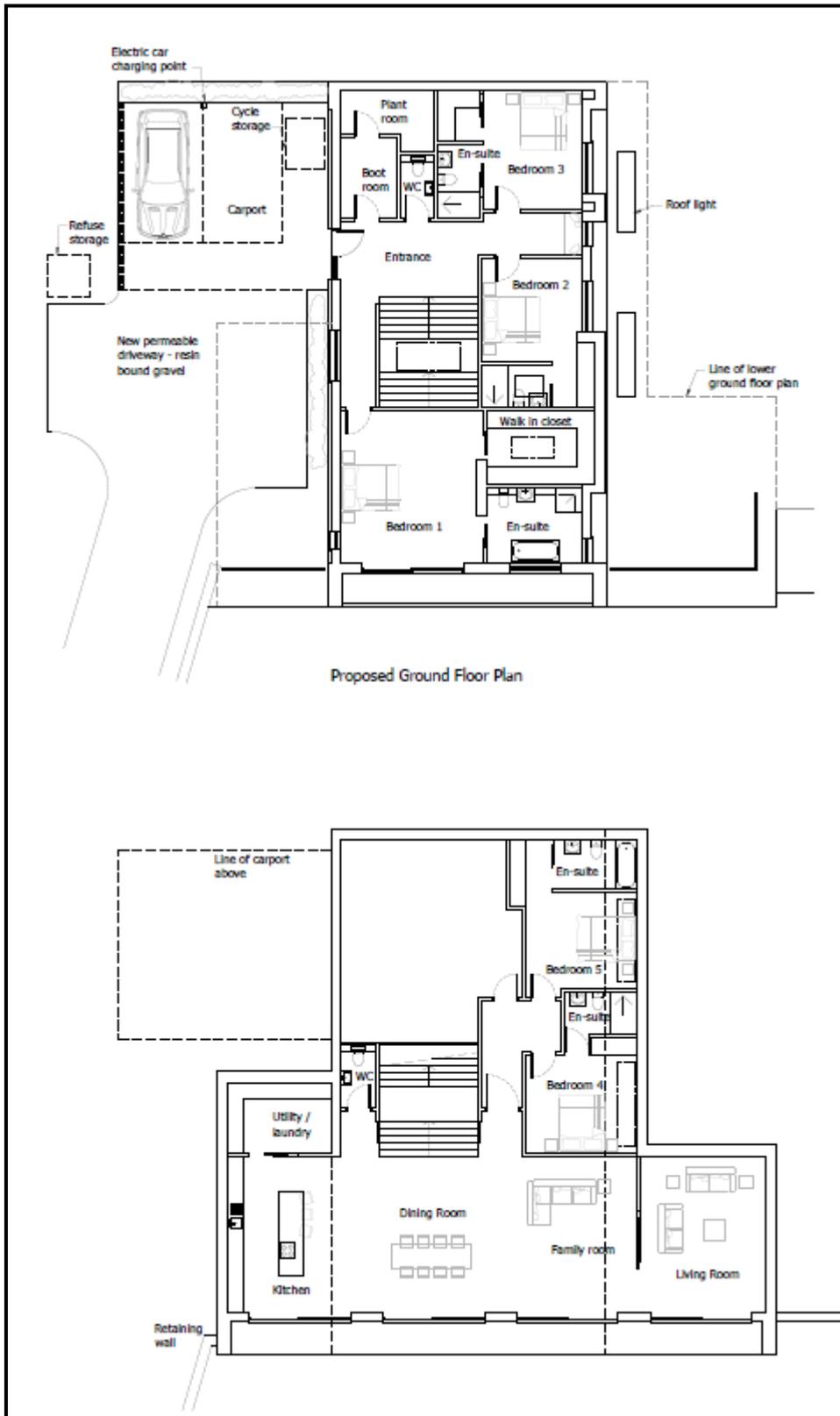


Figure 8 Dwelling 1 - Floor Plans

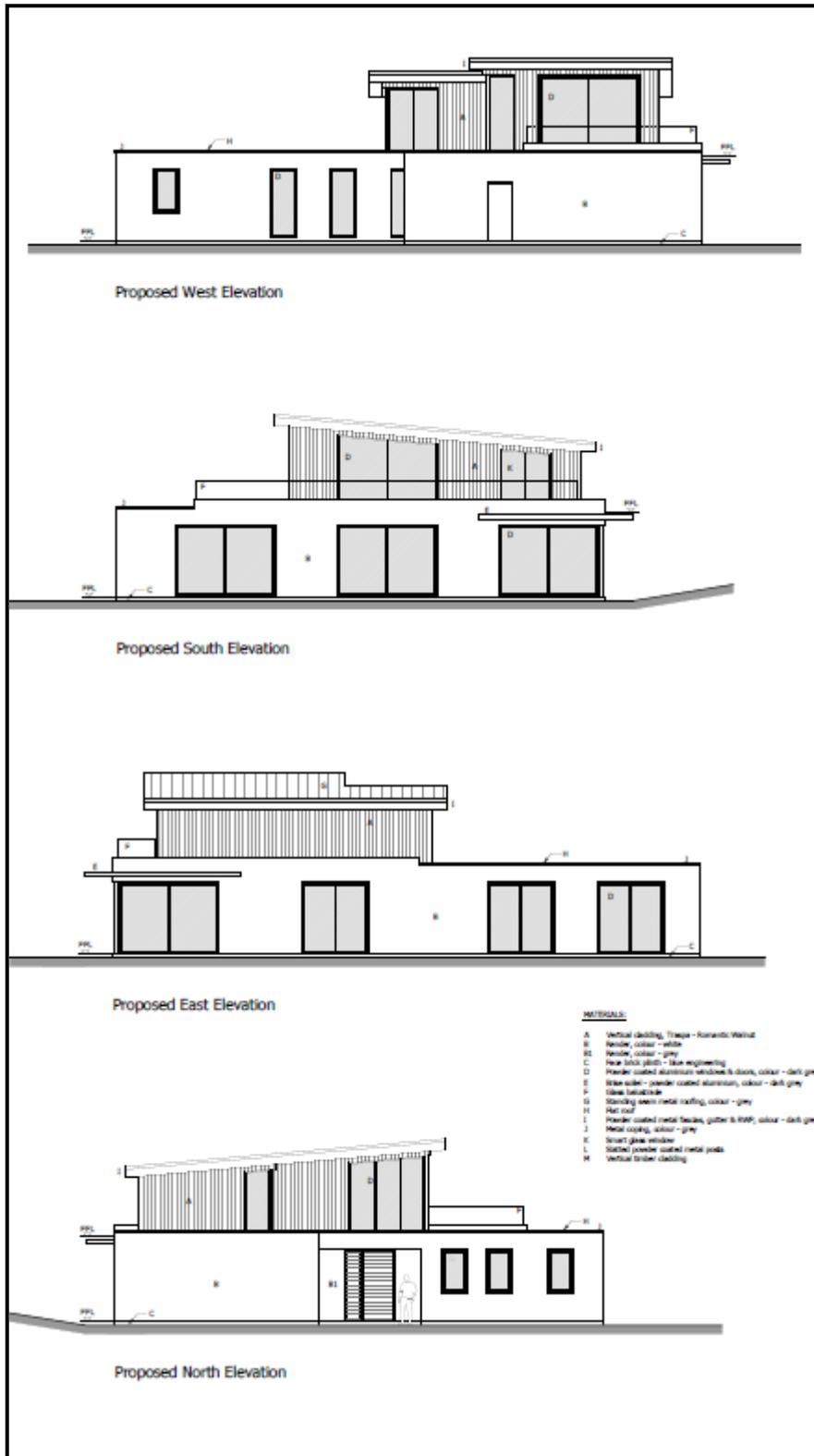


Figure 9 – Dwelling 2 - Proposed Elevations

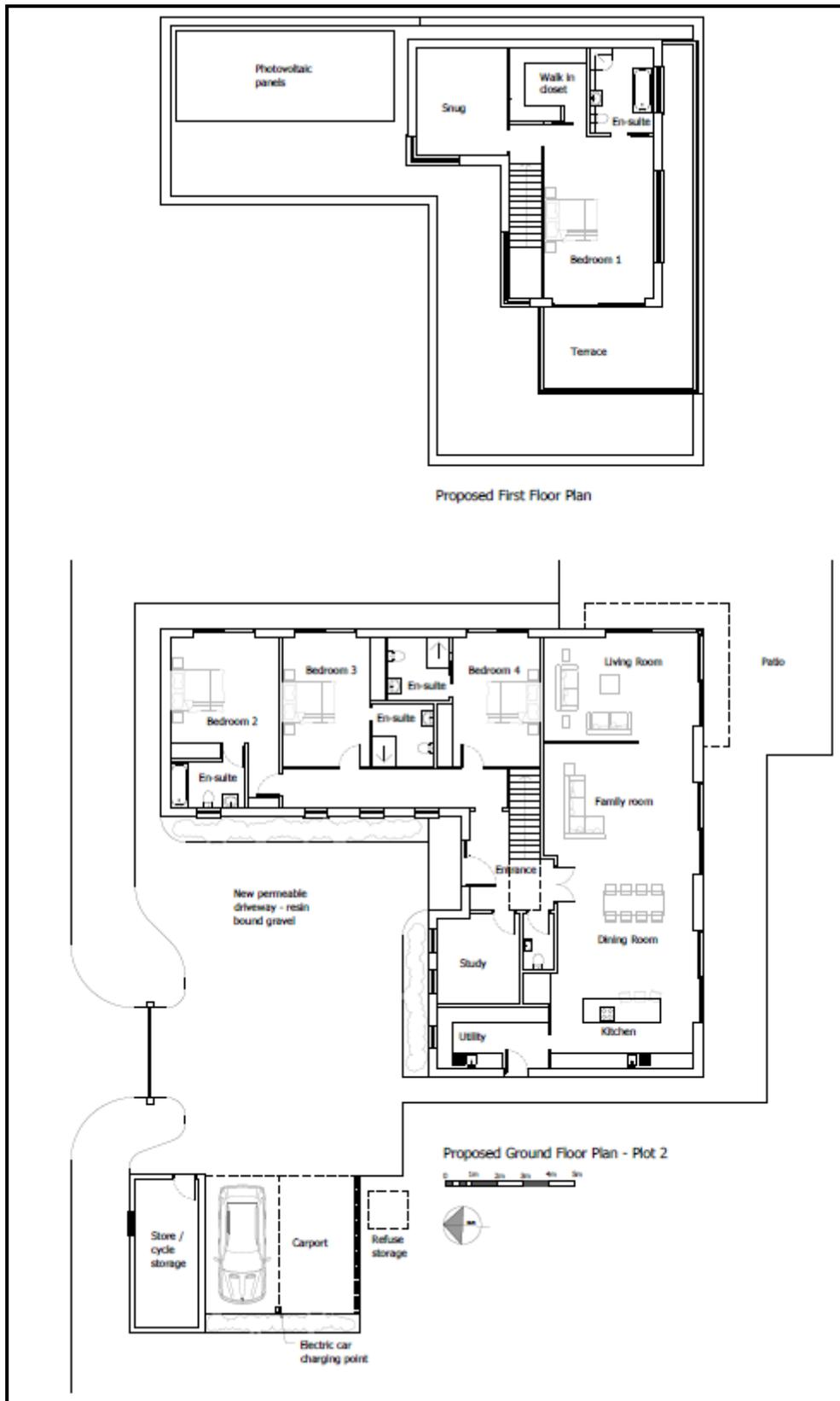


Figure 10 Dwelling 2 - Floor Plans



Figure 11 - 3D visualisation of commercial element



Figure 12 - 3D visualisation of residential unit (plot 1)

7. During the course of the application, the applicant provided additional 3D visualisations of the commercial buildings from the Little Olantigh Road (Figure 13) and dwelling 1 (Figure 14) (both looking in a north easterly direction).

Planning History

82/00449/AS – New Machinery store and workshop (Building 3 on the existing site plan)

09/00780/AS – Retention and refurbishment of commercial buildings for Class B1 purposes – approved by Planning Committee – 10/02/2010 – not implemented, permission lapsed.

Consultations

Ward Member: Cllr Ovenden is a Member of the Planning Committee.

Parish Council: object on the following grounds:

- Significant intensification of the use of this prominent site within Kent Downs AONB
- Fails to conserve and enhance the Kent Downs AONB in accordance with ENV3b, WNP1a and WNP8
- Introduces new employment site in unsustainable location in the countryside contrary to EMP5 and WNP5
- Fails WNP11b [**HoDMSS comment:** the site is not part of the WYE3 Masterplan, which is currently as yet still to be adopted]
- Dwellings are isolated with no access to public transport or services with no exceptional circumstances to justify against NPPF paragraph 79, HOU5 and WNP1.

KCC Highways and Transportation: concerns regarding the use of two vehicular accesses for the commercial part of the site.

Following receipt of amended plans to include a single in/out vehicular access onto Little Olantigh Road for the commercial part of the site, subject to conditions, no objection is raised. Whilst the junction visibility with Coldharbour Lane is below standard, taking into account historic use of the site, this is not a ground for refusal.

KCC Heritage: no objection subject to condition

KCC Biodiversity: no objection subject to conditions relating to lighting for bats and ecological enhancements

ABC Environmental Health: no objection subject to informatives and conditions in respect of contamination, provision of electric car charging points and control of hours for the proposed business use.

ABC Environmental Services (Refuse): no objection

North Downs AONB Unit: general comment received with observations made regarding the designation of the site within the Kent Downs AONB, paragraph 172 and the Kent Downs AONB Management Plan.

NHS CCG: no comment received [**HoDMSS comment:** this is not a requirement for a scheme of this size]

Forestry Commission: no representations received

Southern Water Services: general comment received regarding SUDs and foul sewage to sub-soil irrigation and consultation with the EA [**HoDMSS comment:** this can be secured by condition]

Neighbours: 12 consulted: 1 objection comment received raising the following concerns:

- Ripple Farm Organics had previously rented part of the site as we farm locally
- In the absence of these adjacent facilities we have had to reduce our production
- Loss of agricultural buildings detrimental to agricultural business
- 50% of staff at Ripple Farm Organics live within the Parish or surrounding area

1 general comment received with regards the following:

- Concerns over the proposed coffee shop
- Single track road
- Proposed coffee shop would make this more hazardous
- No need for a further coffee shop [**HoDMSS comment:** this is not a material consideration]
- Car parking in association with the Coffee shop would not been in keeping with the character and appearance of the area

Planning Policy

8. The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Local Plan to 2030

SP1 – Strategic Objectives

SP2 – The Strategic Approach to Housing Delivery

SP3 – Strategic Approach to Economic Development

SP6 – Promoting High Quality Design

HOU5 – Residential Windfall Development in the Countryside

HOU12 – Residential Space Standards internal

HOU14 – Accessibility Standards

HOU15 – Private External Open Space

TRA3a – Parking Standards for Residential Development

TRA3b – Parking Standards for Non-Residential Development

TRA5 – Planning for Pedestrians

TRA6 - Provision for Cycling

TRA7 – The Road Network and Development

ENV1 – Biodiversity

ENV3b – Landscape Character and Design

ENV4 – Light Pollution and Dark Skies

ENV6 – Flood Risk

ENV7 – Water Efficiency

ENV9 – Sustainable Drainage

ENV11 – Sustainable Design and Construction

ENV15 – Archaeology

EMP5 – New Employment Premises in the Countryside

EMP6 – Promotion of Fibre to the Premises (FTTP)

Wye Neighbourhood Plan

WNP1a – Village Envelope

WNP1c – Views

WNP2 – High quality design

WNP3- Traffic Impact

WNP4 – Supporting Business

WNP6 – Mixed Development

WNP7 – Community Support

WNP8 – Countryside and environment

WNP9 – Scale of Housing Development

WNP10 – Density and Layout

9. The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017) and the Kent Minerals and Waste Local Plan (2016).
10. For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).
11. The following are also material considerations to the determination of this application:-

Supplementary Planning Guidance/Documents

Landscape Character Area SPD

Sustainable drainage SPD

Residential Parking SPD

Residential Space and Layout SPD 2011 – External Space Standards Only

Dark Skies SPD 2014

Informal Design Guidance

Informal Design Guidance Note 1 (2014): Residential layouts & wheeled bins

Informal Design Guidance Note 2 (2014): Screening containers at home

Informal Design Guidance Note 3 (2014): Moving wheeled-bins through covered parking facilities to the collection point

**Kent Downs AONB Management Plan 2014-2019 (second revision)
Government Advice**

National Planning Policy Framework (NPPF) 2019

12. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-
- 13.
14. Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available ... and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
15. Paragraph 59 relates to the need for the delivery of a sufficient supply of homes. It states that in order to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed.
16. Paragraph 123 outlines that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities.
17. Section 12 of the NPPF refers to achieving well-designed places. As such the creation of high quality buildings and places is fundamental to what the planning process should achieve. Good design is a key aspect of sustainable development, creates better places to live and helps to make development acceptable to communities. It is therefore clear that design expectations is essential for achieving this. Paragraph 127 states the following in relation to good design. It specifies that decision should ensure that developments:
 - Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
 - Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
 - Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
 - Establish or maintain a strong sense of place, using the arrangements of streets, spaces, building types and materials to create attractive welcoming and distinctive places to live work and visit.
 - Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks, and

- Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users...
18. Paragraph 163 states that development should ensure that flood risk is not increased elsewhere.
 19. Paragraph 170 states that minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressure. Paragraph 175 goes on to state that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts)... or be adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. It goes on to also state that opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
 20. Paragraph 172 outlines that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:
 - a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
 - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated
 21. Paragraph 180 states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
 22. Paragraph 189 outlines the requirement for applicants to submit a desk-based assessment and where necessary a field evaluation for sites where the proposal includes or has the potential to include, heritage assets with archaeological interest. Paragraphs 192-194 outlines the requirement to assess the impact of a proposed development on the significance of a designated heritage assets. It goes on to state:

“great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.”

National Planning Policy Guidance (NPPG)
Technical Housing Standards – nationally described space standards

Assessment

23. The following issues are considered to be raised by the application:

- Principle of the development
- Visual Amenity
- Residential Amenity
- Highway Safety & Parking
- Ecology
- Flooding, Surface Water Drainage & Foul Water Disposal
- Other issues

Principle of the development

Dwellings

24. The application site lies outside of the built up confines as defined by the Local Plan paragraph 6.51 which states the following:

‘the limits of continuous and contiguous development forming the existing built up area of the settlement, excluding any curtilage beyond the built footprint of the buildings on the site (e.g. garden areas)’.

25. This is reinforced in the Wye Neighbourhood Plan, policy WNP1 which outlines the village envelope of Wye as shown in Figure 15 below.

26. The site is not allocated in the Local Plan for employment or housing. The two proposed dwellings fall to be considered under policy HOU5 where residential development outside of the built up confines where it is close to or adjoining the built up confines is considered acceptable subject to the following criteria which must be satisfied:

- a) The scale of development proposed is proportionate to the size of the settlement and the level, type and quality of day to day service provision currently available and commensurate with the ability of those services to absorb the level of development in combination with any planned allocations in this Local Plan and committed development in liaison with service providers;

- b) The site is within easy walking distance of basic day to day services in the nearest settlement, and/or has access to sustainable methods of transport to access a range of services;
- c) The development is able to be safely accessed from the local road network and the traffic generated can be accommodated on the local and wider road network without adversely affecting the character of the surrounding area;
- d) The development is located where it is possible to maximise the use of public transport, cycling and walking to access services;
- e) The development must conserve and enhance the natural environment and preserve or enhance any heritage assets in the locality; and,
- f) The development (and any associated infrastructure) is of a high quality design and meets the following requirements:-
 - i) it sits sympathetically within the wider landscape,
 - ii) it preserves or enhances the setting of the nearest settlement,
 - iii) it includes an appropriately sized and designed landscape buffer to the open countryside
 - iv) it is consistent with local character and built form, including scale, bulk and the materials used,
 - v) it does not adversely impact on the neighbouring uses or a good standard of amenity for nearby residents,
 - vi) it would conserve biodiversity interests on the site and/or adjoining area and not adversely affect the integrity of international and national protected sites in line with Policy ENV1.

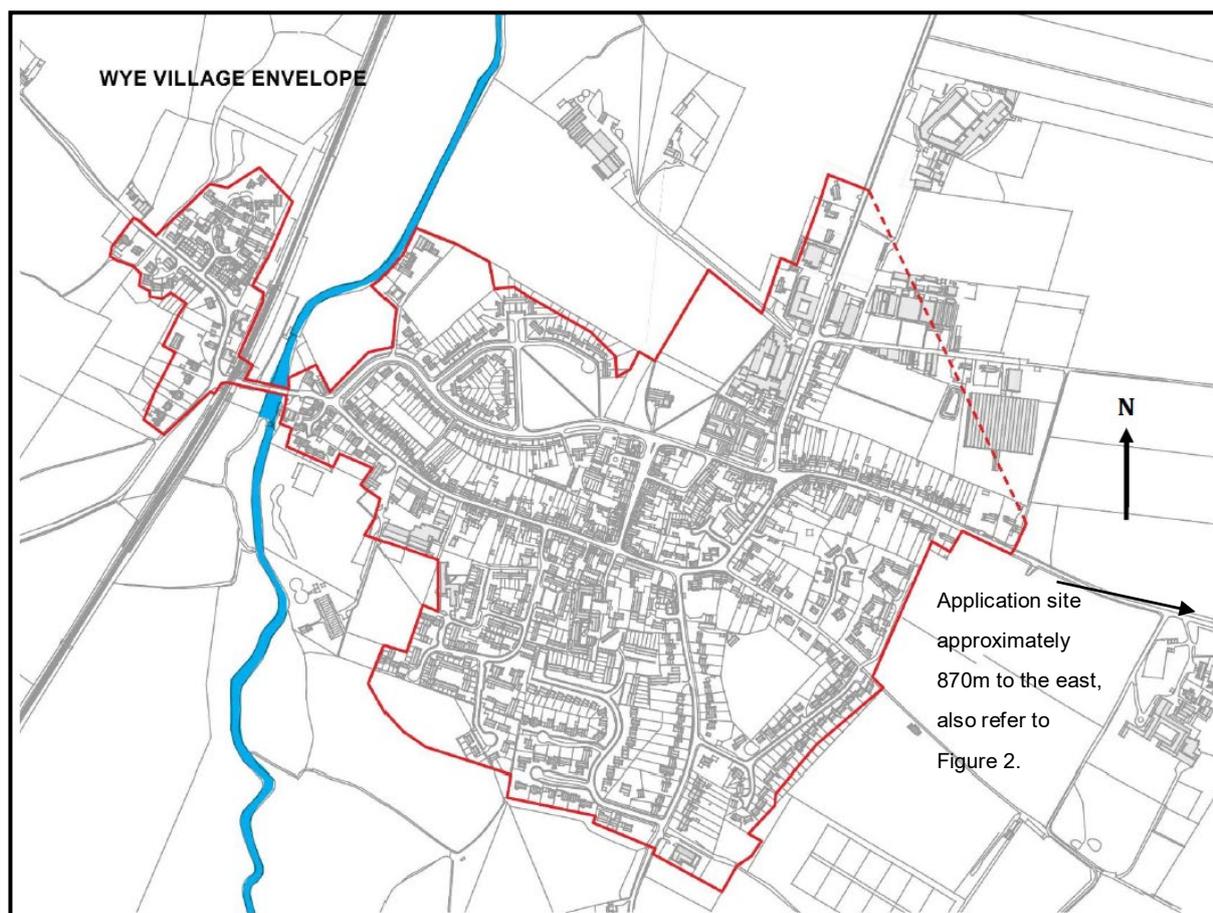


Figure 13 - Built confines (Policy WNP1) Extract from Wye Neighbourhood Plan

27. The preamble to policy HOU5 (paragraph 6.58) outlines that whilst it is acknowledged there would be some reliance on private transport in rural locations, the availability of good public transport links, cycling and walking routes can reduce this reliance and enable better accessibility to high-order rural settlements, which include Wye. This is supported by policy SP2 which states that windfall development such as this will only be permitted where it is consistent with the spatial strategy identified in the Local Plan, in order to ensure that sustainable development is delivered.
28. Whilst it is noted that there are a range of day-to-day services within the village of Wye, as outlined in the site and surroundings section of this report, the Wye Free School (secondary), doctors surgery, shops, village hall, primary school and train station are, for the exception of the Wye Free School, approximately 1.5-over 2km from the site.
29. There is a public bridleway opposite the site which leads down onto Occupation Road/Olantigh Road where Wye School is located, this is an unsurfaced PROW and is unlit. It would not be practicable or possible, for example for less able bodied persons, parents with buggies or the elderly to utilise this footpath even in dry conditions, also owing to the gate half way along its length which would prevent cyclists, motorised mobility scooters and buggies from utilising this route. During poor weather, the footpath is unlit and

can become muddy, further limiting the ability of future occupiers to access the village on foot with ease, as required by HOU5 (criterion b).

30. Whilst Coldharbour Lane benefits from a footpath for the majority of its length, the first part of this narrow in width and unlit and located on opposite side of the Lane from the junction with Little Olantigh Road. In light of this, and the subsequent switching of the footway back to the northern side of Coldharbour Lane, pedestrians would be forced to cross the road twice and walk approximately 900m before they reach the edge of the built up confines of the village. This would not constitute a safe or easy walking route to the day-to-day services in the village which lie beyond as identified in paragraph 27.
31. Given the number of dwellings, it is considered that the development would comply with criterion a) of policy HOU5. However, in light of the distance of the site from these services, it is considered the proposed dwellings would not be sustainably located in respect of access to these services for future occupiers by means sustainable modes of transport.
32. In principle, the development is located outside of the built up confines and village envelope, as defined by the Local Plan under paragraph 6.51 and policy WNP1. Access to day-to-day services within the settlement of Wye on foot or other sustainable modes of transport would be limited given the separation distances significantly beyond the generally accepted 800m (although local context may justify higher or lower distances) set out in the preamble to policy HOU5. Given the constraints outlined above in terms of safe pedestrian links to enable easy access to these services it is arguable that a lower threshold could be justified in this instance. Given this, it is likely that the proposed dwellings in this location would require the use of private modes of transport given majority of services within the village are located 1.5-2km from the site. As a result, the proposed development would fail to comply with criterion b) and d) of HOU5, the broad principles of sustainably located windfall residential development required by SP2 and be outside of the village envelope as defined by WNP1 and therefore, not be sustainably located. This would be of detriment to the environment as a whole.

Commercial (B1a Office and A3 Café) floor space

33. As outlined in the preceding sections of the report, the site is outside of the built up confines of the village of Wye. New employment sites in the countryside are considered against policy EMP5 of the Local Plan and within the WNP area under policy WNP4. Policy EMP5 states that for proposals for employment development on new sites in the countryside will not be permitted unless the following criteria are met
 - a) It is essential to be located in the countryside;
 - b) Development can be integrated sensitively into its context respecting the character of any important existing buildings, the landscape setting and sites of biodiversity value;

- c) There would be no significant impact on the amenities of any neighbouring residential occupiers; and,
 - d) It can be demonstrated that the development will not generate a type or amount of traffic that would be inappropriate to the rural road network that serves it.
34. It has not been demonstrated that the proposed B1a office and A3 café use would need to be located in the countryside, which is the starting point for the consideration of the proposed development against policy EMP5. Whilst the site has previously had planning permission granted for B1a office accommodation, this related to the conversion of the existing buildings and not their replacement and as such was policy compliant at the time. This permission was never implemented and has since lapsed with the buildings deteriorating in the intervening period. It is unlikely that the buildings could not now be converted without substantial rebuilding (and no evidence has been provided to suggest otherwise) and as such this no longer forms a material planning consideration that carries weight in the consideration of this application. Therefore it falls to policy EMP5 of the Local Plan and the proposed development would fail to comply with criterion a) of this policy.
35. It is noted that the buildings are on a site which has a lawful D1 use as part of the former Wye College. The site is considered to constitute a brownfield site, as defined by the NPPF which states that previously developed land is:
- Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape*
- This is material to the consideration of the application, as it would make use of a redundant brownfield site. The visual impact and enhancement of the designated landscape as a result of the re-use of the site would have to be weighed up against the material harm of a new isolated employment use in the countryside without justification. This is considered in more detail in the visual amenity section of the report which follows below.
36. Whilst it is noted in the Planning Statement submitted by the applicant that the proposed commercial floor space would be offered up and promoted as a priority to local businesses and start-ups, there would be no mechanism to secure this through planning conditions which would meet the relevant tests or warrant a departure from policy EMP5 of the Local Plan. Furthermore, no

evidence has been submitted to demonstrate that such a need exists in the locality which would outweigh the departure from EMP5.

37. In light of the above, it is not considered that there is any overriding justification or essential need for new employment premises in this location. The proposed development is poorly located and an unjustified new employment use in the countryside contrary to policies EMP5 (criterion a) and WNP4.

Visual Amenity

Existing character and appearance

38. The site is enclosed by existing landscaping and is characterised by functional, low lying single storey largely timber clad agricultural buildings (see typical buildings on site in figures 16 and 17) which are predominately 3.35 metres in height. These, on the whole, are functional and of their time and clearly reflect their past agricultural use of the site. Some of the site has had temporary unauthorised commercial uses in recent years since the closing of Wye College.



Figure 16 - Example of existing building on the site



Figure 17 - Examples of some of the existing structures on the site

39. The site abuts open countryside and a rural lane from which views of the site on approach from the west along the public bridleway (route code AE109) are wide ranging (Figures 18 and 19). As walkers approach the rising topography up onto the Wye Downs and the well renowned local landmark, the Crown Memorial, the site is visible and views into the site would be increased during the winter months due to the deciduous nature of the existing screening along the northern and western boundaries of the site.

Dwellings

40. The two proposed dwellings would be required under policy HOU5, criterion f) iii) to include an appropriately sized and designed landscape buffer to the open countryside. Whilst there is existing vegetation to be retained, which encloses the site, this is not protected by any tree preservation orders, is deciduous and it could therefore be removed without any restriction. It cannot be relied upon to screen this prominent site in perpetuity should permission be granted. The resultant domestication of the southern part of the site through the uncontrolled domestic paraphernalia associated with residential use, would result in an alien and incongruous form of development contrary to the existing rural character and appearance to the detriment of the designated landscape. The rising topography on the southern and eastern boundaries of the site assist with screening the proposed housing from some public view points and landscaping could be secured through condition, however, this could not be relied upon to make the development acceptable in perpetuity. Further landscaping alone does not justify what is otherwise unacceptable and harmful development.



Figure 18 - View from PROW looking towards site (from west looking east)



Figure 19 Limited screening along the western boundary of the site fronting the road

41. Plot 1 (further from the road) at the rear of the site would be dug into rising topography of the site. It would have a lower ground floor and a ground floor above. Render would be used with a large proportion of inset timber boarding to break up the majority of the render with large elements of glazing along the western elevation to both floors. The roof would be a green sedum roof. This would not appear as stark as purely white render finish to plot 2 (see below). The overall height of the dwelling (3.6m), which is less than the existing building which it would replace (5.5m). The cutting into the rising topography of the site would also reduce its visual prominence within the landscape to an extent.
42. Plot 2 (closest to the road) would be the larger of the two dwellings in terms of height (6.8 m above ground level) but be of a comparable footprint to Plot 1. It would sit on the lower part of the site, closest to the road where the site is more level. At first floor a smaller, inset with a mono-pitched sedum 'green' roof with glass balustrading framing part of the flat roof to provide a terrace with the remainder of the flat roof finished with metal coping. The first floor walls would be externally clad with timber cladding and a powder coated metal fascia and gutters. The dwelling would be of a contemporary design with a palette of materials which would include render, timber cladding and a standing seam roof.
43. Both dwellings would include some solar panels on the rear part of the flat roof. It is not considered, given their limited extent that this would cause significant visual harm.
44. The use of white render for the plot 2 would appear be quite stark against the backdrop of the Wye Downs and be relatively visible during winter months or should the existing screening of the site be removed. Given that the screening around the site, cannot be relied upon in perpetuity and there would be no buffer to the open countryside beyond as required by f) iii) of HOU5.
45. The use of more traditional materials, which would soften and weather with time would be more appropriate in this location and mitigate this harm to an extent but not sufficiently enough to overcome it. This is echoed by the Kent Downs AONB Unit who have commented that they have concerns regarding the replacement buildings and that a more simplified palette of materials would be more appropriate to the rural context. They suggest that there should be more timber boarding in lieu of render.
46. The dwellings would sit comfortably within their plots given their footprint in comparison to the buildings they replace and in terms of their bulk and massing given their reduced height and flat roof design. The proposed layout would result in an appropriate density for the site.
47. However, by virtue of their design and appearance the proposed dwellings together with the resultant change of use of land to residential curtilage, which would domesticate through the associated domestic paraphernalia, would constitute a visually incongruous, alien and intrusive form of development which would fail to respect the designated landscape. The proposal would

therefore fail to comply with policy HOU5 criterion f) i), iii), iv), ENV3b, SP6 and WNP1c, WNP2 and WNP8, criterion a).

Commercial (B1a Office and A3 Café) floor space

48. The proposed commercial buildings have an overall footprint of 1133sqm. The buildings which are being replaced have a footprint of 2240sqm. Several of the buildings to be demolished are rudimentary agricultural structures which are open on all or the majority of their elevations (figure 17). In addition to this, the internal road (permeable tarmac) and car parking (resin bounded gravel) associated with the proposed use results in hardstanding equalling a total of approximately 2900sqm, an increase from the approximately 2400sqm which currently exists on the site and is less formalised than that proposed.
49. The existing buildings and those which are proposed to replace them, are single storey (typical building shown in figure 16). The replacement buildings would be no higher than building 6 at the rear of the site, where ground levels are higher. The proposed buildings would be a maximum height of 5.8m.
50. The location of the buildings within the site is not dissimilar to the layout of the existing buildings to be demolished. The proposed buildings would therefore respect the density of built form on the site and the resultant bulk and massing of the proposed buildings would not be dissimilar to those which they would replace.
51. However, the character and appearance of the existing buildings which are to be demolished and replaced, as have already been noted as being very simple in terms of construction and reflective of their former agricultural use, would not be respected. The replacement buildings would reflect their proposed use which would appear alien within the designated landscape. The external finish of the buildings introduces a very varied palette of external facing materials. These include standing seam grey metal roofing, green roofs for the flat roof elements, vertical cedar cladding, horizontal black stained cladding, light and dark grey rendering, blue brick plinth, slatted timber detailing, hit and miss timber cladding and slate ebony cladding panels. This varied palette fails to respond to the character and appearance of existing rural buildings within the wider designated landscape, in particular the use of render results in a rather stark and visually intrusive facing material, which is noted by Kent Downs AONB Unit.
52. The proposed car parking, whilst largely to the rear of the buildings, including the main car park, which would be cut into the rising topography to the rear of the site as it rises towards the Wye Downs, would result in significant parking of vehicles and include approximately 400sqm of additional and more formalised hardstanding to facilitate vehicle parking areas than the existing situation. Whilst it is noted that the previous permission also included a significant amount of parking, the approved plans indicate that the surfacing of the internal roads and parking areas was to be through reinforced grass pavers as opposed to tarmac and resin bonded gravel for the road and parking spaces respectively.

53. It is noted that building 1 will include solar panels on the west facing roof slope given the set back from the road and screening from the buildings closer to the road, this would mitigate solar glare to prevent significant visual harm (figure 8 – west elevation).
54. The buildings on the site are in a poor state of repair, which prevents them from being converted for alternative uses, their neglect and resultant appearance together with their simple design, reflects their function and is characteristic of their location in the countryside. This does not justify their demolition and replacement with modern commercial buildings and significant formalised car parking areas. This would appear alien and incongruous and fail to respect the character and appearance of the designated landscape. The existing buildings do not significantly detract from the character and appearance of the countryside.
55. Paragraph 172 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection. The proposed development, as a result of the visual impact outlined above would constitute an alien and incongruous form of development to the detriment of the visual amenity of the locality. This would fail to preserve or enhance the character and appearance of the designated landscape contrary to paragraph 172 and would be contrary to policy EMP5 criterion b), ENV3b, SP6 and WNP1c, WNP2 and WNP8, criterion a).

Residential Amenity

56. There are no immediate neighbours to the site, those which are within the immediate vicinity to the site are well separated (100m to the south of the site boundary) from both the proposed dwellings and commercial floor space.
57. The proposed dwellings would comply with policy HOU12 with respect to internal living accommodation against the Nationally Described Space Standards. There would be sufficient external amenity space in accordance with HOU15.
58. At least 20% of all new dwellings are required, under policy HOU14, to meet accessibility standards under M4 (2) of the building regulations, this can be secured through condition for one of the dwellings on site in accordance with this policy.
59. Given the nature of the use of the remainder of the site (to the north) for commercial floor space, given the separation distance, nature of the proposed use, which would not generate significant levels of noise and disturbance, there would be no harm to residential amenity for existing occupiers of the dwellings to the south of the site. The imposition of a condition can control hours of operation to prevent comings and goings at unsociable hours which could impact upon the amenity of future occupiers of the two proposed dwellings. Therefore the proposed development would comply with criterion c) of policy EMP5.

60. In light of the above, there would not be any harm to the amenity of future occupiers or existing residents within the immediate area. The proposed development would therefore comply with criterion f) v. of policy HOU5.

Highway Safety & Parking

Dwellings

61. The proposed dwellings would be served by the existing vehicular access to the site which benefits from sufficient visibility splays. There would be sufficient on-site parking in accordance with policy TRA3a. The limited number of vehicular movements generated by two dwellings could be accommodated without detriment to the rural road network. The proposed development would therefore comply with criterion c) of policy HOU5.

Commercial (B1a Office and A3 Café) floor space

62. As noted above, the site benefits from an existing vehicular access with sufficient visibility in either direction along Little Olantigh Road. Following the initial comments received from KCC Highways and Transportation, amendments have been sought to the access arrangements, which had previously proposed a secondary access, as an egress point, onto the highway to enable an in-out, one way system for traffic for the commercial part of the site.
63. KCC have amended their comments, following the amendments to the plans and note that the trips generated by the proposed use would previously deemed acceptable for a B1 use (09/00708/AS). The A3 (Café use) would generate a negligible number of vehicle movements. Whilst it is noted that the visibility from Little Olantigh Road onto Coldharbour Lane is below standard, given the historic vehicular movements associated with the site, KCC do not consider that this would cause severe harm to justify refusal. There is sufficient on-site parking for the proposed floor commercial floor space being created (49 on-site parking spaces and 7 visitor parking spaces on the road frontage parking area). This would comply with the requirements of TRA3b. Subject to conditions, which include the provision and maintenance of visibility splays, a construction management plan, retention of parking spaces and cycle parking provision in accordance with policy TRA6, the Highway Authority raise no objection. It is therefore considered that the proposed development would comply with criterion d) of policy EMP5.

Ecology

64. The proposed development must have regard to the impact on protected and notable species. Policy ENV1 requires this together with enhancements to biodiversity. As part of the application, an ecological report submitted has concluded that there would likely be no significant ecological impact from the proposed development.

65. No evidence of bat activity was found on site and therefore, KCC Biodiversity are satisfied that no further information is required regarding roosting bats. A condition should be imposed regarding external light on site to ensure no harm to bat activity within and on land adjoining the site.
66. Ecological enhancements could be secured through condition in accordance with ENV1. In light of the above, the proposed development, would not have an adverse impact upon the favourable conservation status of protected and notable species and would comply with policy ENV1, criterion b) (in part) of policy EMP5 and criterion f) iv. of HOU5.

Flooding, Surface Water Drainage & Foul Water Disposal

67. The site is not located within any area at risk from flooding. The site constitutes a major development given its site area and whilst it is previously developed with buildings, the site is underlain by chalk which is permeable and allows for good infiltration rates for surface water within the site in accordance with the Council's SUDs SPD and policy ENV9. It is considered given this, that a suitable SUDs compliance surface water disposal system could be provided, subject to condition. Foul drainage could be secured through condition.

Other issues

68. The site is not recognised as being within an area having known or potential for archaeological remains, however, given its size and location in close proximity to known archaeology, there is potential for remains to exist which could be of significance. KCC Heritage are satisfied that given the information available to them, through a condition for a watching brief, should permission be granted, no harm would be caused to any archaeological remains. Therefore, the development would therefore comply with policy ENV15 and the requirements of the NPPF.
69. There are trees along the boundaries of the site which enclose it on all sides. There would be the loss of some trees along the eastern boundary which are adjacent to the rising topography of the Kent Downs and the Crown Memorial as a result of the excavation for the proposed car park. This could be mitigated by replacement planting required by condition should permission be granted. As highlighted in the visual amenity section of the report, the trees at present help to screen the site to an extent. However, their removal in the future could give result in harm, however, there is currently no threat imminent threat to their removal.
70. Concerns have been raised regarding access to the accessible WC (AWC) and the internal pathways for people with reduced mobility. The proposed AWC would be required to comply with the Building Regulations to ensure DDA compliance. Furthermore, the proposed internal pathways within the development and gates would be subject to further details to be secured by condition should permission be granted which could include details of internal pathways and ramps to ensure accessibility for persons with reduced mobility.

71. There is a requirement under policy ENV11 for new major non-residential development to achieve BREEAM 'Very Good' standard with at least a 40% improvement in water consumption against the baseline performance of the building. It is considered this can be achieved and should permission be granted, a suitably worded condition can be imposed to ensure compliance.

Human Rights Issues

72. I have also taken into account the human rights issues relevant to this application. In my view, the "Assessment" section above and the Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

Working with the applicant

73. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

Conclusion

74. The proposed dwellings, which are located a considerable distance outside of the built up confines would result in the departure from the development plan and the guidance contained within the NPPF, as outlined in the assessment. The development plan, which includes the Wye Neighbourhood Plan, seeks to ensure new residential development is located within close proximity to shops, services and public transport links. By virtue of the separation of the site from the village and the services located within it, in the absence of public transport links and a safe, lit and surfaced footpath into the village, the future occupiers would be reliant on private modes of transport to enable access to every day services. This would represent unsustainable development resulting in environmental harm.
75. The proposed dwellings would result in a domestication of the landscape through the introduction of domestic related paraphernalia would result in the domesticity of this rural site to the detriment of the character and appearance of the designated landscape. The proposed external facing materials would be uncharacteristic and result in an alien and incongruous form of development which taken together would have an adverse impact on the character and appearance of the designated landscape.
76. The proposed commercial floor space would result in a new employment site in the countryside without justification. It is noted that the buildings, which have been subject to neglect and disuse, are in a poor state of repair. Whilst

this is a brownfield site, the buildings are characteristic of the locality and the rural context and do not cause significant visual harm. The harm caused by the introduction of new buildings which fail to respect the character and appearance of the designated. The associated car parking and formalised hardstanding, would result in a visually harmful form of development. As a result, the proposed development would fail to conserve or enhance the landscape and scenic beauty of the AONB, which the NPPF (paragraph 172) affords the highest level of protection. It has not been demonstrated that the development is in the public interest to outweigh this harm.

Recommendation

(A) Refuse

on the following grounds:

The proposal is contrary to policies SP1, SP6, HOU5, ENV3b and EMP5 of the Ashford Local Plan 2030 (February 2019), WNP1, WNP1c, WNP2, WNP4, and WNP8 of the Wye Neighbourhood Plan (2016) and Central Government guidance contained in the National Planning Policy Framework (February 2019) and would therefore be contrary to interests of acknowledged planning importance for the following reasons:

1. The proposed dwellings would by virtue of their location and land use, outside of the built confines of any identified settlement in the Local Plan, with no overriding justification having been submitted, give rise to unsustainable new homes in the countryside which would result in over reliance on private modes of transport to access everyday shops and services, contrary to the core principles in the Local Plan and the NPPF which seek to promote sustainable development in rural areas and avoid isolated new homes in the countryside. The proposal would be detrimental to the environment.
2. The proposed new employment site located outside of the built up confines of any identified settlement in the Local Plan, in open countryside without any overriding justification would be unsustainably located by virtue of its location which benefits from poor connectivity to the settlement of Wye and lacks access to sustainable modes of transport resulting in reliance on private modes of transport. The proposal would be detrimental to the environment.
3. The proposed dwellings, office buildings and associated car parking by virtue of their amount, layout, siting, scale and design would give rise to an alien and incongruous form of development to the detriment of the character and appearance of the Kent Downs Area of Outstanding Natural Beauty landscape.

Note to Applicant

1. Working with the Applicant

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner by;

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application
- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision and,
- by adhering to the requirements of the Development Management Customer Charter.

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
- the applicant was provided the opportunity to submit amendments to the scheme/address issues.
- the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Background Papers

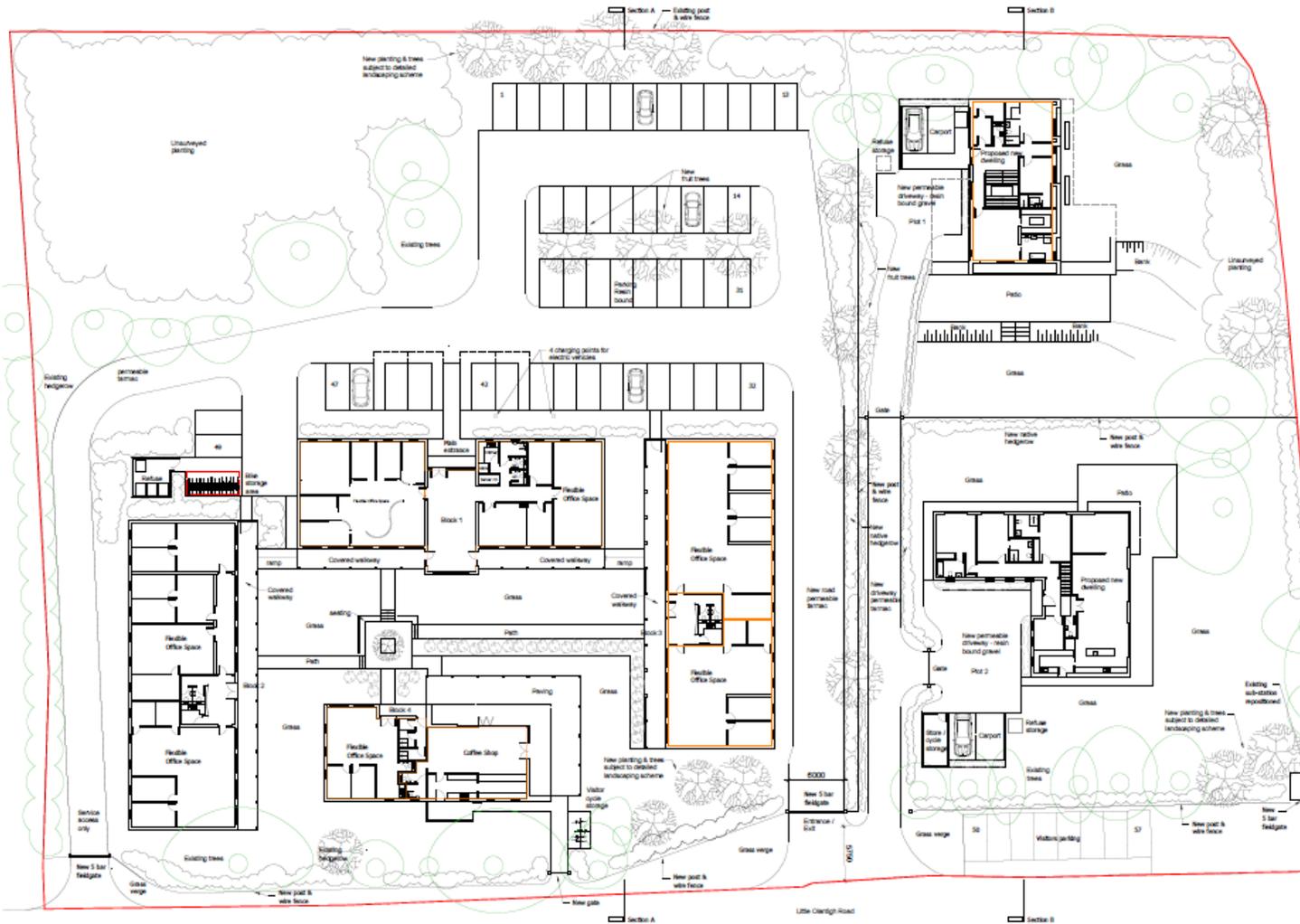
All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 19/00195/AS)

Contact Officer: Rob Bewick

Email: rob.bewick@ashford.gov.uk

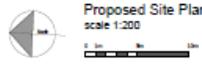
Telephone: (01233) 330683

Ashford Borough Council - Report of the Head of Planning and Development Planning Committee 4 September 2019



NOTES
Do not scale drawings.
All dimensions are to be checked on site, including levels and sewer levels prior to commencement of work and any discrepancies reported to the designer.
All dimensions are in millimetres and are structural unless indicated otherwise.
All works shall be carried out in accordance with the current edition of the Building Regulations and other relevant statutory requirements.
All materials and workmanship shall conform with the relevant British Standard specifications and codes of practice.
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| REVISION | DATE | COMMENTS |
|----------|------------|------------------------------|
| REV A | 25.12.2018 | Issue for Planning |
| REV B | 27.05.2019 | Updated trees |
| REV C | 01.06.2019 | Revised access to the office |



btidesign
Sidlands Farm
Little Oatleigh Road
Wye
Kent TN25 5DG
T: 01233 614706 www.btidesign.co.uk

CLIENT
Sidland Property Holdings Ltd

PROJECT
Sidlands Farm, Little Oatleigh Road, Wye
Kent TN25 5DG

DESIGN
Proposed Site Plan

| | | | |
|-------------|-----------|-------|------------|
| PROJECT NO. | IP00178 | DATE | 01.10.2018 |
| DRAWING NO. | P133-P102 | SCALE | 1:200 @ A1 |
| REVISION | C | DRAWN | db |