

DELEGATED REPORT

REFERENCE:	SE/19/02064/FUL	DATE:	5.9.19
SUBJECT:		NAME:	Jim Sperryn
ADDRESS:	Boons Park, Toys Hill Road, Toys Hill, Edenbridge		

Description of site & location: The application site is located approximately 1.6km to the south of Toys Hill (junction with Puddledock Lane) and the same distance north of Four Elms, on the west side of the main road.

The site previously accommodated an extensive Victorian mansion house, originating from 1896, with extensive outbuilding to the north, arranged around a courtyard. The building was vacant for several years, become dilapidated and was partly damaged by fire. Main access was originally from the south of the house, directly from Toys Hill Road. There are extensive grounds surrounding the house and extending considerably to the south. The former buildings were previously used as a drug rehabilitation centre (residential institution which comprised a Class C2 use).

Planning permission was granted in March 2015 for the comprehensive re-development of the site. Details were discharged and work commenced. However, works later ceased following extensive ground works including the creation of the extensive basement to the replacement house. The development site remains secured by Heras fencing, with the original fencing adjacent to the main road retained.

Proposal:

The proposals seek permission for a development of 4no. large, 2 storey, 5-bedroom houses, set around a roughly circular courtyard.

As with the approved scheme, it is proposed to close the existing southern access into the site and re-open the access from Toys Hill Road to the north. This would run from east to west and then turn 90° south into the site. This would be set off the northern boundary and tree lined. This would lead into the courtyard, within which would be a circular access route around a central landscaped area. Each house would have a flat roof double garage accessible via this courtyard.

The houses take a very contemporary design approach, the detailed design consistent for all, except for several being handed versions. They would have a concave shaped frontage to the courtyard approximately 12.8m in width, with a depth of approximately 17.5m. The remainder of the footprint would be roughly rectangular in form. Apart from the front façade, which would be slightly higher, the parapet level of the rest of the houses would be between 6.3-6.7m above ground level. The roof form would be flat and grass covered and would include several, large, low level rooflights, apart from a small element to the rear, which would include a roof terrace.

The houses would incorporate extensive floor-to-ceiling glazing to the front and rear, with limited fenestration to the flanks. Rear (private garden) facing rooms would incorporate recessed balconies.

Helping to re-inforce the central circular courtyard theme, it is proposed to connect the houses and detached garages by way of a high (3m) brick wall, set slightly behind the front facades. To the rear, the individual curtilages would take the form of a more limited circular area surrounding the development, to be defined by estate boundary fencing, with the wider site apparently accessible to all houses.

Materials would comprise facing brick to the front façade with precast Portland stone window surrounds (slightly recessed), with the flanks and rear comprising a mix of vertical timber boarding (“kebony Clear”) and Green-Brown Chameleon cladding panels. Windows would be bronze coloured aluminium, with hardwood front, garden and garage access doors.

The application is supported by various documentation, including a landscape strategy and extensive ecological enhancements set out in an Ecological Impact Assessment.

Planning History

SW5/64/450: Convert stables to dwelling. Refused

SW5/64/451: Erect bungalow. Refused

SW5/64/490: change of use of dwelling to nursing home. Approved

SW5/66/424: New Access. Approved

SW5/69/214: Erect dwelling for matron. Refused

SW5/70/92: Erect dwelling for Matron. Approved

SE/84/764: Erection of staff bungalow PCO

SE/85/1584: Convert bungalow to staff accommodation. Granted

SE/87/383: Extension. Granted

SE/87/1922/LDC: Swimming pool. Granted

SE/89/1065: Separate dwelling. Granted

13/00955/FUL: Proposed demolition of existing buildings (C2 use) and replacement buildings for nursing home (C2 use).

Refused on 30th October 2013 on the grounds, in summary, that the proposals would result in the loss of a non-designated heritage asset which contributes to the character of the area without a satisfactory replacement scheme.

14/03641/FUL: Demolition of existing drug rehabilitation centre and associated outbuildings. Erection of a large single dwelling with attached outbuildings Coach House East consisting of garage, poolhouse and spa, with basement, Coach House West consisting of staff flat and estate office/function room with basement and Collonade walkways. Granted 31.3.15.

Details to this permission were discharged and works commenced on site with the excavation and creation of a very extensive basement area.

Constraints:

- Green Belt, house & surrounding buildings within Area of Outstanding Natural Beauty, but garden to south of application site outside AONB, Public Right of Way in vicinity to east and south of site.

Policies

Core Strategy:

- L01 Distribution of development
- L08 The Countryside and the Rural Economy
- SP1 Design of New Development and Conservation
- SP2 Sustainable development and Low Carbon Energy Generation
- SP3 Affordable Housing
- SP5 Housing Size and Type
- SP7 Density of Housing Development
- SP11 Biodiversity

Allocations and Development Management Plan:

- SC1 Presumption in favour of sustainable development
- EN1 Design Principles
- EN2 Amenity Protection
- EN5 Landscape
- GB9 Replacement buildings in the Green Belt
- T2 Vehicle Parking
- T3 Provision of Electrical Vehicle Charging Points.

Consultations

Brasted Parish Council: Unanimously support the application.

Arboricultural Officer:

No objection providing trees to be retained are adequately protected.

Highway Authority: (in summary)

No objection is raised to the proposals subject to conditions as follows for reasons of highway safety:

1. Provision and maintenance of a 55m x 2.4m visibility splay to the south and 120m x 2.4m visibility splays at the junction of the access road with Toys Hill Road with no obstructions over 1.05m above carriageway level within the splays, prior to use of the site commencing.
2. Any gate across the driveway should be at least 5.5 metres from the carriageway of Toys Hill Road;
3. The driveway should be formed of a bound material within 5.5 metres of the carriageway of Toys Hill Road.
(in summary)

Natural England: (In summary)

No comments on the application - refer to standing advice or consult own Ecological service.

Forestry Commission:

Note ancient woodlands are an irreplaceable resource and it is Government policy to refuse development that will result in loss or deterioration of irreplaceable habitats, ancient woodland or veteran trees.

They note that they are a non-statutory consultee on developments in or within 500m of ancient woodland and refer to their standing advice.

K.C.C. Ecology: (initial response)

We have reviewed the submitted ecological information and we advise that additional information is required prior to determination of the planning application.

The submitted information has detailed the following:

- GCN are present within the site.
- Suitable habitat for reptiles
- Brown Long Eared Maternity Roost was previously recorded within the site - the buildings have since been demolished under an EPS licence and a *dove cote* was erected within the site to provide replacement roost habitat. The *dove cote* will be removed to facilitate the development
- Suitable habitat for dormouse
- Suitable habitat for breeding bird
- Lowland Mixed Deciduous Woodland within the site and surrounding area
- Ancient Woodland to the SW of the site

The submitted information has provided an overview of the mitigation and enhancements proposed and it has detailed the following:

Implementation of a translocation for GCN. We highlight that any reptiles present within the site are likely to be captured during the GCN mitigation.

- Precautionary mitigation for breeding birds and dormouse
- Protection and retention of the area of Lowland Mixed Deciduous Woodland
- Erection of a bat barn within the south of the site to mitigate for the loss of the *dove cote*.
- Green Roofs on the dwellings
- Creation of a receptor area for GCN/Reptiles
- Implementation of a site wide management plan for the wider area.
- Additional native species planting within the surrounding area.

While in theory we are supportive of what has been proposed we advise that additional information is required prior to determination to enable us to ensure that SDC can fully assess the impact from the proposed development.

Bats

The submitted report has detailed that 3 emergence/dawn re-entry surveys are required to understand how the *Dove Cote* is currently being used by roosting bats. As it is currently the bat roosting season we would expect the bat surveys to either have been completed or currently underway. We advise that the result of the bat emergence surveys must be submitted prior to determination.

The replacement bat barn has only been included within the submitted EclA we advise that to demonstrate that it can be built it must be included on to the site plans.

GCN/Reptile mitigation area

We require confirmation that the proposed receptor site will be managed appropriately to ensure suitable habitat for the species will be managed appropriately in the long term.

Ancient Woodland

There is an area of ancient woodland in the SW corner of the site and the report has detailed that the boundary fence will be located 11-15m from the Ancient Woodland. We highlight that as the site plans have already been produced the submitted document can clearly state what distance the fencing will be located from the AW.

Lowland Mixed Deciduous Woodland

We are supportive of the proposal to retain the areas of Lowland Mixed Deciduous Woodland within the site. However the woodland covers quite a large area of plot 2's garden there for we question how the applicant will ensure that the woodland area is retained once the plot has been sold.

Further comments have been submitted from KCC Ecology on 24th September 2019, following the submission of further information/clarification. No objection is raised to the proposals subject to conditions.

Representations:

Six letters of representation have been received from local/interested neighbours raising the following objections:

- Proposals disproportionate in size and out of character with local design.
- Roof gardens will result in loss of privacy and noise.
- Development cramped into small area of large site.
- New access will result in noise and disturbance.
- Detrimental to road safety.
- Local lanes too narrow to accommodate additional vehicles.

Non planning matters are also raised, relating to infrastructure capacity.

A letter has been received from the National Trust highlighting, in summary, that the site may be visible at certain times of the year from Octavia Hill's Well (part of Toys Hill Estate) and the development may appear incongruous within the landscape. The materials chosen may exacerbate the impact.

APPRAISAL

Principle issues

Green Belt Implications:

Current Government advice, in the form of the **National Planning Policy Framework**, supports the protection of the Green Belts and seeks to restrict development.

Paragraph 133 of the NPPF states that "The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."

The advice states that there is a general presumption against inappropriate development within the Green Belt. Such development should not be approved, except in very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt.

Paragraph 145 states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. However, there are exceptions to this including the following:

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not
- have a greater impact on the openness of the Green Belt than the existing development.

I consider the site to comprise previously developed land. In my view, this is the key test against which to judge the proposals.

Section 7 of the Council's "Development in the Green Belt" SPD relates to previously developed brownfield redevelopment. It explains that:

"...The Council will consider the impact of proposals on a case by case basis and the unique circumstances of the site but in order to maintain the same impact on the openness of the Green Belt and fulfil its purpose, the Council would generally expect redevelopment proposals to:

- a. Have no greater harm than the existing development on the openness of the Green Belt and the purpose of including land in it, and where possible have less;
- b. Not exceed the height of the existing buildings; and
- c. Not occupy a larger area of the site than the existing buildings.

"The guidance continues, the most relevant area for the purpose of (c) is the aggregate ground floor area of the existing buildings (the "footprint"), excluding temporary buildings, open spaces with direct external access between the wings of a buildings, and areas of hardstanding. However, the Council will consider alternative approaches to determining impact where there is a justification to do so.

The character and dispersal of proposed redevelopment will need to be considered as well as its footprint. For example many buildings may together have a much smaller footprint than a few large buildings, but may be unacceptable because the dispersal of the buildings and their curtilages over a large part of the site may have an adverse impact on the openness of the Green Belt and its purpose."

It should be noted that whilst there is permission for a very substantial replacement house on the site and this has been implemented, works have ceased with the creation of the basement and no above ground works have taken place. Nevertheless, this permission remains extant. The applicant has advised that in the event that this permission were to be refused, the original scheme would be built out and I have no reason to doubt this. I consider this a material consideration of substantial weight.

Thus, I consider it reasonable to consider the impact of the present proposals compared to the extant permission.

In this regard, whilst the 4 houses proposed would result in a marginal increase in footprint (2.7% or 24m²), they would represent a 14% (277m²) reduction in floorspace and a 12.5% (706m³) reduction in overall volume. The grass roof level would also be 2.8m lower than the ridge to the approved house. These reductions are over and above those achieved by the

extant permission when compared to the original house on the site. I consider these reductions would have a positive impact on the openness of the Green Belt.

The key remaining issue in my view, is whether the spread of development now proposed would be materially harmful to the openness of the Green Belt.

In this regard, whilst there would be an overlap with the footprint of the approved house, those proposed would result in a more extended built envelope. That said, the houses would remain very clearly sited within the central portion of the site, with only very limited encroachment into the surrounding gardens. The site is well screened and it is unlikely that the development would be readily visible outside the site, other than perhaps the units closest to the road. The larger part of the site would remain landscaped, with the trees retained. In the particular circumstances, set against the clear benefits through the further reduction in floorspace and volume of built development and the clear reduction in height, it is my conclusion that the proposals would not have a greater impact on the openness of the Green Belt than the extant permission. Furthermore, I do not consider the continuation of a residential use of the site would conflict with the purposes of the Green Belt.

I therefore consider that the proposals represent appropriate development, which would maintain the openness of the Green Belt.

Impact on Area of Outstanding Natural Beauty:

The Countryside and Rights of Way Act 2000 states that the Local Planning Authority should conserve and enhance Areas of Outstanding Natural Beauty. Designating an Area of Outstanding Natural Beauty protects its distinctive character and natural beauty and can include human settlement and development.

Section 85 of that Act requires decision-makers in public bodies, in performing any function affecting land in an Area of Outstanding Natural Beauty, to have regard to the purpose of conserving and enhancing the natural beauty of that area.

Core strategy **L08** refers to the extent of the Green Belt will be maintained. The countryside will be conserved and the distinctive features that contribute to the special character of its landscape and its biodiversity will be protected and enhanced where possible. The distinctive character of the Kent Downs and High Weald Areas of Outstanding Natural Beauty will be conserved and enhanced

The site lies within the Kent Downs AONB and sits at the top of a gently sloping parkland site, with the site of the proposed houses surrounded by landscaping, including numerous mature trees. This considerably softens the appearance of the site. As the siting of the proposed buildings would generally reflect the built envelope of the previous development on site as well as that approved and thus does not necessitate the removal of any significant planting, I consider the landscaped setting of the site would be preserved.

Though there would be views from the public highway directly to the east of the house, the impact could be considerably softened by modest planting along this boundary. There would also be public views directly from the south, but these are at a distance, are outside the AONB boundary and would again be well screened and screened and softened by existing tree planting.

Whilst the proposed houses take a different design approach to that originally on site and indeed to that approved, the proposals would represent an overall reduction in built form on the site. The residential use of the site is a well established one, with the site previously occupied by a substantial mansion house. Indeed the original house on the site predated designation of the AONB, and they formed part of the landscape in this location.

Furthermore, there is an extant consent for a very significant replacement house on the site. Whilst extensive, I do not consider the present proposals would have any greater visual impact on the landscape than the very large single house approved. Though there would be a slightly greater spread of development, this would be balanced against the reduction in height and built volume. Furthermore, I consider the grass roof proposed would considerably reduce the impact of the development from any longer distance vantage point at higher level.

With regard to the concerns raised by the National Trust, I have visited Octavia's Well. From this high level view point there are very extensive views southwards. The landscape is dotted with houses and farmsteads, but in my view the vista is dominated by open fields with large areas of woodland. Indeed the area around the site and particularly to the north separating it from Toys Hill is well wooded. The site is approximately 1.5m from Octavia's Well. I was unable to discern the site from the Well and this is likely because of the extensive tree cover. I would note also that the proposed houses would be lower in height than that previously approved. With the use of grass roofs, I consider it unlikely that there would be any clear view of the development from any long distance vantage point and in the wider context of the AONB, I consider the proposals would represent an enhancement over the approved scheme.

In the circumstances, subject to retention of existing trees and a landscape scheme to help enhance the setting of the site and soften the impact of the new buildings, I do not consider the proposals would erode or significantly harm the otherwise open and rural character of the landscape.

Size and design of proposals and implications for existing buildings:

During the consideration of the previous application, it was concluded that the building, due to its history, architecture and landmark status, was considered to be a locally important building and therefore a non-designated heritage asset. Though very substantial in size, it was considered that the proposed house would be of sufficiently high quality to justify replacement. However, the original building has now been demolished and extensive ground works to the replacement house put in place.

Paragraph 124 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development. Planning decisions should ensure that as well as proposals being sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change they should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. They should optimise the potential of the site.

Policy **EN1** of the **ADMP** seeks high quality design and lists a number of criteria with which development must comply. Of particular relevance is that proposed development should respond to the scale, height, materials and site coverage of the area and the layout should

respect the topography and character of the site and incorporate features such as trees, hedges and ponds within the site and should not result in loss of buildings, open spaces or green infrastructure that would have an unacceptable impact on the character of the area.

Policy **SP1** of the Core Strategy states that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated.

The proposals would in my view make a more efficient use of the site by providing 4 houses in place of the approved one, without resulting in an increase in overall built form on the site.

Whilst other dwellings in the locality take a far more traditional vernacular design approach, including Boonswood to the north, this property is not readily visible to public view. Thus whilst there is a broader design context to the site, I do not consider this to be obviously reflected in the immediate context of the site. The site is a relatively isolated one and as set out above, well screened from wider public view. Indeed this formed part of the justification for the extant replacement dwelling.

A description of the design is set out in the proposals section above. Bearing in mind the thrust of Government guidance, I do not consider the very contemporary design approach taken to be unacceptable because of the rural setting of the site, so long as the design itself is of high quality and preserves the character and appearance of the area.

In this regards, I consider the proposals represent a high quality, bespoke design. The dwellings would be sited around a landscaped central access courtyard. Whilst the front façade of the houses would be brick and glazed and more formal and suburban in appearance, and the connecting walls would re-inforce the effect, this would only be readily visible from within the centre of the site itself. The buildings would then radiate out from the centre, with the splay providing increased spaciousness between the blocks. The flank and rear elevations would largely be finished in timber cladding with green-brown Chameleon cladding panels, which would give a softer and more informal appearance. The larger areas of glazing would be slightly recessed within the façade, which would help to reduce their visual impact. Whilst undoubtedly rather rectangular and “blocky in form, the truncated flat roof design would keep the height of the buildings to little over 7m and would enable a seeded green roof. I consider this would considerably enhance the appearance of the proposals from any longer views. Thus, whilst the contemporary design would be readily apparent close-to, from a distance I consider the finished materials and green roof would help blend the buildings into their landscape setting. The access arrangements are essentially as previously approved. Individual parking would be provided within the site by single storey, grass flat-roofed double garages.

Whilst the proposals would entail the removal of some trees, these are largely lower quality specimens. Their removal would be balanced by new tree planting both within the centre and particularly around the eastern and southern area of the site. In the circumstances, the Arboricultural Officer raises no objections to the proposals. Tree protection measures are indicated on submitted drawings and could be subject to condition. The landscaping (and ecological) enhancements and management of the wider site could also be covered by condition.

I would note that the present proposals do not seek as extensive a curtilage as the extant scheme. They seek to limit the curtilage to the dwellings to a much smaller portion of the

site with extensive areas to the east, west and particularly the south unaffected by the proposals. This essentially restricts the development to the area of the site already very largely cleared and/or significantly disturbed by ground works in connection with the clearance of the site and commencement of implementation on the extant permission. Individual curtilages are to be defined by simple estate railings, with hedging separating individual plots. Whilst I consider there are advantages in that the curtilage would be far more restricted, I consider it important that a long term landscape management plan for the wider site be established. However, this could be subject to a suitable condition.

In the circumstances, having regard to Government advice set out above, I consider the layout, siting, design and appearance of the proposals would represent a high quality design which would preserve the character and appearance of the area, with the landscaping proposals helping to assimilate the proposed houses into their wider rural landscape setting.

Highway implications:

Policies T1, T2 and T3 are relevant to the proposals. These require acceptable levels of parking and highway impact and facilities for electric vehicle charging.

The proposals would provide 4 parking spaces to provide each dwelling with 4 additional visitor spaces located within the entrance courtyard.

Despite the rural location, the Highway Authority are satisfied that the parking requirements are met and that the impact on the highway network would be acceptable. No objection is raised to the relocated vehicular access point, which is as per the approved scheme, subject to the provision of the necessary sightlines, which can be adequately conditioned, there are no highway objections to the proposals.

Impact on residential amenity:

Policy EN2 seeks to protect the amenities of neighbouring residents. There is only one neighbouring property likely to be directly affected.

The closest neighbour to the site is Boonswood, the dwelling to the north of the site. This property is located away from the siting of the houses, beyond the proposed access road into the site. At the closest point, it would be a minimum 31m from the closest dwelling. However there is dense tree planting along the southern edge of the intervening access with a dense hedge along the northern boundary. This provides a fairly comprehensive screen to the site. There is also additional planting along the southern boundary of Boonswood.

Furthermore, use of the site in connection with a 4 dwellings would be likely to have no greater impact than that of the former use of the site as a care home. In the circumstances, I do not consider either the buildings as proposed, or the use of the site for residential purposes, would have an unacceptable impact on the amenities of the neighbouring occupiers.

I am mindful of the potential for overlooking from the roof terraces, although because of the orientation of the proposed houses relative to Boonswood (Plots 1 and 4 in particular), the distances involved and the intervening screening, I consider the potential for overlooking of the house itself or of private amenity areas immediately adjacent to the house to be very limited indeed.

Impact on ecology:

Under the Natural Environment and Rural Communities Act (2006), “*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*”. In order to comply with this ‘Biodiversity Duty’, planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.

The National Planning Policy Framework states that “*the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible.*”

Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System states that ‘*It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision.*’

Core strategy policy **SP11** seeks to ensure that the bio diversity of the district will be conserved and opportunities sought for enhancement.

The application is supported by a Ecological Impact Assessment and an Arboricultural Report.

The Arboricultural report identified that apart from the removal of 1 category B Yew hedge, all the trees to be removed to facilitate the development are either category C or U trees. The loss of this planting would be mitigated by the comprehensive landscape strategy, which includes the planting of substantial native tree and hedgerow planting, including a number of specimen trees around the site.

The various ecological work has identified potential impacts on a number of species. Mitigation measures have been proposed which include native species hedge and tree planting, the use of green roofs, use of precautionary measures during site clearance to reduce risk to any reptiles, nesting birds or dormice. In addition, licences will be required to mitigate the impact on Great Crested Newts and relocate them to a receptor area within the site and further bat survey work to mitigate the impact and inform the licence required for this work. In addition, it is proposed to provide 0.17ha of GCN habitat, one hibernaculum and two logs piles within the compensatory habitat area as well as bird and bat boxes.

It is also proposed that the site be subject to a Landscape and Ecological Management Plan. It is envisaged that this will include creation and management of native species grassland and maintenance and management of the green roofs.

KCC ecology have concluded that with regard to the impact on bats, a condition should be imposed requiring bat emergence surveys. Details of the proposed bat barn should be included within the ecological mitigation strategy. With regard to the impact on GCN/Reptile mitigation, it is accepted that this can be clarified as long as submitted as part of a LEMP (Landscape and Ecological Management statement) and a condition is recommended. With regard to the ancient woodland, it is noted that this is located outside the site, but between 9-15m to the southeastern corner (adjacent to the existing access). This is considered acceptable in the circumstances, so long as details of how the woodland will be managed is included within the LEMP. The lowland mixed deciduous woodland within

the rear of the garden to Plot 2 should be retained by an appropriate method (eg. condition).

Bearing in mind the current condition of the site, I consider this package of proposals to represent significant overall ecological benefits.

Affordable Housing:

Policy SP3 of the Core Strategy, relates to the provision of affordable housing. In residential developments of less than 5 units that involve a net gain in the number of units a financial contribution equivalent of 10% affordable housing will be required towards improving affordable housing provision off site.

However, paragraph 63 the NPPF states that the provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution should be reduced by a proportionate amount. Within the glossary of the NPPF, major development is defined as, “for housing, development where 10 or more homes will be provided, or the site has an area of 0.5ha or more.”

In this instance, the site has an area exceeding 0.5ha and therefore it would be liable to an affordable housing contribution.

The NPPG states that the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including...the transparency of assumptions behind evidence submitted as part of the viability assessment. This should follow a standardised approach.

The guidance states that under no circumstances will the price paid for a site be a relevant justification for falling to accord to policy. Cost should be based on relevant data and can include abnormal site costs, such as cost associated with brownfield sites and any site specific costs. The total cost of all relevant policy requirements including contributions towards affordable housing and CIL should be taken into account when defining benchmark land value, as well as any professional costs. Existing use values should be informed by market evidence of current uses, costs and value. A suitable return to developers may be considered 15-20% of gross development value (GDV).

Finally NPPG advises that a viability assessment should be submitted by a suitable qualified practitioner and presented in accordance with NPG. It should be clearly set out and include an executive summary.

In response to this issue, a detailed independent Financial Viability Statement (FVS) has been submitted in support of the application. This recognises that policy SP3 would seek a contribution of the equivalent of 10%, as set out above.

The assessment has been prepared by a qualified practitioner and has clearly been prepared in line with current NPPF and NPG advice. The FVS includes tables of sales and cost comparisons and a detailed appraisal summary.

The FVS concludes that the open market value of the property with the benefit of the 2015 permission for a single dwelling compliant with planning policy provides an Existing Use Value (EUUV) of £1.5 million.

Allowing for a premium for the landowner in line with guidance, this would give a Benchmark Land Value (BLV) of £1.65 million. They have used this figure for pressure testing the current scheme for 4 houses. By adopting a fixed profit margin, the scheme is valued in order to calculate a Residual Land Value (RLV) (in summary value of 4 new houses minus costs and profit). If the RLV shows a surplus over the BLV a contribution can be made. However, if it is equal or below to the BLV, there is no capacity for a contribution to be made. It is concluded that the RLV of the scheme is £470,000. This falls well below the BLV and shows that no contribution towards off-site affordable housing can be met.

The detailed valuations are based a return to the developer of 17.5% on Gross Development Value, which is in line with guidance. The build cost do not appear to be excessively high bearing in mind the high quality design and materials and particularly the very large floor areas.

In view of the above, it is my conclusion that the proposals would generate insufficient profit to enable an affordable housing contribution to be made and for the scheme to remain viable.

I would add that despite the extant permission on the site, the applicant has not sought to claim any vacant building credit. Presumably this is because whilst there is permission for a larger dwelling on site that the current proposals seek, there is no building standing at the present time.

Community Infrastructure Levy:

As the application would comprise new dwellings, it would be CIL liable. No exemption has been sought.

Conclusion

In light of the above, I consider the proposals would represent appropriate development, which would preserve the openness of the Green Belt. They would also conserve and enhance the character and appearance of this part of the AONB. Subject to conditions, the landscaped and ecological qualities of the site can be preserved. The impact on residential amenity and highway conditions is considered acceptable.

In light of the above, I consider the proposals to be policy compliant and would therefore recommend permission be granted.

RECOMMENDATION: GRANT

Case Officer: Jim Sperryn

Date: 9.10.19

Manager / Principal: A Salter

Date: 11.10.19

Note:

- Previous reduction in floorspace from 1,981 to 1,931 (-50m²)
- Reduction in volume of 331m³ (from 5992 to 5661m³)

- Reduction in footprint of main house from 522 to 339m²
- Height of house was same as removed.

- Extant floor area 1931, proposed 1654 = -277 (-14%)
- Reduction in volume from 5681 to 4952 (-706/-12.5%)
- Footprint increased from 883 to 907m² (=+24/+2.7%)
- But no basement & no roof accommodation - reduction in height by 2.8m lower than extant scheme.