



DEVELOPMENT CONTROL COMMITTEE

17 November 2011 at 7.00 pm
COUNCIL CHAMBER - COUNCIL OFFICE

AGENDA

Membership:

Chairman: Cllr. Mrs A Dawson Vice-Chairman Cllr. G Williamson

Cllr. Mrs B Ayres, Cllr. R Brookbank, Cllr. C Brown, Cllr. C Clark, Cllr. P Cooke,
Cllr. R J Davison, Cllr. M Dickins, Cllr J Gaywood, Cllr Ms M Lowe, Cllr. P McGarvey,
Cllr. Mrs F Parkin, Cllr. R Piper, Cllr. G Ryan, Cllr. J Scholey, Cllr. J Thornton,
Cllr. J Underwood and Cllr. R Walshe

Apologies for absence

1. **Minutes of the meeting of the Committee held on 20 October 2011** (Pages 1 - 4)

2. **To receive any declarations of interest or predetermination in respect of items of business included on the agenda for this meeting.**
3. **To receive any declarations of lobbying in respect of items of business included on the agenda for this meeting.**

4. **Ruling by the Chairman regarding Urgent Matters**

5. **Planning Applications – Head of Development Services’ Report**

- 5.1. **SE/11/02331/FUL: Hever Hotel, Hever Road, Hever TN8 7NP** (Pages 5 - 30)
Extensions and alterations to main reception listed building and extension to detached non listed building to form accommodation for conferencing and seminars. Reconfiguration of car park and general landscaping.

- 5.2. **SE/11/02332/LBCALT: Hever Hotel, Hever Road, Hever TN8 7NP** (Pages 31 - 40)
Extensions and alterations to main reception listed building and extension to detached non listed building to form accommodation for conferencing and seminars. Reconfiguration of car park and general landscaping.

- 5.3. **SE/11/01835/FUL: Finchcocks, 5 Wildernesse Mount, Sevenoaks TN13 3QS**
Demolition of existing dwelling and construction of two detached dwellings with double garages. (Pages 41 - 56)
- 5.4. **SE/ 11/02142/FUL: St. Edward The Confessor Church, Long Barn Road, Sevenoaks Weald**
Temporary change of use for 3 years, of former Church to class B1 and class B8 (Pages 57 - 68)
- 5.5. **SE/11/01861/FUL: 10 Lambarde Road, Sevenoaks TN13 3HR**
Erection of a first floor and extensions to rear and side of property. (Pages 69 - 80)
- 5.6. **SE/11/01806/FUL: Cranbrook, Greenlands Road, Kemsing Sevenoaks TN15 6PG**
Part first floor roof alterations to facilitate a loft conversion for a habitable room. (Pages 81 - 88)
6. **Enforcement of Planning Control**
- 6.1. **310/11/093: 1 The Stables, Halstead Place, Halstead** (Pages 89 - 98)
- 6.2. **310/11/091: 1 The Barn, Halstead Place, Halstead** (Pages 99 - 104)
- 6.3. **310/11/092: 2 The Barn, Halstead Place, Halstead** (Pages 105 - 110)
7. **Tree Preservation Orders**
- 7.1. **Objection to TPO/11/2011: Cowden Cross House, Hartfield Road, Cowden** (Pages 111 - 114)
- 7.2. **Objection to TPO/15/2011: Manor House Gardens, Edenbridge** (Pages 115 - 118)

EXEMPT ITEMS

(At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.)

To assist in the speedy and efficient despatch of business, Members wishing to obtain factual information on items included on the Agenda are asked to enquire of the appropriate Director or Contact Officer named on a report prior to the day of the meeting.

Should you require a copy of this agenda or any of the reports listed on it in another format please do not hesitate to contact the Democratic Services Team as set out below.

If you wish to speak in support or against a planning application on this agenda, please call the Council's Contact Centre on 01732 227000

For any other queries concerning this agenda or the meeting please contact:
The Democratic Services Team (01732 227241)

Any Member who wishes to request the Chairman to agree a pre-meeting site inspection is asked to email democratic.services@sevenoaks.gov.uk or speak to a member of the Democratic Services Team on 01732 227199 by 5pm on Monday, 6 June 2011.

The Council's Constitution provides that a site inspection may be determined to be necessary if:

- i. Particular site factors are significant in terms of weight attached to them relative to other factors and it would be difficult to assess those factors without a Site Inspection.
- ii. The characteristics of the site need to be viewed on the ground in order to assess the broader impact of the proposal.
- iii. Objectors to and/or supporters of a proposal raise matters in respect of site characteristics, the importance of which can only reasonably be established by means of a Site Inspection.
- iv. The scale of the proposal is such that a Site Inspection is essential to enable Members to be fully familiar with all site-related matters of fact.
- v. There are very significant policy or precedent issues and where site-specific factors need to be carefully assessed.

When requesting a site inspection, the person making such a request must state under which of the above five criteria the inspection is requested and must also provide supporting justification.

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DEVELOPMENT CONTROL COMMITTEE

**Minutes of the meeting of the Development Control Committee
held on 20 October 2011 commencing at 7.00 pm**

Present: Cllr. Williamson (Vice-Chairman in the Chair)

Cllr. G Williamson, Cllr. Mrs B Ayres, Cllr. R Brookbank, Cllr. C Brown,
Cllr. C Clark, Cllr. P Cooke, Cllr. R J Davison, Cllr. M Dickins,
Cllr J Gaywood, Cllr Ms M Lowe, Cllr. P McGarvey, Cllr. Mrs F Parkin,
Cllr. R Piper, Cllr. G Ryan, Cllr. J Scholey, Cllr. J Thornton,
Cllr. J Underwood and Cllr. R Walshe

Apologies for absence were received from. Cllr. Mrs A Dawson

Cllr. L Ayres and Cllr Mrs J Davison were also present.

34. **MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 22 SEPTEMBER 2011**

Resolved: That the minutes of the meeting of the Development Control Committee held on 22 September be approved and signed by the Chairman as a correct record.

35. **DECLARATIONS OF INTEREST OR PREDETERMINATION**

Cllr. Underwood declared a personal and prejudicial interest in item 5.03 SE/11/01910/FUL - Kalana, London Road, Swanley, as the applicant. He left the room while the item was considered.

All other Members of the Committee declared a personal interest in item 5.03 SE/11/01910/FUL - Kalana, London Road, Swanley in knowing the applicant, Cllr. Underwood.

36. **DECLARATIONS OF LOBBYING**

None.

37. **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

The Chairman ruled that additional information received since the despatch of the agenda be considered at the meeting as a matter of urgency by reason of the special circumstances that decisions were required to be made without undue delay and on the basis of the most up to date information available.

38. **UNRESERVED PLANNING APPLICATIONS**

There were no public speakers against the following items and no Member reserved the items for debate. Therefore, in accordance with Part 7 3.5(e) of the constitution, the following matters were considered without debate:

Item 5.03 - SE/11/01910/FUL - Kalana, London Road, Swanley BR8 7AW

It was MOVED by the Chairman that the recommendation in the report be adopted.

Resolved: That planning permission be GRANTED subject to the following conditions:-

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.

To ensure that the appearance of the development is in harmony with the existing character of the dwelling as supported by Policy EN1 of the Sevenoaks District Local Plan.

3) The development hereby permitted shall be carried out in accordance with the following approved plans: 577/1,2,3

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

39. **RESERVED PLANNING APPLICATIONS**

The Committee considered the following planning applications:

5.01 - SE/11/01870/FUL: Plum Paddock, Uckfield Lane, Hever TN8 7LJ

The proposal was to demolish the existing dwelling and erect a replacement dwelling. The new dwelling would be sited further back into the plot. It would remain as a bungalow but had been designed with a pitched roof up to 6.2m in height.

Officers stated that the development would represent inappropriate development harmful to the maintenance of the character of the Green Belt and to its openness. This was because of the increased floor space and the design and scale of the proposed replacement dwelling.

The Committee was addressed by the following speakers:

Against the Application: -

For the Application: Mr. Yates

Parish Representative: -

Local Member: Cllr. Ryan

Officers explained that the existing property, following extensions, had a floor area of 136.8m². The proposed dwelling would be 154.8m² and this would amount to an 80% increase on the size of the "original" 1948 building. They were asked whether there was a noticeable change in volumes over time. Officers explained that the Council did not have a policy regarding volumes and therefore they did not have precise figures. At an estimation, however, the volume of the buildings had increased from 275m³ for the original, to approximately 400m³ following the extensions and the proposed building was approximately 600m³.

Several Members expressed sympathy with the applicant and it was noted that the proposed dwelling was smaller than some of the surrounding buildings. However, Members were concerned at the size of the replacement dwelling and believed it was substantially larger than the original building.

It was MOVED and was duly seconded that the recommendation in the report be adopted. Upon being put to the vote the motion was CARRIED.

Resolved: That planning permission be REFUSED for the following reasons:-

The land lies within the Metropolitan Green Belt where strict policies of restraint apply. The development, by virtue of the increased floor space, design and scale of the replacement dwelling proposed, would represent inappropriate development harmful to the maintenance of the character of the Green Belt and to its openness. This would be contrary to policy H13 of the Sevenoaks District Local Plan and to advice contained within PPG2 - Green Belts

5.02 – SE/11/01835/FUL: Finchcocks, 5 Wildernesse Mount, Sevenoaks TN13 3QS

The Committee was informed that the item had been withdrawn from the agenda as the amended consultation period did not expire until midnight on 20 October 2011.

THE MEETING WAS CONCLUDED AT 7.36 PM

CHAIRMAN

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5.01 – SE/11/02331/FUL Date expired 7 December 2011

PROPOSAL: Extensions and alterations to main reception listed building and extension to detached non listed building to form accommodation for conferencing and seminars. Reconfiguration of car park and general landscaping.

LOCATION: Hever Hotel, Hever Road, Hever TN8 7NP

WARD(S): Cowden & Hever

ITEM FOR DECISION

This application is referred to Development Control Committee at the discretion of the Community and Planning Services Director as a significant development in the Green Belt and to enable members to consider the very special circumstances put forward.

RECOMMENDATION: That planning permission be GRANTED subject to the following conditions:-

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2) No development shall be carried out on the land until samples and details of the materials to be used in the construction of the external surfaces of the extensions hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

To maintain the integrity and character of the listed buildings as supported by EN1 of the Sevenoaks District Local Plan.

3) Prior to the first occupation of any of the buildings hereby permitted, a Travel Plan, to include measures for the promotion of sustainable transportation and measures to enable and encourage the use public transport by customers and staff, shall be submitted to and approved in writing by the Council. The measures included within the Travel Plan agreed by the District Planning Authority shall be put into place prior to the first use of any of the buildings hereby permitted. Unless the District Planning Authority in writing agrees to any variation, the Travel Plan shall be operated in accordance with the agreed details thereafter.

In the interests of environmental sustainability and in accordance with Policy SP2 of the Sevenoaks Core Strategy 2011

4) No development shall be carried out on the land until full details of soft and hard landscape works have been submitted to and approved in writing by the

Council. Those details shall include:- details of hard surfaces, including details of materials;- planting plans (identifying existing planting, plants to be retained and new planting to include replacement tree planting);-a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities); and-a programme of implementation. Soft and hard landscaping shall be carried out prior to the first use of any of the extensions hereby permitted or otherwise in accordance with the agreed programme of implementation. If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

To safeguard the visual appearance of the area as supported by EN1 of the Sevenoaks District Local Plan.

5) Unless otherwise agreed in writing with the Local Planning Authority, tree protection measures shall be carried out in complete accordance with the details included within the 'Sylvan Arb - Arboricultural Report' dated 26th July 2011 as submitted with the application.

To ensure the long term health of retained trees and to safeguard the appearance of the area in accordance with EN1 of the Sevenoaks Local Plan and LO8 of the Sevenoaks Core Strategy 2011.

6) Prior to its installation on any part of the development hereby approved, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. External lighting shall only be installed in exact accordance with the approved details and thereafter maintained as such.

In the interests of ecological conservation and to safeguard the character and appearance of the surrounding area in accordance with EN1 of the Sevenoaks Local Plan, LO8 of the Sevenoaks Core Strategy and in accordance with guidance contained in PPS9

7) Prior to the first occupation of any part of the development hereby permitted, details of ecological habitat enhancement works to offset the loss of amenity grassland and planting shall be submitted to and approved in writing by the Local Planning Authority. The habitat enhancement work shall be carried out within six months of the first use of any part of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority.

In the interests of biodiversity in accordance with guidance contained in PPS9.

8) Unless otherwise agreed in writing by the Local Planning Authority, mitigation and enhancement measures for breeding birds shall be carried out in accordance with paragraph 5.2.3 of the 'Greenlink: Ecological Scoping Survey Report' dated 19th August 2011.

In the interests of biodiversity in accordance with guidance contained in PPS9.

9) Prior to the commencement of any part of the development hereby approved, a scheme to prevent the depositing of mud, grit and materials by construction

vehicles onto the public highway shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be put into place prior to the commencement of the development and retained throughout the construction period.

In the interests of highways safety in accordance with EN1 of the Sevenoaks Local Plan.

10) Prior to the commencement of the development, a scheme of acoustic insulation for the extension to Block A and Block G to reduce noise arising from the use of these buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details and thereafter retained as such.

To prevent harm to the amenities of neighbours in accordance with EN1 of the Sevenoaks Local Plan 2000

11) The 'Conference Room' located within the Block A extension and the extension to Block G hereby approved shall be available for customer use only between the hours of 0600 and 2300 Mondays to Saturdays (inclusive) and between 0600 and 2200 on Sundays and at no other times.

To prevent harm to the amenities of neighbours in accordance with EN1 of the Sevenoaks Local Plan 2000

12) The development hereby approved shall achieve BREEAM 'Very Good' standard. Evidence shall be provided to the Local Authority -

i) Prior to the commencement of development, of how it is intended the development will achieve the BREEAM 'Very Good' standard or alternative as agreed in writing by the Local Planning Authority; and

ii) Prior to the first use of any part of the development, that the development has achieved a BREEAM 'Very Good' standard post construction certificate or alternative as agreed in writing by the Local Planning Authority.

In the interests of environmental sustainability and reducing the risk of climate change as supported in Planning Policy Statement 1, policies CC2 & CC4 of the South East Regional Plan & Policy SP2 if the Sevenoaks Core Strategy

13) The development hereby permitted shall be carried out in accordance with the following approved plans: 3652-PD-10-D, 12-D, 13-D, 14-D, 15-D, 17-D, 18-D and 19

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

In determining this application, the Local Planning Authority has had regard to the following Development Plan Policies:

South East Plan 2009 - Policies CC1, CC2, CC4, CC6, BE6, TSR5

Sevenoaks District Local Plan - Policies EN1, EN4A

Sevenoaks District Core Strategy 2011 - Policies LO8, SP1, SP2, SP8

The following is a summary of the main reasons for the decision:

Any potentially significant impacts on the amenities of nearby dwellings can be satisfactorily mitigated by way of the conditions imposed.

The development would respect the fabric and character of the Listed Building.

The following very special circumstances exceptionally outweigh any harm by reason of inappropriateness and any additional harm to the Metropolitan Green Belt by reason of other factors: The need to ensure the viability of the tourist accommodation and the long term up keep of listed buildings.

Informatives

1) The following advice should be considered prior to the design of any external lighting (pursuant to condition 6 above):

a) Low-pressure sodium lamps or high-pressure sodium must be used instead of mercury OR metal halide lamps where glass glazing is preferred due to its UV filtration characteristics.

b) Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each light to direct the light and reduce spillage.

c) The times during which the lighting is on must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to the minimum to reduce the amount of 'lit time'.

d) Lamps of greater than 2000 lumens (150 W) must not be used.

e) Movement sensors must be used. They must be well installed and well aimed to reduce the amount of time a light is on each night.

f) The light must be aimed to illuminate only the immediate area required by using as sharp a downward angle as possible. This lit area must avoid being directed at, or close to, any bats' roost access points or flight paths from the roost. A shield or hood can be used to control or restrict the area to be lit. Avoid illuminating at a wider angle as this will be more disturbing to foraging and commuting bats as well as people and other wildlife.

g) The lights on any upper levels must be directed downwards to avoid light spill and ecological impact.

h) The lighting must not illuminate any bat bricks and boxes placed on the buildings or the trees in the grounds.

Description of Proposal

- 1 Planning permission is sought for the following extensions and additions to the hotel to increase meeting spaces and conference facilities as well as the restaurant and communal spaces:

An extension of approximately 30m x 14m to the western end of block A to accommodate additional restaurant, reception and conference space at ground floor and within the roof space. The building would have an overall height of approximately 7m with a hipped roof separated from the main portion of block A by a single storey flat roof glazed section.

An increase in the width of the existing restaurant area within block A by approximately 1.5m with the introduction of glazing beneath the eaves line.

A flat roof extension predominantly at the lower level of the existing tennis court to the north of block G having a footprint of approximately 10 x 22m. This element would be finished with a flat sedum planted roof.

- 2 The additional floor area totals approximately 705sq m of which the extension to Block A is 448 sq m.
- 3 An extension and reconfiguration of the car park is additionally proposed with an additional 22 parking spaces. This involves the extension of hard surfacing to the west of the site towards Hever Road and the provision of some spaces adjacent to the access road to the east of the site.

Description of Site

- 4 The application site is the buildings and grounds of Hever Hotel. The hotel complex includes 60 bedrooms, a bar, restaurant and reception area (in block A), a conference space / meeting room (block G) and some outdoor tennis courts along with ancillary hard surface for parking. Some of the buildings within the complex are Grade II listed (blocks A, E and F) and previously formed part of the Hever Castle Model Farm / Stud Farm. The buildings are predominantly single storey in form, Block A includes projecting two storey gables and dormers and is the dominant and central building in the hotel grouping.
- 5 The site is accessed from Hever Road to the west and the access road passes through the site to access the golf club facilities to the south and east of the site. The golf club is operated separately from the Hotel. A swathe of protected trees runs along the northern and western boundaries of the site. The site extends to approximately 1.63ha.
- 6 The site is located in a rural location, approximately 1 – 1.5km to the north of Hever and Hever Castle. The grounds of Hever Castle are located to the south of the golf course. To the south of the site is located Hever Lodge and Lodgewood Cottages, separate residential dwellings.

Constraints

- 7 The application site is located in the Metropolitan Green Belt. Blocks A, E and F are Grade II listed buildings. Tree Preservation Order no.1 of 1994 covers a large grouping of trees around the western and northern boundaries of the site.

Policies

Sevenoaks District Local Plan

- 8 Policies – EN1, EN4A

South East Plan

- 9 Policies – CC1, CC2, CC4, CC6, BE6, TSR5

Sevenoaks Core Strategy

- 10 Policies – LO8, SP1, SP2, SP8

Other -

- 11 Countryside Assessment Supplementary Planning Document 2011
- 12 Planning Policy Statement 1: Delivering Sustainable Development
- 13 Planning Policy Guidance 2: Green Belts
- 14 Planning Policy Statement 4: Planning for sustainable economic growth
- 15 Planning Policy Statement 5: Planning for the Historic Environment
- 16 Planning Policy Statement 7: Sustainable Development in Rural Areas.
- 17 DCLG Good Practice Guide on Planning for Tourism 2006
- 18 Draft National Planning Policy Framework (2011)

Planning History

- 19 89/01986 - Alterations and additions to existing buildings to form hotel and use of land as eighteen hole golf course and ancillary works - Granted
- 20 96/00794 - Revised scheme to convert Building D into 30 hotel suites and staff accommodation – Granted
- 21 96/02125 – Revisions to car park ancillary to golf club and hotel – Granted
- 22 96/00998 - Conversion of existing barn (non-listed) into 30 hotel suites and staff accommodation. – Granted
- 23 97/00137 - Demolition of existing office building and construction of split-level building to accommodate 19 hotel suites. - Granted

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- 24 97/00502 - Revised scheme to convert Building D into 30 hotel suites and staff accommodation, (Revised application). – Granted
- 25 97/01356 - Demolition of existing office building and construction of split-level building to accommodate 19 hotel suites. – Refused
- 26 97/01961 - Retention of existing Hotel Suites in Dairy Cottage. – Granted
- 27 97/01963 - Retention of existing furniture & materials store for hotel adjoining existing covered way. – Granted
- 28 97/01964 - Retention of existing hotel suites and studio in existing listed building.(LBC) – Granted
- 29 97/02570 - Conversion of existing stable blocks into executive suites. – Refused
- 30 98/00523 - New lych porches outside hotel blocks - with integral lighting and direction signs. – Refused
- 31 98/00791 - Conversion of existing stable blocks into executive hotel suites (Revised) – Granted
- 32 99/00026 - Alterations and extension to Block D to provide 15no.extra bedrooms - Granted
- 33 03/02518/LBCALT - Minor alterations to form bar, refurbish kitchen and make provision for means of escape. – Granted
- 34 03/02832/FUL - Provision of means of escape points at ground and first floor to west elevation. – Granted
- 35 07/01186/FUL - Retrospective application for provision of play equipment within the hotel grounds for use by the children resident at hotel – Refused
- 36 07/01778/FUL - Retrospective application for provision of play equipment within the hotel grounds for use by the children resident at hotel (Resubmission of SE/07/01186/FUL) – Granted
- 37 07/02942/FUL - Proposed covered area behind kitchen door – Granted
- 38 07/03009/LBCALT - Proposed covered area behind kitchen door – Granted

Representations

- 39 Letters have been received from two neighbours to the site. Concern is raised over the amount of noise that may be created by weddings / parties and potential overlooking of Lodgewood Cottages.

Edenbridge Town Council

- 40 “Edenbridge Town Council have noted that a planning application has been submitted for the neighbouring parish of Hever to extend and make alterations

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to the listed building, previously known as the Hever Hotel, to provide additional conference and tourist accommodation. Whilst not wishing to comment on the detail or design of the proposal, Edenbridge Town Council does wish the planning authority to note this council's commitment to the development of tourism in the Eden Valley to increase the economic development and sustainability of the area.

- 41 This was identified in the adopted Local Development Core Strategy 2011 4.4.9 which states:

'Opportunities to improve services for all visitors will be sought, including a hotel should a proposal come forward on a suitable site'

And as a main priority under A Sustainable Economy:- Developing Tourism 7.16 in the Edenbridge Health Check (2005)

'with all this in mind, this is seen as the main priority area for an integrated solution, that combines improvement and development of the tourist product with its promotion, and over time to encourage the attraction of more business and more staying visitors'

- 42 The Members would like you to take this additional information into consideration when making your response. "

Consultations

Hever Parish Council

- 43 "We support the application as we do not wish to see the collapse of an existing business and welcome new business activity into the Parish.

However we would like local neighbourhood concerns about a possible increase in noise and disturbance, and traffic generation in the evenings at weekends to be considered; particularly if it is proposed that the new business will cater for an increase in the number of wedding receptions and related activities."

Planning Policy Officer

- 44 "Interpretation of Hotel Futures report in relation to conference hotels:

The report predicts only limited growth in the residential conference business in Sevenoaks in line with the national trend, due to changing meeting/training structures and budgets. However, it does note that there is potential for 'country house / golf hotels' to tap into the residential conference/team building business from London.

- 45 In relation to opportunities, the report does note that existing 3/4 star hotels could be expanded to improve their viability and cater more effectively for markets such as residential conferences and weddings.

- 46 In terms of future requirements, the report suggests a need for 34 additional rooms in the 3/4 star hotel category, to 2016, which is very modest growth

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- 47 In relation to LDF development, the report suggests that policies should be developed to support the types of hotel development for which there is identified market potential and developer interest in locations where planning considerations (particularly Green Belt restrictions) do not preclude new development, and includes: extensions to existing hotels – additional bedrooms and conference and leisure facilities – and hotel up-grading to improve quality.
- 48 Our SDC LDF policies support hotel development in sustainable locations, that is compatible with policies for protecting the Green Belt etc (see SP8d and LO8)
- 49 PPS7 (Sustainable Dev in rural areas) states that planning authorities should adopt a positive approach to proposed extensions to existing tourist accommodation where the scale of the extension is appropriate to its location and where the extension may help to ensure the future viability of such businesses.
- 50 In relation to the suitability of the location , sustainability and impact on the Green Belt are both relevant. In terms of sustainability, there is an existing (albeit poorly operating) hotel and the intention is to increase parking spaces from 53 to 75.
- 51 In relation to GB impact, the applicants state that the very special circumstances that relate to this proposal include viability, and the need for such a tourist facility. In relation to the Business Review, it appears that the hotel is not viable in its current form and requires an extended restaurant/bar and meeting rooms to operate (although not necessarily the scale of rooms proposed). In relation to the need for a facility, the Hotel Futures report predicts very small growth in the 3/4 start hotel market to 2016 (34 rooms) and predicts limited growth in the in the residential conference business. However, it does support expansion of existing facilities to improve their viability and cater more effectively for markets such as residential conferences and weddings.
- 52 It is also relevant that an extension at Brandshatch Place was refused planning permission as the hotel is in Green Belt 06/01130/FUL”

Trees and Landscape Officer

- 53 The wooded area fronting Hever Hotel is currently protected by TPO 1 of 1994. The proposal before us is to extend the hotel building towards Hever Road, which will bring it closer to this protected wooded area. The drawings provided have shown the loss of 1 Mature Oak tree (T9). The loss of this single mature Oak will have little impact on the amenity value of this woodland. As such I do not have any objections on this part of the proposal. BS 5837 provides guidance on the probable root protection areas required for the remaining trees. Calculations are taken from the size of the trees and the distance to the nearby proposed development. The BS also allows up to a 20% offset allowing for the situation, the species of the tree, their age class etc. In this particular instance the dimensions have been taken as close to the trees as arguably possible. In fact one of the mature Oaks has not been

allowed its full and expected allowance for the protection of its root system (T2). The guidance within the BS is exactly that, guidance. The ultimate assessment needs to be made with all the information to hand. Having considered all of the information inclusive of the guidance within BS 5837. I consider this proposal to be marginally too close to these mature trees. I suggest that consideration is given to providing a larger margin between the proposed extension and the trees to be retained.

County Ecologist

54 “We are satisfied that the Ecological Scoping Survey and the Bat Survey Report has adequately considered the potential for protected species to be impacted by the proposed development. We require no further information to be submitted.

Bats

55 Although no bats were recorded emerging from the building, bat were recorded foraging and commuting with in the site - lighting can impact foraging and commuting bats. The following recommendations, from the Bat Conservation Trust”

a) Low-pressure sodium lamps or high-pressure sodium must be used instead of mercury

OR metal halide lamps where glass glazing is preferred due to its UV filtration characteristics.

b) Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each light to direct the light and reduce spillage.

c) The times during which the lighting is on must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to the minimum to reduce the amount of ‘lit time’.

d) Lamps of greater than 2000 lumens (150 W) must not be used.

e) Movement sensors must be used. They must be well installed and well aimed to reduce the amount of time a light is on each night.

f) The light must be aimed to illuminate only the immediate area required by using as sharp a downward angle as possible. This lit area must avoid being directed at, or close to, any bats’ roost access points or flight paths from the roost. A shield or hood can be used to control or restrict the area to be lit. Avoid illuminating at a wider angle as this will be more disturbing to foraging and commuting bats as well as people and other wildlife.

g) The lights on any upper levels must be directed downwards to avoid light spill and ecological impact.

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h) The lighting must not illuminate any bat bricks and boxes placed on the buildings or the trees in the grounds

Birds

56 To ensure no breeding birds are impacted by the proposed works the mitigation detailed in paragraph 5.2.3 must be carried out.

Enhancements

57 The key principles of PPS9 are not only to avoid, mitigate or compensate for harm to biodiversity but also to incorporate ways to enhance and restore it. The recommendations in paragraph 5.2.2 and 5.2.3 of the ecological scoping survey must be incorporated in to the proposed development. In addition to the bird and the bat boxes recommended further consideration must be given to including raised tiles on the roof of the new building to increase bat roosting potential within the proposed development site.”

County Highways Officer

58 “I have the following comments about the traffic and transport aspects of the above application:-

59 The use of the hotel as a conference centre may result in a small increase in traffic in the morning peak period (as delegates arrive for their conferences) and in the evening peak period (when the conferences close). However, the effect will be variable and unquantifiable.

60 As mentioned in the Transport Statement, it is difficult to compare the proposed levels of parking with the maxima specified in the Kent and Medway Structure Plan Parking Standards SPG4. The proposals do not provide the parking for coaches recommended in that document.

61 The proposed use of a minibus for taking guests to railway stations etc is commendable. We will be interested to see whether guests make use of this facility. The Travel Plan monitoring process should include annual summaries of guests' mode of transport at the end of the first, second and third years use as a conference centre.

62 I have no objection to the proposals subject to the following conditions:-

1. Parking for three coaches to be marked out within the proposed car parking; i.e. 75 cars could only be parked if the coaches were not present. Reason: to facilitate more sustainable travel.

2. A Travel Plan must be submitted to the Planning Authority within 3 months of the start of use of the site for conferences. The Travel Plan is to be consistent with the principles set out in the Travel Plan Framework, and needs to provide for an annual report (at least within the first three years of operating as a conference centre) including summaries of guests' mode of transport (i.e. car driver sole occupant, car sharing, coach, train etc). Reason: In the interests of sustainable travel, the environment and local amenity.

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3. Standard condition requiring means to prevent mud, grit, dust etc being transferred by construction vehicles from the site onto the highway. Reason: highway safety

Informative: KCC will be seeking a £2000 contribution from the Applicant to help fund our input to the travel plan review process.”

Head of Development Services Appraisal

Principal Issues

- 63 The main considerations in this case are considered to be:

The policy background

The sustainability of the proposal

The acceptability of the development in the Green Belt

The appearance of the development and impact upon the landscape.

Impact upon the listed buildings

Impact upon neighbouring residents

Other considerations:

Impact on protected species

Nearby Hever Castle Parks and Gardens of Historical Importance.

Parking Layout & Highways Safety

Consideration

Policy Background

- 64 In accordance with the statutory requirement of the Planning Act, the Council must decide the application in accordance with the Development Plan, unless other material considerations indicate otherwise. The Development Plan comprises the saved policies of the Sevenoaks Local Plan 2000, the South East Plan 2009 (though regard must be had to the government's stated intention to scrap regional plans) and the Sevenoaks Core Strategy 2011.
- 65 The relevant saved policies of the Local Plan include EN1, relating to the general quality of development and its potential impact (such as to neighbours, the highways network, trees and landscape etc), and EN4A which indicates that all proposals for non-residential development must make provision for access for those with disabilities.
- 66 South East Plan policies CC1, CC2, CC4 and CC6 relate to sustainable development and construction, climate change and sustainable communities and the character of the environment. Policy CC4 relates to the incorporation of sustainable design techniques and Policy CC6 relates to the importance of development in respecting and enhancing the character and distinctiveness of settlements and landscapes.

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- 67 Policy TSR5 of the South East Plan relates directly to the provision of tourist accommodation and indicates that the LPA should (amongst other things) 'consider the need for hotel developments to be in the proposed location, including links with the particular location, transport interchange or visitor attraction, and seek measures to increase access for all by sustainable transport modes' and also to 'encourage the extension of hotels where this is required to upgrade the quality of the existing stock to meet changing consumer demand'.
- 68 Sevenoaks Core Strategy Policy LO8 relates to the countryside and the rural economy and indicates that:
- "Development that supports the maintenance and diversification of the rural economy, including development for agriculture, forestry, small scale business development and rural **tourism projects**, and the vitality of local communities will be supported provided it is compatible with policies for protecting the Green Belt, the Kent Downs and High Weald AoNBs conserves and enhances the value and character of the District's woodland and the landscape character of other rural parts of the District and that it takes account of infrastructure requirements"*
- 69 Policy SP8 of the Core Strategy relates to 'economic development and land for business' and indicates that 'the sustainable development of the District's economy will be supported by: ... promoting hotel development in suitable locations in Sevenoaks and Swanley', consistent with the focus of larger development on the District's main towns.
- 70 Local Development Framework policies relating to hotel development were informed by the 'Hotel Futures Report (2007)'. This document assesses the demand for hotel development in the district. This document predicts little growth in the 3 / 4 star hotel market and little growth in conferencing requirements. The document does, however, indicate that there would be some demand for increased conferencing facilities in the 'country' hotel market and that this may be used to support the viability of such hotels. The importance of the green belt and other restrictions are acknowledged. Relevant parts of this document are summarised by the Planning Policy Officer whose comments are attached as an appendix to this report.
- 71 SP1 of the Core Strategy relates to the design of new development and indicates that its 'heritage assets and their settings ... will be protected and enhanced'. Policy SP2 indicates that all new commercial development , including C1 (hotels) shall achieve a 'Very Good' BREEAM standard and include a 10% reduction in the total carbon emissions through on-site installation and implementation of decentralised, renewable or low-carbon energy sources.
- 72 Guidance is additionally contained in government planning policy statements and guidance (PPGs and PPSs) for the purposes of decision making along with DCLG good practice guides.
- 73 PPS7 (Sustainable Development in Rural Areas) states that planning authorities should adopt a positive approach to proposed extensions to

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existing tourist accommodation where the scale of the extension is appropriate to its location and where the extension may help to ensure the future viability of such businesses.

- 74 Policy EC7 of PPS4 (Planning for Sustainable Economic Growth) relates to tourism in rural areas and indicates that:

“local planning authorities should support sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors and which utilise and enrich, rather than harm, the character of the countryside, its towns, villages, buildings and other features.”

- 75 This policy goes on to state that ‘Local planning authorities should, through their local development frameworks... support extensions to existing tourist accommodation where the scale of the extension is appropriate to its location and where the extension may help to ensure the future viability of such businesses’.
- 76 The DCLG Good Practice Guide on Tourism (2006) additionally gives guidance on the consideration of tourism related proposals in rural areas. Paras. 6 and 7 of Appendix A of this document deal with considerations relating to hotel development in rural areas and reiterate that hotel development should normally be located within or adjacent to existing towns and villages. Para. 12 of this document indicates that moderate-sized extension to existing hotels can help to ensure the future viability of the business and meet existing need, though ‘in all cases, careful consideration should be given to ensure that the size of the extension proposed is not disproportionate for the location concerned’. This document elsewhere reiterates the importance of good design and sustainability in considering tourism proposals.
- 77 Importantly, PPG2: Green Belts indicates that the erection of new buildings in the Green Belt is inappropriate unless it is for a limited number of purposes (as set out in para. 3.4). The extension of a hotel would be considered inappropriate and should not be approved unless there existed very special circumstances that outweighed the harm to the objectives of the Green Belt designation; most importantly its ‘openness’.
- 78 DCLG has recently undertaken consultation on the Draft National Planning Policy Framework, which is intended to replace the PPG / PPS guidance referred to above. Given the status of this document, the draft NPPF currently carries little weight, though its contents can be considered a material consideration. This draft document seeks to introduce a ‘presumption in favour of sustainable development’ and defines ‘sustainable development’ as made up of economic, social and environmental factors. It is indicated (para. 73) that it is the role of planning to support economic development and to support the rural economy (para. 81) by giving support to ‘sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.’ The Draft NPPF additionally sets out those

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types of development that would be considered inappropriate in the Green Belt and indicates that inappropriate development should not be allowed except in very special circumstances.

The sustainability of the proposal

- 79 The site is located in a rural area, approximately 1 – 1.5km to the north of Hever Castle and Hever village. The site is served by a bus service that stops at the hotel (route 232) and route 234 terminates at Hever Castle. There is no bus service at weekends. The site is approximately 3.5km from Hever Train station and 5km from the Edenbridge stations.
- 80 Policy SP2 indicates that the Council will support and promote ‘measures to reduce reliance on travel by car’ and to achieve this it is indicated that the Council will require the inclusion of travel plans’. A framework transport assessment has been submitted with the application.
- 81 The proposal does not include increasing the number of bedrooms at the hotel, but includes an increase in the conference and communal (e.g. restaurant) facilities at the site. It is intended that the proposal would allow for the hotel to ‘diversify’ its operation from the current reliance solely on the leisure industry to a mixture of leisure, residential conferencing and weddings / functions.
- 82 The business case submitted indicates that the proposed facilities would allow for a greater occupation of the hotel, particularly on weekdays, where it is intended that the business will cater for the residential conference market. As no additional rooms are proposed, the hotel would not have additional capacity for any further overnight guests. It is indicated that the business is predominantly related to residential conferences where delegates would stay within the hotel. If this is largely the case, then it is unlikely that the number of possible guests travelling to and from the hotel would be increased. The number of non-resident visitors may be increased to the restaurant if these facilities are improved.
- 83 Nonetheless, the transport statement provided indicates that:
- ‘It is accepted that on some occasions some delegates may not wish to stay at the hotel, and as such, an additional 15 parking spaces are proposed. The hotel parking provision is therefore 75 spaces’.*
- 84 Given the location of the site, it is quite likely that the large majority of journeys to and from the site would continue to be undertaken by car. The framework transport plan does, however, include measures designed to reduce this reliance and encourage alternative means of transport, including:
- The provision of a mini-bus or taxi service to collect delegates and guests from local train stations.
- Encouragement of guests to travel by train by advertising reduced rates, and

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Providing a mini-bus service for staff transport.

- 85 The provision of a transport service from local rail stations (which are reasonably well connected to the national rail network) would be a very positive step in encouraging more sustainable means of transport to and from the site. It is likely pick up / drop off facility would be a popular and useful measure and would improve the sustainability of the proposals.
- 86 A condition could be used to require the agreement of a full travel plan to be implemented within three months of the first use of the extended facilities. The Council could then ensure that acceptable measures to ensure the sustainability of the proposals are implemented.
- 87 Policy SP2 of the Sevenoaks Core Strategy indicates that new commercial buildings should be required to meet BREEAM 'very good' standards (including at least 10% reduction in carbon emissions through on-site renewables). This may be achieved through the imposition of an appropriately worded condition.

Green Belt

- 88 As noted above, PPG2 indicates that the erection of new buildings within the Green Belt is considered inappropriate development (unless they are for one of the purposes set out in paragraph 3.4). The erection of new hotel buildings is considered to be inappropriate development within the Green Belt. Inappropriate development should not be approved, except in very special circumstances. Para. 3.2 indicates that 'very special circumstances to justify inappropriate development will not exist unless harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'. The applicant makes a case that very special circumstances exist to outweigh any harm to the objectives of the Green Belt designation. The applicant's case is discussed below.
- 89 Firstly, the impact of the development upon the objectives of the Green Belt designation needs to be assessed so that it can be balanced against any very special circumstances put forward. Para. 1.4 of PPG2 indicates that the fundamental aim of designating Green Belts is to prevent urban sprawl and to keep land open. It is indicated that the most important attribute of Green Belts is 'openness'.
- 90 The proposals include two main areas of new built development and include a projecting wing to the west of Block A and a flat roof extension to the north of Block G.
- 91 The extension to Block A is to the 'front' of the site and extends the built form on the site closer to Hever Road. The proposed extension is a link attached block with hipped roof to an overall height lower than the main portion of Block A (7m as opposed to 8m). The building would increase the impression of built form on the site and this currently open parking and landscaped area would be covered with an additional building. In this sense, this element would reduce the openness of the site generally by increasing the perceptible coverage of buildings. This impact is somewhat reduced by the massing of

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the building and its position in close relation to the existing larger buildings on site. The building would be seen against the background of the existing buildings when viewed from the west. Protected trees along the western boundary reduce the overall visual impact of this part of the proposal.

- 92 The extension to Block G is at the lower ground level to the northern part of the site (currently used as a tennis court) and is a flat roof extension well below the height of the existing building. This extension would be largely shielded from view by the surrounding landscape and trees. The use of a sedum roof at this lower level would further reduce the visual impact of this element. This building would increase the built form on the site, though this element would have a lesser impact in terms of openness than the Block A extension.
- 93 Cumulatively, the proposals have some impact upon the openness of the Green Belt by virtue of an increase in built form on the site. The buildings are, however, fairly limited in proportion to the size and scale of the existing hotel buildings.
- 94 With the above in mind, the proposal should not be allowed unless there exists some convincing special circumstances to justify this development that would not otherwise normally be allowed. The applicant's case for very special circumstances can be summarised as such:

The proposals will ensure the long term viability of the hotel which is currently failing as a business. A business review has been submitted with the application which has identified that the hotel requires these facilities to ensure its viability in the medium and long term and that the hotel would not survive without them. It is suggested in the business review that the hotel could not generate a suitable income from the 'leisure' business alone which is dependant on mostly weekend trade. The hotel currently does not benefit from adequate facilities to diversify into different market sectors.

The proposals ensure that the listed buildings are maintained in the long term by being a viable business. Without a viable use, the listed buildings would be threatened.

The hotel is an established enterprise providing vital tourist and visitor accommodation in the district. The extension will help to address the local demand for expanded hotel facilities, as projected in the Hotel Futures document 2007 and will improve facilities close to Edenbridge as supported in the Core Strategy (para. 5.4.10).

The proposals would result in a greater investment into the local area generally. The proposals will provide more jobs in the area and would be of benefit to the local economy through secondary spending.

The site is well screened and would not have an impact on the Green Belt or the wider area.

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- 95 With regards to (a), the business report provided shows that the hotel business suffered substantial and increasing losses through 2010 and the first part of 2011. The report suggests that the following factors have resulted in these losses:

There is a disproportionate reliance on revenue from the rooms only. This is reliant on 'leisure' demand which is seasonal and limited to the weekends.

There is a lack of adequate facilities and the restaurant is particularly undersized. This has led to a high volume of complaints and a lack of returning custom.

The running costs of the hotel are too great, particularly staffing costs

The operation of the hotel is on a 'time-share' basis

- 96 The report provided clearly demonstrates that the existing business is unsustainable in its current form. It is likely that some of the issues raised with the existing business could be addressed by improvements to the business model itself (e.g. staffing levels, internal quality of the hotel etc.), though it is likely that these improvements alone could not guarantee the long term success of the business. Particularly, there would remain a reliance on a single 'leisure' market which is fluctuating in its demand both seasonally and throughout the week. One clear shortfall within the hotel is the inadequacy of the restaurant facilities which are fairly cramped and unable to cater for the guests of the hotel in one sitting. The extension of the restaurant and bar areas is included within the proposal and this is likely to result in a more viable business.

- 97 With regards to (b) it is accepted that the failure of the business and the lack of a viable alternative for the site is likely to lead to a decline in the fabric of the listed buildings. There is little evidence to show that there is currently any issues with the upkeep of the buildings at the moment and they appear in a fairly good state of repair. Notwithstanding this, the demise of a business of the site could feasibly, in the long term, lead to decline of these buildings and is potentially a material consideration.

- 98 With regards to (c), it is agreed that the Hotel Futures Report 2007 (part of the evidence base for the LDF) supports growth in the hotel provision in the district, particularly where there is an identified demand in particularly sectors. In this case, the report demonstrates a modest growth in the demand for 3 / 4* hotels and indicates that there would be likely limited growth in demand for conference facilities. The report does, however, indicate that there is potential for growth in the conference market to support the viability of 'country house / golf hotels'. With regards to the contents of this document, the relevant policies of the Development Plan and the relevant guidance contained in PPS4, PPS7, the DCLG Good Practice Guide on Planning for Tourism 2006 and Policies LO8, there is considered to be some limited support given to the provision of extended tourist facilities in supporting the rural economy. This does not, however, override in itself the presumption against inappropriate development within the Green Belt.

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- 99 Para. 4.4.9. of the Core Strategy relates to Edenbridge and indicates support for a hotel in the town 'should a proposal come forward on a suitable site'. This site is fairly close to Edenbridge (approximately 5 – 6km by road) and is likely that the existing hotel caters for some of this demand for hotel rooms arising from visitors to Edenbridge. The loss of a hotel in this location would significantly reduce provision within the local area, though this statement in the Core Strategy is not sufficient alone to justify this proposal in terms of very special circumstances. The comments from Edenbridge Town Council are relevant to this issue.
- 100 With regards to (d), it is likely that, with a more successful business, there would be greater investment in the local economy generally and it is likely that the extended facilities would increase employment locally. This is clearly of positive benefit to the rural economy, though I give this matter limited weight as a very special circumstance as it could be argued that any business expansion in the Green Belt would be of economic benefit generally. This argument is clearly repeatable and, if accepted in isolation, would set a precedent for the expansion of commercial buildings elsewhere in the Green Belt.
- 101 Similarly with regards to (e), no matter the amount of screening on the site, the proposal would continue to constitute inappropriate development. The intrinsic quality of 'openness' is not necessarily dependant on the visual prominence of a development and in every case inappropriate development is considered harmful by definition no matter how visible it may be. The screening and woodland on the site does reduce the impact of the development visually, though this alone is not a reason for allowing inappropriate development.
- 102 With regards to the overall balance of the harm of the development against the very special circumstances but forward, some weight is given to the fact that a convincing business case has been put forward to demonstrate that the hotel needs to diversify its operations to ensure its survival. The details submitted show a failing business which is in need of improvement. It has been demonstrated that only a limited amount of improvement could be undertaken without external alteration, particularly because of the continued reliance on a single market sector. Whilst these matters relate to the particular details of the operation of the business and are not normally relevant to the planning consideration, it has been demonstrated that the failure of the business would have demonstrable negative impacts upon the local economy, the demonstrated requirement for hotel accommodation and, in the long term, the quality and long term health of the listed buildings. With this in mind, I give some weight to the circumstances put forward, particularly with regards to (a), (b) and (c). Whilst each of these elements alone would not be tantamount to overriding very special circumstances, I give significant weight to these matters when considered cumulatively, plus policy support to extending existing facilities in rural areas.
- 103 The extensions have some impact upon openness arising from the increased coverage of the site with built form. This built form is however well related to the existing buildings on the site and is proportionate to the scale of the

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existing buildings. The buildings proposed do not appear excessive in scale for there required purpose.

- 104 With all of the above in mind there is a balanced judgement to be made. On balance it is considered that the very special circumstances put forward in this case outweigh the identified harm to openness arising from the development.

The appearance of the development and impact upon the landscape

- 105 The proposed extension to Block A is characterised by its hipped roof with dormers to the front elevation, the large glazed entrance way to the west elevation and is given some separation from the existing portion of Block A by the glazed flat roof link element. The building does not seek to replicate the 'mock Tudor' appearance of the existing buildings on the site, but does not seek to be overtly modern in appearance. The scale of the building is not overwhelming when viewed along with the existing buildings on the site. The building is of a fairly simple form and is appropriate to its context.
- 106 The extension to Block G, is however, characterised by a modern appearance with a large flat sedum planted roof. Block G itself is of no particular quality in its own right (it is an 'Atcost' barn) with later cladding to give it a 'mock-Tudor' appearance. The proposed extension utilises the fall in the landscape to the lower level of the tennis court to reduce its impact upon the group of buildings and to ensure that it remains subservient to the other buildings on the site. A different palette of materials could be used in the construction of this element.
- 107 The application site is located within the 'Eden Valley Hever' landscape character area as identified in the Sevenoaks Countryside Assessment SPD. A large portion of this area is covered by the Hever Estate parkland and is characterised by small woods, medium scaled fields and an undulating topography.
- 108 The site is not within an Area of Outstanding Natural Beauty. The northern boundary of the High Weald AoNB is approximately 150m to the south of the site, adjacent to the golf course and including the remaining parts of the Hever Castle Estate.
- 109 The protected group of trees sweeping around the north and west of the site contribute to this wooded and enclosed character of the surrounding landscape. These trees also ensure that the proposed buildings are not overly prominent when viewed from the public highway or from elsewhere in the landscape.
- 110 The tree report submitted with the application indicates that one of the protected Oaks would be lost as a result of the extension of block A. The report also acknowledges small incursions into the root protection areas of retained trees (less than 3%). The Council's Trees Officer has indicated that the building would potentially have some impact upon the retained trees. It is noted that the development has been 'taken as close to the trees as arguably possible' and that there would quite possibly be some additional harm to retained trees in this grouping.

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- 111 The retained belt of trees at this point is fairly deep and is approximately 30m thick. With the comments of the Trees Officer in mind, it seems likely that the development may have some impact on retained trees, though this would seem to be limited to only the nearest. It appears that the vast majority of these trees could be retained without detriment to their long-term health and the well wooded character of this part of the site and surrounding landscape would be maintained. With this in mind, it is reasonable to explore the possibility of mitigating planting elsewhere on the site, perhaps to the north-west of block G. This could be secured by condition. Some additional tree planting is already proposed around the car park area.
- 112 No concern is raised over the extension of the parking area towards the trees. It is reasonable to impose suitable conditions requiring tree protection measures during the course of construction.

Impact upon the listed buildings

- 113 Block A is a Grade II listed building. The main portion of this building was listed in 1990 and dates from c.1904. The building formerly formed part of Hever Castle Stud Farm and part of the model farm complex previously existing on the site and was designed by J.L. Pearson. The building is timber framed with plastered infill in a Tudor style. The building is characterised by its central half hipped timber framed porch, gabled dormers and attached water tower.
- 114 The proposed extension is linked to this element with a flat roof glazed section leading from the west flank. Some modern walls and the modern metal emergency stairs would be removed along with a short section of the original wall. The extension of the restaurant space requires the removal of some later walls and the provision of a glazed external wall below eaves. The existing wall here was created during the 1990s conversion of the building to a hotel.
- 115 The Conservation Officer has raised no objection to the physical works required in extending this building. The main extension appears visually detached from the main portion of the listed building by the glazed flat roof link section which provides a visual break between the two parts of the resultant building. Because of the orientation of the block A extension, this link would not be visually prominent and provides an acceptable contrast between the original part of the building and the different character of the extension.
- 116 The proposed extension to Block A is of a subservient scale with a lower roof. The use of dormers to the front elevation of this building creates the appearance of a smaller and less imposing building in comparison with the original building. The Conservation Officer has expressed a preference for the use of dormer windows to the rear elevation, rather than the roof lights shown. The roof lights are not, however, prominent and are modest in relation to the roof; these elements do not result in an unacceptable development. The building is subservient in scale and character and does not compete with the attractive appearance of the listed building.

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- 117 The extension to the restaurant under the eaves of Block A is carried out by using glazing across the front elevation. This would be an attractive contrast to the complex form of the building and would enhance its character.
- 118 The listed buildings elsewhere on the site forming part of the hotel complex would not be affected.
- 119 The extension to Block G is separated from the listed buildings by Block G itself and Block B (also not listed). This extension would not be prominent and would have no significant impact upon the setting of the listed buildings.
- 120 As noted above, the attractive landscaped and wooded character of the site could be adequately protected by the use of conditions.

Impact upon neighbouring residents

- 121 Concern has been raised by neighbours to the site that the proposal would create a disturbance particularly arising from the additional evening functions, such as weddings and that overlooking would be possible of Lodgewood Cottages.
- 122 The nearest dwellings to the Block A extension are Hever Lodge and no.2 Lodgewood Cottages, 30m and 40m from the proposed extensions respectively. A fairly dense area of mature trees and planting is located between the proposed extension and both of these properties. Rooflights are proposed in the rear elevation of the extension. This elevation does not face directly towards either of the properties (it faces across the rear boundary of no.2 Lodgewood Cottages). In any case, any view would be well obscured by planting on both sides of the boundary and is at a distance well in excess of that which would normally be considered unacceptable.
- 123 The proposal is likely to result in an increased number of functions at the hotel, such as wedding receptions and it is likely that these are more likely to take place at the weekends. Functions are likely to generate a reasonable amount of noise that may have some impact upon neighbours in what would otherwise be a quiet rural environment. It is reasonable therefore to request details of appropriate acoustic screening for both main portions of extension (this may include the use of adequate a good grade of sound insulating windows etc and an agreement to keep shut windows and doors). A condition would similarly be appropriate to limit the use of the meeting rooms and conference facilities for functions to specific hours (a 11pm limit is suggested mon-sat and 10pm on Sundays).
- 124 The nearest dwelling to the Block G extension is in excess of 50m to the north of the site. A large swathe of protected trees alongside the northern boundary of the site prevents any views towards this property and the proposal would not alter this.

Other considerations

Impact on protected species

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- 125 The application includes an ecological scoping survey and a bat survey undertaken August 2011. The scoping survey concludes that there are no overriding ecological constraints which would prevent the development going ahead subject to mitigation measures to avoid an impact on potential habitats and particularly breeding birds. The bat survey concludes that the affected buildings are not being used as bat roosts.
- 126 The County Ecologist has raised no concerns with the information submitted and has suggested some conditions relating to mitigation for bats and birds. These should be applied to the decision.

Nearby Hever Castle Parks and Gardens of Historical Importance

- 127 The area designated as a Grade I historic park and garden being part of the Hever Castle Estate is located approximately 190m to the south of the application site. The buildings of the Golf Club, Hever Lodge along with parts of the golf course and other open land separates the site from the northern most extent of the designated area. Because of this separation and the scale of the buildings, it is not considered that the proposal would have a material impact upon the setting of this designated heritage asset. The proposed buildings would not be seen from this historic parkland and would not therefore alter its character.

Parking Layout & Highways Safety

- 128 The Highways Officer has suggested that a condition be applied to mark out the position of a space for coach parking. This was a requirement under the old supplementary guidance to the Kent and Medway Structure Plan. The applicant has suggested that a coach space is not required as the business would not be catering for coach parties. It appears that the car park would allow for enough flexibility for the hotel to temporarily mark out spaces for a coach should it be required.

The existing access would be unchanged.

- 129 A condition is suggested to prevent the deposit of mud onto the public highway during the construction of the development. Given the scale of the site and the building operations required, there is a reasonable prospect of mud being deposited on the highway and a condition should be imposed to secure the use of a wheel washing or similar facility in the interests of highways safety.

Conclusion

- 130 For the reasons stated above, the proposed development is considered to be acceptable. With regards to the consideration of the acceptability of the building within the Green Belt and the potential impact upon protected trees (albeit limited), it is considered that very special circumstances exist which cumulatively outweigh the harm arising from the development. The proposal is otherwise in accordance with the relevant policies of the Development Plan. Approval is recommended subject to appropriate conditions.

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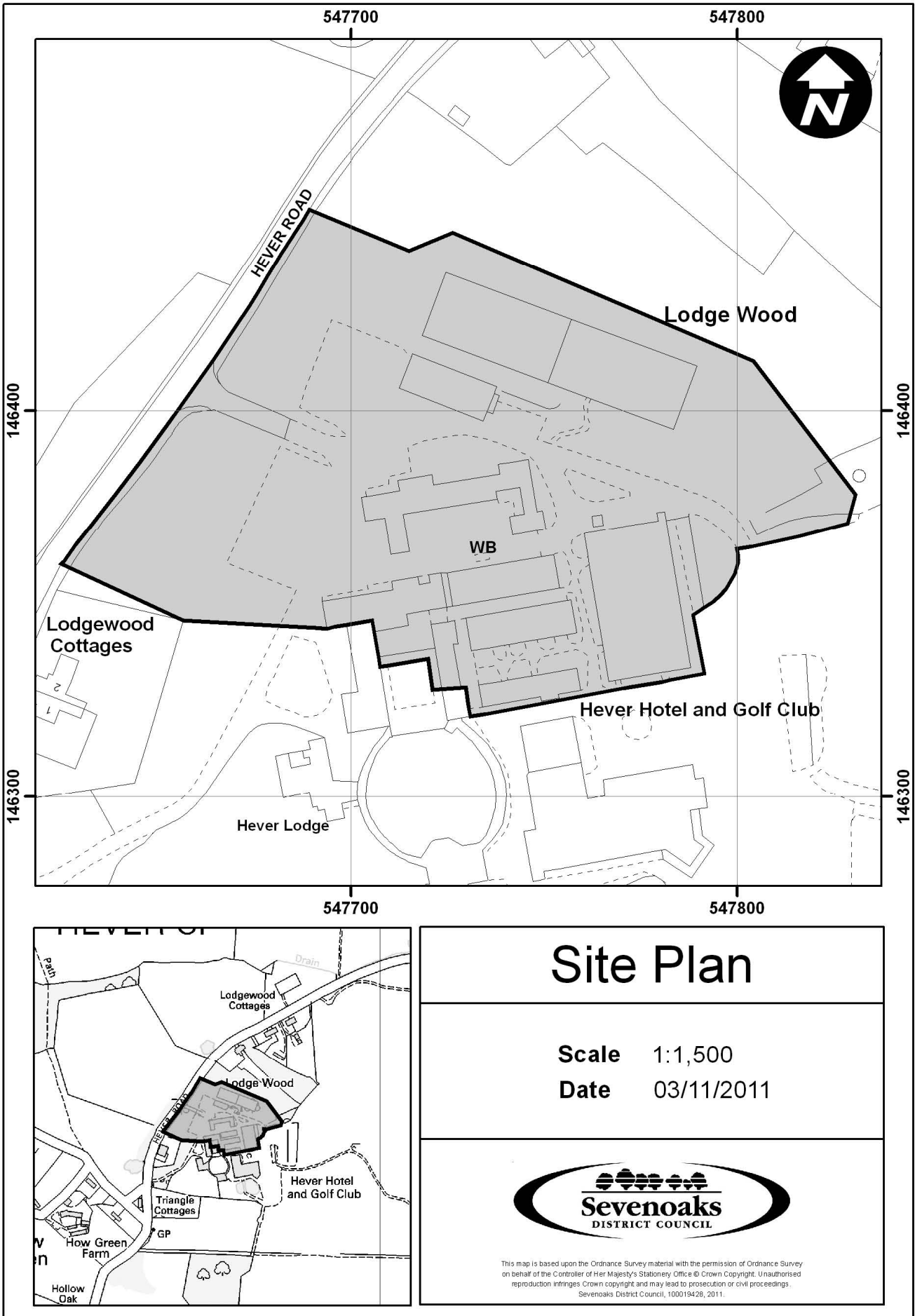
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Background Papers

Site and Block Plans

Contact Officer(s): Patrick Reedman Extension: 7451

Kristen Paterson
Community and Planning Services Director



BLOCK PLAN



Key



New Extensions

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5.02 – SE/11/02332/LBCALT Date expired 2 November 2011

PROPOSAL: Extensions and alterations to main reception listed building and extension to detached non listed building to form accommodation for conferencing and seminars. Reconfiguration of car park and general landscaping.

LOCATION: Hever Hotel, Hever Road, Hever TN8 7NP

WARD(S): Cowden & Hever

ITEM FOR DECISION

This application is referred to Development Control Committee at the discretion of the Community and Planning Services Director as a significant development in the Green Belt and to enable members to consider the very special circumstances put forward.

RECOMMENDATION: That listed building consent be GRANTED subject to the following conditions:-

1) The works to which this consent relates shall begin before the expiration of three years from the date of this consent.

In pursuance of section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2) No development shall be carried out on the land until samples and details of the materials to be used in the construction of the external surfaces of the extensions hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

To maintain the integrity and character of the listed buildings as supported by EN1 of the Sevenoaks District Local Plan.

3) The development hereby permitted shall be carried out in accordance with the following approved plans: 3652-PD-10-D, 12-D, 13-D, 14-D, 15-D, 17-D, 18-D and 19

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

In determining this application, the Local Planning Authority has had regard to the following Development Plan Policies:

The South East Plan 2009 - Policies BE6

Sevenoaks District Local Plan - Policies EN1

Sevenoaks District Core Strategy 2011 - Policies SP1

The following is a summary of the main reasons for the decision:

The development would respect the fabric and character of the Listed Building.

Description of Proposal

- 1 Listed Building Consent is sought for the following extensions and additions to the hotel to increase meeting spaces and conference facilities as well as the restaurant and communal spaces:

An extension of approximately 30m x 14m to the western end of block A to accommodate additional restaurant, reception and conference space at ground floor and within the roof space. The building would have an overall height of approximately 7m with a hipped roof separated from the main portion of block A by a single storey flat roof glazed section.

An increase in the width of the existing restaurant area within block A by approximately 1.5m with the introduction of glazing beneath the eaves line.

A flat roof extension predominantly at the lower level of the existing tennis court to the north of block G having a footprint of approximately 10 x 22m. This element would be finished with a flat sedum planted roof.

- 2 The additional floor area totals approximately 705sq m.

Description of Site

- 3 The application site is the buildings and grounds of Hever Hotel. The hotel complex includes 60 bedrooms, a bar, restaurant and reception area (in block A), a conference space / meeting room (block G) and some outdoor tennis courts along with ancillary hard surface for parking. Some of the buildings within the complex are Grade II listed (blocks A, E and F) and previously formed part of the Hever Castle Model Farm / Stud Farm. The buildings are predominantly single storey in form, Block A includes projecting two storey gables and dormers and is the dominant and central building in the hotel grouping.

- 4 The site is accessed from Hever Road to the west and the access road passes through the site to access the golf club facilities to the south and east of the site. The golf club is operated separately from the Hotel. A swathe of protected trees runs along the northern and western boundaries of the site. The site extends to approximately 1.63ha.

- 5 The site is located in a rural location, approximately 1 – 1.5km to the north of Hever and Hever Castle. The grounds of Hever Castle are located to the south of the golf course. To the south of the site is located Hever Lodge and Lodgewood Cottages, separate residential dwellings.

Constraints

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- 6 The application site is located in the Metropolitan Green Belt. Blocks A, E and F are Grade II listed buildings. Tree Preservation Order no.1 of 1994 covers a large grouping of trees around the western and northern boundaries of the site.

Policies

Sevenoaks District Local Plan

- 7 Policy – EN1

South East Plan

- 8 Policy –BE6

Sevenoaks Core Strategy

- 9 Policy –SP1

Other

- 10 Planning Policy Statement 5: Planning for the Historic Environment

Planning History

- 11 89/01986 - Alterations and additions to existing buildings to form hotel and use of land as eighteen hole golf course and ancillary works - Granted
- 12 96/00794 - Revised scheme to convert Building D into 30 hotel suites and staff accommodation – Granted
- 13 96/02125 – Revisions to car park ancillary to golf club and hotel – Granted
- 14 96/00998 - Conversion of existing barn (non-listed) into 30 hotel suites and staff accommodation. – Granted
- 15 97/00137 - Demolition of existing office building and construction of split-level building to accommodate 19 hotel suites. - Granted
- 16 97/00502 - Revised scheme to convert Building D into 30 hotel suites and staff accommodation, (Revised application). – Granted
- 17 97/01356 - Demolition of existing office building and construction of split-level building to accommodate 19 hotel suites. – Refused
- 18 97/01961 - Retention of existing Hotel Suites in Dairy Cottage. – Granted
- 19 97/01963 - Retention of existing furniture & materials store for hotel adjoining existing covered way. – Granted
- 20 97/01964 - Retention of existing hotel suites and studio in existing listed building.(LBC) – Granted

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- 21 `97/02570 - Conversion of existing stable blocks into executive suites. – Refused
- 22 98/00523 - New lych porches outside hotel blocks - with integral lighting and direction signs. – Refused
- 23 98/00791 - Conversion of existing stable blocks into executive hotel suites (Revised) – Granted
- 24 99/00026 - Alterations and extension to Block D to provide 15no.extra bedrooms - Granted
- 25 03/02518/LBCALT - Minor alterations to form bar, refurbish kitchen and make provision for means of escape. – Granted
- 26 03/02832/FUL - Provision of means of escape points at ground and first floor to west elevation. – Granted
- 27 07/01186/FUL - Retrospective application for provision of play equipment within the hotel grounds for use by the children resident at hotel – Refused
- 28 07/01778/FUL - Retrospective application for provision of play equipment within the hotel grounds for use by the children resident at hotel (Resubmission of SE/07/01186/FUL) – Granted
- 29 07/02942/FUL - Proposed covered area behind kitchen door – Granted
- 30 07/03009/LBCALT - Proposed covered area behind kitchen door – Granted

Consultations

Conservation Officer

- 31 “I do not consider that these additions would have an adverse impact on the listed structures within the site or on their setting. With regard to the detailed design of the extension to building A, I would prefer there to be small dormers to the rear elevation similar to those on the front of the existing building at the eastern end, rather than rooflights as shown.”

Hever Parish Council

- 32 “We support the application as we do not wish to see the collapse of an existing business and welcome new business activity into the Parish. However we would like local neighbourhood concerns about a possible increase in noise and disturbance, and traffic generation in the evenings at weekends to be considered; particularly if it is proposed that the new business will cater for an increase in the number of wedding receptions and related activities.”

Representations

Edenbridge Town Council

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- 33 “Edenbridge Town Council have noted that a planning application has been submitted for the neighbouring parish of Hever to extend and make alterations to the listed building, previously known as the Hever Hotel, to provide additional conference and tourist accommodation. Whilst no wishing to comment on the detail or design of the proposal, Edenbridge Town Council does wish the planning authority to note this council’s commitment to the development of tourism in the Eden Valley to increase the economic development and sustainability of the area.
- 34 This was identified in the adopted Local Development Core Strategy 2011 4.4.9 which states:
- ‘Opportunities to improve services for all visitors will be sought, including a hotel should a proposal come forward on a suitable site’*
- And as a main priority under A Sustainable Economy:- Developing Tourism 7.16 in the Edenbridge Health Check (2005)
- ‘with all this in mind, this is seen as the main priority area for an integrated solution, that combines improvement and development of the tourist product with its promotion, and over time to encourage the attraction of more business and more staying visitors’*
- 35 The members would like you to take this additional information into consideration when making your response. “

Head of Development Services Appraisal

Principal Issues

- 36 This is an application for Listed Building Consent only and as such the consideration is whether the proposal conserves the special architectural and historical interest of the buildings and their setting (in accordance with sec. 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990). An accompanying planning application SE/11/02331/FUL has been submitted for consideration. Any other planning matters are of concern to the consideration of the planning application only (e.g. impact upon Green Belt).

Consideration

- 37 Policy HE9 of PPS5:Planning and the Historic Environment indicates that there should be ‘a presumption in favour of conservation of designated heritage assts and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be’. In this case and for the purposes of PPS5, designated heritage assets can include listed buildings and parks and gardens of historic importance.
- 38 Blocks A, E and F are each are separately listed grade II listed buildings. A separate listing also covers the ‘Epsom Wing’ (the eastern single storey element) of Block A. Block B is not listed in its own right, but does appear to be curtilage listed because of its existence pre-1948. Block G dates from after 1948 and are is therefore considered ‘curtilage listed’.

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- 39 The listed buildings all date from c.1904 and were constructed as 'Hever Castle Farm' a model farm and later a stud farm prior to the conversion of the buildings to a hotel in early 1990s. The buildings were all listed in 1990.
- 40 Block A can be considered the primary building on site because of its more elaborate design along with the fact that it is the tallest building in the grouping. The building is timber framed with plastered infill in a Tudor style. The building is characterised by its central half hipped timber framed porch, gabled dormers and attached water tower.
- 41 The proposed extension to Block A is linked with a flat roof glazed section leading from the west flank. Some modern walls and the modern metal emergency stairs would be removed along with a short section of the original wall. The extension of the restaurant space requires the removal of some later walls and the provision of a glazed external wall below eaves. The existing wall here was created during the 1990s conversion of the building to a hotel.
- 42 The Conservation Officer has raised no objection to the physical works required in extending this building. The main extension appears visually detached from the main portion of the listed building by the glazed flat roof link section which provides a visual break between the two parts of the resultant building. Because of the orientation of the block A extension, this link would not be visually prominent and provides an acceptable contrast between the original part of the building and the different character of the extension.
- 43 The proposed extension to Block A is of a subservient scale with a lower roof. The use of dormers to the front elevation of this building creates the appearance of a smaller and less imposing building in comparison with the original building. The Conservation Officer has expressed a preference for the use of dormer windows to the rear elevation, rather than the roof lights shown. The roof lights are not, however, prominent and are modest in relation to the roof; these elements do not result in an unacceptable development. The building is subservient in scale and character and does not compete with the attractive appearance of the listed building. A condition should be imposed to ensure that details of materials are agreed prior to the commencement of development.
- 44 The extension to the restaurant under the eaves of Block A is carried out by using glazing across the front elevation. The original columns between the windows are to be retained. This would be an attractive contrast to the complex form of the building and would enhance its character.
- 45 The listed buildings elsewhere on the site forming part of the hotel complex would not be affected.
- 46 The extension to Block G is characterised by a modern appearance with a large flat sedum planted roof. Block G itself is of no particular quality in its own right (it is an 'Atcost' barn) with later cladding to give it a 'mock-Tudor' appearance. The proposed extension utilises the fall in the landscape to the lower level of the tennis court to reduce its impact upon the group of buildings and to ensure that it remains subservient to the other buildings on the site. The extension to Block G is separated from the listed buildings by Block G

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itself and Block B (also not listed in its own right). Because of this separation, this extension would not be prominent and would have no significant impact upon the setting of the listed buildings. A different palette of materials could be used in the construction of this element

- 47 Whilst the loss of one oak tree is proposed, in terms of the setting of the buildings, the attractive landscaped and wooded character of the site would otherwise be adequately preserved. The overall impact of the development upon the landscape is discussed more thoroughly in the consideration of the planning application.
- 48 The area designated as a Grade I historic park and garden being part of the Hever Castle Estate is located approximately 190m to the south of the application site. The buildings of the Golf Club, Hever Lodge along with parts of the golf course and other open land separates the site from the northern most extent of the designated area. Because of this separation and the scale of the buildings, it is not considered that the proposal would have a material impact upon the setting of this designated heritage asset. The proposed buildings would not be seen from this historic parkland and would not therefore alter its character.
- 49 Matters raised by the Parish Council, such as the impact of the development upon neighbours are not directly relevant to the consideration of this listed building consent application. These matters are dealt with in the consideration of the accompanying planning application.

Conclusion

- 50 The proposed development conserves the character and fabric of the listed building and the setting of the listed buildings on the site. The proposal is therefore in accordance with the relevant policies of the Development Plan.

Background Papers

Site and Block Plan

Contact Officer(s): Patrick Reedman Extension: 7451

Kristen
Community and Planning Services Director

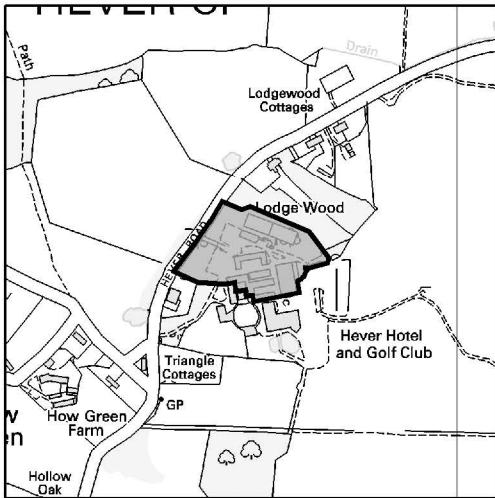
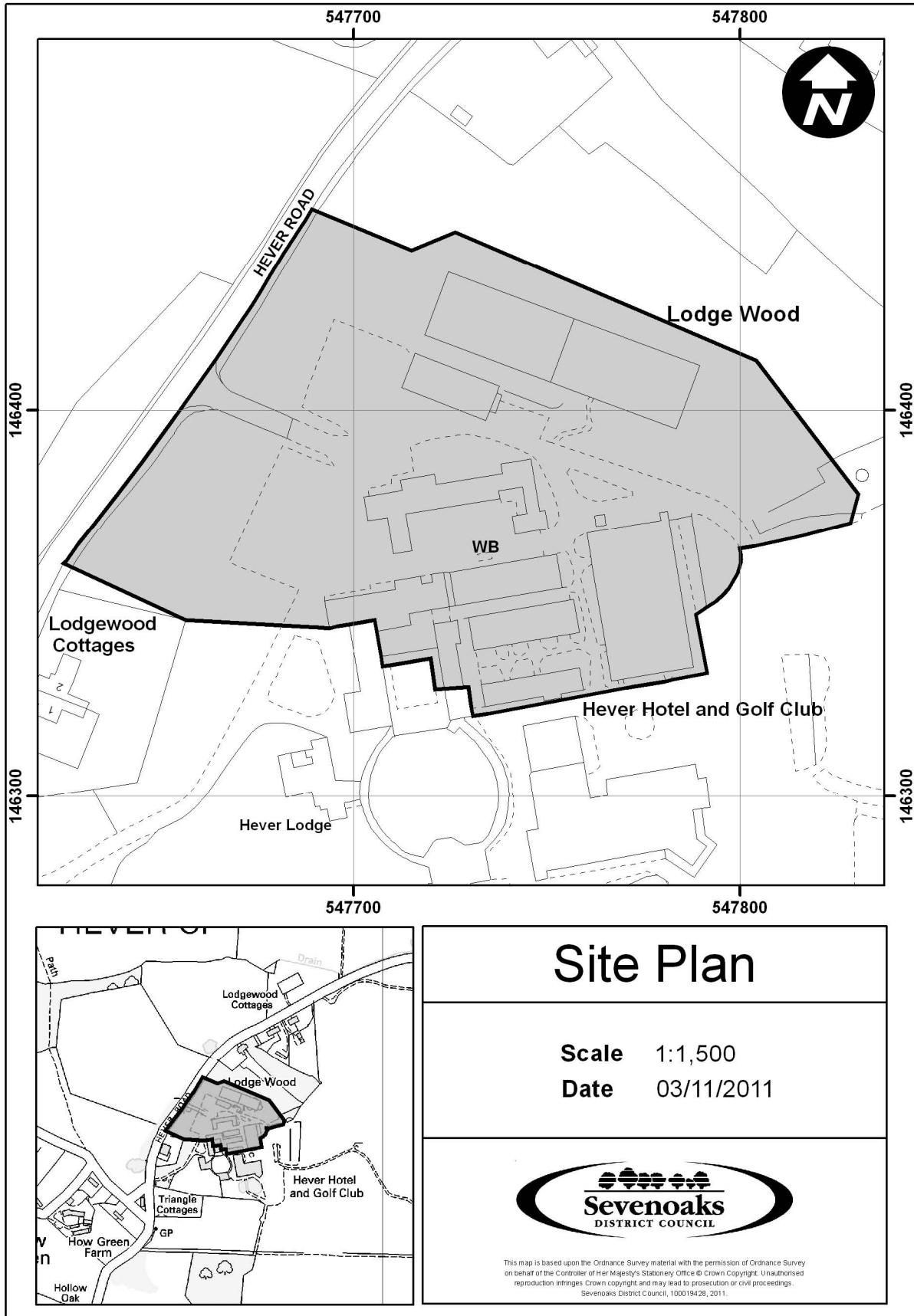
Paterson

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LR5T4JBK0FZ00>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LR5T4JBK0FZ00>



Site Plan

Scale 1:1,500

Date 03/11/2011



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BLOCK PLAN



Key



New Extensions

5.03 – SE/11/01835/FUL Date expired 24 November 2011

PROPOSAL: Demolition of existing dwelling & construction of two detached dwellings with double garages

LOCATION: Finchcocks, 5 Wildernesse Mount, Sevenoaks TN13 3QS

WARD(S): Sevenoaks Eastern

ITEM FOR DECISION

The application has been referred to Development Control Committee by Councillor Elizabeth Purves, who considers the proposal harmful to the character of the road and overdevelopment of the plot.

RECOMMENDATION A: That planning permission be GRANTED subject to the following conditions:-

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2) No development shall be carried out on the land until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks District Local Plan.

3) The first floor window(s) in the side elevations of both proposed properties shall be obscure glazed at all times.

To safeguard the privacy of residents as supported by Policy EN1 of the Sevenoaks District Local Plan.

4) No development shall be carried out on the land until samples of the materials to be used in the construction of the hardstanding (drive way) hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

To safeguard the appearance of the area

5) No window(s) or other opening(s) shall be inserted at any time in the first floor side elevation(s) of the dwellings hereby approved, despite the provisions of any Development Order.

To safeguard the privacy of residents as supported by Policy EN1 of the Sevenoaks

District Local Plan.

6) The development shall achieve a Code for Sustainable homes minimum rating of level 3. Evidence shall be provided to the Local Authority -

i) Prior to the commencement of development, of how it is intended the development will achieve a Code for Sustainable Homes Design Certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority; and

ii) Prior to the occupation of the development, that the development has achieved a Code for Sustainable Homes post construction certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority.

In the interests of environmental sustainability and reducing the risk of climate change as supported in Planning Policy Statement 1 and Policy SP2 of the Core Strategy

7) The development hereby permitted shall be carried out in accordance with the following approved plans: 11/0201/1 A, , 110201/3 A, 110201/2 A, 110201/4 A, 11201/5 B, 11201/5 A, 11201/6 A, 11201/7 A, 11201/8, Site plan dated 29/9/11

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

8) Before any equipment, machinery or materials are brought on to the land for the purposes of the development, the means of protection for the trees on the eastern boundary shall be undertaken in accordance with details that shall have been submitted to and approved in writing by the Council. Also:

A) The means of protection shall be maintained until all equipment, machinery and surplus materials have been removed from the land.

B) Within the protected area:

- No excavation shall take place
- No building or engineering operations shall be carried out
- No fires shall be lit -No vehicles shall be driven or parked over the area
- No materials, equipment or temporary structures shall be stored or placed.

To maintain the visual appearance of the area as supported by EN1 of the Sevenoaks District Local Plan.

9) No development shall be carried out on the land until full details of both hard and soft landscape works have been submitted to and approved in writing by the Council. Those details shall include:

- planting plans (identifying existing planting, plants to be retained and new planting),
- written specifications (including cultivation and other operations associated with plant and grass establishment),
- schedules of new plants (noting species, size of stock at time of planting and proposed number/densities where appropriate), and

- a programme of implementation.

To maintain the visual appearance of the area as supported by EN1 of the Sevenoaks District Local Plan.

10) If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

To safeguard the visual appearance of the area as supported by EN1 of the Sevenoaks District Local Plan.

11) Before the use or occupation of the development hereby permitted, the car parking and turning areas shown on the approved 11201/1 A shall be provided and shall be kept available for the parking of cars at all times.

In the interests of highway safety and visual amenity.

In determining this application, the Local Planning Authority has had regard to the following Development Plan Policies:

The South East Plan 2009 - Policies CC

Sevenoaks District Local Plan - Policies EN1, VP1

Sevenoaks District Core Strategy 2011 - Policies SP1, SP2, SP3, L02

The following is a summary of the main reasons for the decision:

Any potentially significant impacts on the amenities of nearby dwellings can be satisfactorily mitigated by way of the conditions imposed.

The development would respect the context of the site and would not have an unacceptable impact on the street scene.

RECOMMENDATION B: In the event that the applicant does not enter into a Section 106 Legal Agreement within six months, the application be REFUSED for the following reason:

The proposal would lead to a requirement to contribute towards affordable housing provision. In the absence of a completed Section 106 obligation to secure an appropriate level of affordable housing provision, the development would be contrary to policy SP3 of the Sevenoaks District Core Strategy

Description of Proposal

- 1 It is proposed to demolish the existing large detached property and replace it with two detached dwellings. Both replacement dwellings will have detached double garages to the front of both properties.
- 2 The large existing plot will be split down the centre and the two dwellings will be staggered with the first dwelling roughly sited in line with the rear elevation of No. 2.
- 3 The two dwellings will roughly be aligned with the adjacent neighbours, No. 3 and No. 7.
- 4 Plot one will have a width of 15m and Plot two a width of 14m.

Description of Site

- 5 The application site lies along Wildernesse Mount within Sevenoaks.
- 6 Wildernesse Mount has a spacious open character, with a varied design and appearance in terms of dwellings, which are large and detached, save for two semi detached properties at Nos 6 and 8.
- 7 The existing site is approx 29m in width and 75m in depth. The site is approx 0.2175 hectares, with a density of 9 dwellings per hectare.
- 8 The existing large detached property is sited towards the north hand of the plot, set back some 13m approx from the highway. The site slopes down towards the rear (east).

Constraints

- 9 None.

Policies

Sevenoaks District Local Plan

- 10 Policies - EN1, VP1

Sevenoaks Core Strategy

- 11 Policies - SP1 SP2, SP3, L02, SP7

Planning history

- 12 85/01037/HIST Replacement garage/store, studio extension, first floor. Granted

Sevenoaks Town Council

- 13 Sevenoaks Town Council recommended refusal on following grounds:

Overdevelopment of the site

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House No..1 is set so far back on the plot that it may cause a loss of amenity No..3 Wildernesse Mount

Loss of parking and sufficient space for significant trees between house No..2 and No. 7 Wildernesse Mount; giving the impression of overcrowding in otherwise spacious surroundings.

Consultations

SDC Tree Officer

- 14 I refer to the above application. I have visited the site and have studied the plans provided and have made the following observations:
- 15 I can inform you that the principle trees are located to the rear of the site, on the eastern boundary with Seal Hollow Road. These trees should be situated a sufficient distance from the proposed development to be unaffected. The proposed development would result in the removal of a section of the Beech hedge to the front of the site to accommodate the new access. The development would also result in the removal of several trees and shrubs situated on the southern boundary and several to the rear of the existing property. These are all generally of low amenity value but do provided an effective screen. These could be replaced as part of an approved landscaping scheme.
- 16 Providing those trees situated on the eastern boundary are adequately protected, I have no objections to the proposed development. Details of protective measures to used should be submitted for comment and should comply with BS5837:2005.

KCC Highways

- 17 I have no highway objections to the above application.

Thames Water

Waste Comments

- 18 Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

- 19 Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

Water Comments

- 20 With regard to water supply, this comes within the area covered by the Mid Kent Water Company. For your information the address to write to is - Mid Kent Water Company PO Box 45, High Street, Snodland, Kent, ME6 5AH. Tel - (01634) 240313

Representations

- 21 Neighbours - 19 letters of objection have been received, which are summarised as follows:

The proposed development doubles the housing density of the plot, making it significantly out of line with the other properties along Wilderness Mount, particularly those on the same side of the street.

We wish to avoid any precedent that would allow more than one house per original plot or any increases in density that would change the desirability of the neighbourhood.

The proposed development would give an impression of crowding.

It will also adversely affect the environment of the area and is contrary to the government policy of preventing 'garden grabbing'.

The development would not complement the neighbouring properties in terms of scale or density, contrary to paras 16 and 46 of PPS3.

The proposed development does not reflect the wider setting, contrary to PPS1, and does not improve the character and quality of the area, contrary to PPS 3.

The proposed development could result in the plot appearing cramped and overdeveloped.

The drawings do not include the rear conservatory of No. 3.

The proposed development will overshadow the garden of No. 3 and No. 7.

The two side elevation windows are inappropriate and will overlook the private rear garden. The proposed dwelling will have an uninterrupted view over the rear garden of No. 3.

The development would have a detrimental impact upon the outlook of the garden of No. 3.

The set back of the two dwellings would give the impression of one incredibly deep development from almost the road to halfway down to

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Seal Hollow Road. There is no comparable development along this road.

The potential loss of trees and part of the Beech Hedge is a major detriment to the area, contrary to PPS 9.

The proposed development leaves no grassed area to the front of the plots, which is out of character with the 'green' nature of the road.

The property at Plot No. 2 will cause a loss of light to my first floor bedroom.

The height of the proposed house against my single storey extension will cause overshadowing to my house and patio.

The development will cause the loss of 11 trees along my boundary which will detract from the character of the street.

Any extra properties will create extra traffic and may cause safety issues.

The properties will be closer to their respective boundaries than others in the streets scene.

The properties will have an overbearing impact upon Nos. 3 and 7.

The proposal will affect our views.

The strip of land (grass verge) to the front of the property is owned by Wildernesse Mount Limited. The additional access point requires the express consent of the company. This has not been applied for and has not been granted. The application is therefore flawed.

The three storey nature of the proposed properties are out of keeping with the street scene.

The resultant plot widths are approx 40% less than the average on this side of the road.

The proposal is contrary to Policy EN1 of the Local Plan.

Our property opposite will be overlooked and suffer a loss of light.

There is inadequate parking for the dwellings.

The new dwellings will not be in line with the neighbouring houses.

Head of Development Services Appraisal

22 The main considerations of this application are:

Principle of development

Impact upon character and appearance of the area

Impact on the amenities of adjacent properties

Affordable Housing Contribution

Principle of development

23 With the recent revision to PPS3 it is necessary to determine whether or not the site falls within the category of previously developed land. The site comprises a detached dwelling and its residential curtilage, which lies within the built confines of Sevenoaks. It is not considered that the garden area qualifies as previously developed land.

24 However this does not mean that the site is unsuitable for development, subject to the proposal being in keeping with the street scene.

25 PPS1 and PPS3 considers that in determining planning applications for new housing the LPA should have regard to:

Achieving high quality housing

Ensuring developments provide a good mix of housing reflecting the accommodation requirements of specific groups, in particular families and older people.

The suitability of a site including its environmental sustainability

Using land effectively and efficiently

Ensuring the development is in line with planning housing objectives, reflecting the need and demand for housing in the area and does not undermine wider policy objectives.

26 Further to this the advice within PPS3, Para. 16, advises designs should complement the neighbouring buildings generally in terms of scale, density, layout and access and Para. 46 where densities should have regard to the characteristics of the area.

27 The proposed scheme would provide a density of approx 10 dwellings per hectare. This is less than the policy guidelines for housing redevelopment in urban areas (Core Strategy Policy SP7 recommends 40 dwellings per hectare within urban areas). However, given the character of the locality, which is generally characterised by large properties on plots of varying size, this density is deemed acceptable. The principle of the development is deemed to be acceptable provided it complies with all other relevant policies.

Impact upon the character and appearance of the area

28 Policy EN1 (from SDLP) and CC6 from (SEP) state that the form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. This policy also states that the design should be in harmony with adjoining buildings and incorporate materials and landscaping

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of a high standard and that the proposed development should not have an adverse impact on the privacy and amenities of a locality.

- 29 Also relevant is policy SP1 from the Sevenoaks Core Strategy which states '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'.
- 30 PPS1 also emphasises the need to achieve good design standards for new development and a high quality of urban design in the wider context. This document recognises that design issues are matters of proper public interest and the relationships between buildings in their wider setting is often as important or more important than individual designs.
- 31 PPS3 states that good design is fundamental to the development of high quality new housing, which contributes to the creation of sustainable, mixed communities. In addition to this it also states that good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.
- 32 The existing property is of little architectural merit and does not contribute particularly to the character or appearance of the area in terms of design or appearance.
- 33 As states above, there is no specific uniformity in terms of design along Wildernesse Mount although all the dwellings are traditional in appearance and materials, and the current dwelling is sited behind a 2.5m high beech hedge, which will mostly remain (save for a new access).
- 34 The two replacement dwellings are the same scale, 10.6m in width, 14.2m in length (in total) and 8.5m in height.
- 35 This compares to the existing dwelling, which is approx 8.9m in height, 15.8m in width and a total of 11.2m in depth.
- 36 The dwellings do have third storey however these are sited within the roof space and are served by roof lights. The properties retain a two storey appearance therefore and the scale of the dwellings are considered appropriate to their setting and will be no higher for example than the existing dwelling or either adjacent neighbour.
- 37 Whilst the two dwellings are similar in scale, footprint and layout, the differences in front elevation detailing – the property on plot No. 1 for example has a forward projecting gable in the centre of the elevation, and less fenestration than the front elevation of the property on plot No. 2.
- 38 Taken in isolation therefore, it is not considered that either property is out of keeping with the rest of the street scene (or each other) in terms of design or scale.

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- 39 The garages, sited to the front of the dwellings (one behind the other) are limited in height, 2.3m approx to eaves (4.45m to ridge) and are not considered to detract from the character and appearance of the replacement dwellings. There are other examples of garages in the front gardens along Wildernesse Mount.
- 40 Wildernesse Mount is characterised by an open spacious character, with the properties set back considerably from the road. The plot widths on the eastern side are larger than those opposite on the western side.
- 41 Both proposed replacement dwellings will be sited 2m from the side boundaries. Whilst the existing property has a large separation distance to the southern boundary with No. 7 (approx 13m), most properties along this part of Wildernesse Mount do generally come close to filling the width of their plots, for example No. 1 which is 2.5-3m from both boundaries, No. 3, which is 4-5m each side but with two outbuildings within this space, and No. 7, which has a gap of less than 1m to the boundary with the application site and approx 4m to the boundary with No. 9.
- 42 The properties on the western side of the road also have are denser in terms of their plot coverage, with plot widths of approx 11-15m.
- 43 In terms of building line, whilst there is a characteristic set back from the highway but no clear building line on the eastern side of the street, for example the application property is set forward of No. 3, and No. 9 is set way back from No. 7.
- 44 In this context, the set back of the proposed property in plot No. 1 to be in line with No. 3 Wildernesse Mount, and the set forward of the property in Plot No. 2 to be in roughly line with No. 7 makes sense visually, and the distances to the side boundary and will not detract from the street scene.
- 45 The resultant plot widths, 15m approx for Plot 1 and 14m approx for Plot 2 are smaller than the existing which is larger than the immediately adjacent plots (approx 22.5m for No. 7 and 21m for No. 3), however the properties directly opposite have a plot width of approx 14-15m, and No. 1 on the same side of the road has a plot width of approx 18m.
- 46 In this context, the plot widths do not necessarily detract from the open spacious character and appearance of the street scene, particularly given the retained set back from the highway and the retained beech hedging to the front of the plot.
- 47 In terms of street scene, the two detached garages are set forward of the properties, (the garage for plot 1 being in line with the property of plot 2, and the garage of Plot 2 being directly in front of the garage of No. 1, immediately adjacent to the boundary hedge.
- 48 As stated above, there is no firm building line along this side of the street and there are other examples of garages sited near to the highway, for example at No. 1 and next door at No. 7. Given the low height of the garages, 2.3m to ridge and the existing (retained) 2.5m approx front boundary beech hedging,

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only the pitched roofs of the garages will be visible, and as one is sited behind the other, the visual impact upon the openness of the street scene is considered limited.

- 49 Other properties along Wildernesse Mount, for example at No. 1 and next door at No. 7 have considerable amount of hard standing to the front of the dwellings. It is not therefore considered that the proposed hard standing or loss of front garden will detract from the character or appearance of the street scene.
- 50 Therefore, it is not considered that the proposed garage would detract from the street scene to an extent that would warrant a recommendation of refusal.
- 51 It is therefore considered that this proposal complies with the above policies.

Impact upon residential amenity

- 52 Policy EN1 from the Sevenoaks District Local Plan states that the proposed development does should not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements.

Plot No. 1

- 54 The proposed dwelling for plot No. 1 will be sited behind the existing dwelling, with its front elevation in line with that of the adjacent northern neighbour, No. 3, which has no fenestration on the side elevation facing Plot No. 1. This property is separated by a distance of approx 7m from the side elevation of this proposed replacement dwelling.
- 55 Given this separation distance, and despite the depth of the replacement dwelling, the dwelling does not conflict with the 45degree line when drawn from the nearest habitable room window of this neighbour, vertically or horizontally.
- 56 Therefore it is not considered that this proposed dwelling will have an unacceptable overbearing or overshadowing impact upon this neighbour.
- 57 Turning to overlooking, the proposed dwelling has two small windows on its northern side elevation facing No. 3. These serve an en-suite and a landing. It is considered that they should be conditioned as obscure glaze to prevent unacceptable direct overlooking of the rear amenity space of this neighbour.
- 58 The nearest first floor rear facing fenestration is centrally sited and will only offer oblique overlooking of the rear amenity space of No. 3. It is not therefore considered that this proposed dwelling will have an unacceptable overlooking impact upon this neighbour.

Plot No. 2

- 59 The proposed dwelling for plot No. 2 will be sited with its front elevation roughly in line with that of the adjacent southern neighbour, No. 7.

- 60 The separation distance between the property at Plot No. 2 and No. 7 is less than 3m.
- 61 This neighbour also has no side elevation fenestration, and there is a small single storey rear extension on the northern side of the rear elevation. The nearest habitable room window on the rear elevation is a bedroom window. The proposed dwelling, due to its depth, will conflict with the horizontal 45 degree line when taken from the centre of this window.
- 62 However, the room is also served by a second principal window on the rear elevation, and the proposed dwelling does not conflict with the vertical 45 degree line from either window.
- 63 Due to the ground floor rear extension, the proposed dwelling will not conflict with the horizontal 45 degree line when drawn from the centre of the nearest ground floor window.
- 64 Therefore, on balance, it is not considered that the proposed dwelling in plot 2 will have a detrimental overbearing or overshadowing impact upon No. 7.
- 65 Turning to overlooking, this proposed dwelling has a single first floor window on its southern side elevation. This window serves a bathroom and is considered that they should be conditioned as obscure glaze to prevent unacceptable direct overlooking of the rear amenity space of this neighbour.
- 66 The rear facing fenestration would only offer oblique overlooking of the rear amenity space of No. 7 and it is not considered that this limited overlooking is not unacceptable.

Impact upon each other

- 67 As stated above, the two proposed dwelling at Plot No. 1 is set further back than (approx 10m) the property in Plot No. 2.
- 68 There is a separation distance of 3.7m between the two dwellings. Whilst the property at plot No. 1 conflicts with the 45 degree line when drawn horizontally from the nearest ground floor window of property No2, it does not conflict with a 45 degree vertical line and this window serves a large kitchen area which is also served by large French doors.
- 69 The nearest first floor window on the rear elevation is more centrally sited and so property No. 1 does not conflict with the 45 degree line when drawn horizontally or vertically from this window.
- 70 It is therefore considered that the proposed property in Plot No. 1 does not have an unacceptable overbearing or overshadowing impact upon plot No. 2.
- 71 Both properties have two first floor side elevation windows facing each other, and as they serve a bathroom/en-suite or a landing, it is considered that they should be conditioned as obscure glazed to prevent unacceptable direct overlooking.

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- 72 The rear elevation fenestration for both properties would only offer oblique overlooking of each others rear amenity areas and therefore again, it is not therefore considered that the proposed dwellings will have an unacceptable overlooking impact upon each other.
- 73 Therefore this proposal would comply with policy EN1 of the Local Plan in this regard.

Access

- 74 The proposal would utilise the existing access for Plot No. 1 but will require a new separate access for plot No. 2.
- 75 This will involve the removal of approx 6m of the beech hedge to the front of the property. As the majority of this hedge will remain, it is not considered that this part removal would detract from the character of the street scene, and the new access will appear to be in keeping with others along this side of Wildernesse Mount.
- 76 In terms of parking provision, the proposed garages will provide two parking spaces each with casual parking are ain front. There will be ample room for turning in the extensive hard standing to the front of the properties. Therefore it is considered there is sufficient off road parking provided.

Landscaping.

- 77 Whilst the proposal would lead to the removal of part of the Beech hedge and several trees and shrubs on the southern boundary with No. 7, The tree officer states that these have low amenity value and could be replaced as part of a conditioned landscaping scheme. He therefore has no objection to the proposal.

Affordable Housing contribution

- 78 Policy SP3 of the Core Strategy requires that proposals involving the provision of new housing should also make provision for affordable housing. In the case of residential development of less than 5 units, that involve a net gain in the number of units, a financial contribution based on the equivalent of 10% affordable housing will be required towards improving affordable housing provision off-site.
- 79 An affordable housing contribution of £44,620 (based on a current open marked value of the 1 additional unit of £1m) has been agreed in principle through a unilateral undertaking.
- 80 It is therefore considered that the above policy is satisfied.

Other matters

- 81 The Parish Council object to the proposal. The issue raised, regarding loss of parking and trees, overdevelopment and possible overbearing have been addressed above.

- 82 Notwithstanding the above, 19 letters of objection have been received, and the material planning considerations have been addressed above.
- 83 In terms of possible precedent set, it is considered that this plot is suitable for 2 dwellings, however elsewhere in Wildernesse Mount, for example at No. 24 (11/00859/FUL) it was not considered acceptable given its relationship on a corner. Each proposal is therefore considered on its own merits.
- 84 Whilst the drawings (site layout plan) do not include the conservatory of No. 3, it is not considered that this prevents determination of the application. This is also the case with the ownership issues raised regarding the strip of land at the front of the property. A Certificate B form has been filled in and notice served upon the owners of this land. Therefore the statutory requirements have been fulfilled.
- 85 Finally, it is not considered that one additional dwelling will have an unacceptable impact upon traffic conditions along the road. It should be noted that KCC Highways have not raised any objection. Given the separation distance to the properties opposite, approx 36m, it is not considered that the additional dwelling would have an unacceptable overlooking impact upon these properties. A loss of view is not a material planning consideration

Conclusion

- 86 In summary, it is considered that, on balance, the proposed replacement dwellings will not detract from the character and appearance of the street scene, or have a detrimental impact upon the amenities of the neighbouring properties. The proposal therefore complies with PPS 1, PPS3, Policy EN1 of the Local Plan and SP1 of the Core Strategy. The Officers recommendation, is therefore, to approve.

Background Papers

Site and Block Plan

Contact Officer(s): Ben Phillips Extension: 7387

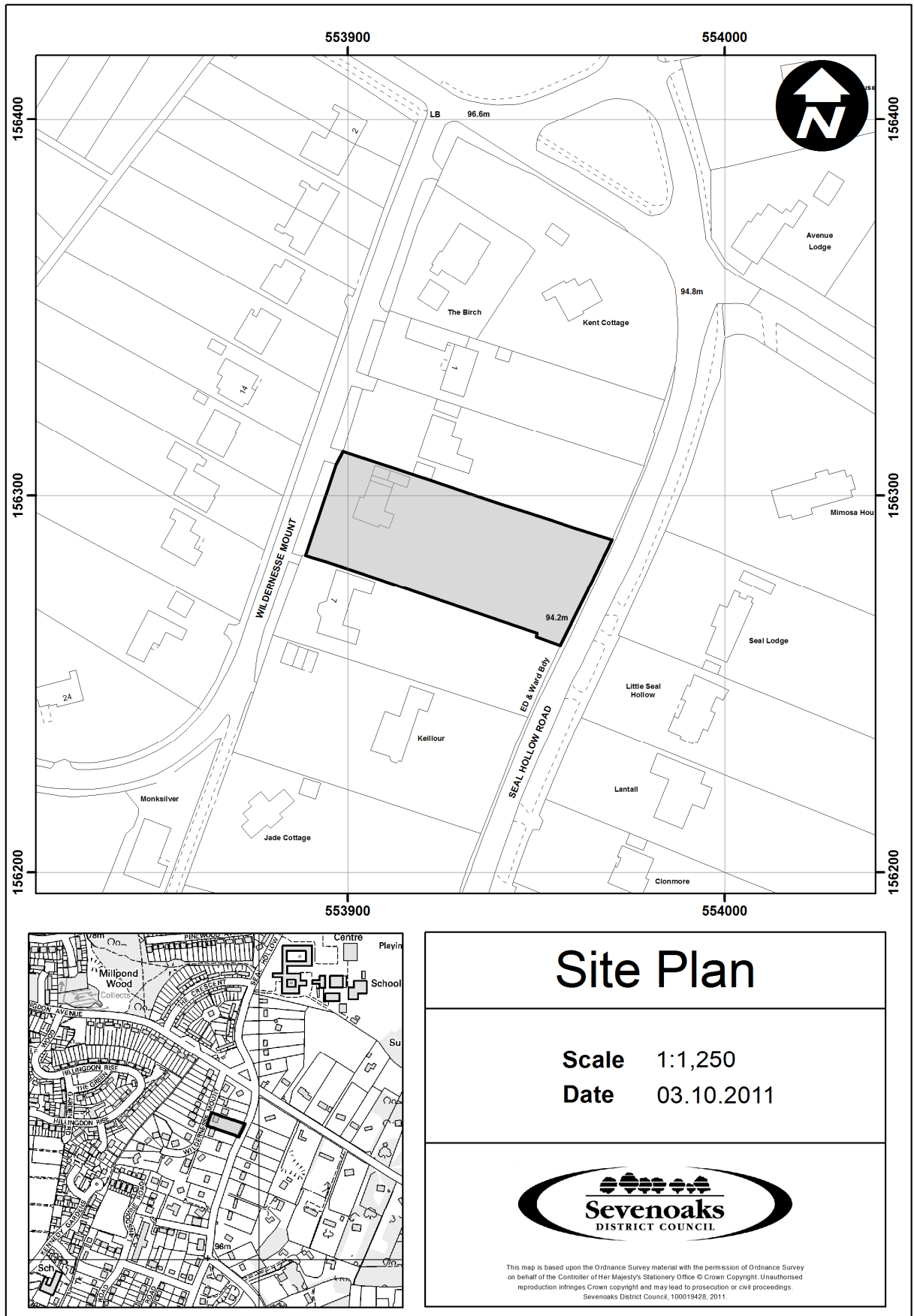
Kristen Paterson
Community and Planning Services Director

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LODI52BK0CR00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LODI52BK0CR00>



Site Plan

Scale 1:1,250
 Date 03.10.2011



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 Sevenoaks District Council, 100019428, 2011.



Development Control Committee - 17 November 2011

5.04 – SE/ 11/02142/FUL Date expired 19 October 2011

PROPOSAL: Temporary change of use for 3 years, of former Church to class B1 and class B8 (as amended by description 05.09.11 and updated by letter from applicant dated 20/09/11)

LOCATION: St. Edward The Confessor Church, Long Barn Road, Sevenoaks Weald

WARD(S): Seal & Weald

ITEM FOR DECISION

This application has been referred to Development Control Committee by Councillor Thornton as she has concerns about introducing a commercial use on this site within the Green Belt and an Area of Outstanding Natural Beauty and on a narrow country lane - particularly that it could create a precedent for future use of the building in the longer term.

RECOMMENDATION: That planning permission be GRANTED subject to the following conditions:-

1) This planning permission is granted for a temporary period of 18 months only, from the date of this permission. By the date this permission expires, the use shall cease and the site restored to its previous condition, or restored in accordance with a scheme that has been submitted to and approved in writing by the Council.

To reflect the temporary nature of the application and in order that the impact of the use can be reviewed, to safeguard the rural character and amenities of the area in accordance with Policy EN1 of the Sevenoaks District Local Plan and Policy SP1 of the Sevenoaks Core Strategy

2) This use hereby permitted shall only be for the benefit of D Sutherland Furniture Ltd and for no other occupier.

Because an unrestricted use could lead to greater intensification of the site, with adverse impacts upon the surrounding area, in accordance with Policy EN1 of the Sevenoaks District Local Plan.

3) The premises shall not be used outside of the hours of 8am-6pm Monday-Saturday and 8am-1pm on Saturdays. No activity in connection with the storage use (including the delivery, loading and/or unloading of goods) shall take place prior to 9am on any of the above specified days.

To accord with the terms of the application and to protect neighbouring amenities, in accordance with Policy EN1 of the Sevenoaks District Local Plan.

- 4) No storage shall take place outside of the building.

To protect the visual amenities of the area and openness of the Green Belt, in accordance with policies GB3A of the Sevenoaks District Local Plan and LO8 of the Sevenoaks Core Strategy.

- 5) The use hereby permitted shall not commence until a plan showing the extent of the vehicle parking area, together with physical measures to define the boundary of this area have been submitted to and approved in writing by the local planning authority. The development shall take place in accordance with the approved details prior to first occupation of the building.

To protect trees on site subject to a Tree Preservation Order, in accordance with Policy EN1 of the Sevenoaks District Local Plan and Policies LO8 and SP1 of the Sevenoaks Core Strategy.

- 6) The development hereby permitted shall be carried out in accordance with the following approved plans: 2591-01

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

- 7) Before development commences, full details of the gates to be installed to the re-instated access shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

To protect the visual amenities of the area and openness of the Green Belt, in accordance with policies GB3A of the Sevenoaks District Local Plan and LO8 of the Sevenoaks Core Strategy.

In determining this application, the Local Planning Authority has had regard to the following Development Plan Policies:

The South East Plan 2009 - Policies SP5, C3

Sevenoaks District Local Plan - Policies EN1, GB3A

Sevenoaks District Core Strategy 2011 - Policies LO8, SP1, SP8

The following is a summary of the main reasons for the decision:

The development would preserve those trees on the site which are important to the visual amenities of the locality.

The scale, location and design of the development would preserve/enhance the landscape character of the locality.

The development would not have an unacceptable impact on the residential amenities of nearby dwellings.

The traffic movements generated by the development can be accommodated without detriment to highway safety.

The development is considered to be appropriate development within the Metropolitan Green Belt

Description of Proposal

- 1 The application seeks a three year temporary planning permission for use of the church building for B1 and B8 purposes. Specifically, it is proposed that a furniture company would occupy the premises. Part of the building (around 25 sqm) would be used as an office area by two people, and the larger area of the building (around 91 sqm) would be used for storage purposes. The applicant stipulates that this facility would be used for occasional storage of furniture or kitchen units that have been manufactured at the main company workshop in Hever, as an overspill facility. The applicant states that perhaps two or three vans would visit the site per week in association with the storage use, as well as the applicants car. No outside storage would take place.

Description of Site

- 2 The site consists of a vacant and relatively modern church building with surrounding curtilage. The building is set back from the road and three mature trees protected by a TPO are located to the front of the site. Access to the site is currently gained from a gate to the south, although a previous access existed further to the north and is proposed to be reinstated as part of this application.
- 3 The site falls outside of the village confines and as such is located within the Metropolitan Green Belt. The site, and wider village is also designated wholly within the AONB. Notwithstanding this, the site is not in an isolated position and forms part of a line of built form just outside the village confines.

Constraints

- 4 Green Belt
- 5 Area of Outstanding Natural Beauty
- 6 Trees on site protected by a TPO

Policies

South East Plan

- 7 Policies – SP5, C3

Sevenoaks District Local Plan

- 8 Policies– GB3A, EN1

Sevenoaks Core Strategy

- 9 Policies – LO8, SP1, SP8

Other

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- 10 PPG2 – Green Belts
- 11 PPS4 – Planning for Sustainable Economic Growth
- 12 PPS7 – Sustainable Development in Rural Areas
- 13 The Weald Village Design Statement

Planning History

- 14 None

Consultations

Weald Parish Council

- 15 The Parish Council objects to this Application:

B1/B8 commercial development is completely inappropriate on this Green Belt site which is in a quiet residential area

There are no traffic movements into the site at present. The movement of staff and furniture in and out of storage will undoubtedly lead to more traffic movements on Long Barn Road which have an adverse effect on the residential amenities of nearby properties.

The use of the paddock area of the site for storage, parking etc, if not controlled, would have adverse impact on adjoining properties

Granting of this temporary change of use creates of precedent for the "more permanent change of use" which is referred to in the application. The Parish Council would oppose any permanent change in use which is out of keeping with the residential character of this part of the village.

Kent Highways

- 16 Original comments - The above application raises some concerns about what traffic will be generated by the proposals, for example lorries.

However, I have no objection to the proposal in respect of highway issues, provided that permission is granted for no longer than 3 years.

- 17 Revised Comments - Thank you for notifying me of the change to this application.

As I mentioned previously, this application raises some concerns about what traffic will be generated by the proposals, for example lorries. A brief Transport Statement would be useful, to clarify the size of vehicles likely to be used and the intended frequency of access.

I do not intend to object to the proposal in respect of highway issues, provided that permission is granted for no longer than 3 years.

Environmental Health Officer (verbally)

- 18 Raises no objection to the proposal based on the level of use stated by the applicant and the conditions proposed.

Representations:

- 19 14 letters of objection received:

Disturbance from vehicles using the site

Concern that advertisements would be displayed at the site

The entrance gates should be rural and not industrial

The use would be out of keeping with surrounding residential properties

The use would be harmful to the AONB

Harmful impact on Green Belt

The hours of use proposed are unacceptable

Parking of vehicles / lorries could harm surrounding trees protected by a TPO

Re-use of the access is unacceptable

Works to the access could damage trees

Increased traffic / harm to road safety

The site should be used for residential not commercial use

Disturbance from commercial use would harm the peace and tranquillity of the area

Conflict with school on lane

Suitable commercial premises should be on industrial sites

A temporary permission would set a precedent for further commercial use

Underground services could be damaged

Long Barn is a Historic Park and Garden

A revised design and access statement has not been submitted

Head of Development Services Appraisal

Main Issues

20 I consider the main issues to be as follows –

Principle of use within the Green Belt and AONB

The impact of the proposed use upon the character and appearance of the local area

The impact of the proposed use on neighbouring amenities

The impact of the proposed use on highways safety

The impact of the proposed use on protected trees on site

Principle of use within Green Belt / AONB

21 The site is located within the Metropolitan Green Belt and the AONB where restrictive planning policies prevail. However government advice contained PPG2 allows for the re-use of buildings inside the Green Belt, and this is reflected in Policy GB3A of the local plan. Policy SP8 of the Core Strategy also states that priority will be given to the re-use of buildings for economic or tourist uses, and this reflects Government advice contained in PPS7.

22 Policy GB3A of the local plan and advice contained in PPG2 are largely the same – that buildings should be sound and capable of re-use without major construction, that the form design and bulk of the building should be in keeping with its surroundings, and that any new use should not have a materially greater impact on the openness of the Green Belt.

23 In this respect, the building is a brick structure with two sloping monopitch roofs and in good external condition, and is clearly sound and capable of re-use without major construction. Whilst the building has been designed as a “modern” church structure, it does not visually dominate the area and relates well to surrounding buildings, and in this respect I consider it to be well-integrated into the built fabric of the village. The use of the building as an office for 2 persons and an occasional storage facility would not, in my opinion, materially increase the lawful use of the site as a church premises to the extent where any harm to the openness of the Green Belt could be demonstrated.

24 In terms of the AONB designation, the scheme does not propose to make any external changes to the building, or to undertake any external storage within the grounds. In terms of this wider landscape designation, I do not consider the proposal would cause any visual harm to the natural beauty of the wider landscape when compared to existing. Policies C3 of the SE Plan and LO8 of the Core Strategy seek to preserve the distinctive character of the Kent Downs AONB, and for the above reasons I consider this would be achieved.

- 25 Taking the above factors into account, I consider the scheme to accord with national and local planning policies relating to development in Green Belts and within AONBs.

Impact upon character / appearance of surrounding area

- 26 The surrounding area is predominantly residential in character, with a school and shop located further north on Long Barn Road, and other commercial premises within the village.
- 27 The existing lawful use of the building is as a church so in this respect it does not follow the predominant residential character of the immediate area. The proposed use for B1 / B8 uses only seeks to re-instate a blocked-up vehicle access, with no other physical changes involved. The use is proposed is not intensive, and given the very limited works proposed to the exterior of the site, I do not consider this would lead to any undue harm to the established character and appearance of the area. In this respect, the application would comply with Policies EN1(1) of the local plan and SP1 of the Core Strategy.

Impact upon amenities of surrounding properties

- 28 Objections have been raised that a commercial use of the premises would cause undue noise and disturbance to surrounding residents, particularly given the ambient rural surroundings of the site.
- 29 In this respect, I note that part of the building would be occupied for B1 purposes, and that such use is defined as being capable of being undertaken within a residential area without detriment. A B8 use has more potential for disturbance, as a storage and distribution facility. The applicant states that this facility would be low key, used as an occasional overspill storage area to the main premises in Hever, and would only be likely to attract up to 3 vehicle movements per week. The likelihood of a low-key use is additionally supported by the fact that the storage area is of limited size (at around 90sqm), and that the only access into the building is via a pair of fairly modest entrance doors through the proposed office, which would not appear to support a large scale or intensive storage / distribution operation. The applicant is also willing to limit deliveries / movements associated with the storage / distribution use to after 9am.
- 30 The proposed use would also give rise to associated vehicle movements although again these are stated to be of a low key and occasional nature. Combined with a restriction on deliveries to/from the site until after 9am, I consider such movements as stated to be very modest.
- 31 The premises would be occupied from 8am to 6pm Mondays – Fridays and 8am-1pm on Saturdays. In addition, the applicant is willing to accept a condition to limit any activity in connection with the storage use to after 9am during the above days. I consider these hours to be reasonable within a primarily residential area.
- 32 The site is flanked by residential properties and the boundary to the north is defined by a tall hedge which offers privacy to the dwelling to the north of the

site. The B1 use, by definition, would not give rise to undue disturbance to these properties. The B8 use, by virtue of the small floor area, the physical limitations of the building, restricted hours of operation, and low-key intended use, would not, in my opinion, cause any undue harm to neighbouring properties. The use may give rise to an increase in noise and vehicular activity from the site but such use would be modest. Whilst it would not be reasonable to seek to control the number of vehicles or deliveries to the site (due to practicalities in monitoring and enforcing this), I consider that the above physical factors relating to the site, the intended use of the site, and the conditions proposed would, in combination, limit any impact on neighbouring properties. The Council's Environmental Health Officer has not raised objection to the proposal based on the use as proposed and conditions suggested.

- 33 In order to safeguard against any future intensification, the applicant has agreed, if deemed necessary, to accept a temporary permission for 18 months rather than 3 years, in order that the use can be "trialled" for this shorter period. This would give some reassurance to residents that the use is temporary and can be reviewed at 18 months. I also consider that a personal permission would be appropriate given the low-key intended use of the premises by the applicant, in order to safeguard against the possibility of another user occupying the property with a more intensive business activity.
- 34 Taking the above factors into account and subject to conditions to control the use and occupation of the building, I am satisfied that the proposal would not cause any undue adverse harm to neighbouring amenities, and in this respect would comply with Policy EN1(3) of the local plan.

Impact upon highways safety

- 35 The proposed use would introduce vehicle activity on site whereby the vacant nature of the premises does not generate such activity. The permitted use as a church would have generated some vehicle movements, although these are unlikely to be as much as for a B1/B8 use.
- 36 Kent Highways do not object to the scheme in terms of parking, re-use of the former access, and use of surrounding roads but did raise some concern over the level of traffic likely to be generated. This concern was raised prior to the submission of further supporting information by the applicant, which included their proposed vehicle movements – and the intention that the storage use would operate on a low key basis.
- 37 Given the number of vehicle movements predicted and lack of objection from Kent Highways, I consider that the development would comply with Policy EN1(6) of the local plan.

Impact upon protected trees

- 38 There are three Oak trees protected by TPO 13 of 2008 at the front of the site. The re-instated access would be sited between two trees, whilst the parking area at present is undefined and, whilst very loosely surfaced, allows vehicles to manoeuvre right up to the trees.

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- 39 The tree officer has visited the site and is satisfied that reinstatement of the access would not harm these trees. He is also satisfied that the use of the area in front of the building, which is loosely and informally surfaced, would not harm these trees. However he does consider that the parking area should be defined and limited in extent to prevent the possibility of vehicles parking too close to these protected trees. He is satisfied that this can be controlled by condition.
- 40 Subject to this, I am content that the development would not cause any undue harm to these protected Oak trees.

Other Matters

- 41 It is important to point out to Members that the current church building, whilst vacant, could be used for other purposes without the benefit of requiring planning permission. Such uses would include medical and health centres, a children's nursery, day centres, museums, libraries and exhibition halls. A number of these uses would be likely to generate much more traffic and activity than the use currently proposed.
- 42 Concern has been raised by local residents that the temporary use applied for could set a precedent for a more unsuitable use in the future. Precedent alone is not, in itself, a valid ground of refusal as the Council must demonstrate harm caused by a proposal in addition to any likely precedent set in order for this to be valid. Any future application would need to be judged on its own merits.
- 43 Objections have been raised that the Design and Access Statement has not been updated to include the B8 use. Whilst a statement was submitted with the original submission (which did not refer to B8 use), there is no requirement for a Design and Access statement to be submitted for applications proposing a change of use, so the application cannot be made invalid or determination delayed for this reason.
- 44 Concern has been raised about the impact on Long Barn, which is a Grade II* listed building and Historic Park / Garden. The application site is some 70 metres from Long Barn and given the lack of any material change in the appearance of the church building or site in general, I do not consider it would affect the setting of this building or its grounds.

Conclusion

- 45 I consider that the scheme would accord with policies relating to the re-use of buildings in the Green Belt, and would not cause any visual harm to the AONB landscape designation. Subject to the use of conditions, the proposal would not have any adverse impact upon its local surroundings and neighbours. As such I recommend that planning permission be granted.

Background Papers

Site and Block Plan

Agenda Item 5.4

Development Control Committee - 17 November 2011

Contact Officer(s): Mr A Byrne Extension: 7225

Kristen
Community and Planning Services Director

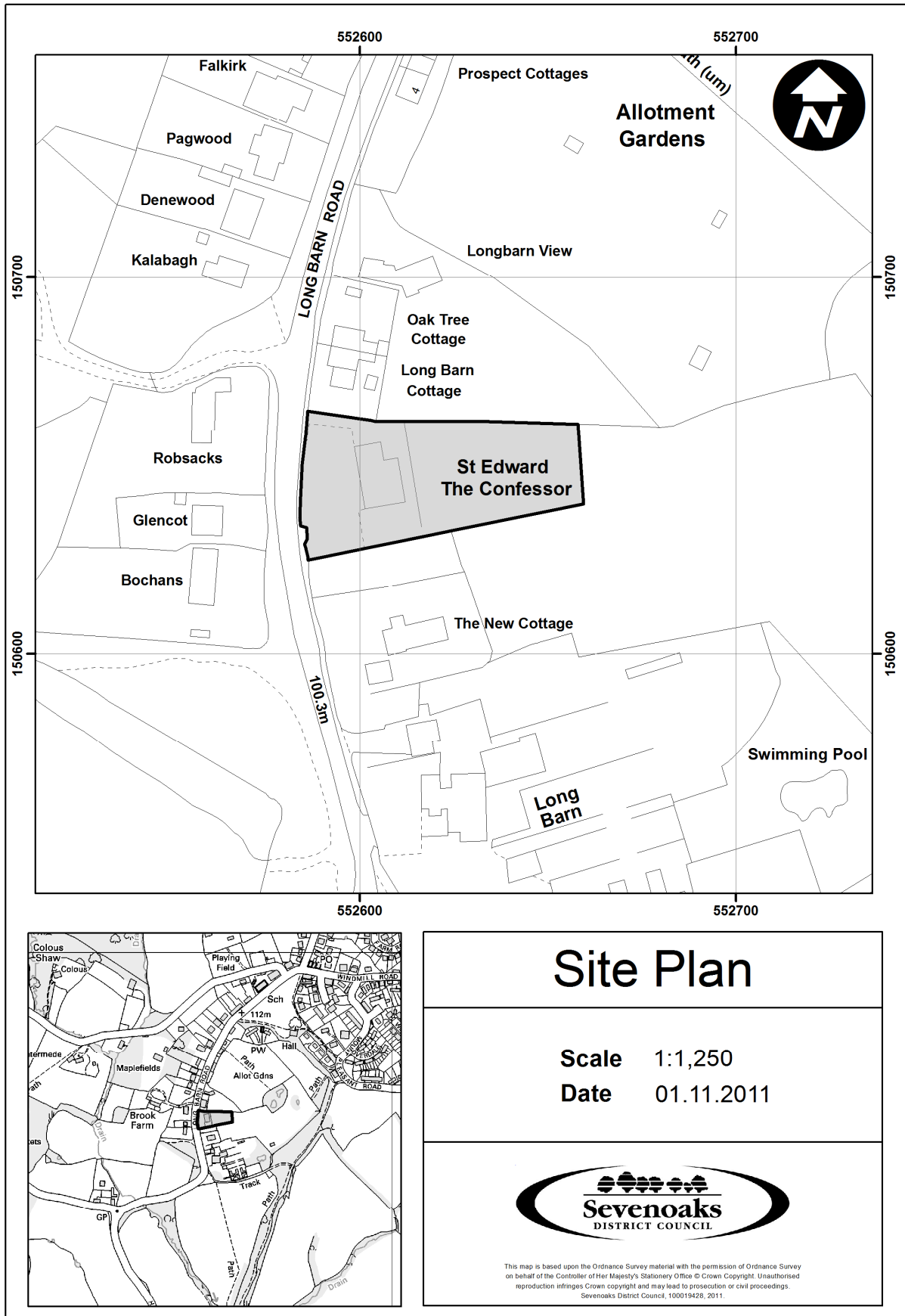
Paterson

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LQ0V5NBK0CR00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LQ0V5NBK0CR00>



BLOCK PLAN



5.05 – SE/11/01861/FUL Date expired 17 October 2011

PROPOSAL: Erection of a first floor and extensions to rear and side of property. As amended by plans received 22.08.11 and 10.10.11.

LOCATION: 10 Lambarde Road, Sevenoaks TN13 3HR

WARD(S): Sevenoaks Northern

ITEM FOR DECISION

This application has been referred to the Development Control Committee since the Officer's recommendation is at variance to the view of the Town Council and at the request of Councillor Dickins who has concerns that the proposal could potentially have a detrimental impact upon neighbouring amenity.

RECOMMENDATION: That planning permission be GRANTED subject to the following conditions:-

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.

To ensure that the appearance of the development is in harmony with the existing character of the dwelling as supported by Policy EN1 of the Sevenoaks District Local Plan.

3) No development shall be carried out on the land until full details of soft landscape works have been submitted to and approved in writing by the Council. Those details shall include:-planting plans (identifying existing planting, plants to be retained and new planting);-a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities); and-a programme of implementation.

To safeguard the privacy of residents as supported by Policy EN1 of the Sevenoaks District Local Plan.

4) Soft landscape works shall be carried out before first occupation of the approved extension. The landscape works shall be carried out in accordance with the approved details.

To safeguard the privacy of residents as supported by Policy EN1 of the Sevenoaks District Local Plan.

5) If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

To safeguard the privacy of residents as supported by Policy EN1 of the Sevenoaks District Local Plan.

6) The dormer window and velux windows in the north and south flank elevations of the existing roof and the roof of the extensions shall be obscure glazed and non openable, apart from any top hung lights, at all times.

To safeguard the privacy of residents as supported by Policy EN1 of the Sevenoaks District Local Plan.

7) No development shall take place until details of the layout and construction of areas for the parking of vehicles and means of access have been submitted to and approved in writing by the Council. The parking areas approved shall be provided and kept available for parking of vehicles at all times.

To ensure a permanent retention of vehicle parking for the property as supported by policy EN1 of the Sevenoaks District Local Plan.

8) The development hereby permitted shall be carried out in accordance with the following approved plans: 001 Rev.P1, 002 Rev.P1, 005 Rev.P1, 007 Rev.P1, 010 Rev.P4, 011 Rev.P3 and 012 Rev.P3.

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

In determining this application, the Local Planning Authority has had regard to the following Development Plan Policies:

The South East Plan 2009 - Policies CC6 and LF1

Sevenoaks District Local Plan - Policies EN1 and H6B

Sevenoaks District Core Strategy 2011 - Policies LO2 and SP1

The following is a summary of the main reasons for the decision:

The development would respect the context of the site and would not have an unacceptable impact on the street scene.

Any potentially significant impacts on the amenities of nearby dwellings can be satisfactorily mitigated by way of the conditions imposed.

Description of Proposal

1 The application seeks the approval of several extensions and alterations to the existing building. Extensions would be to the side and rear of the property and alterations would occur in all elevations.

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- 2 The proposal involves an extension to the bungalow to the southern side of the property, where an existing detached garage building stands. The addition would tie into the existing bungalow, matching the ridge height and roof pitch of the bungalow, and project to a point abutting the shared boundary with the neighbouring property. A dormer window is proposed to be inserted into the roof plane of the southern flank elevation of the extension. This dormer would be set down from the ridge of the addition and the window is proposed to be obscure glazed.
- 3 To the rear, an addition that would effectively be two storeys in height is proposed. The addition would not exceed the ridge height of the bungalow and would possess a roof valley. The pitch of the roof of the rear extension would match the side hips of the bungalow, sitting slightly within these hips since the addition would be stepped in from the side of the bungalow. The extension would project about 2.5m off of the rear of the existing bungalow and about 4.85m from the rear of the proposed side addition. The rear elevation of the addition would possess two sets of French doors at first floor level.
- 4 Alterations mainly include the insertion of velux windows into the roof of the bungalow. This would comprise two velux windows to the front plane of the roof, two to the northern side plane and five in the roof of the rear extension, two of which would fall within the roof valley. The other main alteration would be the removal of the rear chimney stack.

Description of Site

- 5 The application site comprises a detached bungalow and associated detached outbuildings including a garage, utility building and a shed each to the side of the bungalow. The property is located on the western side of Lambarde Road just to the north of the junction with Betenson Avenue. The bungalow is set roughly 7.5m back from the plot frontage, which possesses a small brick wall and some shrubs and plants. A small lawn and driveway are also found to the front of the bungalow. The building possesses modest gaps to the flank boundaries of the plot and a garden area of some 30m long to the rear.

Constraints

- 6 The site lies within the built confines of Sevenoaks.

Policies

South East Plan

- 7 Policies– CC6 and LF1

Sevenoaks District Local Plan

- 8 Policies – EN1 and H6B

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Sevenoaks District Core Strategy

9 Policies – LO2 and SP1

Others

10 Planning Policy Statement 1: Delivering Sustainable Development (PPS1)

11 Residential Extensions Supplementary Planning Document (SPD)

Planning History

12 None relating to this application.

Consultations

Sevenoaks Town Council

13 Comments from Sevenoaks Town Council – 04.08.11

‘Sevenoaks Town Council recommended approval.’

14 Sevenoaks Town Council (reconsultation following amendment to scheme) – 08.09.11

‘Sevenoaks Town Council recommended refusal on the grounds that proposal would cause a loss of amenity to No. 12 due to being too close boundary and overbearing nature of the development.’

Representations

15 Five letters of representation have been received, one letter being duplicated, highlighting concerns regarding the following matters:

Overdevelopment of the site

Overshadowing

Loss of light

Loss of amenity

Subsidence

Size of the development

Character of the area

Dominant effect

Impact on the value of neighbouring properties

Precedent for flat developments

Head of Development Services Appraisal

Principal Issues

16 The main issues in this case are:

the potential impact on the character and appearance of the street scene, and the potential impact on neighbouring amenity.

Other issues include:

the potential impact on highways safety; parking provision, subsidence, the potential impact on the value of neighbouring properties and the setting of a precedent for flat developments.

Impact on the character and appearance of the street scene

17 Policy EN1 of the Local Plan states that the form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. This policy also states that the design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.

18 Policy EN1 is supported by policy H6B and Appendix 4 of the Local Plan as well as the Residential Extensions Supplementary Planning Document. This policy and guidance provides details relating to the design of residential extensions.

19 The area possesses a mixture of properties both in size and appearance. This varies from bungalows and chalet style bungalows to two storey properties that are detached and semi-detached. There is a feeling of openness about the street, with soft verges separating the frontage of the residential properties that line the road. Houses are set back from the road and frontages are mainly soft in appearance with hard surfacing provided for areas of parking. Spacing between properties also exists, which adds to the open feel to the street.

20 The proposed extensions and alterations to the property would not bring the bungalow forward in the plot at all but would they would result in the bungalow spreading across the site more and projecting further into the rear garden area. However, a gap would be maintained between the bungalow and 12 Lambarde Road to the south of the site, due to the outbuilding that lies within the curtilage of No.12 on the shared boundary between the two plots. The two properties would also continue to possess hip ends to their roofs that would pitch away from one another. To the north the existing gap to 8 Lambarde Road would be maintained. Therefore, due to the large size of the site the proposed additions would not result in overdevelopment of the plot and the plot is also capable of taking the size of development proposed.

- 21 The building that would be created by the proposal would add to the mix of properties that exist on the street and in the locality. The feeling of openness would also be retained since the bungalow would not come forward of its existing location within the site, suitable gaps would be maintained to the neighbouring properties and the soft frontage would be retained. Also, the proposed additions would not result in an increase in ridge height of the existing bungalow.
- 22 Overall, it is therefore considered that the proposed scheme would preserve the character and appearance of the street scene.

Impact on neighbouring amenity

- 23 Policies EN1 and H6B of the Sevenoaks District Local Plan require that any proposed development should not have an adverse impact on the amenities of neighbours and also ensures a satisfactory environment for future occupants. The Council's Residential Extensions Supplementary Planning Document also provides guidance relating to the design of extensions to dwellings taking into consideration the potential for impact on neighbouring amenity.
- 24 The properties potentially most affected by the proposed extensions and alterations are those that share a boundary with the site (Nos.8 and 12 Lambarde Road and 71 Betenson Avenue). Other surrounding properties are deemed to be sufficient distance away not to be significantly impacted upon.
- 25 To the north of the site lies 8 Lambarde Road, a semi-detached bungalow. No.10 is located about 1.5m from the shared boundary and the distance of separation between the two properties is currently about 3.5m, with this gap between the properties proposed to be retained. No.8 possesses two sets of flank windows which face No.10, a secondary window to the kitchen area and what appears to be a high level bathroom window, a non-habitable room.
- 26 From No.8 the most significant change would be the creation of the rear extension. This is proposed to be stepped about 1.35m in from the existing flank wall of the bungalow and so would lie 2.8m in from the shared boundary. It is acknowledged that the roof of the proposed addition would rise to a point that matched the height of the existing bungalow (6.5m). However, the roof of the proposed extension would pitch away from No.8 reducing the impact of any perceived bulk and scale of the addition.
- 27 It follows that the outlook from the rear amenity area of No.8 would not be significantly harmed since the addition would only project 2.5m from the rear of the existing bungalow with the roof pitching away. From the primary rear facing windows, which serve habitable rooms, the outlook would not be significantly impacted upon by the proposed projection.
- 28 In applying the 45 degree angle test, an assessment of the potential impact the extension would have in terms of loss of daylight and sunlight shows that no significant loss of light would occur to primary rear facing windows, flank windows or the rear amenity area of the property. Due to the projection of the proposed rear addition first floor rear facing windows would only be provided

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with views of the very far end of the rear garden area of No.8. Velux windows proposed to face the neighbouring dwelling can be conditioned to be obscure glazed and fixed shut, or high level windows.

- 29 To the south lies 12 Lambarde Road, which is a detached bungalow that has recently had works carried out to it to create additional accommodation within the roof of the property, incorporating dormer windows, and a single storey rear extension. The proposed side addition to No.10 would bring the property to a point that abuts the shared boundary with No.12. A minimum gap of about 3m would be maintained between the side walls of the two houses, increasing to over 4m where the rear extension is proposed to step in slightly. The gap between the side of No.12 and the shared boundary would continue to be maintained by the detached outbuilding that is sited on the shared boundary and an access path running down the side of No.12.
- 30 The flank of No.12, which faces No.10, possesses several windows including a bathroom window and two kitchen/utility room windows at ground floor level and a bedroom window at first floor level. The bathroom is a non-habitable room and the side windows in the kitchen/utility room are served by a larger rear facing window. The bedroom window is secondary to a rear facing window and is actually conditioned to be obscure glazed below a height of 1.7m from the internal floor level under the earlier consent. The outlook from these secondary windows would therefore not be significantly impacted upon, especially since the kitchen/utility room is served by a primary rear facing window.
- 31 Since the outlook would not be significantly impacted upon it is considered that the perceived bulk and scale of the addition from the secondary side windows and the access path would not be overbearing or dominant. Indeed, this is a relationship at ground floor level that is not unusual in an urban setting such as this one. Again, in applying the 45 degree angle test, an assessment of the potential impact the extension would have in terms of loss of daylight and sunlight shows that no significant loss of light would occur to primary rear facing windows, secondary flank windows or the rear amenity area of the property.
- 32 The proposed rear addition would project to a point that is not as deep as the ground floor rear projection at No.12. It would therefore be the case that first floor rear facing windows in the proposed rear extensions would only be provided with views of the very far end of the rear garden area of No.12. The velux window and dormer window proposed to face the neighbouring dwelling can be conditioned to be obscure glazed and fixed shut, or high level windows.
- 33 Finally, the proposed addition would project to within about 20m of 71 Betenson Avenue to the south-west of No.10. This is sufficient distance not to be impacted upon in terms of outlook, scale or a loss of light. The proximity of the first floor windows to No.71 is on the cusp of what is deemed to be acceptable. Since the closest first floor window would be approximately 20m from the rear of No.71 it is considered appropriate to require further planting along the shared boundary to ensure that privacy is maintained at No.71 and

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to further restrict overlooking. This can be done by way of condition on any approval of planning permission.

- 34 Overall, it is considered that the proposed extensions and alterations would preserve the amenities currently enjoyed by the occupiers of adjoining properties.

Other Issues

Parking provision and highways safety

- 35 The proposal involves the provision of a garage and the retention of the existing driveway to the front of the house. The garage is proposed to have dimensions of 4.55m by 3.45m which is not sufficient to provide a space for a vehicle. Therefore, the only on-site parking space available would be on the driveway. This would replicate the existing situation with the existing garage having a width of 2.45m, which is not sufficient for a vehicle to enter.
- 36 However, parking standards require that two parking spaces be provided for a property of the proposed size in this location. It is therefore deemed appropriate to request further details regarding an additional parking space on-site. This can be done by way of condition on the approval of any consent.

Subsidence

- 37 This is a matter not material to the consideration of this application. Building Control would deal with any proposed underpinning of the property. The matter is therefore a civil matter that must be resolved between the two parties involved, probably through a Party Wall agreement.

Impact on the value of neighbouring properties

- 38 Again, this is not a matter that is material to the consideration of a planning application and will therefore not be taken into consideration in assessing this proposed scheme.

Precedent for flat developments

- 39 It is considered that the proposed extensions and alterations to the existing property are very unlikely to lead to any flat developments being proposed in the locality. The area is made up of a mixture of bungalows and two storey properties, and so a development involving the erection of a block of flats is unlikely to be deemed appropriate, unless the scale of the building is considered to be acceptable in terms of the character and appearance of the street scene and neighbouring amenity. In addition, the proposal does not actually relate to the creation of a flat development.

Access Issues

- 40 Policy EN1 of the Sevenoaks District Local Plan requires that proposed development provides appropriate facilities for those with disabilities. The main entrance to the property would remain unaffected by the proposed

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extension and so it would be unreasonable for the Council to request that provision be made for an access for those with disabilities if needed.

Conclusion

- 41 It is considered that the proposed extensions and alterations would preserve the character and appearance of the area and neighbouring amenity. Consequently the proposal is in accordance with the development plan and therefore the Officer's recommendation is to approve.

Background Papers

Site and Block Plans

Contact Officer(s): Mr M Holmes Extension: 7406

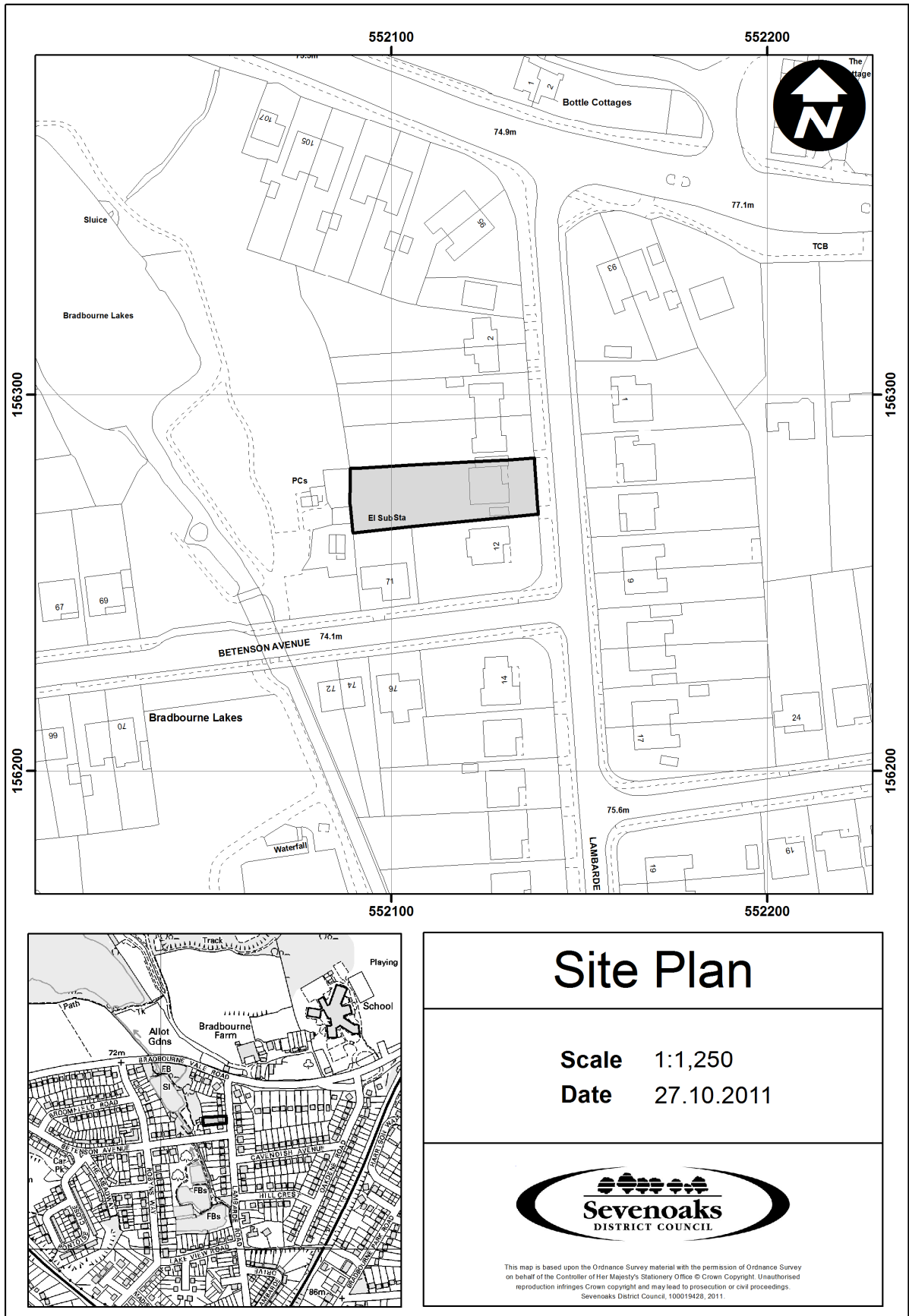
Kristen Paterson
Community and Planning Services Director

Link to application details:

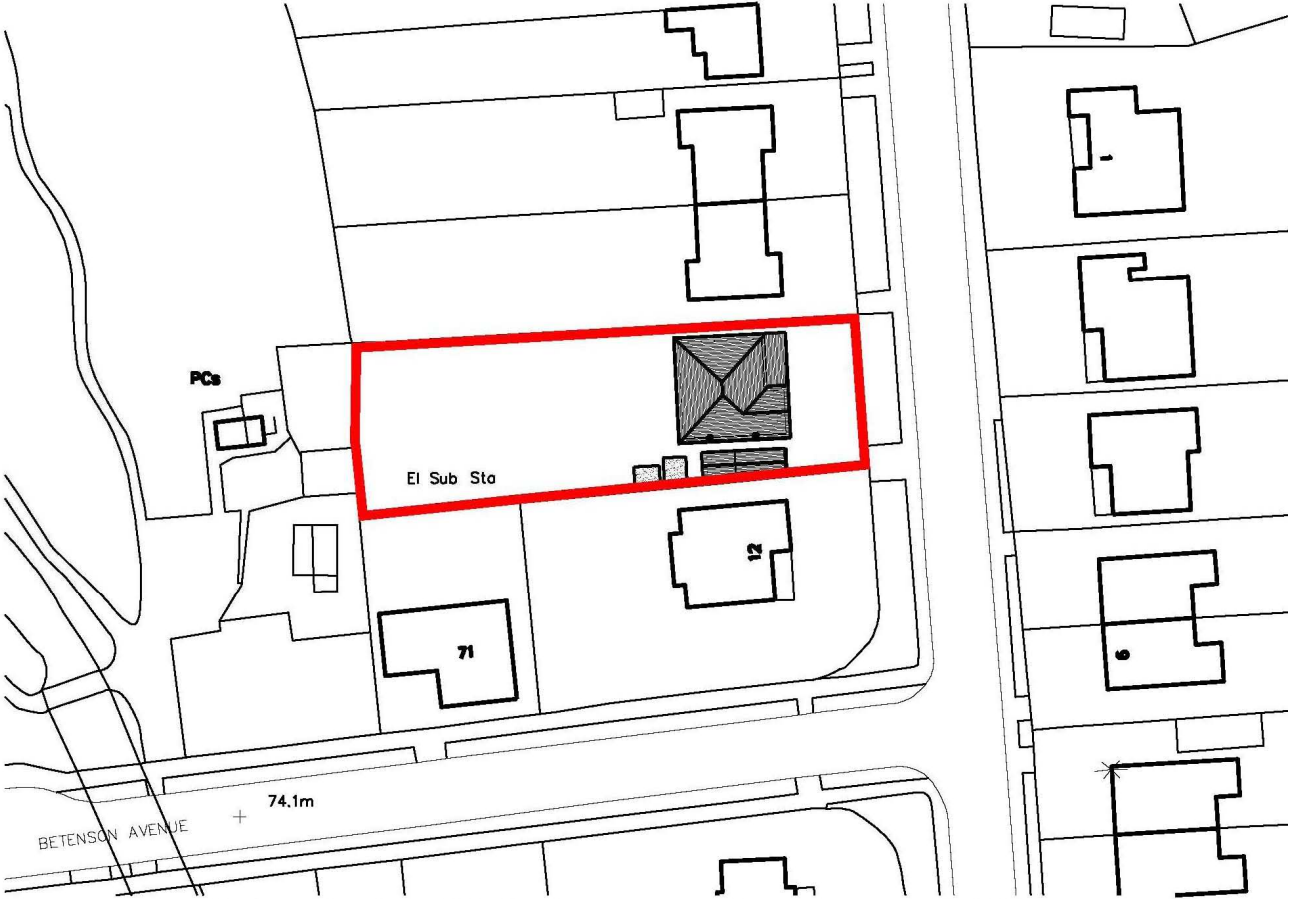
<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LOME66BK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LOME66BK8V000>



BLOCK PLAN



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5.06 - SE/11/01806/FUL Date expired 13 September 2011

PROPOSAL: Part first floor roof alterations to facilitate a loft conversion for a habitable room.

LOCATION: Cranbrook, Greenlands Road, Kemsing Sevenoaks TN15 6PG

WARD(S): Kemsing

ITEM FOR DECISION

The application has been referred to Development Control Committee by Councillor Stack as she feels the trade off in floorspace/bulk between the garage and the roof extension is reasonable

RECOMMENDATION: That planning permission be REFUSED for the following reasons:-

The land lies within the Green Belt where strict policies of restraint apply. The proposal would be inappropriate development harmful to the maintenance of the character of the Green belt and to its openness. The very special circumstances put forward do not outweigh this harm. This conflicts with polices L08 of the Sevenoaks Core Strategy, H14A of the Sevenoaks District plan and Planning Policy Guidance Note 2:Green Belts.

Description of Proposal

- 1 The proposal is to demolish the rear portion of the existing garage and extend the habitable floor space of the main dwelling through a roof extension.
- 2 This extension will increase the overall height of the proposal from 5 metres to 6 metres. Although this will be only on the rearmost 6 metres of the dwelling house. Two velux windows are proposed on each roof slope, and a new window on the rear facing gable.
- 3 The proposal will facilitate a new bedroom.

Description of Site

- 4 The site is rectangular bungalow outside the built confines of Kemsing and within the Green Belt. There is a single storey detached garage more than five metres to the rear.
- 5 Greenlands Road has a mix of dwellings. Although these are predominantly bungalows there are some two storey dwellings, notably Hawthorn Cottage to the north of the application site.
- 6 No.16 Greenlands Road, to the south of the site, which is a similar sized property.

Constraints

7 Metropolitan Green Belt

Policies

South East Regional Plan:

8 Policies - CC6, SP5

Sevenoaks District Local Plan:

9 Policies - EN1, H6B, H14A

Sevenoaks Core Strategy:

10 Policies - SP5, LO8

Other

11 Planning Policy Guidance Note 2: Green Belts

Planning History

12 SW/5/54/403 – New Bungalow. Granted.

13 98/00177/HIST - Extension and alterations to private house. As amended by revised drawings received 7/8/98. Granted

14 98/02457/HIST - Extension to private house. Granted

Consultations

Kemsing Parish Council

15 Recommend APPROVAL subject to the Planning Authority being satisfied that the proposal meets the requirement of the 50% Green Belt rule.

Representations

16 4 neighbours have been consulted and a site notice and press notice have been published. No representations have been received.

Head of Development Services Appraisal

Principal Issues

17 The main policies / guidance that apply in this case are PPG2 and policy H14A of the Sevenoaks District Local Plan. Policies EN1, H6B and VP1 also apply. The main issues in determining this application are whether the development is appropriate for the Green Belt and if not what the impacts are on the character and openness of the Green Belt and whether there are any special circumstances that would allow it. Other issues including the impact

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on the character and amenity of the local area, impact on residential amenities and parking/highway issues will also be considered.

Appropriate development in the Green Belt

- 18 PPG2 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. The construction of new buildings inside the Green Belt is inappropriate unless, amongst other things, it is for the limited extension to an existing dwelling.
- 19 Policy H14A of the Sevenoaks District Local Plan adds to this stating that these limited extensions might be acceptable if the increase in floor space is no more than 50% of the original dwelling and the extension complies with a number of other criteria.
- 20 Based on a site visit and looking at the historical records of the property I have come to the following conclusions.
- Original floor space – 80.5m²
- 50% - 40.25m²
- Total of existing extensions – 44.31m²
- Proposed extension – 26.66m²
- Total dwelling proposed – 151.47m²
- Percentage increase – 88%
- 21 Therefore the proposal is inappropriate development within the Green Belt. The agent has put forward a case for very special circumstances and these will be discussed below.
- 22 The agent says that he thinks the rear garage is original. However, this is more than 5 metres away from any part of the dwelling and is therefore not included in the original floor space calculations, in accordance with policy H14A.

Any other harm

- 23 As well as the addition of floor space there is also the addition of three dimensional bulk being proposed. This adds a substantial first floor extension to the rear of the property. This amount of bulk at first floor level will be an obvious detractor from the openness of the Green Belt.
- 24 Taken as part of the street scene however, it is worth noting that the neighbouring property at 16 Greenlands Road is not dissimilar in appearance to the application dwelling. Greenlands Road does have an already varied street scene which is comprised of both bungalows and two storey dwellings. Most of these have been extended in one form or another. Given this it is felt

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that, if the harm to the openness of the Green Belt were not an issue, the design could be acceptable.

- 25 In terms of the neighbouring properties, Hawthorn Cottage to the north and 17 Greenlands to the south are the most likely to be affected.
- 26 Cranbrook is closest to Hawthorn Cottage. There is a 3 metre gap between the two facing elevations. The boundary treatment is a 1.8 metre close boarded fence with planting on the Hawthorn Cottage side that extends over 3 metres in some places. There are no windows on the facing elevation of Hawthorn Cottage, but there are windows that serve habitable rooms on the rear facing elevation.
- 27 In relation to these windows the 45 degree test for daylight will fail on the plans, however as the footprint of the property is not being extended this will not alter the existing situation. In terms of the elevations the proposal will pass. In order for there to be an unacceptable loss of light proposals have to fail the 45 degree test on both the plans and elevations.
- 28 The facing elevation of no. 16 Greenlands Road is 6 metres from the facing elevation of Cranbrook. With regard to the rear proposal will pass the 45 degree test for daylight on both plans and elevations. There are also four side windows on the facing elevation of no. 16. With reference to these the proposal will fail on the plans, but pass on the elevations. Therefore it is considered that there will not be an unacceptable loss of daylight to this property.
- 29 In terms of loss of privacy the velux windows will be positioned at an upward looking angle. However, they can still be opened which will have an impact on the privacy of the neighbouring residents as this will potentially cause overlooking directly on to the residents of no. 16 Cranbrook. However a condition can be placed on any permission granted that stipulates that the windows must be fixed shut and obscure glazed. There is also a rear first floor window on the site. It is accepted that there will be some loss of privacy as the result of rear facing windows. However the rear window faces down the rear garden on Cranbrook and therefore will only offer an oblique view of the neighbouring gardens.

Very Special Circumstances

- 30 The agent has put forward a number of cases for very special circumstances. The first of these is to remove the rear portion of the existing detached garage on site. The part of the garage to be removed is 15m², so does not completely cancel out the proposed floor space in the roof (26.66m²). Furthermore the removal of this structure is no compensation for the overall bulk and scale of the addition to the roof, which is more obvious at first floor level and will be more visible within the landscape than the rear section of a single storey garage and set against an existing boundary.
- 31 The agent also makes reference to other extended dwellings in the area and argues that the Council's previous decisions have established a precedent for allowing the current application. The chief example in this case are the

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alterations already conducted at 16 Greenlands Road. The Council's historic records for the property show the following;

92/00653/HIST - Single storey rear extension. Granted

09/02634/FUL - Erection of a single storey front extension with pitched roof. Granted.

- 32 The records do not cover all the developments that have carried out on this site. SE/92/653/HIST granted permission for a single storey extension to the rear of the property. This included the pitched roof to the rear which it is proposed to be replicated at Cranbrook. An inspection of this file shows that this application does not relate to the now created first floor accommodation space in the roof. The officer's appraisal of the application makes the following conclusions:

'The bungalow, as original, has a total floor area of 84m². The proposed extension would add a further 41.6m². This is considered well within the 50% floor space enlargement allowed under the said policy.'

- 33 This conversion of first floor space, and the window added to the rear elevation of no. 16 could have been carried out under permitted development, and there is no record of a Lawful Development Certificate being granted. There is no record on file for the conservatory at no. 16 being constructed. In addition there are no Council records of work being carried out under the Building Regulations that relate to these developments. The 2009 works were allowed, it was then considered that the works constituted permitted works.
- 34 Another property mentioned by the agent is Palace View, 34 Ashen Grove Road, West Kingsdown. The agent makes reference to pre-application advice which refers to adjunct buildings being demolished in order to facilitate an increase in floor space. There is no record of this pre-application advice, there is however an application which covers similar issues. Although considered I give this argument no weight as in the first instance this appears to relate to a new dwelling rather than an extension to an existing dwelling (planning reference number SE/03/02212/FUL refers) and therefore policy H13 applies.
- 35 The agent also mentions the height of Hawthorn Cottage, the neighbour to the north of Cranbrook, which is a two storey dwelling. As mentioned in the discussion on street scene above, it is felt that this does give weight in favour of increasing the height of the application property, however, only in the terms of design. It does not constitute very special circumstances to allow inappropriate development which would have a detrimental impact on the openness of the Green Belt.
- 36 Given the above discussions, therefore, the principle case for very special circumstances is that the neighbours at 16 Greenlands Road were granted permission in 1992 for a development that is now being proposed at Cranbrook. Therefore a judgement has to be made on whether or not this case for very special circumstances will clearly outweigh the additional harm

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to the openness of the Green Belt that will result from the proposed development.

- 37 It is clear from the officer's report for the 1992 application at 16 Greenlands Road (planning reference SE/92/00653/HIST refers) that at the time of the permission being granted the works were in accordance with the relevant local policy. This is not the case with current application at 17 Greenlands Road.
- 38 In addition the existence of similar development at a property neighbouring an application site does not automatically set a precedent. Each application has to be assessed on its own merits. The development as built at 16 Greenlands Road is not considered to be sufficient cause to allow further development at Cranbrook, which will erode the openness of the Green Belt, especially when that development is not in accordance with the policies of the Sevenoaks District Local Plan.

Other issues

- 39 The proposal will create a new bedroom at the site. However, there is ample parking to the front of the property and the garage at the rear will still be accessible. Therefore I raise no objections on these grounds.

Conclusion

- 40 The proposal is inappropriate development within the Green Belt as it would exceed the 50% guidance stipulated by policy H14A. The agent has put forward a number of cases for very special circumstances. These have been considered above and although it is felt that these would justify an approval on the grounds of design and impact on the street scene alone, when taken cumulatively, they do not amount to very special circumstances that would outweigh further the granting of inappropriate development within the Green Belt as they do not justify a further loss of openness.

Background Papers

Site and Block Plan

Contact Officer(s): Deborah Miles Extension: 7360

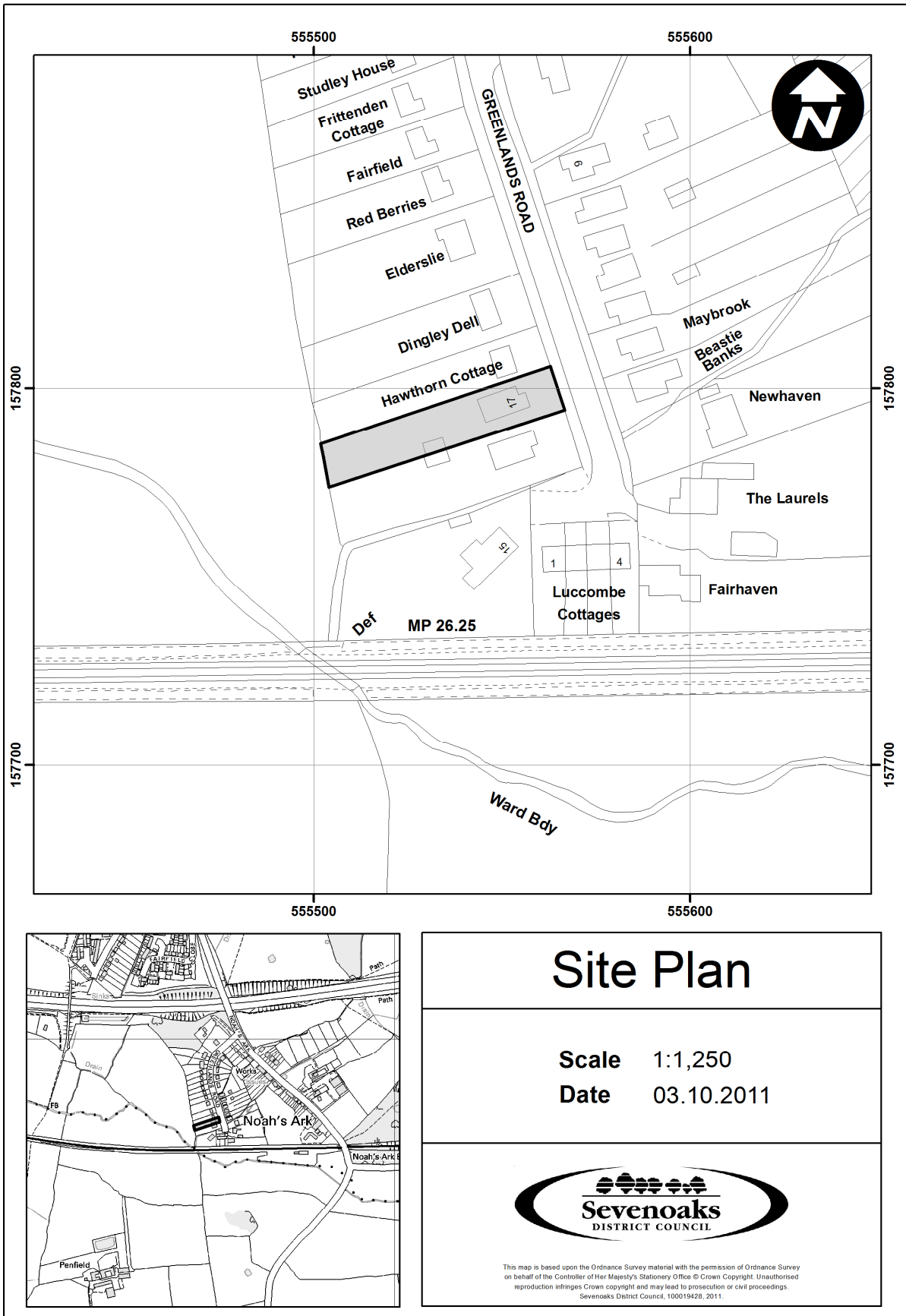
Kristen Paterson
Community and Planning Services Director

Link to application details:

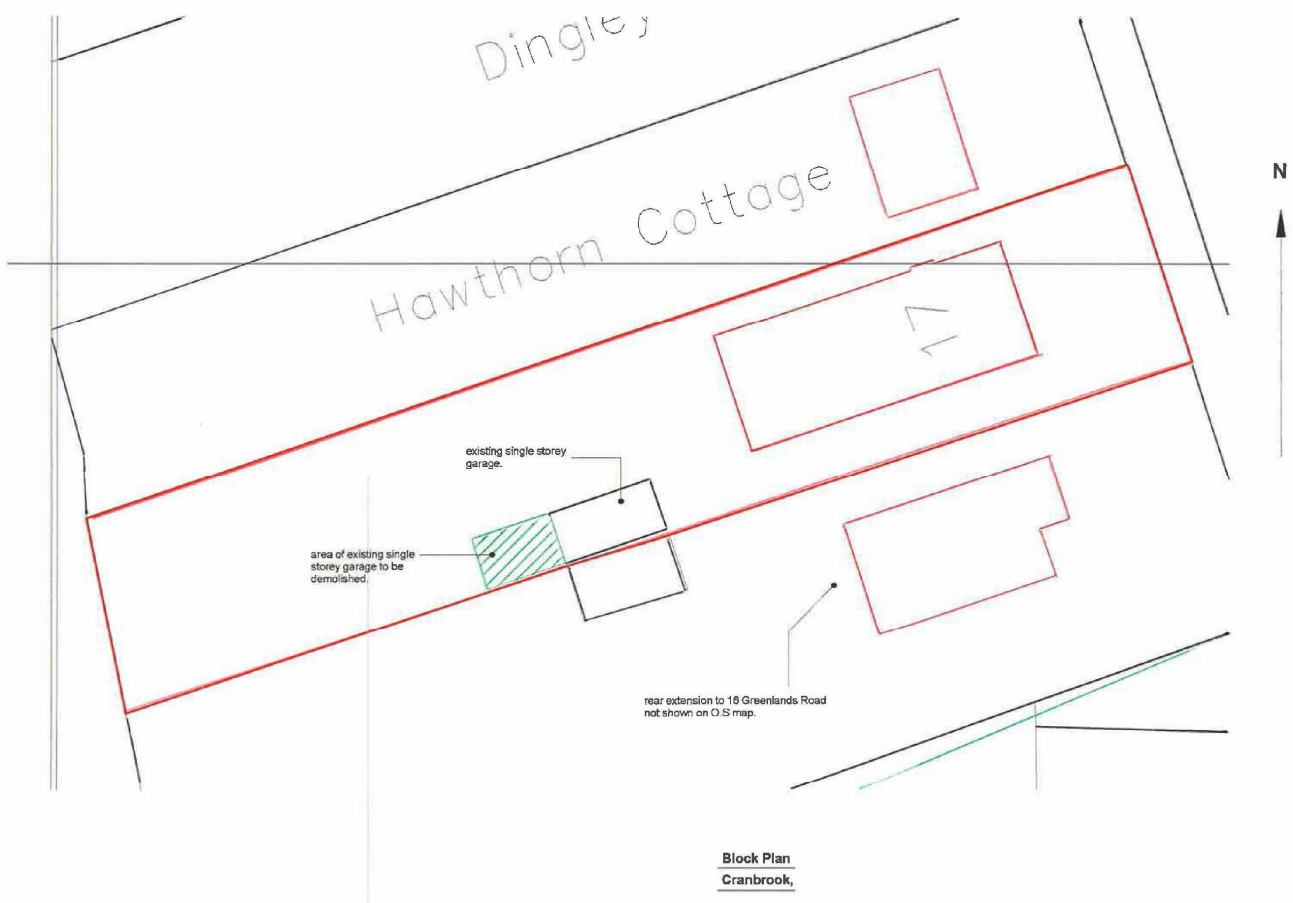
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Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LO9F18BK8V000>



BLOCK PLAN



6.01 Reference: 310/11/093

ENFORCEMENT OF PLANNING CONTROL

1 The Stables, Halstead Place, Halstead, Kent TN14 7BJ

ITEM FOR DECISION

This matter has been referred to the Development Control Committee by Councillor Grint to assess whether it is expedient to take enforcement action to remove the shed.

Planning permission was refused for the erection of a garden shed (retrospective) at Development Control Committee on 25 August 2011. The shed remains on site.

RECOMMENDATION:

That authority is to serve an Enforcement Notice, subject to the Head of Legal and Democratic Services agreeing the wording of the terms of the Notice, requiring the removal of the shed.

Compliance period: Three months

Description of Site

- 1 1 The Stables is an end of terrace grade II property located within the Halstead Place site. The site has recently been developed for 33 houses and is located within the Green Belt. The current development was approved because of the very special circumstances advanced that the proposal would lead to an overall reduction in development on site, would possess a less intensive use, improve the setting of the listed buildings and the Site of Ancient Monument, improved landscape management, public access and ecological benefits.

Constraints

- 2 Conservation Area
- 3 Section 106 - S106/SE/08/01915
- 4 Tree Preservation Order
- 5 Metropolitan Green Belt

Policies

South East Plan (2009)

- 6 Policy CC1 - Sustainable Development

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- 7 Policy CC3 - Resource Use
- 8 Policy CC4 - Sustainable Design and Construction
- 9 Policy CC6 - Sustainable Communities and Character of the Environment
- 10 Policy M1 - Sustainable Construction
- 11 Policy SP5 - Green Belt

Sevenoaks District Local Plan

- 12 Policy EN1 - Development Control – General Principles
- 13 Policy H6B and Appendix 4 - Residential Extensions
- 14 Policy EN23 - Conservation Area

SDC Core Strategy

- 15 Policy SP1 - Design of New Development

Other

- 16 Planning Policy Guidance 2: Green Belt
- 17 Planning Policy Statement 5: Planning for the Historic Environment
- 18 Planning Policy Statement 7: Sustainable Development in Rural Areas
- 19 Halstead Village Design Statement

Planning History

20	06/00815/FUL	Redevelopment of site to provide 61 dwellings (57 no. new & 4 no. through conversion) with associated car parking, access and landscaping.	REFUS E	27/06/2006
21	06/00855/LBCALT	Conversion of listed Stable Block building and adjacent Coach House for residential use.	GRANT	30/06/2006
22	06/02534/FUL	Redevelopment of site to provide 49 no. dwellings (45 no. new and 4 no. through conversion) with associated car parking, access and landscaping provision.	REFUS E	19/12/2006
23	06/02535/CAC	Demolition of unlisted building and structures within a	GRANT	22/11/2006

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designated conservation area as part of a proposed residential development.

24	07/00766/FUL	Redevelopment of site to provide 48 no. dwellings (44 no. new and 4 no. through conversion) with associated car parking, access, landscaping and open space provision.	REFUS E	20/06/2007
25	07/00053/RFP LN	Redevelopment of site to provide 49 no. dwellings (45 no. new and 4 no. through conversion) with associated car parking, access and landscaping provision.	APWIT H	13/08/2007
26	08/01915/FUL	Redevelopment of site to provide 33 no. dwellings (29 no. new build and 4 no. through conversion) with associated car parking, access, landscaping and open space provision.	GRANT	20/02/2009
27	09/00690/FUL	Temporary permission for the erection and subsequent partial removal after 2No. year of a sales suite.	GRANT	22/05/2009
28	11/01433/FUL	Erection of garden shed to side of property (retrospective)	REFUS E	17/08/11

Principal Issues

29 The principal issue is Impact on the Green Belt

Impact upon the Green Belt

30 PPG2 (Green Belts) 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. The construction of new buildings inside the Green Belt is inappropriate unless, amongst other things, it is for agricultural and forestry. The limited extension or alteration of an existing dwelling can be appropriate and case law has shown that a shed that is not used for a domestic living accommodation cannot be described as an extension or alteration as it's a detached outbuilding.

31 The site is located within the Green Belt. It was concluded in the report for the overall residential development on the site, that all new buildings constitute

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inappropriate development in the Green Belt. As outlined above planning permission was granted for the redevelopment of the site because of the special circumstances advanced that clearly outweighed any harm to the openness of the Green Belt. Various conditions were attached to the planning permission to remove permitted development rights to prevent further development on the site to protect the openness of the Green Belt, hence the requirement for the current submission.

- 32 Policy H14B refers to outbuildings in the Green Belt but this policy only applies if the outbuilding is also in the Area of Outstanding Natural Beauty. Halstead Place School, including this application site, is not in the Area of Outstanding Natural Beauty. There is therefore no local policy that applies to their proposal and it is therefore inappropriate development in the Green Belt.
- 33 Though modest in scale the shed as a new building within the Green Belt, is due to the additional bulk created in the form of the proposal, is harmful to the openness of the Green Belt.
- 34 PPG2 states that the most important attribute of Green Belts is their openness. The erection of a shed leads to the erection of a three dimensional form that wasn't previously in place and accordingly has a detrimental impact upon the openness of the Green Belt. A recent appeal decision (see Appendix A) at Halstead Place has stated that if there were no other storage facilities available that this could potentially add weight to the applicants case. In this instance the property possesses a car barn located to the rear of the dwellinghouse.

Human Rights

- 35 Article 8 of the Human Rights Act provides for everyone to have the right to respect for their family life, home and correspondence. This is subject to the proviso that there shall be no interference by public authority with the exercise of this right except when pursuing a legitimate aim in law as is necessary in a democratic society, in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others. Article 8 applies even if the placing of the shed is unauthorised. However, in my opinion any rights of the owners of the site to put the shed on the land is outweighed by the public interest. I am satisfied that the serving of an enforcement notice is expedient in this case. The site lies within the Metropolitan Green Belt. The primary objectives in this area are to protect the character, amenity and openness of the Green Belt and the countryside in general.

Conclusion

- 36 The shed represents inappropriate development that would be harmful to the openness of the Green Belt.

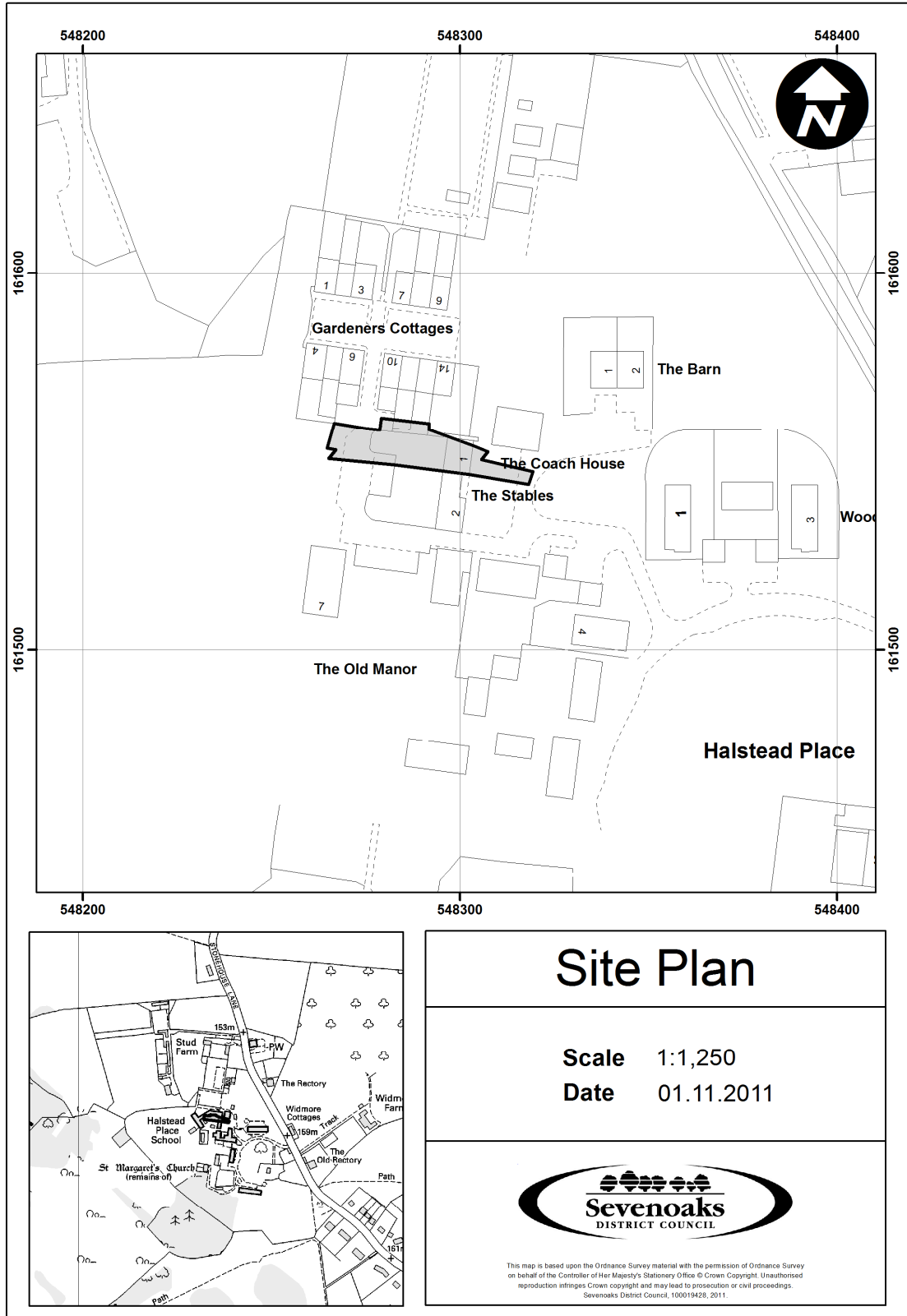
Development Control Department - 17 November 2011

Background Papers

Site Plan

Contact Officer(s): Guy Martin Extension: 7351

Kristen Paterson
Community and Planning Services Director





The Planning
Inspectorate

Appeal Decision

Site visit made on 20 September 2011

by **Alan Woolnough BA(Hons) DMS MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 October 2011

Appeal Ref: APP/G2245/A/11/2154922

**The School Master's Lodge, Halstead Place, Church Road, Halstead, Kent
TN14 7HQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ward Homes against the decision of Sevenoaks District Council.
 - The application ref no SE/10/02885/FUL, dated 8 October 2010, was refused by notice dated 10 December 2010.
 - The development is described on the planning application form as: 'Retrospective planning permission for the erection of a gazebo in the garden of Plot 32 of approved development under application ref: SE/08/01915/FUL, for a two-year period'.
-

Formal Decision

I dismiss the appeal.

Procedural Matters

1. The address of the appeal site is given on the application and appeal forms as Plot 32, Former Halstead Place School. However, it is apparent that the address used in the above heading is now the correct one.
2. The development the subject of this appeal had already taken place by the time of my site visit.

Main Issues

3. The appeal site lies within the Halstead Conservation Area. Under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. In this case the Council is satisfied that the proposal would conserve these interests and I concur. The main issues in determining this appeal are therefore:
 - whether the appeal development amounts to inappropriate development in the Green Belt for the purposes of Planning Policy Guidance Note 2: *Green Belts* (PPG2) and the development plan and the effect of the development on the openness of the Green Belt; and
 - whether any harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.
4. The Appellant is willing to accept a temporary planning permission for two years. I have borne this in mind in reaching my decision.

<http://www.planning-inspectorate.gov.uk>

Appeal Decision APP/G2245/A/11/2154922

Reasoning

Green Belt

5. Paragraph 3.4 of PPG2 sets out the range of new buildings that is not inappropriate in the Green Belt. This includes the limited extension or alteration of existing dwellings but not the erection of outbuildings within their curtilages. On the evidence before me, the development plan contains no policies which refine the definition of inappropriate development so as to exclude outbuildings in certain circumstances.
6. In the case of *Sevenoaks DC v SSE & Dawe* [1997] EWCH Admin 1012 it was held that the words 'extension... of existing dwellings' were capable of including the erection of domestic outbuildings in the sense that they were a normal domestic adjunct to the dwelling and that the mere fact that they might be physically separated from the main house does not prevent them from being part of the dwelling. However, it was concluded that whether the erection of an ancillary building or structure within the curtilage of a dwellinghouse should be viewed as constituting an extension to the dwelling was a matter of fact and degree in every case.
7. In this instance, the gazebo is of substantial size and located in the far corner of the garden, well away from the house itself. It thus reads clearly in the street scene as a separate structure and, this being so, I find that it cannot be treated as a domestic extension for the purposes of applying PPG2. It is therefore inappropriate development which is, by definition, harmful to the Green Belt, and is acknowledged by the Appellant as such.
8. I also note that the Appellant has conflated the concepts of openness and visual amenity. The prominence of development has no bearing on the degree to which it affects the openness of the Green Belt, which is referred to in paragraph 1.4 of PPG2 as the most important attribute of Green Belts. The gazebo erodes openness by reason of its general bulk alone, albeit to a limited degree, irrespective of the extent to which it can be seen. It is therefore necessary for me to consider whether the harm thus caused is clearly outweighed by other considerations, so as to amount to very special circumstances.

Very special circumstances

9. The gazebo is clearly visible in the street scene from the main access road serving the estate, across the communal green. Whilst its prominence might in due course be reduced by screen vegetation this, by its very nature, would provide only temporary mitigation. Having said this, as previously indicated, the structure has no adverse implications for the character or appearance of the conservation area, having been designed to a high standard. It does not detract from the wider estate development and does not therefore conflict in this respect with the development plan, national policy or other relevant guidance. However, it is not so attractive a feature as to significantly enhance the character and appearance of the locality.
10. The gazebo is relatively small in volume and would amount to permitted development pursuant to the Town and Country Planning (General Permitted Development) Order 1995 as amended were it not for the fact that rights to this effect have been removed by the original planning permission for the wider estate. Nonetheless, permitted development rights for the erection of domestic

outbuildings have been removed with the clear aim of preserving the openness of the Green Belt. Whilst I accept that the character of this part of the Green Belt has been changed by the estate development, this does not in itself detract from the importance of upholding the principle of maintaining openness embodied in national policy. Indeed, my general impression is that the new estate, with its wide swathe of green open space, has been laid out with this principle very much in mind.

11. The limited effect of the gazebo itself on openness does not provide justification for granting planning permission, as proposals of this kind in similar circumstances could be repeated too often. I have noted the presence of domestic sheds elsewhere on the Halstead Place estate, some of which have been supported by the local Parish Council and at least one now benefiting from a planning permission. Nonetheless, each development must be assessed primarily on its own merits and, in any event, I do not know the full circumstances of those other cases.
12. I note that the gazebo was erected to provide domestic storage for the occupiers of The School Master's Lodge, the initial absence of alternative facilities separate from the dwelling itself meaning that certain items would otherwise have to be stored in the open in a manner not conducive to visual amenity or security. Were it the case that storage facilities were not otherwise available, I would give particular weight to this consideration. However, on the evidence before me, the circumstances that have created this problem no longer apply.
13. The domestic double garage that was approved for this property as part of the original planning permission for the estate has been incorporated into a sales suite for use by the Appellant company and, indeed, at the time of my visit the marketing of dwellings on the estate was still taking place. However, the most recent permission for the suite that has been drawn to my attention, ref no SE/11/0821/CONVAR, expired on 30 September 2011 and I have seen nothing to indicate that its continued presence is likely to be endorsed.
14. In the absence of a planning permission for the retention of the sales suite, ongoing marketing does not provide justification for the retention of the gazebo for even a temporary period. The solution to the occupiers' storage problems is now readily available, the relevant permission being subject to a requirement to reinstate their garage. Whilst I acknowledge the advantages of on site selling from a commercial viewpoint, it has not been demonstrated that an alternative facility elsewhere on the estate could not fulfil this function, subject to the appropriate permission being secured.
15. I have noted the support for the retention of the gazebo from others. However, I conclude that neither these nor any other considerations, individually or cumulatively, clearly outweigh the harm that arises from the gazebo so as to constitute the very special circumstances required to justify a departure from normal Green Belt guidelines. The development is therefore contrary to national policy in PPG2.

Alan Woolnough

INSPECTOR

6.02 Reference 310/11/091

ENFORCEMENT OF PLANNING CONTROL

1 The Barn, Halstead Place, Halstead, Kent TN14 7BJ

ITEM FOR DECISION

This matter has been referred to Development Control Committee by Councillor Grint to assess whether it is expedient to remove the shed.

Planning permission was refused for the erection of a garden shed (retrospective) on the 27 August 2011. The shed remains on site.

RECOMMENDATION:

That authority is to serve an Enforcement Notice, subject to the Head of Legal and Democratic Services agreeing the wording of the terms of the Notice, requiring the removal of the shed.

Compliance period: Three months

Description of Site

- 1 1 The Barn is a semi-detached property located within the Halstead Place site. The site has recently been developed for 33 houses and is located within the Green Belt. The current development was approved because of the very special circumstances advanced that the proposal would lead to an overall reduction in development on site, would possess a less intensive use, improve the setting of the listed buildings and the Site of Ancient Monument, improved landscape management, public access and ecological benefits.

Constraints

- 2 Conservation Area
- 3 Section 106 - S106/SE/08/01915
- 4 Tree Preservation Order
- 5 Metropolitan Green Belt

Policies

South East Plan (2009)

- 6 Policy CC1 - Sustainable Development
- 7 Policy CC3 - Resource Use
- 8 Policy CC4 - Sustainable Design and Construction

Agenda Item 6.2

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9 Policy CC6 - Sustainable Communities and Character of the Environment

10 Policy M1 - Sustainable Construction

11 Policy SP5 - Green Belt

Sevenoaks District Local Plan

12 Policy EN1 - Development Control – General Principles

13 Policy H6B and Appendix 4 - Residential Extensions

14 Policy EN23 - Conservation Area

SDC Core Strategy

15 Policy SP1 - Design of New Development

Other

16 Planning Policy Guidance 2: Green Belt

17 Planning Policy Statement 5: Planning for the Historic Environment

18 Planning Policy Statement 7: Sustainable Development in Rural Areas

19 Halstead Village Design Statement

Planning History

20	06/00815/FUL	Redevelopment of site to provide 61 dwellings (57 no. new & 4 no. through conversion) with associated car parking, access and landscaping.	REFUSE	27/06/2006
21	06/00855/LBCALT	Conversion of listed Stable Block building and adjacent Coach House for residential use.	GRANT	30/06/2006
22	06/02534/FUL	Redevelopment of site to provide 49 no. dwellings (45 no. new and 4 no. through conversion) with associated car parking, access and landscaping provision.	REFUSE	19/12/2006
23	06/02535/CAC	Demolition of unlisted building and structures within a designated conservation area as part of a proposed residential development.	GRANT	22/11/2006

Agenda Item 6.2

Development Control Committee - 17 November 2011

24	07/00766/FUL	Redevelopment of site to provide 48 no. dwellings (44 no. new and 4 no. through conversion) with associated car parking, access, landscaping and open space provision.	REFUSE	20/06/2007
25	07/00053/RFPLN	Redevelopment of site to provide 49 no. dwellings (45 no. new and 4 no. through conversion) with associated car parking, access and landscaping provision.	APWITH	13/08/2007
26	08/01915/FUL	Redevelopment of site to provide 33 no. dwellings (29 no. new build and 4 no. through conversion) with associated car parking, access, landscaping and open space provision.	GRANT	20/02/2009
27	09/00690/FUL	Temporary permission for the erection and subsequent partial removal after 2No. year of a sales suite.	GRANT	22/05/2009
28	11/01433/FUL	Erection of garden shed to side of property (retrospective)	REFUSE	17/08/11

Principal Issues

29 The principal issue is Impact on the Green Belt:

Impact upon the Green Belt

30 PPG2 (Green Belts) 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. The construction of new buildings inside the Green Belt is inappropriate unless, amongst other things, it is for agricultural and forestry. The limited extension or alteration of an existing dwelling can be appropriate and case law has shown that a shed that is not used for a domestic living accommodation cannot be described as an extension or alteration as it's a detached outbuilding.

31 The site is located within the Green Belt. It was concluded in the report for the overall residential development on the site, that all new buildings constitute inappropriate development in the Green Belt. As outlined above planning permission was granted for the redevelopment of the site because of the special circumstances advanced that clearly outweighed any harm to the openness of the Green Belt. Various conditions were attached to the planning

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Development Control Committee - 17 November 2011

permission to remove permitted development rights to prevent further development on the site to protect the openness of the Green Belt, hence the requirement for the current submission.

- 32 Policy H14B refers to outbuildings in the Green Belt but this policy only applies if the outbuilding is also in the Area of Outstanding Natural Beauty. Halstead Place School, including this application site, is not in the Area of Outstanding Natural Beauty. There is therefore no local policy that applies to their proposal and it is therefore inappropriate development in the Green Belt.
- 33 Though modest in scale the shed as a new building within the Green Belt, is due to the additional bulk created in the form of the proposal, is harmful to the openness of the Green Belt.
- 34 PPG2 states that the most important attribute of Green Belts is their openness. The erection of a shed leads to the erection of a three dimensional form that wasn't previously in place and accordingly has a detrimental impact upon the openness of the Green Belt. A recent appeal decision at Halstead Place has stated that if there were no other storage facilities available that this could potentially add weight to the applicants case. In this instance no other external storage facilities exist however this does not negate the fact that the shed represents inappropriate development within the Green Belt and no case of very special circumstances has been advanced.

Human Rights

- 35 Article 8 of the Human Rights Act provides for everyone to have the right to respect for their family life, home and correspondence. This is subject to the proviso that there shall be no interference by public authority with the exercise of this right except when pursuing a legitimate aim in law as is necessary in a democratic society, in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others. Article 8 applies even if the placing of the shed is unauthorised. However, in my opinion any rights of the owners of the site to put the shed on the land is outweighed by the public interest. I am satisfied that the serving of an enforcement notice is expedient in this case. The site lies within the Metropolitan Green Belt. The primary objectives in this area are to protect the character, amenity and openness of the Green Belt and the countryside in general.

Conclusion

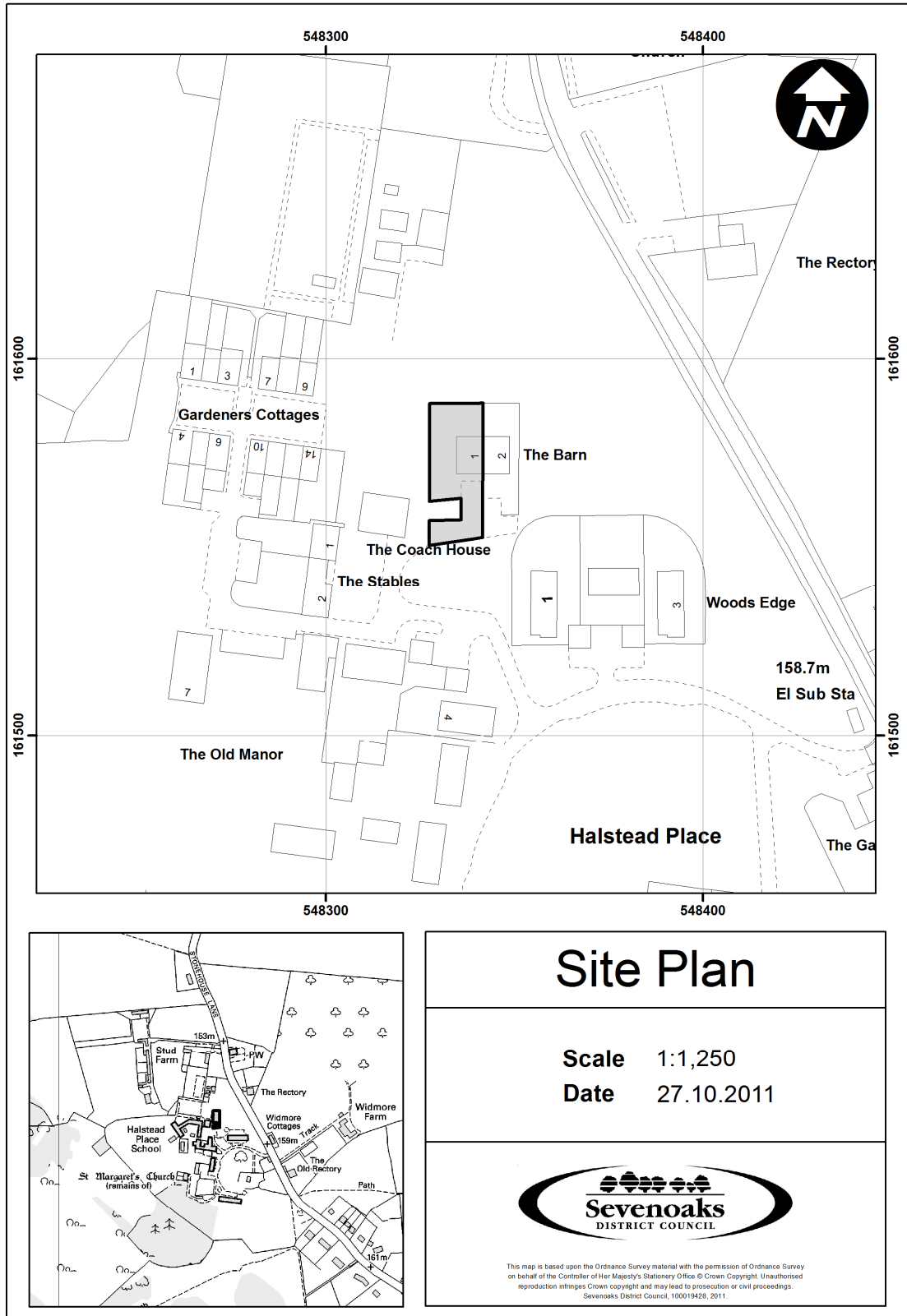
- 36 The shed represents inappropriate development that would be harmful to the openness of the Green Belt.

Background Papers

Site Plan

Contact Officer(s): Guy Martin Extension: 7351

Kristen Paterson
Community and Planning Services Director



Site Plan

Scale 1:1,250

Date 27.10.2011



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6.03 Reference: 310/11/092

ENFORCEMENT OF PLANNING CONTROL

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RECOMMENDATION:

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Compliance period: Three months

Description of Site

- 1 2 The Barn is a semi-detached property located within the Halstead Place site. The site has recently been developed for 33 houses and is located within the Green Belt. The current development was approved because of the very special circumstances advanced that the proposal would lead to an overall reduction in development on site, would possess a less intensive use, improve the setting of the listed buildings and the Site of Ancient Monument, improved landscape management, public access and ecological benefits.

Constraints

- 2 Conservation Area
- 3 Section 106 - S106/SE/08/01915
- 4 Tree Preservation Order
- 5 Metropolitan Green Belt

Policies

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- 6 Policy CC1 - Sustainable Development
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Agenda Item 6.3

Development Control Committee - 17 November 2011

9 Policy CC6 - Sustainable Communities and Character of the Environment

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Sevenoaks District Local Plan:

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Agenda Item 6.3

Development Control Committee - 17 November 2011

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Agenda Item 6.3

Development Control Committee - 17 November 2011

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Human Rights

- 35 Article 8 of the Human Rights Act provides for everyone to have the right to respect for their family life, home and correspondence. This is subject to the proviso that there shall be no interference by public authority with the exercise of this right except when pursuing a legitimate aim in law as is necessary in a democratic society, in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others. Article 8 applies even if the placing of the shed is unauthorised. However, in my opinion any rights of the owners of the site to put the shed on the land is outweighed by the public interest. I am satisfied that the serving of an enforcement notice is expedient in this case. The site lies within the Metropolitan Green Belt. The primary objectives in this area are to protect the character, amenity and openness of the Green Belt and the countryside in general.

Conclusion

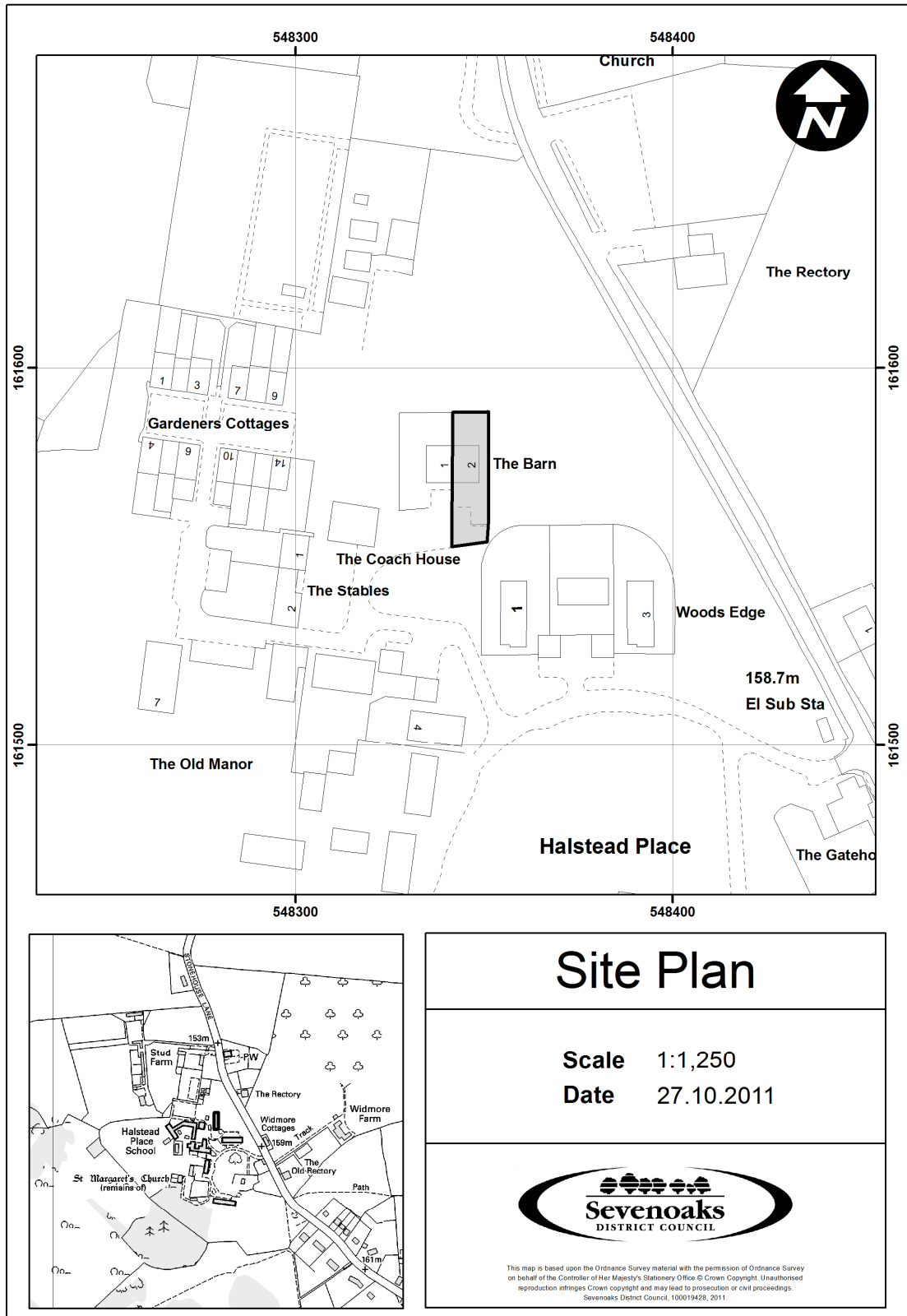
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Background Papers

Site Plan

Contact Officer(s): Guy Martin Extension: 7351

Kristen Paterson
Community and Planning Services Director



7.01 Reference: TPO/11/2011

Objection to Tree Preservation Order number 11 of 2011

Located at Cowden Cross House, Hartfield Road, Cowden

ITEM FOR DECISION

This report sets out details of objections received to this order.

RECOMMENDATION:

That the Tree Preservation Order No. 11 of 2011 be confirmed without amendments.

The Site and Background

- 1 Tree Preservation Order (TPO) No. 11 of 2011 relates to a Plane tree and two Oak trees situated at Cowden Cross House, Hartfield Road, Cowden.
- 2 A request was received from the owner of the property that these trees be protected by a preservation order. Their loss would have a negative impact on the amenity of the local area. TPO 11 was served in order to afford them continued protection as they are situated outside of a Conservation Area and were unprotected.

Representations

- 3 An objection to the TPO has been received from Mr and Mrs Parfremont of Saxbys Garden Cottage, Hartfield Road, Cowden who are the immediate neighbours. Mr and Mrs Parfremont object on the grounds that these trees are situated a considerable distance from the highway and so cannot be clearly viewed. Due to the fast moving traffic on this road and a lack of pedestrian traffic, it would not be possible to stop and admire them. In addition to this, they claim that these trees are screened by other vegetation and so cannot be clearly seen from the main road. They claim that the only beneficiaries of these trees are the tree owners and themselves and so their amenity value has been overstated. Mr and Mrs Parfremont also object on the grounds that the proximity of the said trees to their property causes them concern, as they were advised to increase the foundation depth of their extension when it was constructed. They have concerns with regards to structural damage occurring to their property. They also claim that these trees are situated near to the main drainage system which serves their property. They are concerned that the roots could damage this system. Mr and Mrs Parfremont object on the grounds that overhanging branches limit the amount of light their property receives. They claim that over the past 5 years, the canopies of these trees have grown to such an extent that they block natural light entering the house and garden. A further objection concerns the amount of leaves shed by these trees, which they claim restrict the uptake of water

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Development Control Committee - 17 November 2011

and nutrients by their plants and block the guttering of their property. They have concerns regarding falling debris from these trees hitting their children and pets who play beneath the two Oak trees. Mr and Mrs Parfremment ask who is responsible should any of their children be struck by a falling limb etc. Finally, Mr and Mrs Parfremment object on the grounds that power lines run into their property through the canopy of these trees. An incident occurred previously, whereby the telegraph pole supporting the power lines collapsed. The cause was believed to be tree roots undermining the foundations of the pole. Mr and Mrs Parfremment ask, who is responsible should a similar occurrence take place.

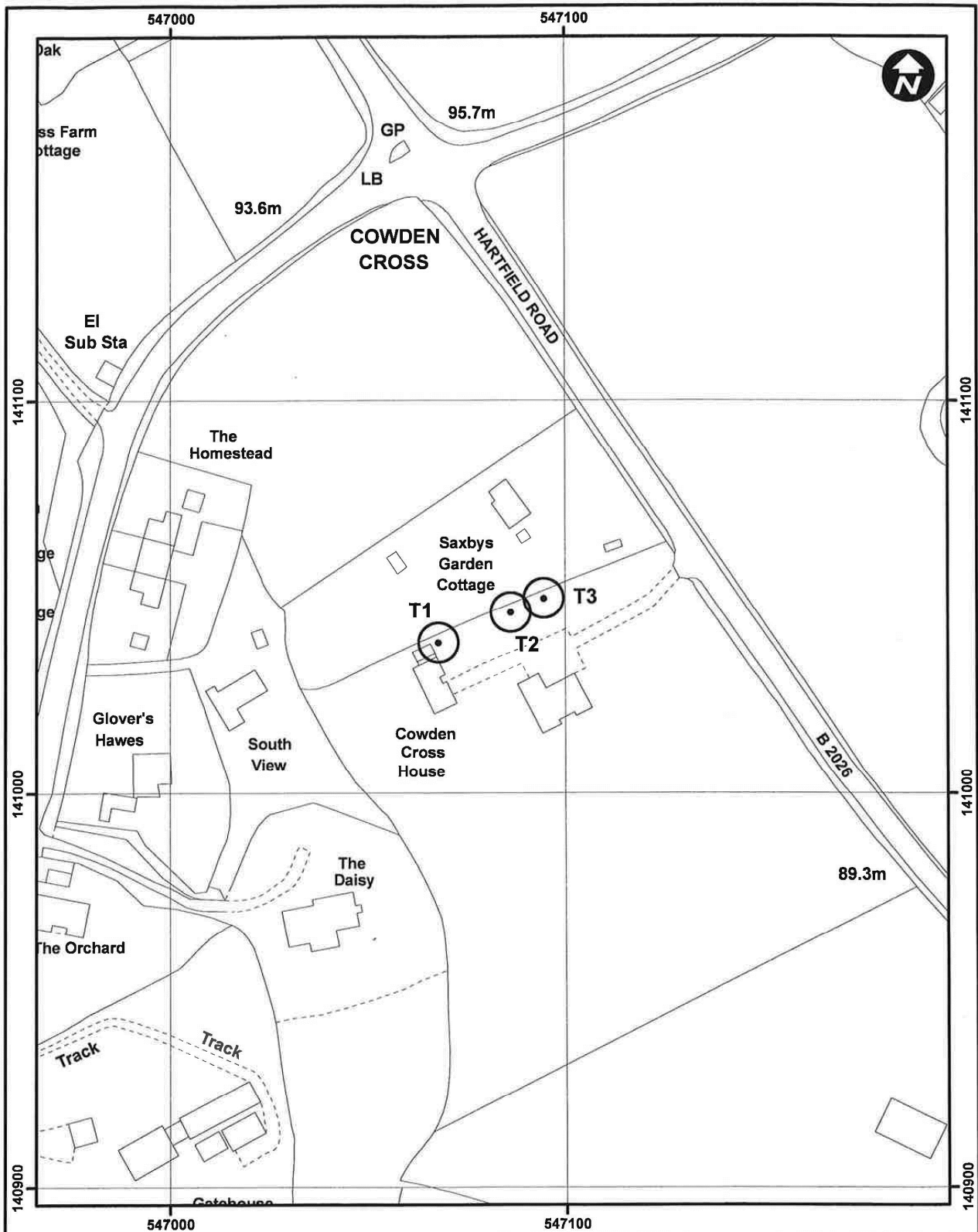
- 4 In response to the objection, the responsibility of these trees lie with the owner. This includes any damage which may occur either above or below ground. With regards to the amenity value of these trees, they are clearly visible when viewed from the junction of Hartfield Road and Station Road. With regards to potential structural damage occurring, this should not be a problem as the objectors point out that the foundations were increased when the extension was constructed. No evidence has been provided to show that these trees pose a threat to the drainage system. The issues regarding overhanging branches, lack of light etc, could be overcome by pruning works. Providing the proposed works are reasonable, an application to prune these trees would be looked upon favourably, although the overhanging lateral limbs of these trees have recently been cut back by the objector.
- 5 The objections to the serving of this order appears to be the constraint it places on the affected parties, with regards to carrying out requested tree works. This could be overcome by the submission of an application to carry out periodic pruning works. These trees are situated in a prominent position. Their removal would be very much noticed and would have a negative affect on the local landscape.


Conclusion

- 6 Given the aforementioned information. It is suggested that the details as provided within the objection to this TPO are not founded. It is my recommendation therefore that TPO 11 of 2011 should be confirmed without amendments. Please find attached TPO/11/2011.

Contact Officer(s): Mr L Jones Arboricultural & Landscape Officer
Extension 7289

Kristen Paterson
Community and Planning Services Director



 <p>Sevenoaks DISTRICT COUNCIL</p> <p><small>This map is based upon the Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Sevenoaks District Council, 100019428, 2011</small></p>	Tree Preservation Order	
	TPO 11 (2011)	Scale: 1:1,250 Date: 13/07/2011
	Cowden Cross House, Hartfield Road, Cowden	

Produced by the GIS Team, Sevenoaks District Council

Agenda Item 7.1

Development Control Committee - 17 November 2011

SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually (encircled in black on the map)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation*</u>
T1	London Plane	Situated on the northern boundary of Cowden Cross House, Hartfield Road, Cowden.
T2	Oak	Situated on the northern boundary of Cowden Cross House, Hartfield Road, Cowden.
T3	Oak	Situated on the northern boundary of Cowden Cross House, Hartfield Road, Cowden.

Trees specified by reference to an area (within a dotted black line on the map)

<i>Reference on Map</i>	Description	<u>Situation*</u>
	None	

Groups of trees (within a broken black line on the map)

<i>Reference on Map</i>	Description	<u>Situation*</u>
	None	

Woodlands (within a continuous black line on the map)

<i>Reference on Map</i>	Description	<u>Situation*</u>
	None	

* complete if necessary to specify more precisely the position of the trees.

7.02 Reference: TPO/15/2011

Objection to Tree Preservation Order number 15 of 2011

Located at Manor House Gardens, Edenbridge

ITEM FOR DECISION

This report sets out details of objections received to this order.

RECOMMENDATION:

That the Tree Preservation Order No 15 of 2011 be confirmed with 1 minor amendment.

The Site and Background

- 1 Tree Preservation Order (TPO) No. 15 of 2011 relates to several trees located within the estate of Manor House Gardens, Edenbridge.

- 2 This order has been served to replace the original order (TPO 01/1965) following a review of existing preservation orders throughout the district. This new order has been served to reflect the changes which have occurred throughout the estate since the original order was served. Several trees have been included which were not protected by the original TPO.

Representations

- 3 An objection to the TPO has been received from the owner/resident of 13 Manor House Gardens. The resident objects on the grounds that tree T7 has been wrongly plotted on the plan within the TPO. It is described in the schedule as being within the rear garden of Chusan, Manor House Gardens, when in actual fact it is situated within the rear garden of number 5 Manor House Gardens. The resident also objects on the grounds that they feel this tree is too large and situated in the wrong place and considers it to be a danger. He is also concerned that climate change could result in this tree falling across several properties.

- 4 In response to the objection, it should be pointed out that this tree is currently protected by the original TPO. This original order would remain should the new order not be confirmed. No evidence has been provided to show that this tree constitutes a risk to neighbouring persons or property. The responsibility of ensuring this tree does not pose a threat rests with the tree owner. An application to carry out reasonable pruning works would be looked upon favourably. The positioning of this tree is as shown upon the TPO drawing. It is currently inaccurate to only a few feet. Government guidance allows for this and only requires the tree to be located via the drawing, this it clearly does. It

Agenda Item 7.2

Development Control Committee - 17 November 2011

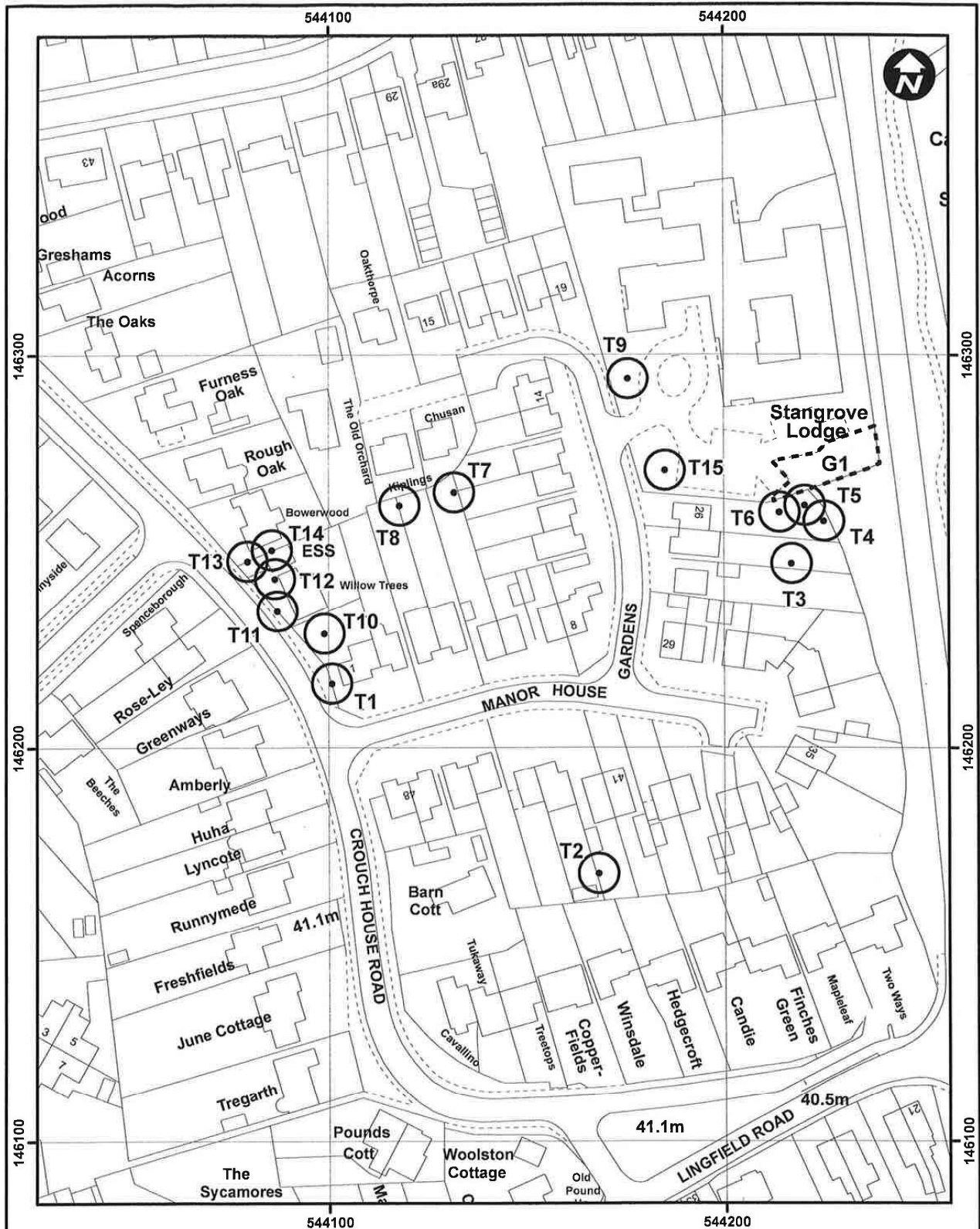
would be acceptable to amend the schedule to show the correct address for tree T7 at the time of confirmation..

Conclusion

- 8 Given the aforementioned information. It is suggested that the details as provided within the objection to this TPO are not founded. It is my recommendation therefore that TPO 15 of 2011 should be confirmed with minor amendment as described above. Please find attached TPO/15/2011.

Contact Officer(s): Mr L Jones Arboricultural & Landscape Officer
Extension 7289

Kristen Paterson
Community and Planning Services Director



Sevenoaks
DISTRICT COUNCIL

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Tree Preservation Order

TPO 15 (2011)

Manor House Gardens, Edenbridge

Scale: 1:1,250

Date: 04/10/2011

Produced by the GIS Team, Sevenoaks District Council

Development Control Committee - 17 November 2011

SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually

(encircled in black on the map)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation*</u>
T1	Pine	Situated within the front garden of 1 Manor House Gardens, Edenbridge.
T2	Oak	Situated on the boundaries of no.'s 42 & 43 Manor House Gardens, Edenbridge.
T3	Horse Chestnut	Situated within the rear garden of 27 Manor House Gardens, Edenbridge.
T4	Oak	Situated within the rear garden of 26 Manor House Gardens, Edenbridge.
T5	Oak	Situated within the rear garden of 26 Manor House Gardens, Edenbridge.
T6	Pine	Situated within the rear garden of 26 Manor House Gardens, Edenbridge.
T7	Oak	Situated within the rear garden of Chusan, Manor House Gardens, Edenbridge.
T8	Maple	Situated within the rear garden of Kiplings, Manor House Gardens, Edenbridge.
T9	Oak	Situated on the western boundary of Stangrove Lodge, Manor House Gardens, Edenbridge.
T10	Oak	Situated to the rear of Willow Trees, Crouch House Road, Edenbridge.
T11	Oak	Situated within the front garden of Willow Trees, Crouch House Road, Edenbridge.
T12	Oak	Situated within the front garden of Willow Trees, Crouch House Road, Edenbridge.
T13	Maple	Situated on the northern boundary of Willow Trees, Crouch House Road, Edenbridge.
T14	Maple	Situated on the northern boundary of Willow Trees, Crouch House Road, Edenbridge.
T15	Oak	Situated on the southern boundary of Stangrove Lodge, Manor House Gardens, Edenbridge.

Trees specified by reference to an area

(within a dotted black line on the map)

<i>Reference on Map</i>	Description	<u>Situation*</u>
	None	

Groups of trees

(within a broken black line on the map)

<i>Reference on Map</i>	Description	<u>Situation*</u>
G1	7 Oak trees	Situated on the south eastern boundary of Stangrove Lodge, Manor House Gardens, Edenbridge.

Woodlands

(within a continuous black line on the map)

<i>Reference on Map</i>	Description	<u>Situation*</u>
	None	

* complete if necessary to specify more precisely the position of the trees.