

**DEVELOPMENT CONTROL COMMITTEE**

**24 July 2014 at 7.00 pm**

**Council Chamber, Argyle Road, Sevenoaks**

**AGENDA**

**Membership:**

Chairman: Cllr. Williamson

Vice-Chairman Cllr. Miss. Thornton

Cllrs. Mrs. Ayres, Bosley, Brookbank, Brown, Clark, Cooke, Edwards-Winsler, Firth, Gaywood, McGarvey, Neal, Orridge, Mrs. Parkin, Raikes, Miss. Stack, Underwood and Walshe

**Pages**

**Apologies for Absence**

1. **Minutes** (Pages 1 - 4)  
To approve the minutes of the meeting of the Committee held on 3 July 2014, as a correct record.
2. **Declarations of Interest or Predetermination**  
Including any interests not already registered
3. **Declarations of Lobbying**
4. **Planning Applications - Chief Planning Officer's Report**
  - 4.1. **SE/14/01565/FUL - Five Ways Nursery, Swanley Lane, Swanley BR8 7LD** (Pages 5 - 16)  
Installation of a mobile home.
  - 4.2. **SE/14/01263/FUL - 16 -18 London Road, Riverhead, Kent TN13 2UE** (Pages 17 - 26)  
Change of use from A1 - retail, to D1 - developmental play classes between the hours of 09:00 - 17:00 for a maximum number of 14 children aged 0-5 years with their carers.

- 4.3. **SE/14/01074/FUL - 52B Pilgrims Way East, Otford, Sevenoaks TN14 5QW** (Pages 27 - 42)

Demolition of existing dwelling and outbuildings; erection of replacement dwelling with integral garaging facilities and timber decking to rear elevation.

- 4.4. **SE/14/01128/HOUSE - Windrose, Brasted Chart, Westerham TN16 1LZ** (Pages 43 - 58)

Demolition of existing garden room and erection of a single storey rear extension. Conversion of existing garage to habitable space and erection of a detached garage resubmission of SE/13/03491/HOUSE.

### **EXEMPT ITEMS**

#### **Consideration of Exempt Information**

Recommendation: That, under section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the ground that likely disclosure of exempt information is involved as defined by paragraph 1 (Information relating to any individual) as identified in Schedule 12A to the Local Government Act 1972.

- 4.5. **SE/13/03843/CONVAR - Land East Of, Park Lane, Swanley Village, Swanley** (Pages 59 - 98)

Removal of conditions 3 (Residency), 4 (Occupation restriction) and 6 (Siting) of planning permission SE/07/02075/FUL - Change of Use to residential, stationing of two mobile homes (with associated mobility ramps), two touring caravans, a car port and associated hardstanding (Resubmission of SE/06/02550/FUL). In order to add/amend the names given for residency and occupation and new block plan submitted.

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 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](mailto:democratic.services@sevenoaks.gov.uk) or speak to a member of the Democratic Services Team on 01732 227350 by 5pm on Monday 21 July 2014.

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 held on 3 July 2014 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Thornton (Vice Chairman)

Cllrs. Bosley, Brookbank, Clark, Edwards-Winsor, Orridge, Mrs. Parkin, Miss. Stack, Miss. Thornton and Underwood

Apologies for absence were received from Cllrs. Mrs. Ayres, Cooke, Firth, Gaywood, Neal, Raikes and Walshe

Cllrs. Mrs. Dawson, Fleming and Piper were also present.

18. Minutes

Resolved: That the minutes of the Development Control Committee held on 12 June 2014, be approved and signed by the Chairman as a correct record.

19. Declarations of Interest or Predetermination

Councillor Bosley declared that he had an interest in SE /14/01499/ LDCPR and that he knew the applicant and family personally.

Councillor Mrs. Parkin declared that she had an interest in SE/14/01499/LDCPR and that she also knew the applicant.

Councillor Miss Thornton declared an interest in SE/14/00493/House – 22 St. Botolphs Avenue, Sevenoaks, TN13 3AL that she was an acquaintance of the parents.

20. Declarations of Lobbying

Councillors Miss Thornton, Miss Stack and Mrs. Parkin declared that they had been lobbied in respect of Minute 21.

Councillor Mrs. Parkin also declared that she had been lobbied in respect of Minute 23.

21. SE-14-00493-HOUSE - 22 St. Botolphs Avenue, Sevenoaks TN13 3AL

The application sought permission for the retention of dormer roof extension on side (Eastern) roof slope comprising second floor bathroom (retrospective). The application had been referred to Committee at the request of Councillors Fleming and Mrs. Dawson on the basis of possible Enforcement implications and the peculiar arrangement of the property.

Members attention was brought to the main agenda papers and the late observation sheet but did not propose any amendments or changes to the recommendation before the Committee.

## Agenda Item 1

### Development Control Committee - 3 July 2014

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Peter Hadley
Parish Representative:	-
Local Member:	Cllr. Fleming and Cllr. Mrs Dawson

Members asked questions of clarification from the Speakers and Officers. The Case Officer confirmed that a formal pre – application submission had not been made and that a Lawful Development Certificate had been refused.

It was moved by the Chairman and duly seconded that the recommendation in the report to refuse planning permission be agreed.

Members, whilst sympathising with the applicant, expressed concerns that the dormers would be detrimental to the street scene and the extension was in breach of the policies as it was on the main roof and not the back of the house. Members agreed that the applicants had been given poor advice and that the Council should have been formally contacted before work was undertaken.

The motion was put to the vote and it was unanimously

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

The retention of the dormer roof extension, by virtue of its siting, large box appearance and scale has a detrimental impact upon the character and appearance of the existing dwelling and wider street scene. The development therefore conflicts with the provisions of saved Policy EN1 and H6B of the Sevenoaks District Plan, Policy SP1 from the Sevenoaks Core Strategy, the Sevenoaks Residential Character Area Assessment and the Sevenoaks Residential Extensions Supplementary Planning Document.

#### 22. SE/14/01056/HOUSE - Chartmoor, Brasted Chart, Westerham TN16 1LU

The application sought permission for the demolition of existing two storey side extension and erection of a new two storey side extension. The item had been referred to Committee by Councillor Mrs Firth to consider whether the proposals would result in loss of amenity to the neighbouring occupiers, loss of openness to the Green Belt or harm to the street scene.

Members' attention was brought to the main agenda papers.

The Committee was addressed by the following speakers:

Against the Application:	Mrs. Jennifer Ellis
For the Application:	Mr. Manuel
Parish Representative:	-
Local Member:	Cllr. Mrs. Firth (submission read by Cllr. Miss. Stack).

Members asked questions of clarification from the Officers. The Development Control Manager advised that a kitchen was not usually classed as a habitable space, and that there were other windows, which faced to the front of the property which allowed light into the kitchen space which would not be affected should the extension be granted.

It was moved by the Chairman and duly seconded that the recommendation in the report to grant planning permission subject to conditions be agreed.

Members considered whether the height increase would have a significant impact on the neighbouring property, and whether it would create the appearance of terracing. Members acknowledged that the property was in the Green Belt and an Area of Outstanding Natural Beauty. It was noted by Members that the property already overlooked onto the neighbours property and the increase was below the height of the eaves.

The motion was put to the vote and it was

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 house as supported by Policy EN1 of the Sevenoaks District Local Plan.

- 3) No window(s) or other opening(s) shall be inserted at any time in the southern flank elevation(s) of the extension 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.

- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: P-01, P-02, P-03 A, P-04 B, P-05 and P-06 A.

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

23. SE/14/01499/LDCPR - Gillies Road, West Kingsdown TN15 6DP

## Agenda Item 1

### Development Control Committee - 3 July 2014

The application sought permission for the conversion of loft area with dormer to North elevation. Turned hipped roof into gable. Changes to fenestration including new window to West elevation. The application had been referred to Committee by Councillor Parkin to discuss whether the proposal met the criterion set out in Class B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

Members' attention was brought to the main agenda papers. The Committee was addressed by the following speakers:

Against the Application:	Les Kembell
For the Application:	Victoria Lassetter
Parish Representative:	-
Local Member:	-

Members asked questions of clarification from Officers in regard to the development and distances between properties normally allowed. The Legal Manager confirmed that if the application fell within the Town and County Planning (General Permitted Development) Order 1995 (as amended) then it would have planning permission by virtue of the Act. The Development Control Manager confirmed that the application complied with permitted development and therefore did not need planning permission.

It was moved by the Chairman and duly seconded that the recommendation in the report that a lawful development certificate proposed be Granted.

Members discussed whether the application met the criteria as set by legislation.

The motion was put to the vote and it was

Resolved: that a lawful development certificate be granted for the following reason, that the proposal complies with Classes B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and would therefore be permitted development.

THE MEETING WAS CONCLUDED AT 8.35 PM

CHAIRMAN



4.1- SE/14/01565/FUL Date expired 14 July 2014

PROPOSAL: Installation of a mobile home.

LOCATION: Five Ways Nursery, Swanley Lane, Swanley BR8 7LD

WARD(S): Swanley White Oak

**ITEM FOR DECISION**

This application has been referred to the Development Control Committee by Councillor Ball to consider issues of Green Belt and Human rights

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

The proposed development would constitute inappropriate development within the green belt, harmful by reason of inappropriateness and by virtue of harm to the openness of the green belt. The very special circumstances advanced are not considered to be sufficient to clearly outweigh the harm to the green belt. This is contrary to the provisions of the National Planning Policy Framework, policy LO8 of the Core Strategy, policy H18 of the Sevenoaks District Local Plan and policy GB6 of the emerging Allocations and Development Management Plan.

**Note to Applicant**

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line ([www.sevenoaks.gov.uk/environment/planning/planning\\_services\\_online/654.asp](http://www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp)),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Working in line with the NPPF, the application was refused as the proposal failed to improve the economic, social or environmental conditions of the area.

## Agenda Item 4.1

### Description of Proposal

- 1 This application seeks permission for the installation of a mobile home on the site of a nursery, currently under construction, on the northern boundary of Swanley, fronting Swanley Lane between Swanley and Hextable.
- 2 At present the site comprises a bungalow on the northern end of the site with garage/storage building sited alongside. A new single storey building is under construction - that will in future be used as an office/ potting shed/packaging area, vehicle maintenance and storage area. Permission was granted for this building in 2004 and is extant by virtue of the foundations commenced within the life of the 2004 permission. As can be seen below further permissions have been granted for polytunnels on the site.
- 3 The proposed mobile home would comprise a two bedroom unit and would be sited to the rear of the car park, approximately half way back into the site and sitting in front of two poly tunnels. The mobile home would be 12.192m in length x 6.012m's in depth. These dimensions comply with those required to comply with the definition of a caravan. We are advised that the home is required to provide onsite security and a monitoring presence on site for the nursery – referred to in the Design and Access Statement as an established horticultural business, but in reality one that is under construction. We are further advised that the existing bungalow is occupied by a Mrs Fullager who was given the right to occupy the dwelling as long as she needed/wanted, when the applicants purchased the site. The applicant advises that although they would prefer a permanent permission they would accept a temporary permission of three years if considered more appropriate.
- 4 The applicant has submitted a business plan setting out (briefly):
  - their experience (20 years in the nursery business),
  - mission– to provide a quality choice of product for homeowners looking for plant and garden supplies as well as serving contractors who require a reliable source of products in a pleasant environment and finally those who rent properties and want garden products.
  - projected start up costs (£100k),
  - products – bedding plants, trees, vegetables, garden accessories such as fountains, stepping stones, tools, fertilisers and potting soils with most plants to be sourced off site initially, although some plants and plugs to be grown on site;
  - a brief analysis of the projected market – based upon becoming an attractive choice for homeowners and landscape contractors who will use the nursery because of a diverse stock and competitive prices. The immediate geographic area is north west Kent with an estimated population of 200,000. A 50 mile geographic area would utilise the services of the nursery as they become more established with a total market estimated at 500,000 people.

### Description of Site

- 5 The site lies on the northern edge of Swanley adjacent to houses on the south west boundary and on the opposite side of Swanley Lane. To the north lies a parcel of land that originally formed part of the wider nursery site. This is fenced off by a low fence to the north of the bungalow and foundations and a base have been constructed on the site which is otherwise surrounded by long grass.
- 6 As described above the site is currently largely open apart from the bungalow, associated garage/storage building and the building under construction. The front boundary comprises an earth bank topped with fencing, the southern most boundary comprises timber close boarded fencing, the rear boundary with the public right of way is a green spiked metal fence whilst the boundary to the north of the bungalow is a low timber fence. The site is covered in hardcore with an access road laid in.

### Constraints:

- 7 Metropolitan Green Belt

### Policies

#### *Sevenoaks Core Strategy*

- 8 Policies – SP1, L08.

#### *Sevenoaks District Local Plan*

- 9 Policies - EN1 VP1 H18

#### *Allocations and Development Management Plan (draft)*

- 10 Policies – EN1, EN2, GB6

### *Other*

- 11 National Planning Policy Framework
- 12 Supplementary Planning Document Consultation Draft - Development in the Green Belt

### Relevant Planning History

- 13 88/00699/HIST Demolition of existing glasshouses, buildings and bungalow and erection of 5 detached houses. Refuse. Appeal Dismissed.
- 14 88/02250/HIST Retention of existing bungalow and part glasshouse. Erection of four detached houses. Refuse.
- 15 98/02532/HIST Erection of two dwellings with garages. (Deemed Refusal) Refuse. Appeal Dismissed.
- 16 98/02599/HIST Demolition of derelict glasshouses and erection of four

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- detached houses with garages. (Deemed Refusal). Refuse. Appeal Dismissed
- 17 99/02667/FUL Erection of a replacement store, potting shed, toilet and washroom demolition of greenhouse and provision of turning/parking area, as amended by letter dated 13.09.00 and revised plan 557/4. Grant.
  - 18 99/02671/FUL Erection of a replacement store, potting shed, toilet and washroom and provision of turning/parking area, as amended by letter dated 13.09.00 and revised plan 557/4. Grant.
  - 19 01/00117/DETAIL Details pursuant to condition 2 (visibility splays) of planning permission SE/99/02667. Grant.
  - 20 04/01109/FUL Erection of a polytunnel. Grant. Machinery, potting, packaging, staff facilities and office. Refuse.
  - 21 04/01776/FUL Erection of building for storage of machinery, potting, packaging, staff facilities and office. Grant.
  - 22 04/02429/DETAIL Details pursuant to condition 2 (materials) of SE/04/01109. Grant.
  - 23 04/03107/DETAIL Details pursuant to condition 2 (facing materials) of consent reference number SE/04/1776. Grant.
  - 24 05/00479/FUL Erection of building for storage of machinery, potting, packing, staff facilities, office, sales and erection of a polytunnel. Grant.
  - 25 05/02337/FUL Erection of building for storage of machinery, potting, packing, staff facilities, office, sales. (The application seeks minor amendments to approved application SE/05/00479 including an increase in ridge and eaves height). Grant.
  - 26 05/02803/FUL Minor amendments to approved application (SE/04/01776/FUL) including an increase in ridge height and addition of brick plinth. Grant.
  - 27 06/00569/FUL Revised application for the erection of a building for storage of machinery, potting, packing, staff facilities, office and sales. Grant.
  - 28 06/00585/FUL Revised application for the erection of a building for storage of machinery, potting, packing, staff facilities, office and sales. Grant.
  - 29 06/01780/DETAIL Revised roofing material pursuant to condition 2 of planning permission SE/04/01776/FUL. Grant.
  - 30 06/01782/DETAIL Details pursuant to condition 2 (materials) of SE/05/00569/FUL. Grant.

- 31 07/01505/FUL Erection of two Polytunnels. Grant.
- 32 10/03448/FUL Erection of x3 no polytunnels, alterations to access, new internal access track. Grant.
- 33 11/01413/DETAIL Details pursuant to condition 3 (access track) of planning permission SE/10/03448/FUL. Grant.
- 34 11/01424/DETAIL Details pursuant to condition 4 (surface water run off) of planning permission SE/10/03448/FUL. Grant.

Consultations

*Rural Planning Consultant*

- 35 At the pre-application stage for this proposal, I advised:

*Any planning application would need to be supported by a clear and detailed business plan including full budgets for production over (say) the next three years, including commentary on the type and number of plants proposed, what market outlets have been identified, a CV of the applicant's horticultural experience, and details of his current accommodation. In terms of the claimed functional need to live on the site, any planning application would also need to be supported by an explanation of growing techniques and an analysis of why this venture would need a full-time on site presence, at most times of the day or night.*

- 36 The business plan now submitted assumes a high level of sales, (£82 k in year 1, rising to £108.5 k in year 3) but gives no detail as to exactly what these figures represent in terms of different items and prices, or what the costs comprise per item.
- 37 The assumed size of those plants, and their value, relates to the use of the available protected/unprotected space for plants, and the annual turnover.
- 38 Basically there is nothing to show how the figures have been arrived at, so as to be confident that this is a feasible and sound business plan as matters stand. Furthermore, it appears that the plan is largely based not on growing plants and trees on site, but on retailing brought-in plants, and garden supplies.
- 39 This would mean operating more as a small garden centre than a production nursery per se, and as I understand the position that would require its own Planning consent, which has yet to be sought, and which may or may not be acceptable here. This is another flaw in sound business planning.
- 40 Consequently, based on the current business plan, I would have to advise that the proposal would fail the usual criteria by which a new agricultural mobile home would be judged.

*KCC Public Rights of Way*

- 41 No objection.

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### *Parish/Town Council*

- 42 Swanley Town Council objects to this application on the grounds that no apparent horticultural use has taken place in recent years
- 43 Hextable PC object on the basis that there appears to be no need for a mobile home to tend horticultural plants: there is no horticultural nursery on this site as stated so there is no need for a mobile home to tend these non-existent plants.

### Representations

- 44 34 letters of objection have been received raising the following issues:
- this contravenes green belt policy
  - there is no existing business to justify this home and hasn't been for the 26 years I have lived opposite the site
  - the business plan is very weak –with very optimistic projections for future growth when there are so many other such businesses nearby.
  - This is an as yet untested business so how accurate can the projections for profit be
  - This is agricultural land and this is not in keeping with the designation of the land
  - The office under construction would be sufficient to monitor the site
  - Potential highways safety issues
  - Is already a dwelling on site
  - References to previous crimes on the site are unsubstantiated
  - A similar application at Sutton at Hone resulted in the use of the site for a caravan site when the original application was not implemented
  - Caravan sites are generally sited away from permanent residential areas
  - Swanley does not need another caravan site
  - This is a back door method to gain permission for a permanent dwelling
  - Potential gypsy site with associated activities such as pony/trap racing –leads to potential highways safety issues
  - One unit would act as a precedent for more residential units
  - Health and Safety concerns
- 45 One letter raising concerns about the need for more accommodation but expressing support for a properly considered and operated nursery in this location

## Chief Planning Officer Appraisal

### Principal Issues

- 46 The main issues concern compliance with green belt policy, impact upon highways safety and impact upon neighbours' amenities.

### *Green Belt:*

- 47 The NPPF at paragraph 55 seeks to promote sustainable development in rural areas locating housing where it will enhance or maintain the vitality of rural communities. We are advised to avoid isolated new homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside.
- 48 Whilst not specifically referred to in the NPPF, guidance contained in Annexe A of PPS7 remains useful in assessing such development proposals. Whilst it is accepted that in some cases it is more appropriate for a worker to live in a nearby village or town it explains that there will be some cases where the nature and demands of the work concerned make it essential for one or more people engaged in the enterprise to live at, or very close to the site of their work. It is considered essential that such proposals are scrutinised thoroughly and it is important to establish whether the stated intentions are genuine, reasonably likely to materialise and are capable of being sustained for a reasonable period of time. The Annexe provides guidance on both a functional assessment ie why is it necessary for someone to live on site and a financial test ie assessment of evidence regarding the ability and size of the business to support the unit proposed.
- 49 The NPPF is clear at paragraph 87 that inappropriate development is by definition harmful to the green belt and should not be approved except in very special circumstances. At paragraph 89 it sets out those categories of development that are considered appropriate development in the green belt and includes buildings for agriculture and forestry. However that refers to buildings actually used for agriculture and forestry and not associated residential buildings.
- 50 Paragraph 89 also refers to the limited infilling or the partial or complete redevelopment of a previously developed site whether redundant or in continuing use which would not have a greater impact on the openness of the green belt. This land is partially developed at present by virtue of the bungalow on the site – but that definition does not extend to the rest of the site. Permission has been granted for a horticultural business on the site but that development has only just commenced construction. It is not considered therefore that this site falls within the definition of previously developed land. Therefore it must be concluded that the development comprises inappropriate development in the green belt.
- 51 Policy H18 of the SDLP advises that subject to access, amenity and location, proposals for the temporary location of a mobile home or caravan for residential accommodation associated with an agricultural or forestry activity will be permitted where there is a proven need. This policy needs to be considered in the light of the functional and financial assessments referred to in para 47 above. Compliance with those 'tests' would comprise the very special circumstances required to outweigh harm to the green belt, whilst non compliance would render such development inappropriate development which causes harm by virtue of inappropriateness and any other harm identified.

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- 52 Policy GB6 of the emerging ADMP, which is to be accorded limited weight at this time, advises that proposals for a temporary or permanent location of a mobile home in the greenbelt will be permitted - subject to the accommodation being associated with an agricultural or forestry activity with a proven need and the siting being acceptable in terms of location access environmental and local amenity considerations.
- 53 The Green Belt SPD refers to the provision of accommodation for agricultural or forestry workers and advises of the need to fulfil the relevant functional and financial tests of their businesses, as set out in Annex A to PPS7, as referred to above).
- 54 The very special circumstances (vsc) provided would appear to relate to the need for on site management and security of the facility that is under construction. Central to this case is the need to demonstrate that a viable business is achievable and to explain why permanent on site accommodation is required. To comply with the first part of this demonstration a detailed business plan is required. As can be seen from the Rural Consultants response sufficient details have not been included that demonstrate a sound business plan and therefore do not give any assurance that the business proposed will be a viable and an on-going concern. Turning to the second explanation required ie why someone is needed full time on site, the applicant also fails to provide adequate explanation. We are advised it is for full time monitoring of the nursery and for security purposes and reference is made to previous criminal attacks on the site. However this statement has not been substantiated either in terms of what processes are being carried out that require full time monitoring of the plants – particularly when most appear to be brought into site rather than grown on the site, nor in terms of evidence regarding previous attacks on the site.
- 55 In addition it has not been explained why the office being currently constructed could not be used for onsite security during the night time – the approved plan shows a kitchen area and bathroom facilities which would enable such on site security without the need for a further building.
- 56 The location of the mobile home at the rear of the car park would add further built form to the site that would be clearly visible against the background of the polytunnels. It would introduce a form of development that is clearly not horticultural or agricultural and would cause harm to the openness of the green belt.
- 57 In summary, the proposed scheme would fail to comply with all the national and local policies referred to above. It is not considered that very special circumstances have been demonstrated that would support the new mobile home such as to clearly outweigh harm to the green belt caused by inappropriateness and by harm to openness.

### *Highways Safety*

- 58 The access which the mobile home would utilise has already been granted permission pursuant to previous applications. It is not considered that the additional traffic resulting from the provision of a mobile home on this site would create such additional traffic levels as to cause safety issues to the adjacent highway.



*Neighbours Impact*

- 59 The mobile home would be sited away from surrounding boundaries with the packing/potting/office building lying between it and the nearest other dwelling and it is not considered that it would cause any loss of amenity to nearby residents.

Other Issues

- 60 *Human Rights:* Article 1 of the Human Rights Act entitles people to the peaceful enjoyment of their possessions, whilst Article 8 gives everyone the right to respect for his private and family life his home and correspondence. These two Articles seem those most likely to be relevant to this application. This application has been made on the basis that the mobile home is required for security and monitoring purposes for the horticultural business and it is unclear how either of these Articles is therefore breached by the recommendation being made.
- 61 *Gypsy/Traveller Site:* A number of comments have been made about the use of this site as a gypsy and traveller site. This application does not seek such permission and has not been assessed as such.

Access Issues

- 62 Would be resolved as part of any Building Regs application.

**Conclusion**

- 63 The application seeks permission for a mobile home on the site to act as on site monitoring and security facility for the nursery under construction. Within the green belt such accommodation constitutes inappropriate development. All relevant policies are clear that applications for such accommodation need to provide sufficient functional and financial justification for such a unit. Such information has not been submitted. Furthermore the issue of the office being built on the site has not been addressed as a possible location for someone involved in the provision of night time security on the site. Consequently this proposal constitutes inappropriate development that would cause harm to the green belt by virtue of both inappropriateness and harm to the openness of the greenbelt.

**Background Papers**

Site and Block Plans

Contact Officer(s): Lesley Westphal Extension: 7235

**Richard Morris**  
**Chief Planning Officer**

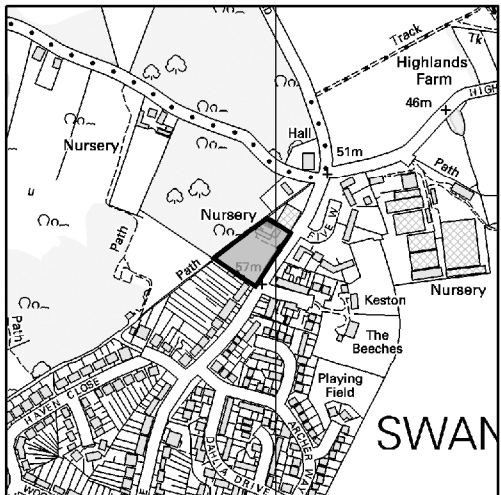
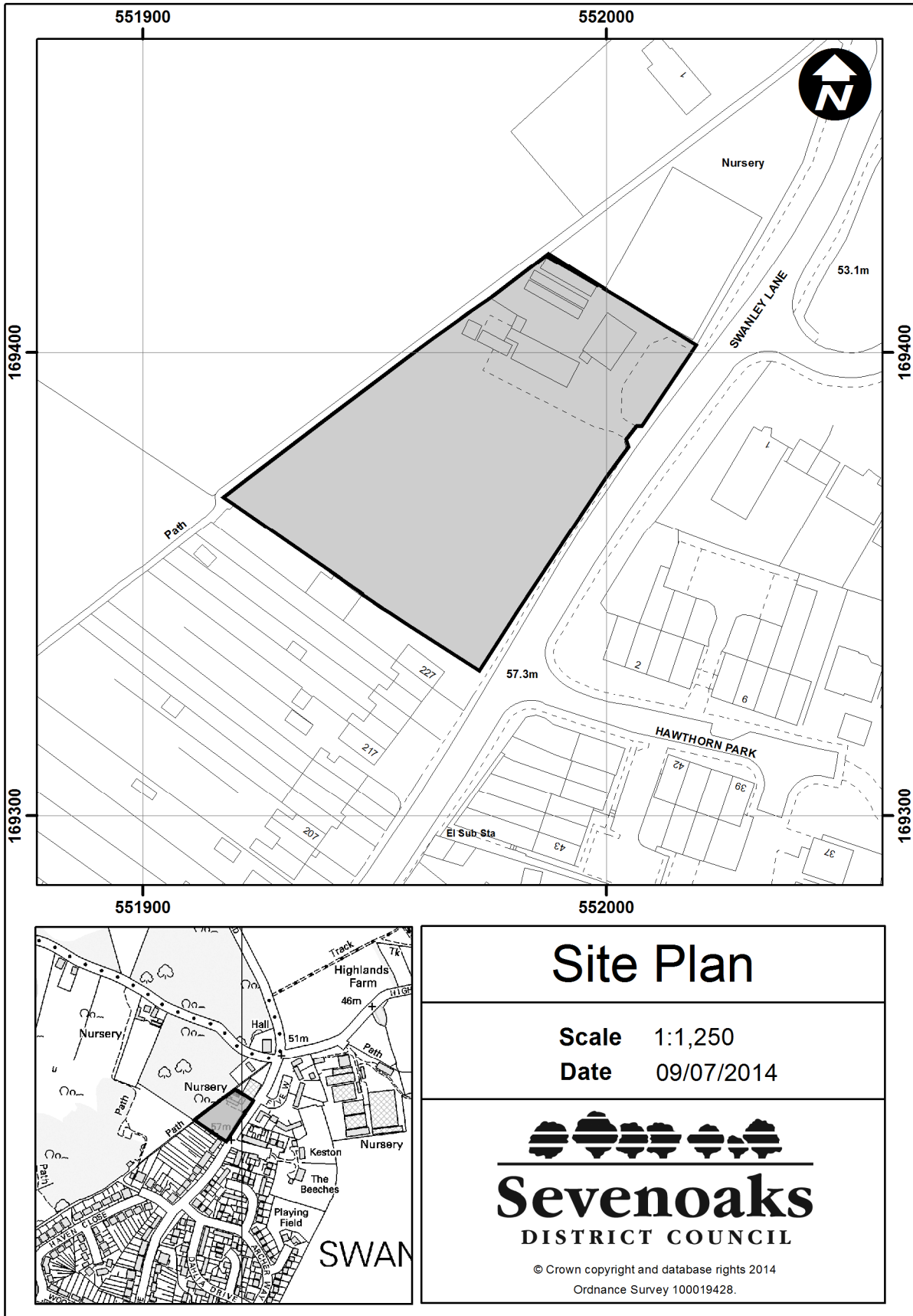
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Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N5VI2JBK0L000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=N5VI2JBK0L000>



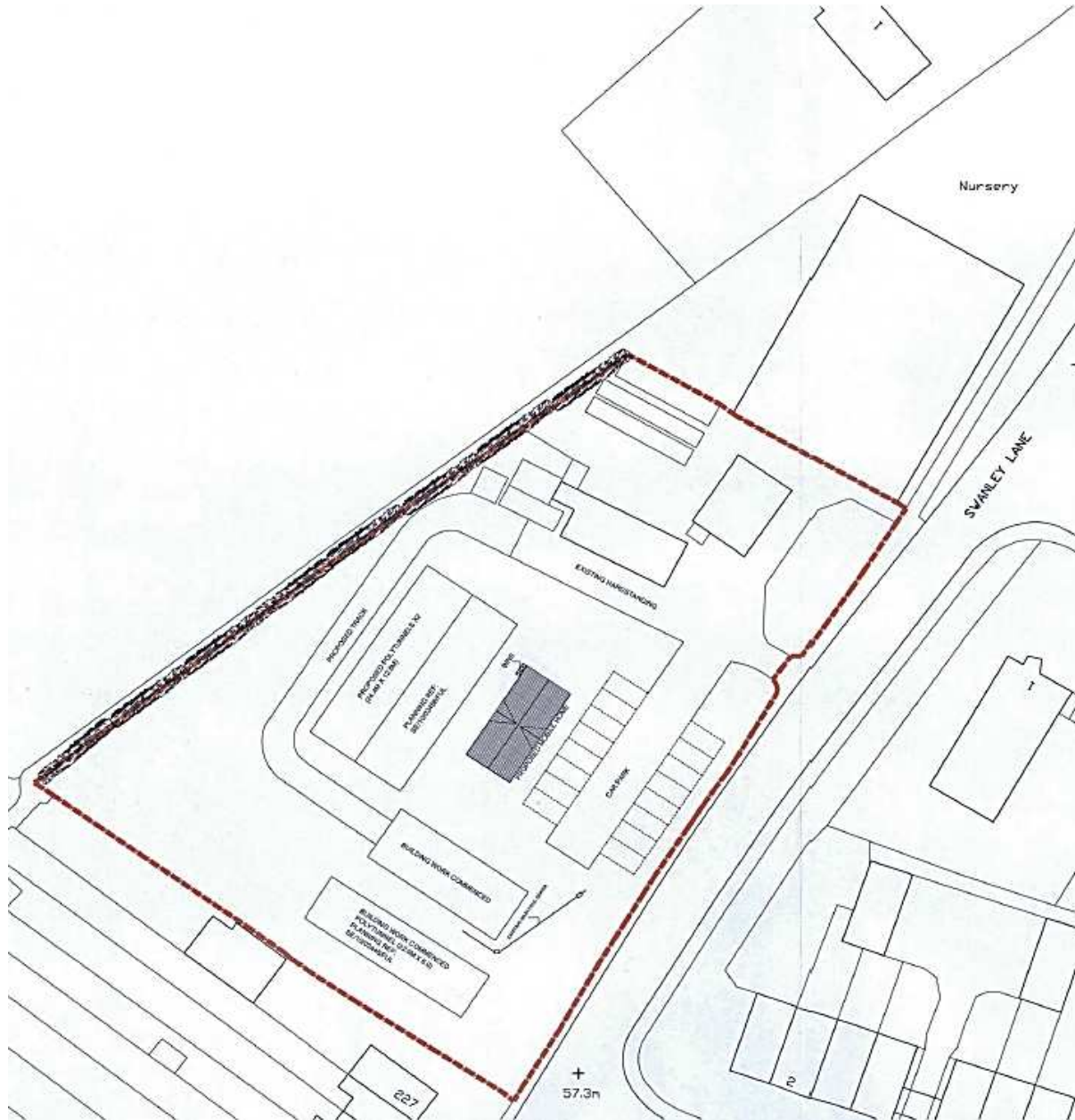
# Site Plan

Scale 1:1,250

Date 09/07/2014



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4.2- SE/14/01263/FUL Date expired 22 July 2014

PROPOSAL: Change of use from A1 - retail, to D1 - developmental play classes between the hours of 09:00 - 17:00 for a maximum number of 14 children aged 0-5 years with their carers.

LOCATION: 16 -18 London Road, Riverhead, Kent TN13 2UE

WARD(S): Dunton Green & Riverhead

**ITEM FOR DECISION**

This matter has been referred to the Committee by Councillor Brown to discuss issues of parking and highways safety

**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 more than 14 children shall be on the premises at any one time with no more than 5 staff in attendance at the same time.

To prevent the intensification of the use such as to cause problems on the nearby public highways as a result for demand for on street parking spaces.

3) The premises shall only be open between the hours of 8am - 6pm Mondays to Fridays and at no time on Saturdays, Sundays and Bank Holidays.

To protect the amenities of nearby residents in accordance with the provisions of policy EN1 of the Sevenoaks District Local Plan and policy EN2 of the emerging Allocations and Development Management Plan.

4) The development hereby permitted shall be carried out in accordance with the following approved plans: unnumbered site plans and floor plan - existing and proposed.

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

**Note to Applicant**

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,

## Agenda Item 4.2

- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line ([www.sevenoaks.gov.uk/environment/planning/planning\\_services\\_online/654.asp](http://www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp)),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Was updated of any issues after the initial site visit.

### Description of Proposal

- 1 This application seeks permission for the change of use of an existing vacant former antiques shop (Use Class A1) to a use falling within Use Class D1. The proposed use is to use the premises to run developmental play classes for a maximum of 14 children and their carers. The group Gymboree Sevenoaks currently operates out of the Knole Academy in Seal Hollow Road. Those premises closed on 22<sup>nd</sup> July.
- 2 The premises would be subject to minor alterations internally to open up the floorspace to create a single large play area, buggy storage area, kitchen/WC and staff area. The entrance door is screened behind fencing from the play area.
- 3 The proposal is for use by a maximum of 14 children, between the ages of 0 – 5 years old, with their carers between the hours of 0900 – 1700 hours Mondays to Fridays.
- 4 The Gymboree website explains these classes in the following way:

*“Here at Gymboree Sevenoaks we have a full timetable of Classes and Open Play, with varied options so that you and your little one can make us part of your busy schedule”. “Brand new government guidelines were released recently, which highlighted the importance of physical activity and play in young children’s early development. The report outlined the vital role of PLAY and MOVEMENT in early childhood, putting emphasis on encouraging children, particularly those that aren’t walking, to crawl, roll and play – physical activity is now encouraged from birth, ‘particularly through floor-based play... in safe environments’. Meanwhile, children that are up on their feet are now recommended to have at least 3 hours of activity, spread throughout a day with periods of rest in-between.”*

### Description of Site

5. The site comprises one pair of ground floor former retail units which are now vacant, that front onto London Road Riverhead. The units lie within a parade of 4

units, the other two comprising a barbers to the south and car parts and accessories shop to the north. At the rear of the site there are two detached buildings which are not included in the application site.

- 6 Pedestrian access to the rear of the site is gained via an alleyway running alongside the barbers and to the rear of the 4 units. There is no off street parking or vehicular access to the rear of the site. At the front of the site stopping/parking is unrestricted at present although notices advise that alterations to the parking regime will introduce short stay parkin bays in front of these units. Parking in Pounsley Road to the north of the site is restricted by double yellow lines. Elsewhere nearby roads are a mixture of restricted and unrestricted parking.
- 7 The surrounding area is a mixture of residential and commercial uses. A garage lies opposite, with retail warehouse units to the south and a Tesco store lies a few hundred metres to the south west.

### Constraints

8. Within the built confines of the town. Within a neighbourhood retail centre (within the SDLP)

### Policies

#### *Sevenoaks District Local Plan*

- 9 Policies – EN1, VP1, S3A.

#### *Sevenoaks Core Strategy:*

- 10 Policies - L01, L02, SP1.

#### *Allocations & Development Management Plan (Draft)*

- 11 Policies EN1, EN2, TLC4, T2, CF2.

### *Other*

- 12 NPPF

### Relevant Planning History

- 13 SW5/52/92 - Alterations granted
- 14 SE/74/16 - Erection of a replacement store building

### Consultations

#### *KCC Highways:*

- 15 Whilst there is concern about the absence of any off-street parking provision at this site, the recommended provision for the permitted use when assessed against the adopted KCC vehicle parking standards is 6 no off-street spaces whereas the recommended provision for the proposed use at the levels of staff and children indicated within the submission is 6 to 7no off-street spaces which is almost equivalent in respect of parking demand.

## Agenda Item 4.2

- 16 Under the adopted KCC vehicle parking standards there is an additional requirement in respect of the proposed use class for an area to be secured off-street for dropping and picking up which is also not available at this site. However, the existing permitted use has an equivalent additional requirement for an off-street loading and servicing area and so the absence of such a facility in the context of this proposal does not constitute an additional adverse highway impact when compared to the lack of such facilities for the existing permitted use.
- 17 The comments which have been made about potential additional future restrictions in respect of on-street parking provision locally are noted. However, as the projected parking demand from the proposed use is very similar to that of the permitted use when compared to the adopted KCC vehicle parking standards then the projected highway impact of such restrictions will also be negligible in respect of this planning proposal.
- 18 In conclusion, whilst the proposal does generate some concern from a highway perspective in respect of the lack of any available off-street parking and servicing facilities, it has to be considered that equivalent shortfalls already exist for the existing permitted use. Therefore, providing that the scale of the use is limited by condition to an absolute maximum of 14 children at any one time with staff numbers also limited to no more than the 5 in total as indicated within the supporting information attached to this proposal then no objection could be justified on highway grounds.

### *SDC Environmental Health*

- 19 No adverse comments

### *Dunton Green PC*

- 20 Dunton Green Parish Council objects to this application on the grounds of potential parking and road traffic issues as a direct result of increased longer term demand by users of such a facility and its staff. There is already a high demand for on street parking in Dunton Green and there is nothing within this application which indicates were users will be expected to park. There will be additional parking restrictions in Dunton Green with effect from 3<sup>rd</sup> August which will restrict further the areas of free parking available within the village confine.

### Representations

- 21 4 letters of support raising the following issues:
- This will support local families and businesses – families calling into local businesses for shopping, lunch after the classes
  - Welcome this to the local area – there has been nothing locally and within walking distance since Sure Start closed.
  - This will support lots of local children and with additional children coming into the area as a result of the Rye Lane development should be welcomed
- 22 1 letter offering support but expressing concern about the highways situation: there being no where to safely collect and drop off at the site. Local road are congested and parking has been an ongoing problem for years.



**Chief Planning Officer's Appraisal**

Principal Issues

- 23 The main issues relate to: the principle of the change of use, impact upon neighbours, parking/impact upon the adjacent highway.

*Principle of Change of Use:*

- 24 Policy S3A of the SDLP advises that in local shopping centres and village centres and in the centres of other smaller villages the change of use of the ground floor of existing shop premises from class A1 to another use will not be permitted unless it would provide for an essential local service and/or sufficient retail space would remain to meet local needs. This site forms part of a short run of shops which are protected by this policy. Policy S3A remains a material consideration until superseded by the provisions of the ADMP.
- 25 Policy TLC4 of the ADMP which carries moderate weight seeks to protect a range of neighbourhood and village centres but does not include this site and the adjacent shops as a protected centre. Rather the parade of shops lying approximately 600 meters to the north of the site forms the protected shopping frontage for the purposes of policy TLC4.
- 26 Policy CF2 of the ADMP, which carries moderate weight, seeks to ensure that the loss of neighbourhood services and facilities within the Sevenoaks urban area will be resisted where they serve a local need. Exceptions will be made where equivalent replacement facilities equally accessible to the population are provided. Alongside community facilities, Policy CF2 will apply to retail units that are considered to meet a local need outside the town and neighbourhood centres. The aim of this policy is to ensure that non retail facilities and premises for such facilities are retained to offer services that help to build sustainable communities and reduce the need for people to travel.
- 27 In view of the fact that this group of 4 units lies within relatively close walking distance to the protected retail parade to the north and within a few minutes walking distance to the Tesco superstore at Riverhead it is not considered that overriding weight ought to be attached to either policy SC3 or CF2 in respect of the protection of the retail function of this site. Rather the fact that this unit is not considered as a protected neighbourhood frontage by the emerging ADMP should allow consideration of a proposed alternative use of the site that allows provision of a facility which will provide a local service.
- 28 The use proposed, whilst not perhaps an essential service as referred to in policy S3A, nevertheless would provide a service that appears to be lacking in the local area, as suggested by the letters of support from local residents. This complies with policy C2 insofar as whilst a retail use would be lost the proposed use is clearly a facility that will serve the local community, or at least some parts of it, and will reduce the need to travel to such a service elsewhere.
- 29 Overall it is considered that the principle of a change of use away from a retail use is acceptable and particularly so because the proposed use is one offering a local service.

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### *Impact upon Neighbours*

- 30 The two floors above the premises have a residential use. Access to those properties is from the rear of the site so there will be no conflict with the access to the application site. The only other potential conflict could arise as a result of any noise and disturbance emanating from the premises. However the centre will only operate during the standard working day and environmental health have raised no concerns about this particular relationship.
- 31 There are no other concerns about the relationship to those units around it.

### *Impact upon Highways*

- 32 A key strand of the NPPF is its commitment to sustainable transport in terms of reducing the need to travel as well as providing more sustainable ways to travel.
- 33 Policy LO1 of the Core Strategy reflects this approach by seeking to focus development within the built confines of existing settlements.
- 34 Policy VP1 of the SDLP confirms that vehicle parking provision will be made in accordance with adopted vehicle parking standards. The Local Planning Authority may modify these standards in order to .....4) account for the existing parking provision (whether provided on or off site) already attributed to the buildings existing use when a change of use is proposed.
- 35 Policy T2 of the ADMP to be allocated moderate weight seeks to ensure that vehicle parking provision is made in accordance with current KCC guidance. Notwithstanding current guidance the Council may depart from the standards in order to take account of specific local standards that may require a higher or lower parking standard ...to account for the existing parking provision already attributed to the buildings existing use when a change of use is proposed.
- 36 The County Highways Authority has assessed the proposed parking/highways requirement for this site against the retail use. It finds that the requirement for the proposed use is very similar to the existing use and proposed shortfalls and deficiencies would be very similar to those already associated with the retail use of these premises. On that basis it has not been concluded that the proposed situation would be materially worse than the existing and no objection is therefore raised.
- 37 This approach would appear to be compatible with policy VP1 and policy T2 of the emerging ADMP.

### Other Issues

#### *Access Issues*

- 38 Will be resolved as part of any building regulations application.

### **Conclusion**

- 39 This application seeks permission for a change of use from retail use to use for a use falling within Use Class D1 – a developmental play centre for children between the ages of 0 – 5. The premises lie within a centre where emerging

policy seeks to ensure that community uses utilise these premises although these need not always lie within Use Class A1. In this case there is a protected frontage some 600 m's to the north of the site and it is considered that the proposed use would provide a service/facility to the local community.

- 40 The site can offer no off street parking but the existing retail use makes no such provision either. The parking requirements are very similar for both uses and no objection is raised on this issue. There is considered to be no adverse neighbour impact

### Background Papers

Site and Block Plans

Contact Officer(s): Lesley Westphal Extension: 7235

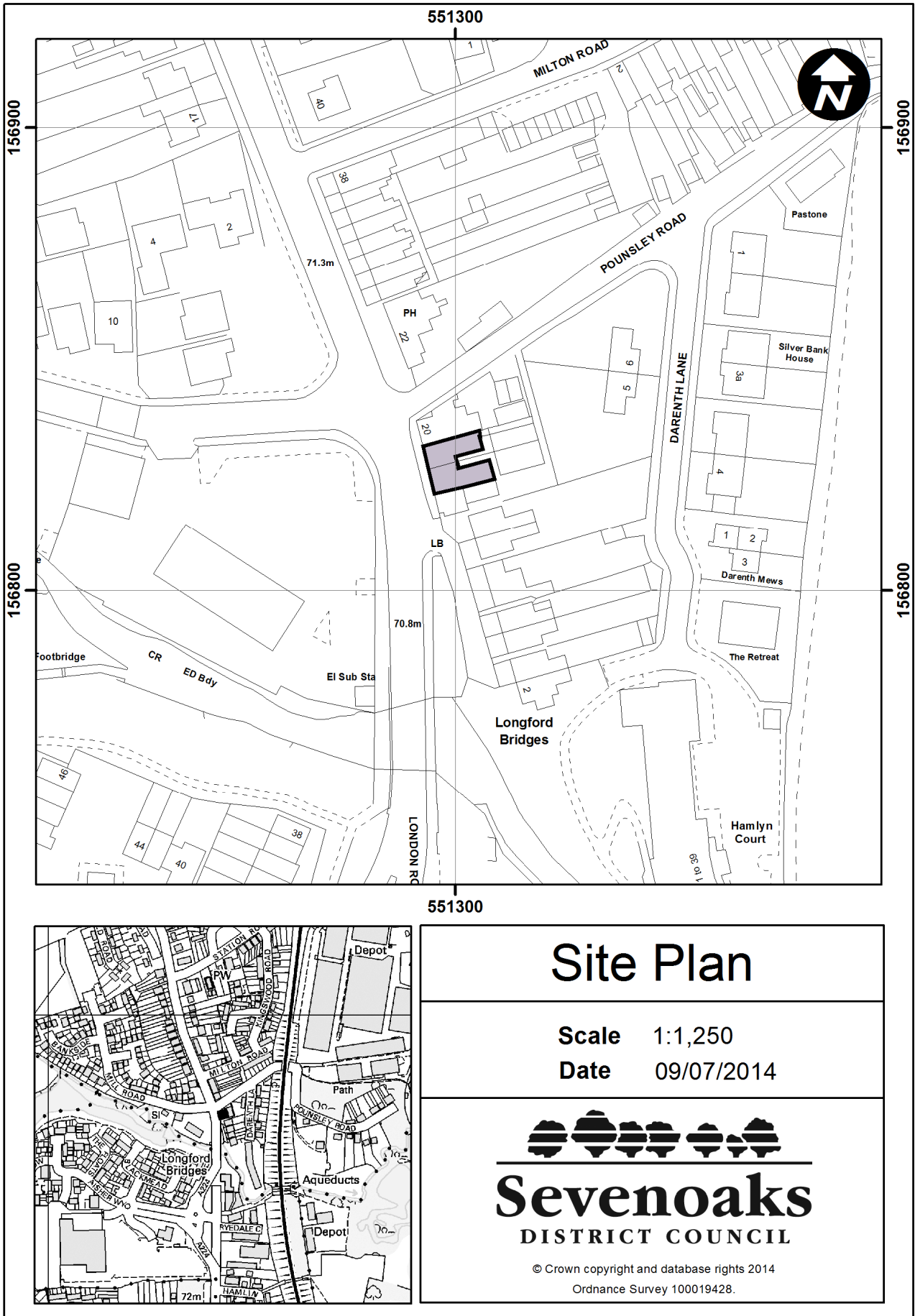
**Richard Morris**  
**Chief Planning Officer**

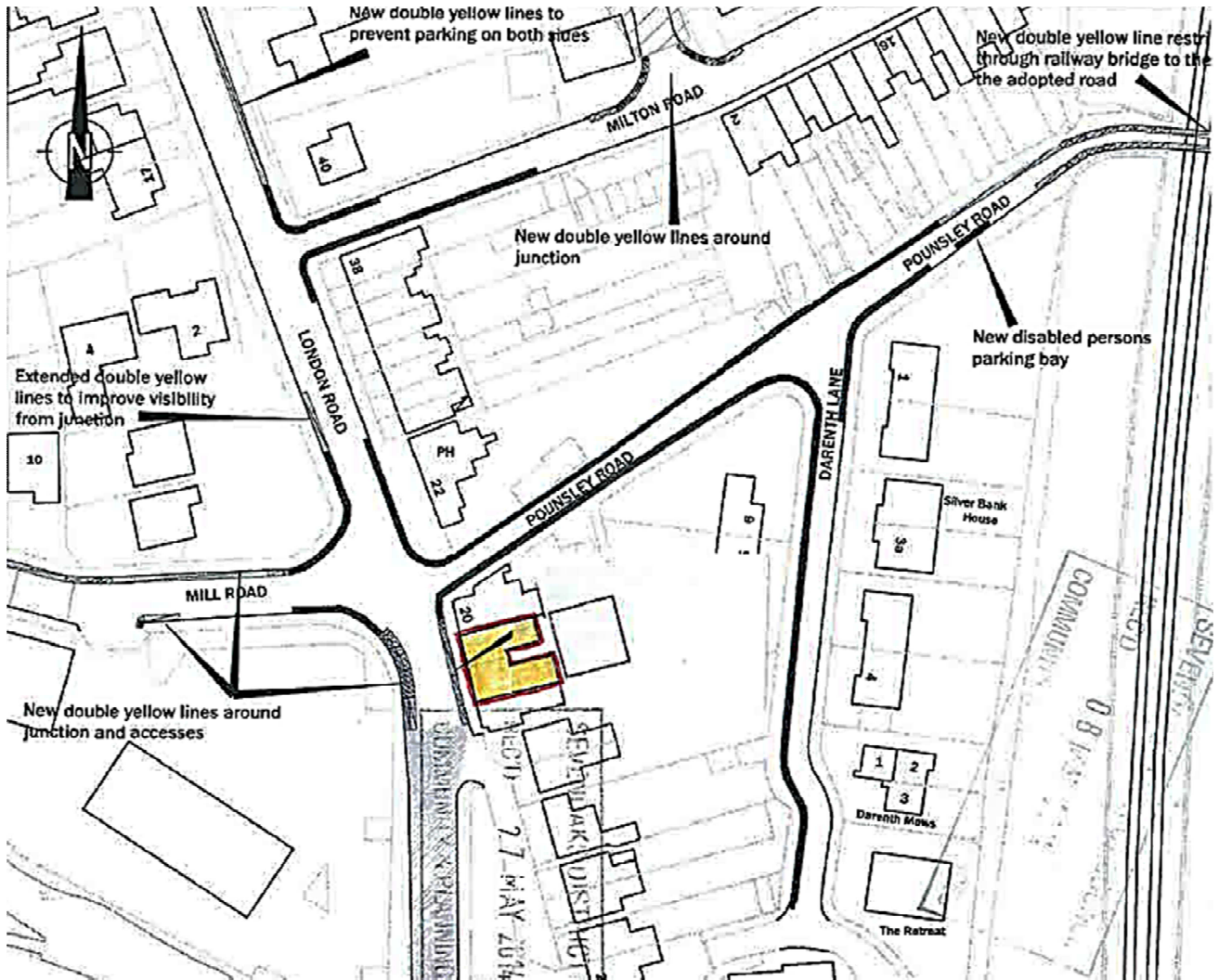
Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N4QBHQBKFO200>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=N4QBHQBKFO200>





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4.3- SE/14/01074/FUL Date expired 11 June 2014

PROPOSAL: Demolition of existing dwelling and outbuildings; erection of replacement dwelling with integral garaging facilities and timber decking to rear elevation.

LOCATION: 52B Pilgrims Way East, Otford, Sevenoaks TN14 5QW

WARD(S): Otford & Shoreham

**ITEM FOR DECISION**

The application has been referred to the Development Control Committee by Councillor Lowe who wishes the appropriateness of the development within the Green Belt and the consistency in decision making to be discussed.

**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 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 development shall be carried out in accordance with the following plans 444 - PD-002 A, 4441-PD-003 A

For the avoidance of doubt and in accordance with proper planning as supported by policy EN1 of the Sevenoaks District Local Plan and the National Planning Policy Framework.

4) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority

To ensure that features of archaeological interest are properly examined and recorded in accordance with policy EN25 of the Sevenoaks District Local Plan and the National Planning Policy Framework.

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended no development falling within Class(es) A, B or E of Part 1 of Schedule 2 to the said Order shall be carried out on site.

To enable the Local Planning Authority to retain control over future development to

## Agenda Item 4.3

preserve the openness of the Green Belt in accordance with policies H14A of the Sevenoaks District Local Plan and the National Planning Policy Framework.

6) No development shall take place until full details of both hard and soft landscaping have been submitted to and approved by the Local Planning Authority. These details shall cover as appropriate: Proposed finished levels or contours; Boundary Treatments; Hard surfacing materials; Planting plans; Written specification (including cultivation and other operations associated with plant and grass establishment); Schedules of plants, noting species, planting sizes and proposed numbers/densities, and Implementation timetables.

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

7) No development shall begin until details of any existing land levels and proposed changes in land level, and cross sections too show how these relate to the proposed basement have been submitted to and approved in writing by the Council. Any proposed scheme shall then be completed in accordance with the approved details prior to the commencement of development.

To safeguard the visual appearance of the area as supported by EN1 of the Sevenoaks District Local Plan and to preserve the openness of the Green Belt in accordance with policy H13 of the Sevenoaks District Local Plan and the National Planning Policy Framework.

8) Prior to the commencement of development (including site clearance works), written evidence shall be submitted to and approved by the Local Planning Authority detailing the appointment of an appropriately qualified Code For Sustainable Homes Assessor. Prior to the first occupation of the dwelling(s) hereby approved, a written assessment, carried out by an appropriately qualified Code for Sustainable Homes Assessor upon the completion of the development and detailing a "Code For Sustainable Homes" rating of a minimum of 3 shall be submitted to and approved by the Local Planning Authority in writing.

To ensure the development contributes to the principles of sustainable development as outlined in policy

9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 no works shall be carried out (lightwells, steps etc.) that will make the basement visible and means it is no longer completely submerged.

To enable the Local Planning Authority to retain control over future development and to preserve the openness of the Green Belt in accordance with policies H14A of the Sevenoaks District Local Plan and the National Planning Policy Framework.

10) No development shall take commence on site until all existing outbuildings and structures on the site including the existing dwelling and outbuildings shown as 1,2 and 3 on 4441-PD-002 REV A have been demolished and all resulting materials removed from the site.

To protect the openness of the Green Belt and the character of the landscape as supported by Policies H13 of the Sevenoaks District Local Plan.

11) 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, policies CC2 & CC4 of the South East Regional Plan & Policy NR1 of the Kent & Medway Structure Plan.

**Note to Applicant**

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line ([www.sevenoaks.gov.uk/environment/planning/planning\\_services\\_online/654.asp](http://www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp)),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Description of Proposal

- 1 The proposal is to demolish the existing dwelling on the site and replace it with a chalet bungalow with a submerged basement.

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### Description of Site

- 2 The site is an existing chalet bungalow with dormer windows in the rear facing roof slope. The property is set on sloping ground and there is a raised terrace to the rear of the property.
- 3 The plot has a substantial rear garden and is one of three dwellings that has been built behind land that faces on to Pilgrims Way East. Therefore the site does not face the road but is set back behind the street scene. Although the roads adjacent to the site, Pilgrims Way East to the front and Dynes Road to the east, are predominantly urban in character and are within the defined settlement, the application site is more rural in appearance and sits adjacent to but outside the settlement boundary.

### Constraints

- 4 Area of Archaeological Potential
- 5 Metropolitan Green Belt

### Policies

#### *Sevenoaks District Local Plan:*

- 6 Policies - EN1, H6B, H13

#### *Sevenoaks Core Strategy:*

- 7 Policies - SP1, L08

#### *Allocations and Development Management Plan (Draft) (ADMP):*

- 8 Policies - GB1, GB5, GB2, EN1, EN2

#### *Other:*

- 9 National Planning Policy Framework (NPPF)
- 10 The Sevenoaks District Council Supplementary Planning Document for Householder Extensions (SPD).

### Planning History

- 11 SE/13/03595/FUL - Demolition of existing dwelling and three outbuildings; erection of replacement dwelling with integral garaging facilities, with raised timber decking and external steps. Refused.

SE/13/01346/LDCPR - Erection of front entrance canopy, single storey side extension, single storey rear extension, single storey garden store outbuilding and a single storey pool outbuilding with roof lights. Granted.

SE/13/00466/LDCPR - The erection of front entrance canopy, single storey side extension, single storey rear extension, single storey pool outbuilding, single storey garden store outbuilding and installation of rooflights. Split decision.

SE/04/01440/FUL - Revised application to SE/03/02749 - to move utility room extension to side, forward by 1.7m. Granted.

SE/03/02749/FUL - Proposed attached garage extension and side extension. Granted.

SE/02/02640/FUL - Two storey extension to side consisting of double garage, study with bedrooms over. Also single storey side extension consisting of utility room. Refused.

SE/98/01319/HIST - Conservatory extension. Granted.

SE/96/01410/HIST - Revision to approval SE/96/0087 to retain & alter existing bay on extension. Granted.

SE/96/00087/HIST - Side extension with new pitched roof overall, with dormers and roof conversion, and demolition of existing garage and extension. Granted.

### Consultations

#### *KCC Highways*

- 12 I refer to the above planning application and having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority.

#### *SDC Tree Officer*

- 13 No comment.

#### *KCC Archaeology*

- 14 The proposed development site lies within c.160m of the Scheduled Monument of Otford Roman villa. This high status Roman site would have been similar to a farm complex with outbuildings and associated activity sites nearby. A Roman bathhouse is recorded c.600m to the south east. There is potential for Roman remains to survive on the development site. Prehistoric and Anglo-Saxon remains are also known in the wider area, with a focus being along the Pilgrims Way.

- 15 In view of the archaeological potential it would be appropriate for formal archaeological works to take place and I recommend the following condition is placed on any forthcoming consent:

*AR1 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.*

Reason: To ensure that features of archaeological interest are properly examined and recorded.

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### *Oxford Parish Council*

16 *Objection and reasons:*

Bulk and mass as sited in the Green Belt

Exceeds 50% of the original floor area (122 sqm + outbuildings 42 sqm=164 sqm) cf.307sqm as shown on drawing. Excluding basement of c.160sqm- which is shown as living accommodation on the drawing.

Requires an archaeological watching brief as within close proximity to Progress Roam Villa

### *Kemsing Parish Council*

17 Kemsing Parish Council were also consulted as the bottom right hand corner of the plot is within their boundary. They have the following comments to make,

*Kemsing Parish Council recognises that there could be an impact on several but certainly not all properties of Beechy Lees in Kemsing Parish.*

*Nobody seems to have raised the issue of the Green Belt. Is this location in the Green Belt confines and if so, should not the Green Belt constraints apply. This does appear to be an extremely large replacement dwelling.*

### Representations

18 Neighbours consulted: 17

19 One representation has been received in support of the application which states that the proposal will enhance the landscaping of the site and not overlook neighbouring properties.

### **Chief Planning Officer's Appraisal**

#### Policy Context

20 The National Planning Policy Framework is the principal guidance in this instance and states that the replacement of a building in the Green Belt can be appropriate where the building, '...is in the same use and not materially larger than the one it replaces.'

21 There is no specific guidance in the NPPF which states exactly how to interpret 'materially larger.' It is generally considered to be an assessment of the increase in floor space, height, bulk and design of the proposed dwelling compared to the one that *currently exists* on site.

22 The NPPF also gives no guidance on whether or not outbuildings are to be considered in this assessment.

23 A local interpretation of the NPPF can be found in the adopted policy H13 of the Sevenoaks District Local Plan (LP) and the emerging policies GB2 (basements), GB4 (replacement dwellings) and GB5 (very special circumstances) of the

emerging Allocations and Development Management Plan (ADMP). These policies can currently be accorded moderate weight in decision making.

- 24 Policy H13 and Policy GB4 both state that the proposed dwelling should not result in an increase in floor space of more than 50% over the original dwelling. The NPPF states that replacements should not be materially larger than the building replaced. Therefore, although this policy is a relevant consideration, other factors including the bulk, height, size and design of the proposal must also be considered.
- 25 Policy GB2 states that basements may be acceptable in the Green Belt if entirely underground with no windows, doors etc. However it also states that the basement should not be larger than the original dwelling and the ground level should not be artificially raised to accommodate the basement. Again, this policy can be accorded moderate weight and refers to the original dwelling, rather than the existing dwelling as is the case with the NPPF.

Original dwelling

- 26 There is a disagreement between the agent’s and officer’s calculations regarding the original dwelling (see tables below).

	Officer	Agent
Ground floor	126.05	126.05
First floor	0 (see below)	51.16
Garage/brick building	42.32	42.32
Total	168	219.53

- 27 The Case Officer’s own research into the site history reveals that in 1996 (planning reference SE/96/01410/HIST refers) alterations were carried out to the roof to accommodate a loft conversion and a side extension (currently the living room and previously a garage and dining room) were carried out. A conservatory has subsequently replaced an older boiler room (planning reference SE/98/01319/HIST refers).
- 28 Prior to these applications there is no evidence that the loft space was previously used as habitable accommodation. The agent states that the first floor calculations are ‘useable space’. However the plans for 96/01410/HIST show no staircases connecting the ground floor and loft space and no loft windows on the plans. Given this the roof space would not be considered to be habitable and would not be included in the floor space calculations of the original dwelling.

Proposed and existing dwellings

- 29 There are some discrepancies regarding the officer’s and agent’s calculations for the existing and proposed dwellings. However these are mostly minor and I would therefore be prepared to give precedence to the agent’s calculations for the

## Agenda Item 4.3

existing and proposed dwellings which would have been taken from a CAD system and not done by hand as was the case with the officer's. However as noted above the calculations for the original dwelling have not been accepted as they have included the roof space of the original dwelling. As there is no evidence that the loft space was previously used as habitable accommodation the Council's position is that it would not be included.

Original dwelling (including garage/brick building)	168m <sup>2</sup>
Existing dwelling (including garage/brick building)	249m <sup>2</sup>
Proposed dwelling without basement	307m <sup>2</sup>
Proposed dwelling with basement	487.07m <sup>2</sup>

- 30 The table below shows % increases over original and existing dwelling for the proposal. The basement has been excluded from these figures as it is proposed to be constructed completely below ground level and would have no impact on the openness of the Green Belt.

	Percentage increase
% increase over original (excluding basement)	82.7%
% increase over existing (excluding basement)	23%

### *Appropriate development within the Green Belt*

- 31 As mentioned above policies H13 of the Local Plan and the emerging policy GB4 of the ADMP both make reference to the original dwelling, whereas the NPPF states that the new building should not be materially larger than the existing. Therefore the height, bulk, design and scale of the proposed dwelling and how it compares to the existing dwelling on site must also be assessed.
- 32 If the entire floor space of the proposal is included (first floor, ground floor and basement) than the proposal will exceed the 50% threshold. The same is true of the increase in floor area over that of the existing dwelling.
- 33 Therefore whilst it is clear, that in terms of floor space the replacement dwelling exceeds the floor space of the original dwelling by over 50%, the NPPF which should be accorded more weight in the decision making process states that proposals for proposed replacement dwellings should be assessed against the existing building on site and that the replacement building should not be materially larger than the one it replaces.
- 34 With this in mind, when you compare the existing building on the site with the proposed replacement dwelling, the overall height above ground level is not being

altered and the appearance of a chalet bungalow is being maintained. The part of the garage extension proposed will replace an existing garage/brick outbuilding (labelled as 1 one on drawing 4441-PD-002 REV A) site within 5m of the existing dwelling. It is also proposed that two additional outbuildings (labelled as 2 and 3 on drawing 4441-PD-002 REV A) to the front of the site will also be removed.

- 35 When viewed from the side the proposal appears more condensed than the existing dwelling as the conservatory and front projections are incorporated into the bulk of the main dwelling. It is therefore my view that the proposal would not significantly increase the bulk or impact of buildings on the site, due to the consolidation of buildings. Therefore a small increase in bulk at first floor level would be balanced out by a reduction in the spread of buildings across the site. It is therefore considered that the proposal would not have a greater impact on the openness of the Green Belt than the dwelling it replaces.
- 36 The outbuildings on site are grouped close to the front and side of the existing dwelling house and are in various stages of decline. The outbuilding marked as 3 on drawing 4441-PD-002 is missing most of its roof. Buildings 2 and 1 (the brick building shown on the elevation drawings) are also not in the best condition but they are still substantial structures that do have an impact on the openness of the Green Belt. It is considered their removal would improve the site and would contribute to offsetting the size of the proposed dwelling.
- 37 The outbuildings are all single storey and their floor areas have been set out below,
- |               |                     |
|---------------|---------------------|
| Outbuilding 1 | 42.32m <sup>2</sup> |
| Outbuilding 2 | 29.4m <sup>2</sup>  |
| Outbuilding 3 | 25m <sup>2</sup>    |
- 38 A condition has also been recommended which removes Class E permitted development rights for additional outbuildings being added to the site. As garage/storage space is provided for in the new scheme this is not felt to unreasonable. This will ensure that no further buildings are spread throughout the site providing further protection to the Green Belt. In addition a condition can ensure that these buildings and any other existing outbuildings erected before any permission is implemented are removed before work commences on the proposed dwelling.
- 39 Given that the proposal is on the limits of what would be considered to be not materially larger in the Green Belt it would be reasonable to remove permitted development rights for Classes A (alterations and extensions) and B (alterations to the roof) to prevent any further enlargement of the dwelling.
- 40 Also in regard to the basement, Policy GB2 of the ADMP states that as well as being completely below ground level basements can not exceed the footprint of the original dwelling and will involve minor ground works to level the site. As previously mentioned this policy is currently to be accorded moderate weight in the decision making process. In addition the alterations to the ground level will not result in a dramatic and prominent change to the appearance of the site, and although the basement will exceed the original footprint of the site it will be completely underground with no visible windows, entrances or exits and therefore there will be no impact on the openness of the Green Belt.

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- 41 Given all the above, it is concluded that there will be no harm to the openness of the Green Belt resulting from this part of the proposal. In order to protect the openness of the Green Belt the complete invisibility of the basement would need to be maintained. It would be reasonable to place a condition on any permission granted stipulating that no steps or light wells are added to the basement in the future.
- 42 The ground level of the site slopes dramatically down to the rear of the garden and to the west. Therefore some additional ground works are necessary to level the site. This will involve raising and lowering of the ground level of part of the site by 1m at the most. This will also result in the basement of the dwelling being completely below ground. The orientation of the proposed dwelling will be similar to that of the existing dwelling which currently has a raised veranda to the rear. Given the sloping nature of the site the overall height of the proposed dwelling or the height of the highest part of the natural ground level are not being increased to facilitate the basement going underground.
- 43 A condition requiring more details of any proposed and existing ground levels can be requested as part of any permission to ensure that there will be minimal impact on the openness of the Green Belt.
- 44 Therefore taking into account the above, whilst there is an increase in floor space, taking into account the advice in the NPPF it is considered that due to the fact the height of the building would not increase and the fact that although there is a slight increase in the bulk of the new dwelling at first floor level this would have less of an impact on the Green Belt than the existing spread of buildings across the site and the proposed development would therefore be considered to be appropriate development within the Green Belt as due to the removal of existing buildings and permitted development rights from the property, it will result in a dwelling that is not materially larger than the existing buildings it replaces.

### *Size, bulk, design and impact on street scene:*

- 45 Policy EN1 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. The design should be in harmony with adjoining buildings. , Appendix 4 of policy H6B states that the *extension itself should not be of such a size or proportion that it harms the integrity of the design of the original dwelling or adversely affect the street scene.*
- 46 The proposal will have a slightly larger bulk than the dwelling currently existing on site by virtue of its larger roof. However, when viewed from the side the proposal appears more condensed than the existing dwelling as the conservatory and front projections are incorporated into the bulk of the main dwelling. In addition the overall height of the dwelling will not be increased and the appearance of a chalet bungalow will be maintained.
- 47 The proposal is not part of a uniform street scene and will be lower in bulk and height than the neighbouring property at 52A Pilgrims Way East.
- 48 Given the above the proposal complies with policy EN1 of the Sevenoaks District Local Plan, SP1 of the Sevenoaks Core Strategy and the National Planning Policy Framework.



*Impact on residential amenity:*

- 49 Criteria 3) of policy EN1 states that the proposed development must 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. This is supported by Appendix 4 to H6B.
- 50 52A Pilgrims Way East is to the north of the property set 12 metres from the shared boundary. Properties along Beechy Lees to the east have rear gardens that back on to the site. These rear gardens are approximately 50 metres. And the proposed dwelling will be approximately 12 metres from the shared boundary of these dwellings. The dwellings in Beechy Lees most likely to be affected are 20-26.
- 51 Concerns were raised as part of the previous scheme (planning reference SE/13/03595/FUL refers) regarding the increase in traffic that may result from the proposal. They have not been brought up again in the representations for the current scheme, but will still be addressed as part of the current applications assessment. It is acknowledged that the number of bedrooms at 52B Pilgrims Way East are being increased however the use of the property will not be changed. Therefore any increase in traffic that may occur will be minimal and not justify a ground for refusal.
- 52 Two first floor windows are proposed on the elevation facing the rear gardens of 20-22 Beechy Lees. Both these windows would serve bedrooms. It is acknowledged that these windows will be visible from the rear gardens of these properties, and the first floors of the dwellings in these plots.
- 53 Paragraph 5.2 of the Sevenoaks District Council Supplementary Planning Document for Householder Extensions states that,
- '...the introduction of windows in extensions which would overlook windows of habitable rooms in any adjoining property at a close distance and would result in an unreasonable loss of privacy will not be permitted. For similar reasons, a window overlooking the private amenity area immediately adjacent to the rear of a property is also inappropriate. The District Council will normally calculate the private amenity area as a depth of 5 metres from the back of the property.'*
- 54 There will be an approximate distance of 62 metres between the elevation with these windows and the rear elevation of the properties in Beechy Lees. Therefore the proposal would not be considered a close distance from the private amenity areas immediately adjacent to the rear of the dwellings in Beechy Lees. Consequently they would not result in an unacceptable loss of privacy.
- 55 Paragraph 5.5 states the following about outlook:
- '...The District Council is primarily concerned with the immediate outlook from neighbours' windows and whether a proposal will significantly alter the nature of the normal outlook...'*
- 56 The existing dwelling can be viewed from some vantage points in the rear gardens of Beechy Lees. It is acknowledged that the proposed dwelling will be brought closer to the boundary and moved back further in the site, however this will not significantly alter the existing situation in terms of outlook. Furthermore, given the distance of the rear gardens at Beechy Lees the proposal will not have an

## Agenda Item 4.3

unreasonable impact on the immediate outlook of these properties. Concerns have been raised regarding the change in view. However para. 5.5 also states that, '*...the planning process is not able to protect a view from a private property*

- 57 There will be no loss of daylight to these properties.
- 58 Regarding 52A to the north of the site, the proposed dwelling will be moving within the site this will not significantly alter the relationship with 52A which is well screened and on a higher ground level. Given this there will be no loss of privacy, outlook or daylight to 52A.
- 59 Given the above the proposal complies with policy H6B of the Sevenoaks District Local Plan, SP1 of the Sevenoaks Core Strategy and the National Planning Policy Framework

### Additional information

- 60 There is an existing Lawful Development Certificate on the site which states that a detached store, pool house, front entrance canopy, single storey side extension, single storey rear extension can be carried out without planning permission (planning reference SE/13/00466/LDCPR refers). However, any grant of planning permission for the reasons set out above recommend conditions to withdraw permitted development rights and ensure demolition of all existing outbuildings prior to commencement in order to protect the openness of the Green Belt

### Other issues

- 61 The site is in an Area of Archaeological Potential. KCC Archaeology have been consulted and have recommended a condition requiring a programme of archaeological works to be carried out on the site. This condition will be attached to any permission granted.
- 62 The proposal involves the demolition of an existing dwelling on site. However this is of modern construction and has limited voids in the roof. Therefore the proposal has been assessed against Natural England's Standing Advice and there is no specific criteria applying to the present condition of the site which indicates the need for the Local Planning Authority to request an Ecological Survey, or which indicates that any protected species/habitat are affected by the proposal.

### **Conclusion**

- 63 Taking into account the above discussion, whilst the floor space would increase, it is considered that due to the fact the height of the building would not increase, the removal of the existing outbuildings and of permitted development rights would prevent any further enlargement. Although there is a slight increase in the bulk of the new dwelling at first floor level this would have less of an impact on the Green Belt than the existing spread of buildings across the site. The proposed development would not be materially larger than the one it replaces. It would therefore be appropriate development within the Green Belt and comply with the National Planning Policy Framework
- 64 There will not be an unacceptable impact on the character of the surrounding area or the amenities of the neighbouring properties as a result of the proposal.

**Background Papers**

Site and Block plans

Contact Officer(s): Deborah Miles Extension: 7360

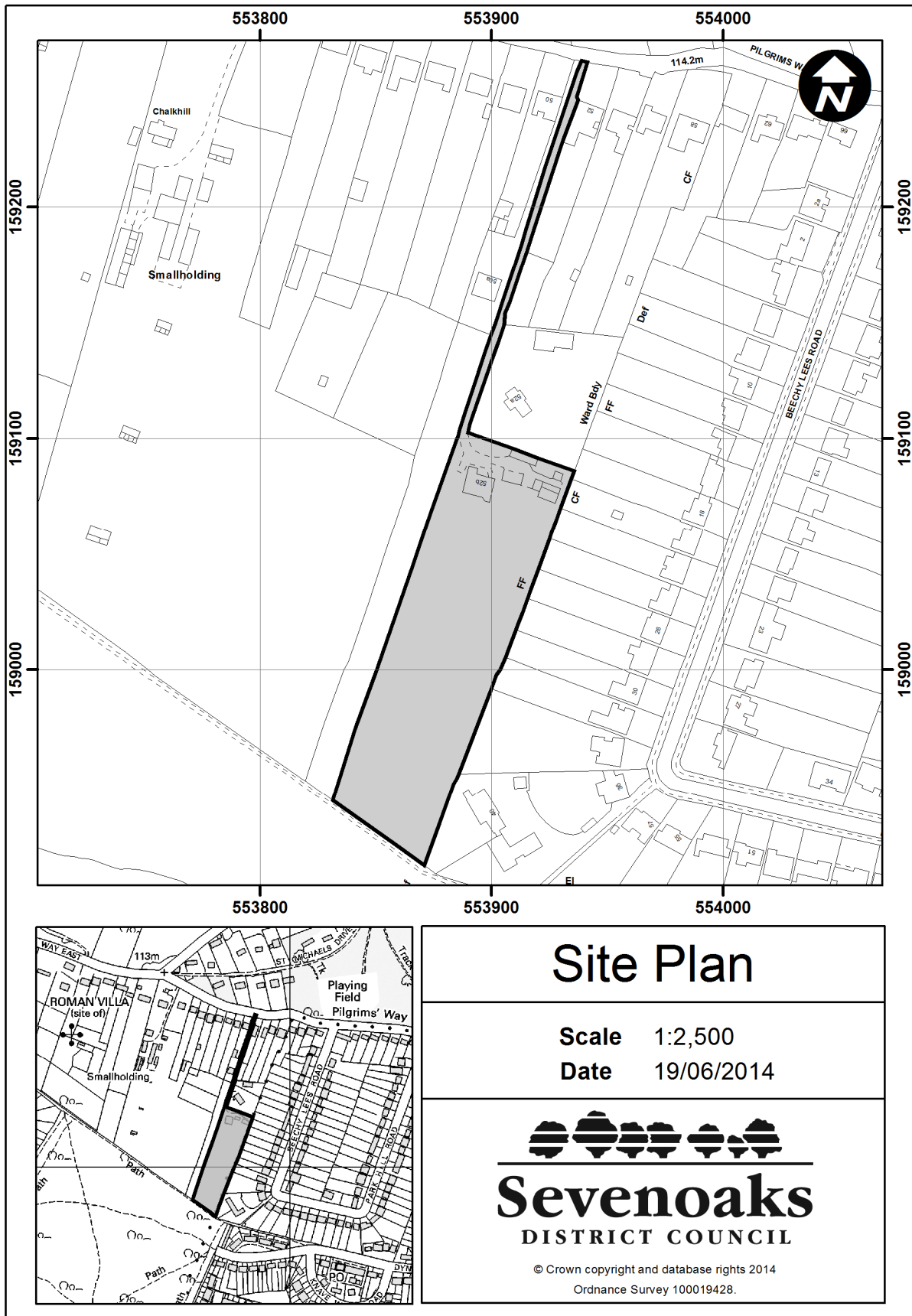
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N3R68YBKFHE00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=N3R68YBKFHE00>



# Site Plan

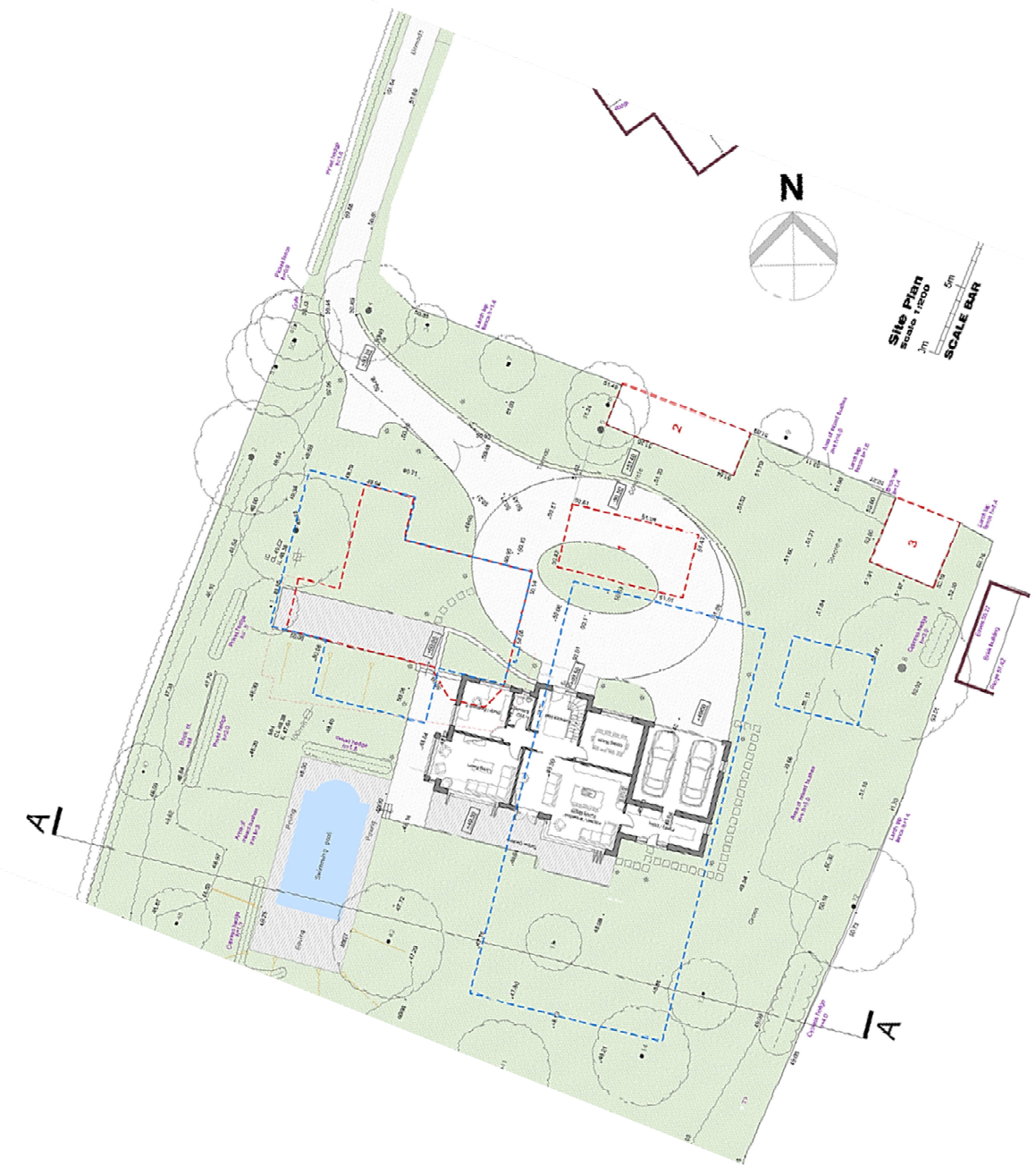
Scale 1:2,500

Date 19/06/2014



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Ordnance Survey 100019428.

Block Plan



Key

- Site of approved Lawful Development Certificate
- Existing buildings to be demolished

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4.4- SE/14/01128/HOUSE Date expired 24 June 2014

PROPOSAL: Demolition of existing garden room and erection of a single storey rear extension. Conversion of existing garage to habitable space and erection of a detached garage resubmission of SE/13/03491/HOUSE.

LOCATION: Windrose, Brasted Chart, Westerham TN16 1LZ

WARD(S): Brasted, Chevening and Sundridge

**ITEM FOR DECISION**

This application has been referred to Development Control Committee by Councillor Firth to consider whether the proposal is acceptable in the Green Belt.

**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) The development hereby permitted shall be carried out in accordance with the following approved plans: 1893-13-PI500 P5, PL502 P3, PL503 P1,P5

4) No extensions or external alterations shall be carried out to the dwelling hereby approved despite the provisions of any Development Order

To prevent inappropriate development in the Green Belt as supported by the National Planning Policy Framework and policy H14A of the Sevenoaks District Local Plan.

5) No building or enclosure other than those shown on the approved plans, shall be erected within the curtilage of the dwelling hereby approved, despite the provisions of any Development Order.

To prevent inappropriate development in the Green Belt as supported by the National Planning Policy Framework and policy H14B of the Sevenoaks District Local Plan.

6) No development shall take place until a scheme of ecological enhancement such as bat roosting features and bird boxes has been submitted to and approved in writing by the Council. The approved scheme shall be implemented before first use of the garages.

To promote biodiversity as supported by Policy SP11 of Sevenoaks District Councils Core

## Agenda Item 4.4

Strategy.

### **Note to Applicant**

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line ([www.sevenoaks.gov.uk/environment/planning/planning\\_services\\_online/654.asp](http://www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp)),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Was updated on the progress of the planning application.

### Description of Proposal

- 1 Demolition of existing garden room and erection of a single storey rear extension. Conversion of existing garage to habitable space and erection of a detached garage resubmission of SE/13/03491/HOUSE.
- 2 The proposal would demolish an existing single storey rear extension extending across the rear of the property for a distance of 12m with a maximum depth of 2.5m rising to a height of 3m.
- 3 The proposal would result in a rear extension extending across the width of the property with a depth of 3.6m rising to a height of 3.2m. On the northern side of the rear of the house the rear extension would extend an additional 2.8m with a width of 4.7m rising to a height 3.6m to incorporate a gym. The rear elevation of the extension and southern elevation of the gym would comprise of floor to ceiling glass with rendered walls on the other elevations to match the existing house, on the site of a garage that can be built as permitted development in accordance with application SE/13/01971/LDCPR.



- 4 A detached garage is proposed measuring 8.5m by 6.0m rising to a height of 4.0m with a pitched roof. With rendered painted walls and double garage doors on the western elevation. The proposed garage would be located to the south west of the house, on the site of a garage that can be built as permitted development in accordance with application 13/01971/LDCPR.
- 5 On the front elevation of the house the existing garage door would be removed and in-filled with a small window and a new window would be added to the front elevation of the house between the existing garage and porch. The front elevation would be rendered and painted to match the existing house.

### Description of Site

- 6 Windrose, previously known as Woodcot, is a detached property located within a rural location on the eastern side of Brasted Chart.

### Constraints

- 7 Area of Archaeological Potential
- 8 Area of Outstanding Natural Beauty
- 9 Metropolitan Green Belt
- 10 Adjacent Public Right of Way
- 11 Adjacent Site of Special Scientific Interest
- 12 Adjacent Tree Preservation Order

### Policies

#### *Sevenoaks District Local Plan:*

- 13 Policies EN1, H6B, H14A

#### *Sevenoaks Core Strategy*

- 14 Policies SP1, LO8

#### *SDC Allocations and Development Management Plan (Draft)*

Following the examination of the ADMP policies within the ADMP are in the final stages of preparation and are now attributed some weight in decision making.

- 15 Policies EN1, EN2, GB1 (All three policies attributed Moderate weight)

#### *Other:*

- 16 Sevenoaks District Council Residential Extensions Supplementary Planning Document
- 17 National Planning Policy Framework

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### Planning History

- 18 SW/5/66/175 - Addition of a bathroom/WC and bedroom at first floor level.  
Grant 17.05.66
- SW/5/73/453 - Internal alterations and single storey extension to form kitchen.  
Grant 10.08.73
- 74/00071/HIST - The erection of a two storey kitchen utility room bedroom and bathroom extension. Grant 13/08/1974
- 81/01519/HIST - Dormer extension to dwelling. Grant 20/11/1981
- 91/01819/HIST- Porch to front elevation. Grant 31/12/1991
- 95/00461/HIST - Erection of Conservatory. Grant 05/05/1995
- 98/02160/HIST - Addition of a double garage extension plus pitched roof to existing flat roofed garage (part) Grant 23/11/1998
- 13/00873/LDCPR - Erection of single storey extension to rear of existing dwelling and provision of outbuilding within the rear garden to be used for purposes incidental to the enjoyment of the property. Grant 17/05/2013
- 13/01971/LDCPR - Erection of garage in rear garden to be used for purposes incidental to the enjoyment of the existing dwelling. Grant 29/08/2013
- 13/03491/HOUSE- Demolition of existing garden room and erection of a single storey rear extension. Conversion of existing garage into a habitable space and erection of a detached garage. Refuse 26/03/2014.

### Consultation

#### *Brasted Parish Council*

- 19 Brasted Parish Council objects to this application as it believes that this property has already been extended by 50% as confirmed by the previous owner.

#### *KCC Ecological Advice Centre*

- 20 'No ecological information has been submitted with this application. As a result of reviewing the data we have available to us (including aerial photos and biological records), the photos provided by the planning officer and the information submitted with the planning application we advise that the proposed development has limited potential to have a negative impact on roosting bats.
- 21 The site is located within an area surrounded by woodland and as part of the building was built prior to 1948 we had concerns that the building would have suitable features present for roosting bats which would be impacted by the proposed development.
- 22 However the submitted photos indicate that the building is in good condition which reduces the potential for features suitable for bats to be present. As such on this occasion we are satisfied that there is no requirement for an ecological scoping survey to be carried out.

- 23 Lighting can be detrimental to roosting, foraging and commuting bats. We advise that the Bat Conservation Trust's *Bats and Lighting in the UK* guidance is adhered to in the lighting design (see end of this note for a summary of key requirements).

### Enhancements

- 24 One of the principles of the National Planning Policy Framework is that "*opportunities to incorporate biodiversity in and around developments should be encouraged*".

- 25 Although small that ecological enhancements can still be incorporated in to the site. Details of ecological enhancements which will be incorporated in the site must be provided for comment.

### *Bats and Lighting in the UK*

- 26 Bat Conservation Trust and Institution of Lighting Engineers

### Summary of requirements

- 27 The two most important features of street and security lighting with respect to bats are: 1. The UV component. Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas. 2. Restriction of the area illuminated. Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas illuminated. The aim is to maintain dark commuting corridors for foraging and commuting bats. Bats avoid well lit areas, and these create barriers for flying bats between roosting and feeding areas.

### UV characteristics:

- 28 Low

- Low pressure Sodium Lamps (SOX) emit a minimal UV component.
- High pressure Sodium Lamps (SON) emit a small UV component.
- White SON, though low in UV, emit more than regular SON.

- 29 High

- Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps
- Mercury lamps (MBF) emit a high UV component.
- Tungsten Halogen, if unfiltered, emit a high UV component
- Compact Fluorescent (CFL), if unfiltered, emit a high UV component.

- 30 Variable

- Light Emitting Diodes (LEDs) have a range of UV outputs. Variants are available with low or minimal UV output.

- 31 Glass glazing and UV filtering lenses are recommended to reduce UV output.

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### Street lighting

- 32 Low-pressure sodium or high-pressure sodium must be used instead of mercury or metal halide lamps. LEDs must be specified as low UV. Tungsten halogen and CFL sources must have appropriate UV filtering to reduce UV to low levels.
- 33 Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each lamp to direct light and contain spillage. Light leakage into hedgerows and trees must be avoided.
- 34 If possible, the times during which the lighting is on overnight must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to reduce the amount of 'lit time' and provide dark periods.
- 35 Security and domestic external lighting
- 36 The above recommendations concerning UV output and direction apply. In addition:
- Lighting should illuminate only ground floor areas - light should not leak upwards to illuminate first floor and higher levels;
  - Lamps of greater than 2000 lumens (150 W) must not be used;
  - Movement or similar sensors must be used - they must be carefully installed and aimed, to reduce the amount of time a light is on each night;
  - Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;
  - Light must not be directed at or close to bat 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;
  - Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife;
  - Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.

### *Kent Wildlife Trust*

- 37 No response received

### *Natural England*

- 38 Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.
- 39 Natural England has previously commented on this proposal and made comments to the authority in our letter dated 10th January 2014 (Our ref: 108220).

- 40 The advice provided in our previous response applies equally to this application although we made no objection to the original proposal.
- 41 Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

### Representations

- 42 One letter of objection received in respect to the property being located within the Green Belt and an Area of Outstanding Natural Beauty and the proposal exceeding the 50% threshold as set out within local policy H14A.

### **Chief Planning Officer's Appraisal**

#### *Background*

- 43 Lawful Development Certificates were granted in 2013, (SE/13/00893/LDCPR and SE/13/01971/LDCPR) for the erection of a single storey rear extension and for an outbuilding and garage within the rear garden.

#### Principal Issues

- 44 The principal issues are:
- Impact upon the Metropolitan Green Belt;
  - Impact upon the Street Scene;
  - Impact upon local amenity;
  - Impact upon the Area of Outstanding Natural Beauty;
  - Impact upon the Area of Archaeological Potential;
  - Impact upon the adjacent Site of Special Scientific Interest;
  - Impact upon the adjacent Public Right of Way;
  - Impact upon adjacent Tree Preservation Order.

#### *Impact upon the Metropolitan Green Belt*

- 45 The National Planning Policy Framework (NPPF) states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

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- 46 Paragraph 89 of the National Planning Policy Framework states that a local planning authority should regard the construction of new buildings as inappropriate within the Green Belt.
- 47 Exceptions to this amongst others are that
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- 48 Policy H14A provides a local interpretation on what is an appropriate extension to dwellings within the Green Belt. It lists a number of criteria with which extensions to dwellings within the Green Belt must comply. This includes the criteria that the “gross floor area” of the existing dwelling plus the “gross floor area” of the extension must not exceed the “gross floor area” of the “original” dwelling by more than 50%. The design of the extension should also be sympathetic and well articulated.
- 49 In reviewing the planning history for the site,
- |  | m <sup>2</sup> | % increase |
|--|----------------|------------|
| Original dwelling  | 149.49         |            |
| Extensions to date   | 74.95          | 50.01      |
| Proposed extension (less existing parts of building removed) | 49.77          | 33.29      |
| Proposed garage  | 51.00          | 33.44      |
| Total increase   | 175.72         | 117.54     |
- 50 The proposed development with the extensions that have already occurred would exceed the 50% threshold and through adding to the bulk and scale of the existing property would represent a disproportionate addition over and above the original dwelling. The construction of a free standing building which is not replacing an existing building is not supported by the NPPF.
- 51 Sevenoaks District Councils Allocations and Development Management Plan has recently been examined and is in its final stages of preparation however the relevant policies to this application only carry moderate weight.
- 52 The proposal would accordingly represent inappropriate development within the Green Belt.

### *Impact upon Openness*

- 53 In respect to the proposed rear extension this would represent an increase of 49.77m<sup>2</sup> replacing existing rear extensions measuring 27.75m<sup>2</sup> which would lead to an increase in the bulk and scale of the existing building.
- 54 In comparison the proposed garage would result in an additional structure measuring 51.00m<sup>2</sup>.

- 55 Accordingly the proposals would lead to an overall increase in the scale and bulk of the dwelling which would impact detrimentally upon the openness of the Green Belt.

### *Impact upon the street scene*

- 56 Policy EN1 of the SDLP identifies a broad range of criteria to be applied in the consideration of planning applications. Criteria 1 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. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard. Policy H6B of the SDLP states that residential extensions shall be subject to the principles of Appendix 4. Amongst other things, Appendix 4 states that the extension should not be of such a size or proportion that it harms the integrity of the design of the original dwelling or adversely affects the street scene. The extension itself should not be of such a size or proportion that it harms the integrity of the design of the original dwelling.
- 57 Sevenoaks District Councils Residential Extensions Supplementary Planning Document states that garages and other outbuildings should not have a detrimental impact on the space surrounding buildings or the character and openness of the countryside by virtue of their scale, form or location. Their scale should be limited and should not be in excess of what might reasonably be expected for the function of the building.
- 58 The proposed works would incorporate a rear extension which would require the demolition of the existing ground floor extensions on the rear of the property. The proposed extension would extend across the rear of the property for a distance of 13.4m rising to a height of 3.1m with a flat roof extending from the house by 3.6m with glazed units across the rear with black aluminium frames with the roof incorporate a black aluminium fascia. On the northern side of this extension for a width of 4.7m the extension would extend from the house by 6.5m matching the height of the larger extension to incorporate a gym. The total width of the rear extension would measure 18.1m. On the southern elevation the proposal would only incorporate windows within the gym whilst on the northern elevation the proposal would incorporate three floor to ceiling windows. Whilst the extension would extend for the majority of the width of the house the scale and design of the proposal would not be out of keeping with the existing house.
- 59 The proposal incorporates the conversion of the existing garage to a habitable room with the rear elevation of the garage changing its fenestration to glazed French windows which would be in keeping with the glazing on the rear of the elevation. On the front elevation of the house the garage door would be removed with brickwork and a painted finish to match the existing house. Two new windows would be inserted into the front elevation of the house one in the site of the garage door and the second within the front elevation of the house. Both these windows would be of a similar design to the existing house.
- 60 The proposed garage would measure 6.0m by 8.5m rising to a height of 3.64m with a ridged roof and would be set within the rear garden, set back from the rear and southern elevation of the dwelling. The garage would incorporate a utilitarian design which would be in keeping with the existing property. The garage would be

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located 27m from Chart Lane and accordingly its impact upon the street scene and the setting of the house would be minimal.

- 61 The proposed development would incorporate a design in keeping with the existing dwelling. The proposed garage would be set back from the rear of the house and would be of a scale not out of keeping with the locality. Accordingly the proposal would not have a detrimental impact upon the existing house or the street scene.

### *Impact upon local amenities*

- 62 Policy EN1 of the SDLP lists a number of criteria to be applied in the consideration of planning applications. In particular, Criteria 3) of policy EN1 of the SDLP states that the proposed development must 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. Criteria 6) states that the proposed development must ensure satisfactory means of access for vehicles and pedestrians and provides parking facilities in accordance with the Council's approved standards. Criteria 10) states that the proposed development does not create unacceptable traffic conditions on the surrounding road network and is located to reduce where possible the need to travel. Policy H6B of the SDLP states that residential extensions shall be subject to the principles in Appendix 4. This is further supported by SDC's Residential Extensions Supplementary Planning Document. Amongst other things, Appendix 4 and the Residential Extensions SPD states that proposals should not result in material loss of privacy, outlook, daylight or sunlight to habitable rooms or private amenity space of neighbouring properties, or have a detrimental visual impact or overbearing effect on neighbouring properties or the street scene. The Residential Extensions SPD states that an extension should maintain an acceptable outlook from a neighbouring property.
- 63 Windrose is a large detached property set back within its plot at a distance of approximately 15m from Chart Lane screened by mix of bushes rising to a height of approximately 4m on the southern side of the front boundary dropping to a height of approximately 1.5m adjacent to the entry gates.
- 64 The proposed rear extension works would be screened from the road by the bulk of the house. The rear garden is largely screened by mature bushes rising to a height of approximately 4m in height and although April Cottage to the south east is visible through the foliage, whilst the proposed garage would be set approximately 8m distant its impact due to the foliage would be minimal. Due to the garage being set back from the house its impact upon the dwelling would be minimal.
- 65 Magpie Cottage to the north is set forward on its plot with only a single storey garage lying adjacent to the northern elevation of Windrose. Whilst the proposal would incorporate three floor to ceiling windows within the northern elevation of the proposed rear extension due to the boundary comprising of a mix of shrubs and bushes rising to a height of approximately 3m and a 1.8m close boarded fence this boundary treatment would obscure any views into the rear garden of Magpie Cottage.
- 66 The rear boundary comprises of mature deciduous trees with no properties directly to the rear of the house.



- 67 In respect to the two new windows on the front elevation through the house being set back on its plot and no properties opposite the property these windows would have no detrimental impact upon local amenities.
- 68 Accordingly the proposal would not have a detrimental impact upon local amenities.

### *Impact upon the Area of Outstanding Natural Beauty*

- 69 The Countryside and Rights of Way Act 2000 states that the Local Planning Authority should conserve and enhance Areas of Outstanding Natural Beauty. Designating an Area of Outstanding Natural Beauty protects its distinctive character and natural beauty and can include human settlement and development.
- 70 Policy LO8 states that the countryside will be conserved and the distinctive features that contribute to the special character of its landscape and its biodiversity will be protected and enhanced where possible. The distinctive character of the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings, will be conserved and enhanced.
- 71 The proposed rear extension would be viewed against the bulk of the existing house whilst the proposed garage would through the screening on site have a minimal impact upon the wider landscape character of the area.
- 72 Accordingly the proposal would have a minimal impact upon the wider Area of Outstanding Natural Beauty.

### *Impact upon Area of Archaeological Potential*

- 73 Policy SP1 of the Sevenoaks District Councils Core Strategy states that the District's heritage assets and their settings, including listed buildings, conservation areas, archaeological remains, ancient monuments, historic parks and gardens, historic buildings, landscapes and outstanding views will be protected and enhanced.
- 74 Due to the limited scale of the proposed works the impact upon any potential archaeology would be minimal.

### *Impact upon the adjacent Site of Special Scientific Interest*

- 75 Under the Natural Environment and Rural Communities Act (2006), "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". In order to comply with this 'Biodiversity Duty', planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.
- 76 The National Planning Policy Framework states that "the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible."
- 77 Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System states that "It is essential that the presence or otherwise of protected

## Agenda Item 4.4

species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision."

78 Natural England has published Standing Advice on protected species and Ancient Woodland. When determining an application for development that is covered by the Standing Advice, Local Planning Authorities must take into account the Standing Advice. The Standing Advice is a material consideration in the determination of applications in the same way as a letter received from Natural England following consultation

79 KCC Ecology and Natural England were consulted on the proposal however there was no objection to the proposal however KCC Ecology have identified that the proposal provides an opportunity to provide ecological enhancement which could be carried out through the inclusion of an appropriately worded condition.

### *Impact upon adjacent Public Right of Way*

80 A public right of way lies on the opposite side of the road to Windrose. Due to the site of this right of way it would not be impacted upon by the proposed development.

### *Impact upon adjacent Tree Preservation Order*

81 The trees to the rear of Windrose's garden are covered by a Tree Preservation Order however due to the distance between the proposed works and these trees, approximately 50m these trees would be unaffected by the proposed works.

### Assessment of any Very Special Circumstances

82 The National Planning Policy Framework states that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

83 Lawful development certificates (SE/13/00873/LDCPR and SE/13/01971/LDCPR) have been granted for the erection of a single storey rear extension and outbuilding and a garage within the rear garden.

84 The applicant has put forward a case of very special circumstances that the proposed works would be no greater impact in terms of their size than those afforded by the Lawful Development Certificates.

85 In comparing the LDC's granted to the permission under consideration, the proposed rear extension would result in a slightly smaller rear extension which would be set against the bulk of the existing building. This would be in comparison to a smaller rear extension and an outbuilding to accommodate a gym which on balance would have a comparable impact upon the openness of the Green Belt.

86 In respect to the garage under consideration and the garage granted through the LDC, the two garages are comparable in respect to both size and design. The detached garage located to the rear of the house would however require an access drive extending along the front and southern elevation of the house however this would not be out of keeping with a property of this size.

- 87 The proposed rear extension, outbuilding and garage all permissible through the LDC would change the whole nature of the property with a mix of outbuildings and a rear extension all to the rear of the house. Whilst this may not potentially be built it would provide a similar mix of uses to those currently under consideration. Most importantly the harm from the garage that is part of this application would be exactly the same as the harm from the garage that could be built under permitted development on the same site.
- 88 The floorspace and the increase of the proposed rear extension alone would be 74.90m<sup>2</sup> representing a 50.1% increase. Therefore on its own the rear extension would comply with policy and be appropriate development in the Green Belt.
- 89 The proposed garage would increase the floorspace to 34.11% and this would make the development inappropriate in the Green Belt.
- 90 However, as the proposed garage is exactly the same in terms of bulk and floorspace as the garage that can be built as permitted development there is a reasonable prospect that the garage would be built even if this application was refused.
- 91 As without the garage the proposal would comply with Green Belt policy this as a material consideration that can be given significant weight.
- 92 In addition, the applicant has submitted a Unilateral Undertaking which has been signed but not completed (subject to the outcome of this application) to abandon existing permitted development rights afforded to the property and the Grants of Certificate of Lawfulness relating to SE/13/00873/LDC and 13/01971/LDCPR which represents a material consideration in respect to this application. Permitted development rights can also be removed for further extensions and outbuildings.
- 93 It is acknowledged that the permitted development to extend the house also can be built on the site which is a material consideration that can be given some weight. Whilst there is uncertainty as to whether these works would be carried out they would represent a scheme with some similarities compared to that now under consideration although they would lead to a scheme that is more spread on the site.
- 94 Taking all of the above into account I am satisfied that the very special circumstances submitted would be sufficient to outweigh the harm to the Green Belt in principle and to its openness.

### **Conclusion**

- 95 The proposal would result in a disproportionate extension which would represent inappropriate development within the Green Belt. The very special circumstances put forward are however considered sufficient to clearly outweigh this harm.
- 96 The proposal would not have a detrimental impact upon local amenities, the Area of Outstanding Natural Beauty, the Area of Archaeological Potential or the adjacent Public Right of Way, adjacent Site of Special Scientific Interest or the adjacent trees covered by a Tree Preservation Order.
- 97 Recommendation – Grant Planning Permission subject to Conditions

## Agenda Item 4.4

### **Background Papers**

Site and Block plans

Contact Officer(s): Guy Martin Extension: 7351

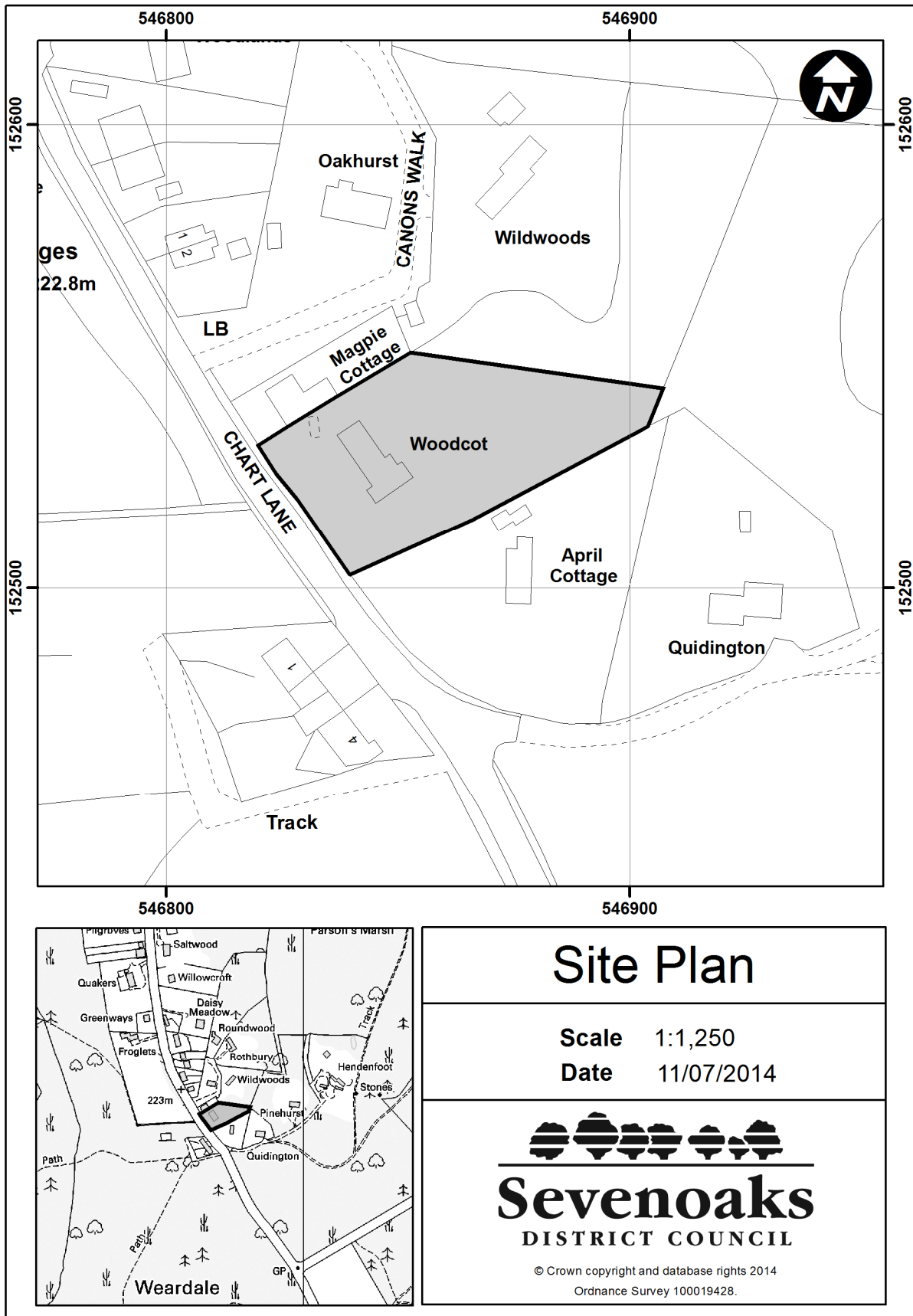
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N40FKJBKFJD00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=N40FKJBKFJD00>



# Site Plan

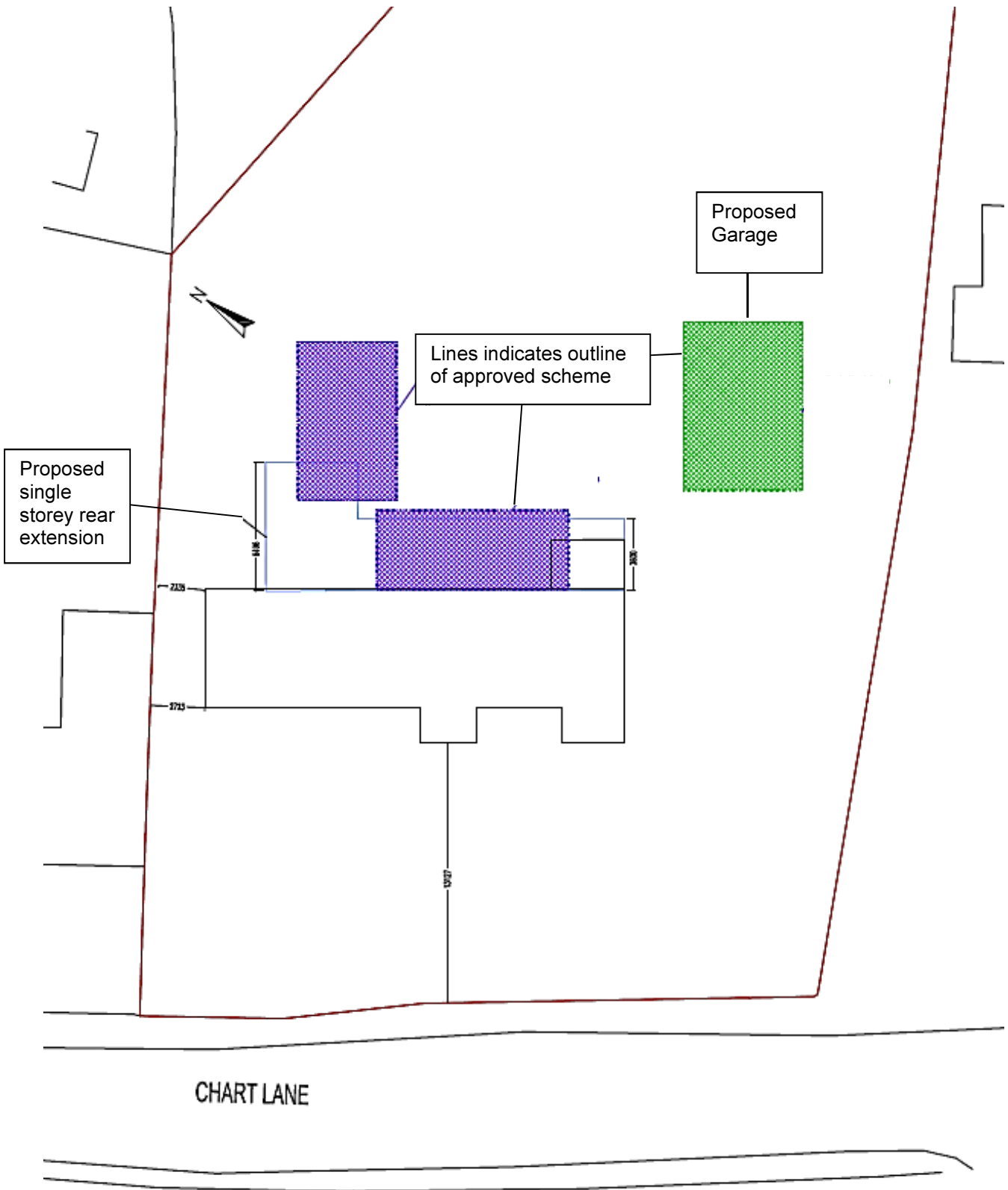
Scale 1:1,250

Date 11/07/2014



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Ordnance Survey 100019428.

Block Plan



4.5 – SE/13/03843/CONVAR Date expired 11 April 2014

PROPOSAL: Removal of conditions 3 (Residency), 4 (Occupation restriction) and 6 (Siting) of planning permission SE/07/02075/FUL - Change of Use to residential, stationing of two mobile homes (with associated mobility ramps), two touring caravans, a car port and associated hardstanding (Resubmission of SE/06/02550/FUL). In order to add/amend the names given for residency and occupation and new block plan submitted.

LOCATION: Land East Of, Park Lane, Swanley Village, Swanley

WARD(S): Swanley Christchurch & Swanley Village

**ITEM FOR DECISION**

This application was deferred by Development Control Committee Members on 20 May 2014 to enable further information to be provided by the application in relation to the care needs of the applicant.

This application was initially presented to Development Control Committee as the Officer's recommendation is at variance to the Town Council's. In addition, it has been requested by Councillor Brookbank that Members consider this application as the proposal is a departure from the Green Belt policy and for the 'very special circumstances' to be considered.

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

1) This permission does not authorise use of the land as a caravan site by any persons other than gypsies and travellers, as defined in paragraph 1 of Annexe 1 of DCLG document Planning Policy for Traveller Sites March 2012.

Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm.

2) The occupation of the site hereby permitted shall be carried on only by the following and their resident dependents: Mr and Mrs J Clarke, Sharon Clarke Jnr and Lucy Clarke. When the land ceases to be used by Mr and Mrs J Clarke, the use hereby permitted shall cease and all caravans, structures, hardstanding, materials and equipment brought on to the land associated with the use hereby permitted shall be removed. Within 3 months of that time the land shall be restored to its former condition before the use commenced.

Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm.

3) The residential use hereby permitted shall be restricted to the stationing of no more than 4 caravans at any time.

Given that the very special circumstances in this case clearly outweigh the harm to the

## Agenda Item 4.5

openness of the Green Belt and any other harm.

4) The caravans, car port and hardstanding shall be sited in accordance with the untitled Block Plan received on 10th Dec 2007 under planning reference SE/07/02075/FUL.

Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm.

5) No commercial activities shall take place on the land, including the storage of materials.

Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm.

6) No building or enclosure other than those shown on the approved untitled block plan received on 10th Dec 2007 under planning reference SE/07/02075/FUL, shall be erected on the site.

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

7) Within three months of the date of this permission details of the surfacing and extent of the areas of hardstanding to be provided to the Council for approval in writing. All hardstanding on site shall be formed in accordance with the approved details.

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

8) The external dimensions of the car port hereby approved on the site shall be no greater than, 6 metres in length, by 4.2 metres in width, by 2.2 metres in height. The car port shall be maintained at this size.

Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm.

9) All landscape works shall be carried out within the next planting season from the date of this permission. The landscape works shall be carried out in accordance with the approved details.

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

11) The development hereby permitted shall be carried out in accordance with the following approved plans: 1 unnumbered block plan received on 10th December 2007

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



Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line ([www.sevenoaks.gov.uk/environment/planning/planning\\_services\\_online/654.asp](http://www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp)),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Did not require any further assistance as the application was acceptable as submitted.

1 Committee Members may recall this application being presented on 20 May 2014. Following a debate at this meeting, Members deferred the application to enable further information to be produced by the applicant to justify the need for the applicant’s daughters to occupy the site and the need to provide care for their parents.

2 The original report is reproduced below. Additional information has been submitted by the applicant. This information can be seen in the appended confidential ‘Gold’ report.

3 With regard to the 2007 planning permission SE/07/02075/FUL, condition three of that permission stated:

“The occupation of the site hereby permitted shall be carried on only by the following and their resident dependents: Mr and Mrs J Clarke and Mr John Dibsall.”

4 This allowed Mr Clarke and Mr Dibsall together with their resident dependants to occupy the site with two mobile homes and touring caravans. As mentioned in the main papers, this proposal proposes the stationing of one mobile home and three

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caravans. As a result, if permitted, the 'quantum' of development on site would be no greater than what has already been permitted.

- 5 The additional information that has been presented clearly demonstrates that there is justification for on-site carers to meet the care needs of Mr and Mrs Clarke. The amount of development on the site is no greater than what has originally been approved. Moreover the original permission allowed the applicants resident dependants to occupy this site therefore there is little scope of intensification of the use of the site and any change would not be so significant as to justify a reason for refusal in terms of its impact upon the openness of the green belt.
- 6 Members are reminded that condition two as stated in the main papers, allows the continued occupation of the site by Lucy and Sharon Clarke Jnr for three months once the land ceases to be used by Mr and Mrs Clarke.

### Recommendation

That permission is granted, as per the main papers.

4.3 – SE/13/03843/CONVAR Date expired 11 April 2014

PROPOSAL: Removal of conditions 3 (Residency), 4 (Occupation restriction) and 6 (Siting) of planning permission SE/07/02075/FUL - Change of Use to residential, stationing of two mobile homes (with associated mobility ramps), two touring caravans, a car port and associated hardstanding (Resubmission of SE/06/02550/FUL). In order to add/amend the names given for residency and occupation and new block plan submitted.

LOCATION: Land East Of, Park Lane, Swanley Village, Swanley, Kent

WARD(S): Swanley Christchurch & Swanley Village

**ITEM FOR DECISION**

This application is presented to Development Control Committee as the officer's recommendation is at variance to the Town Council's. In addition, Councillor Brookbank has requested that Members consider this application as the proposal is a departure from the Green Belt policy and for the 'very special circumstances' to be considered.

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

1) This permission does not authorise use of the land as a caravan site by any persons other than gypsies and travellers, as defined in paragraph 1 of Annexe 1 of DCLG document Planning Policy for Traveller Sites March 2012.

Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm.

2) The occupation of the site hereby permitted shall be carried on only by the following and their resident dependents: Mr and Mrs J Clarke, Sharon Clarke Jnr and Lucy Clarke. When the land ceases to be used by Mr and Mrs J Clarke, the use hereby permitted shall cease and all caravans, structures, hardstanding, materials and equipment brought on to the land associated with the use hereby permitted shall be removed. Within 3 months of that time the land shall be restored to its former condition before the use commenced.

Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm.

3) The residential use hereby permitted shall be restricted to the stationing of no more than 4 caravans at any time.

Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm.

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4) The caravans, car port and hardstanding shall be sited in accordance with the untitled Block Plan received on 10th Dec 2007 under planning reference SE/07/02075/FUL.

Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm.

5) No commercial activities shall take place on the land, including the storage of materials.

Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm.

6) No building or enclosure other than those shown on the approved untitled block plan received on 10th Dec 2007 under planning reference SE/07/02075/FUL, shall be erected on the site.

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

7) Within three months of the date of this permission details of the surfacing and extent of the areas of hardstanding to be provided to the Council for approval in writing. All hardstanding on site shall be formed in accordance with the approved details.

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

8) The external dimensions of the car port hereby approved on the site shall be no greater than, 6 metres in length, by 4.2 metres in width, by 2.2 metres in height. The car port shall be maintained at this size.

Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm.

9) All landscape works shall be carried out within the next planting season from the date of this permission. The landscape works shall be carried out in accordance with the approved details.

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

11) The development hereby permitted shall be carried out in accordance with the following approved plans: 1 unnumbered block plan received on 10th December 2007

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

**Note to Applicant**

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
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- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line ([www.sevenoaks.gov.uk/environment/planning/planning\\_services\\_online/654.asp](http://www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp)),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Did not require any further assistance as the application was acceptable as submitted.

**Description of Proposal**

- 1 Under planning reference SE/07/02075/FUL, planning permission was granted for the change of use of the land to residential, stationing of two mobile homes (with associated mobility ramps), two touring caravans, a car port and associated hardstanding.
- 2 This is a Section 73 application that seeks the removal of the following conditions of above mentioned planning permission. They are:  
  
Condition 3 (Residency) -  
  
“The occupation of the site hereby permitted shall be carried on only by the following and their resident dependents: Mr and Mrs J Clarke and Mr John Dibsall.”  
  
Condition 4 (Occupation restriction) -

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“When the land ceases to be occupied by Mr J Clarke the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to the land in connection with the use hereby approved, shall be removed. Within 3 months of that time the land shall be restored to its condition before the use commenced.”

Condition 6 (Siting) –

“The caravans, car port and hardstanding shall be sited in accordance with the untitled Block Plan received on 10th Dec 2007.”

- 3 The variation/removal of conditions is required to add/amend the names given for residency and occupation and new block plan submitted to account for additional structures on-site being:

4 no. Lorry Backs;

1 no. Chicken Coup;

1 no Dog Pen;

1 no. field Shelter;

1 no. utility shed;

Siting for 1 mobile home and 3 touring caravans.

### Description of Site

- 4 The application site is located on a triangular shaped piece of land to the east of Park Lane, which is located to the south of Swanley Village Road. The site is a single field that measures approximately 0.1 hectare in size. Currently there are two touring caravans on site and one mobile home. The mobile home found within the site is occupied by the applicant and his dependants and the other, which is a touring caravan, is occupied by Sharon Clarke Jnr, one of the daughters of the applicant. The other is an unoccupied touring caravan owned by the applicant.
- 5 Various structures can be found within the site as shown on the submitted block plan.
- 6 The site is located on eastern side of Park Lane and is well screened from Park Lane by a well established native hedgerow. A tree buffer screen runs along the southern boundary of the site that indicates the start of the railway embankment/cutting. Immediately to the north of the site runs the boundary of Swanley Village Conservation Area together with ‘The Priory’ which is a Grade II building. To the west of the site is the unmade track of Park Lane that leads to other detached residential properties nearby. The track also forms part of a Public Right of Way (SD0078). To the west of the site is the unmade track of Park Lane that leads to other detached residential properties nearby. The track also forms part of a Public Right of Way (SD0078).

### Constraints

- 7 Metropolitan Green Belt;

- 8 Adjacent Swanley Village Conservation Area;
- 9 Adjacent Public Right of Way (SD0078);
- 10 Adjacent grade II Listed Building.

Policies

Sevenoaks District Local Plan:

- 11 Policies - EN1, H16, EN23

Sevenoaks Core Strategy:

- 12 Policies - L01, L08, SP1, SP6

Other

- 13 National Planning Policy Framework (NPPF)
- 14 Draft Allocations and Development Management Plan: GB6
- 15 National Planning Practice Guidance (NPPG)
- 16 Planning Policy for Travellers Sites March 2012 (PTTS)

Planning History

- 17 12/03201/CONVAR - Variation of conditions 3 (Residency), 4 (Occupation restriction) and 6 (Siting) of planning permission SE/07/02075/FUL - Change of Use to residential, stationing of two mobile homes (with associated mobility ramps), two touring caravans, a car port and associated hardstanding (Re-submission of SE/06/02550/FUL). In order to add/amend the names given for residency and occupation and new block plan submitted – REFUSED
- 18 12/00555/CONVAR - Variation of conditions 3 (Residency), 4 (Occupation restriction) and 6 (Siting) of planning permission SE/07/02075/FUL - Change of Use to residential, stationing of two mobile homes (with associated mobility ramps), two touring caravans, a car port and associated hardstanding (Resubmission of SE/06/02550/FUL). In order to add/amend the names given for residency and occupation and new block plan submitted –REFUSED
- 19 08/01653/CONVAR - Variation of condition 6 (siting of caravans) of planning permission SE/07/02075/FUL – GRANTED
- 20 07/02075 - Change of Use to residential, stationing of two mobile homes (with associated mobility ramps), two touring caravans, a car port and associated hardstanding (Resubmission of SE/06/02550/FUL) – GRANTED
- 21 06/02550 - Change of Use to residential, stationing of two mobile homes, a touring caravan and associated hardstanding – REFUSED

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### Consultations

#### KCC Highways

22 No objections

#### KCC Gypsy Liaison Officer –

23 No response

#### SDC Gypsy Liaison Officer –

24 No response

#### Swanley Town Council -

25 Swanley Town Council objects to this application stating:

‘Swanley Town Council strenuously objects to this application as it is within the Metropolitan Green Belt and is contrary to Local Plan Policy H16. The Town Council also objects on Highways issues, the access to the proposed site is on a very narrow and poorly sighted bend. The land between Swanley Village and Farningham provides a Green Wedge separating the two communities. Population and Housing Policy H9 of the Local Plan state that housing development sites within Green Wedges will not be acceptable.

The Town Council requests that if the District Council does grant planning permission, then the permission should only be for the applicant, Mr Clark, and the extra mobile homes listed only as 'Carers accommodation' to enable the site to be returned to the Metropolitan Green Belt under Policy H16 upon the demise of the applicant in line with the original planning consent.”

### Representations

26 Neighbours – 2 objections received, objecting on the following grounds:

- Intensification of use of the site
- Visual impact of the development upon the character and appearance.

#### Swanley Village Residents Association

27 Objects for the following reasons:

- Intensification of use;
- Harms openness of the Green Belt;
- Undermines very special circumstances of the original application



## Chief Planning Officer's Appraisal

### Background

28 That permission established the original personal permission for this site was granted by Development Control Committee in February 2008. The conclusion of that report is summarised below to clarify the justification for the original permission:

- It was accepted that the size of the mobile homes proposed on the site were reasonable given the medical needs of Mr Clarke, and that this size of mobile home and associated ramps / car port could not be accommodated on the current pitch which they previously occupied Valley Park, Ash;
- The applicant offered the permission to be personal to the applicant and his family;
- The gypsy status of the applicant was accepted, as were the specific personal circumstances relating to his care needs, together with the clear and immediate need for sites for gypsies and travellers within the District, and the lack of any suitable sites contributed to the very special circumstances case;
- Agreed to allow the use of safeguarding conditions which limited the permission to Mr and Mrs Clarke and Mr Dibsdall and their families, and conditions to protect the character of the landscape and protect the openness of the Green Belt.

29 At present the effect of this permission is a personal one that is in effect for the lifetime of Mr J Clarke.

30 Since the grant of the 2007 permission further applications made under planning references SE/12/00555 and SE/12/03201. These were Section 73 applications that sought the removal of some conditions of the 2007 permission; the same conditions that are sought for change under this application. Both those applications were refused on the basis that the applicant did not provide sufficient evidence for a very special circumstances case to justify the removal of conditions.

31 This application seeks to address this issue.

### Appraisal

32 For the purposes of this application, this is a Section 73 application to allow the removal of conditions of a specific planning permission. This will effectively allow the consideration of the removal of the conditions and allow further conditions to apply if it is considered reasonable and necessary in accordance with guidance in the National Planning Practice Guidance (NPPG). This report will discuss each condition to be removed and the relevant material considerations that apply to them. It is accepted that the applicants are gypsies within the DCLG definition, that there remains a clear and immediate need for gypsy sites and the health circumstances of Mr J Clarke still apply.

Condition 3 of SE/07/02075

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“The occupation of the site hereby permitted shall be carried on only by the following and their resident dependents: Mr and Mrs J Clarke and Mr John Dibsfall.

Reason: Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm.”

- 33 With regard to the above-mentioned condition, planning permission SE/07/02075 allowed the occupation of the site by Mr and Mrs Clarke and Mr Dibsfall and their resident dependants due to the special circumstances presented by the applicant, as summarised in the background information above.
- 34 The personal circumstances of the applicant have changed since the 2007 permission. In particular Mr Dibsfall found the care requirements of Mr Clarke to be too onerous and did not move onto the site. As such it is intended to share the caring responsibilities between Mrs Clarke and his two daughters. At the time of the site visit only one of the daughters has moved onto the site.
- 35 As such the applicant has applied to remove this condition and replace with a condition to reflect the current situation by including his daughters (Sharon Jnr and Lucy) to allow them to occupy the site.
- 36 In this instance, as the site has an extant permanent, personal permission, therefore the special circumstances for the applicant have to be re-examined to consider the occupation on-site for Sharon Jnr and Lucy Clarke.
- 37 As the personal circumstances of the applicant have changed, further justification has been provided to confirm why two additional carers are now required, and why both carer's and their families need to be living on site. It is clear from the supporting information that has been presented that Mrs J Clarke's health is deteriorating as a direct result of caring for her husband and other issues that have arisen since the approval of the original 2007 permission. Information from Mrs J Clarke's General Practitioner and West Kent Social Services clearly identify further support is required to meet the constant care demands of Mr Clarke. Further support for the care of Mr and Mrs Clarke can be given by their daughters Sharon and Lucy to share the burden of caring responsibilities. This justification for the removal of the original condition restricting the occupation of the site and the re-application of it to include the applicant and his two daughters who comply with the definition of Gypsy status as cited by Planning Policy for Travellers Sites (PPTS) is considered reasonable and an acceptable alternative that could be controlled by condition to ensure that the original case of very special circumstances, which still applies, is not undermined.
- 38 The applicant has applied to remove condition 4 of the 2007 permission. Condition 4 stated:

“When the land ceases to be occupied by Mr J Clarke the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to the land in connection with the use hereby approved, shall be removed. Within 3 months of that time the land shall be restored to its condition before the use commenced.

Reason: Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm”

- 39 At the time of the imposition of this condition, the special circumstances of the applicant were that Mr Clark's living accommodation in a mobile home on Valley Park was unsatisfactory and unsuitable for his needs. It was accepted that the size of the mobile home proposed on this site was reasonable given the medical needs of Mr Clarke, and that this size of the mobile home and associated ramps / car port could not be accommodated on the previous pitch occupied by the family in Valley Park. The applicant's agent offered at the time for the 2007 permission to be personal to Mr Clarke and family, given the unusual circumstances, which are unlikely to be repeated elsewhere and accepted was by the local planning authority.
- 40 The applicant now wishes to remove condition four and re-apply to include his daughters into an amended condition. This would allow his daughters to carry on occupying the site once Mr Clarke has ceased occupation.
- 41 In consideration of the above and the purpose for the condition, to allow further occupation of the site for his daughters, would in effect undermine the very special circumstances case which was an essential component of the original planning permission. It is noted that there is some merit in the applicants' argument by virtue of offering further care to Mr and Mrs Clarke. However, to remove/vary the condition to include the applicant's daughters even if Mr and Mrs Clarke were no longer on site cannot be supported. It is recognised that Sharon and Lucy Clarke are classified as Gypsies however further evidence needs to be presented to demonstrate their future needs to justify their occupation permanently. Currently the gypsy status of the applicant's daughters and the clear and immediate need of sites, helps in the justification for temporary sites, but not permanent sites, which are being considered in a 'plan-led' approach in accordance with Government Guidance as part of the Gypsy Traveller site consultation. At this stage, by allowing further occupation of the site for his daughters once occupation of the site by Mr and Mrs Clarke has ceased, would in affect undermine the very special circumstances case which was an essential component of the original planning permission. As such it is recommended that this condition is removed and re-applied to only include Mrs J Clarke at this stage due to health reasons and to assist in the care of Mr. Clarke. Therefore it is recommended to replace conditions 3 and 4 of the original permission and condition 2 is proposed stating:

"The occupation of the site hereby permitted shall be carried on only by the following and their resident dependents: Mr and Mrs J Clarke, Sharon Clarke Jnr and Lucy Clarke. When the land ceases to be used by Mr and Mrs J Clarke, the use hereby permitted shall cease to all caravans, utility building, structures, hardstanding, materials and equipment brought on to the land associated with the use hereby permitted shall be removed. Within 3 months of that time the land shall be restored to its former condition before the use commenced."

- 42 Condition 6 of the original permission relates to the amount of built form is allowed within the site. Condition 6 stated:

"The caravans, car port and hardstanding shall be sited in accordance with the untitled Block Plan received on 10th Dec 2007.

Reason: Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm."

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- 43 A new block plan has been submitted, that now shows 1 mobile home, 3 touring caravans. In principle this amendment can be supported as the previous permission allowed for 2 mobile homes, two touring caravans and 2 carports. This revised block plan has additional built form within the site. It includes:
- 4 No. storage containers (lorry backs);
  - 4m x 15m x 2m Chicken Coop;
  - 1No Utility Shed;
  - 1 No. Dog Pen;
  - 1 No. Field Shelter;
  - Post and rail fencing;
  - Additional landscaping measures.
  - Additional hardstanding area.
- 44 As previously mentioned the site is within the designated Metropolitan Green Belt. This revised block plan includes additional built form of which some is already on-site.
- 45 NPPF para 87 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, sports facilities, infilling, redevelopment of Brownfield sites as stated in para 89.
- 46 The most important attribute of Green Belts is their openness. Openness is not reliant upon degree of visibility but upon an absence of built development.
- 47 If the proposal is deemed to be considered as inappropriate development, by definition, it would be harmful to the Green Belt. Then it is for the applicant to show why permission should be granted. Very Special Circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, substantial weight should be given to the harm to the Green Belt when considering any planning application concerning such development, as cited in para 87 of the NPPF.
- 48 In light of the above, it has to be determined as to whether the additional built form is inappropriate or not.
- 49 In previous applications applicant's agent has suggested that the lorry backs etc do not constitute development for the purposes of Sec. 36(1) of the Planning Act. Three primary factors of size, permanence and physical attachment is the test to determine whether a structure comprises as a building operation. As a matter of fact and degree it is considered that the lorry backs/field shelter do not constitute building operations for planning purposes. Even though they are intended to be used for ancillary storage purposes, it has been clearly demonstrated that the lorry backs have been moving within the site since the previous site visit in December 2013. The lorry backs are not physically attached to the ground. However, as the lorry backs are to be permanently stationed adjacent to the western boundary of the site, this gives them a degree of permanency and

therefore in my view constitutes a building operation. As a matter of fact and degree the permanent stationing of the lorry backs used for ancillary storage purposes for the mobile home would be inappropriate development within the Green Belt.

- 50 The other building operations i.e. chicken coup, field shelter, would also be a building operation and as a consequence, be inappropriate development within the Green Belt as they do not fall into any exceptions as specified in paragraph 89 of the NPPF. As such there is no planning policy to support part of this revised scheme unless very special circumstances can be demonstrated.
- 51 With regard to the provision of additional hardstanding area as shown of the block plan, this area has already been undertaken by the applicant. The works are considered to be appropriate development within the green belt, as it falls as an engineering operation that involved minor level changes to the topography and it preserves the openness of the green belt. Therefore the hardstanding area would qualify as an exemption of paragraph 90 of the NPPF.
- 52 The submitted revised block plan does show additional landscaping measures. Planting of shrubs, trees and plants are not considered to be a building operation but for this application, the additional measures are required to screen the additional built form within the site. The impact from such a landscaping scheme, would be beneficial to the character and appearance of the Green Belt.
- 53 The NPPF confirms that the most important aspect of Green Belts is their openness and the fundamental aim of Green Belt Policy is to maintain land open. It states that the open character must be maintained as far as can be seen ahead. At the same time the visual amenities of the Green Belt should not be injured by development proposals. Paragraph 87 of NPPF states that inappropriate development by definition is harmful to the Green Belt.
- 54 The additional development within the site would apply additional built form that impacts upon the openness of the Green Belt. The difference in volume and scale between the existing and the proposed block plan adds additional built form that results, in a materially greater impact upon the openness of the Green Belt than the previously permitted scheme, however it is noted that the permitted carports allowed under the previous permission have now been removed.
- 55 The additional development would be well-contained within the application site and is sufficiently screened by the existing hedgerow to the front western boundary. The lorry backs are slightly higher than the existing hedge and that the chicken coup is a relatively low-key structure within the site and it sited adjacent to the existing hedge. The applicant proposes further landscaping treatment to visually screen the lorry backs and coup from the views to the north east of the site.
- 56 Inappropriate development is, by definition, harmful to the Green Belt. The NPPF requires that substantial weight should be given to any harm to the Green Belt. Taking in account the above, additional built form would have an impact on the openness Green Belt. The openness of the Green Belt is an intrinsic quality which should be preserved. Inappropriate development is, by definition, harmful to the Green Belt. The Framework requires that substantial weight should be given to any harm to the Green Belt. Taking in account the above, it is considered that the additional built form would have a detrimental impact on the openness Green Belt.

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- 57 Against that harm, the need for the lorry backs/coups and shelter has to be balanced and, whilst they are actively used for storage facilities, there is nothing that has been advanced to demonstrate that the need for storage and to why it cannot be kept elsewhere. Overall significant weight can be given to the harm that the additional built form causes to the loss of openness of the Green Belt in accordance with para 88 of the NPPF.
- 58 In terms of the post and rail fencing and dog pen/enclosure, this can be done under the auspices of Schedule One, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 1995 as amended.
- 59 As previously mentioned the additional built form, as shown on the revised block plan would constitute as inappropriate development within the Green Belt and so is contrary to National Policy. Very special circumstances are required to clearly outweigh the presumption against inappropriate development. No very special circumstances case has been advanced by the applicant for the building existing and proposed on-site. Clearly as there are no other considerations submitted, significant weight must be given to the policy objections as mentioned above in accordance with the NPPF. As such the removal of condition 6 of the original permission cannot be supported at this time.

### Other Issues

- 60 Swanley Town Council has raised an objection in relation to this application on the grounds that the proposal does not comply with policies H9 and H16 of the Local Plan. Policy H9 relates to Affordable Housing for Local Need in Rural Areas. This is a housing rural exceptions policy of the Local Plan that no longer exists as it was superseded by Policy SP5 of the Core Strategy and is not relevant to this proposal as mobile homes are a use of land. In terms of Policy H16 of the Local Plan, this relates to Residential Caravan Sites and Mobile Home Parks. As it stands this policy too is not relevant to this proposal as the site already has a permanent consent for four caravans to reside on this site. The further suggestion made by the Town Council suggesting that further controls on the labelling of the caravans can be considered as being unreasonable when already further control by condition is already in place.
- 61 The Town Council has raised a concern on highway matters, however, KCC Highways has raised no objection on highway safety matters. The site has the benefit of an existing permanent, personal planning permission. Therefore it would not be reasonable to raise an objection to this ground. Equally no development is proposed on the existing Public Right of Way and the slight intensification of use of the track by the additional family would not be a justified reason for refusal.
- 62 Objections raised by third parties have been considered. It is agreed that the introduction of Sharon Jnr and Lucy Clarke would intensify the activities within the site, but this is for a justified reason. Equally, the amount of caravans within the site would be no-greater than the existing 2007 permission. Again the occupation of the site would be limited in this regard for the reasons as previously mentioned, so the harm it causes to the Green Belt is limited, however it is agreed that no very special circumstances case has been advanced to justify the amount of additional built form as shown on the revised block plan. As such an objection still stands.

- 63 It is noted that the site is located adjacent Swanley Village Conservation Area and the Priory Grade II listed building. As there is no support for the additional built form within the site, other than what had been previously approved, and there are no additional caravans being introduced, it is considered that the harm caused to the adjacent heritage assets is minimal and their setting protected, therefore it would be difficult to reasonably support a refusal on impact of the proposal upon the existing heritage assets.
- 64 The opportunity has been undertaken to review the planning conditions of the existing 2007 permission. It is recommended that condition two should be replaced by a condition that reflects current government guidance in relation to the definition of gypsy travellers. Condition three and four should be combined, so it can be interpreted as one condition with the inclusion of Mr Clarke's daughters but not to express that they could reside on site permanently, should the variation of the condition be accepted. Condition five should be replaced to ensure the number of caravans and mobile homes on site is controlled in relation to the present circumstances. Condition Six will remain as no very special circumstances have been advanced to justify the additional built form within the site. Condition Seven can remain to ensure no further built form is introduced into the site. Conditions eight and ten can be removed and re-applied to ensure hardstanding and landscaping details are submitted within a specified time period.
- 65 It is worth noting that this site was not included in the Gypsy and Traveller Plan: Site Options consultation because it has an existing permanent permission. The existence of the conditions that the applicant is seeking to remove, do not contribute towards the pitch requirement of 72 identified in the Gypsy Traveller Allocations Assessment. No extensions to this site or additional pitches have been proposed to the Council through the previous 'calls for sites'. If the landowner wished to propose an extension or additional pitches through the 'call for sites' as part of the forthcoming consultation then the Council would consider whether this is acceptable or not at this stage.

### **Conclusion**

- 66 Subject to the re-application of the conditions as previously discussed, it is recommended that this application should be granted in this instance as it can be demonstrated that very special circumstances still exist and the justification for Sharon Jnr and Lucy Clarke to reside on the site for the care of Mr and Mrs Clarke is justified. However due to the absence of a very special circumstances case that has not been submitted by the applicant for the additional built form within the site, the removal of condition 6 of the original permission cannot be supported as it would materially cause greater harm to the character and appearance of the openness of the Green Belt than that to what had been previously permitted.

### **Background Papers:**

Site and Block Plan

## Agenda Item 4.5

Contact Officer(s):

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**Richard Morris**  
**Chief Planning Officer**

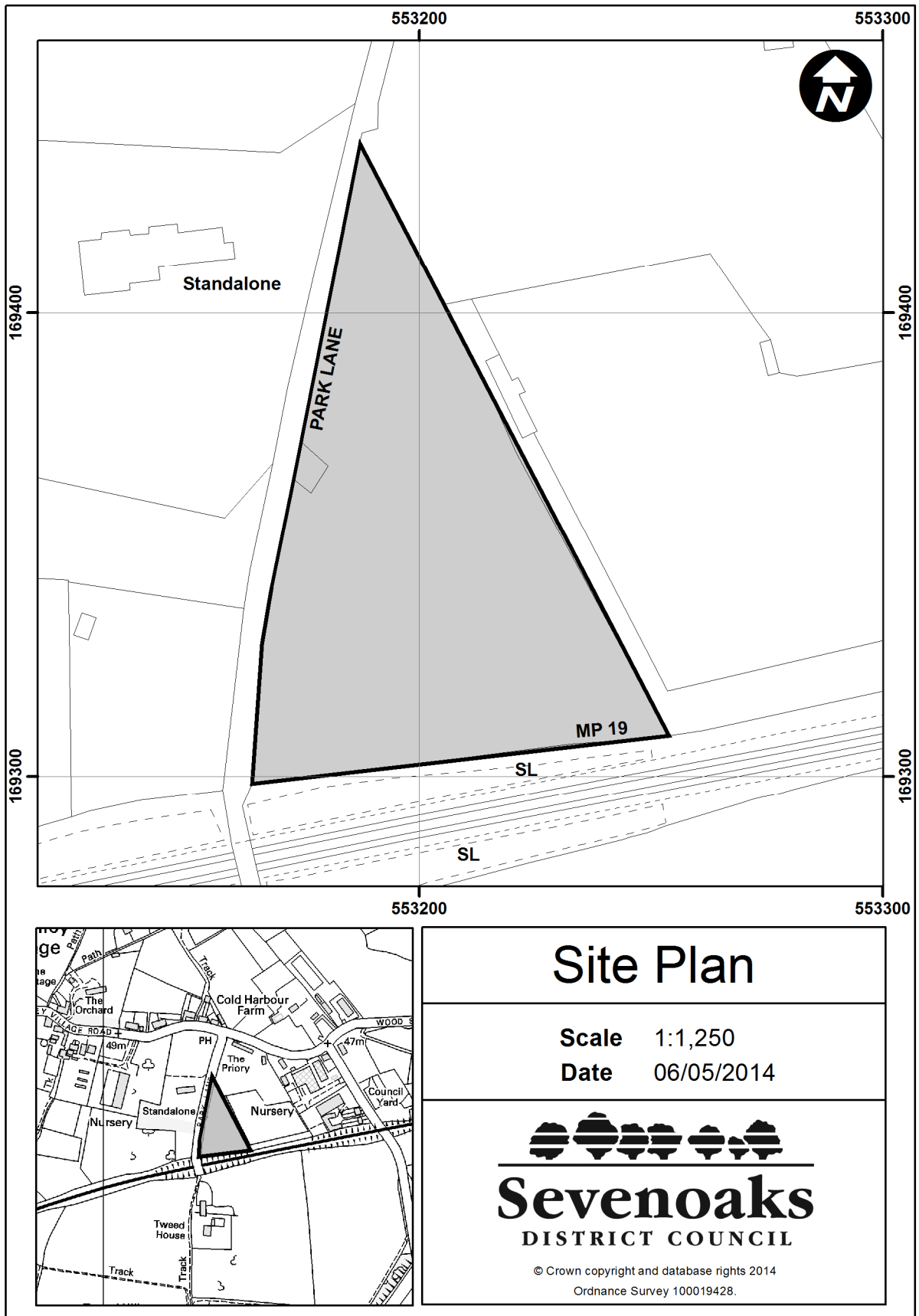
Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MY96DZBKOLA00>

Link to associated documents:

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# Site Plan

Scale 1:1,250

Date 06/05/2014



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of the Local Government Act 1972.

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Planning Application Information on Public Access – for applications coming to DC  
Committee on Thursday 24 July 2014

Item 4.1 SE/14/01565/FUL Five Ways Nursery, Swanley Lane, Swanley BR8 7LD

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N5VI2JBK0L000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=N5VI2JBK0L000>

Item 4.2 SE/14/01263/FUL 16 -18 London Road, Riverhead TN13 2UE

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N4QBHQBF0200>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=N4QBHQBF0200>

Item 4.3 SE/14/01074/FUL 52B Pilgrims Way East, Otford, Sevenoaks TN14 5QW

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N3R68YBKFHE00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=N3R68YBKFHE00>

Item 4.4 SE/14/01128/HOUSE Windrose, Brasted Chart, Westerham TN16 1LZ

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N40FKJBKFJD00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=N40FKJBKFJD00>

Item 4.5 SE/13/03843/CONVAR Land East of Park Lane, Swanley Village, Swanley

## Agenda Item

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MY96DZBK0LA00>

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