

- 4.3. **SE/14/03235/FUL - Derval Marine Consultants Ltd , 156 High Street, Sevenoaks, Kent TN13 1XE** (Pages 45 - 60)

Demolition of the existing office building and the construction of a new mixed use development, comprising office space and three residential flats.

- 4.4. **SE/14/02892/HOUSE - 56 Station Road, Halstead, Sevenoaks TN14 7DJ** (Pages 61 - 70)

Erection of a new perimeter fence (retrospective).

- 4.5. **SE/14/03462/CONVAR - 52B Pilgrims Way East, Otford, Sevenoaks TN14 5QW** (Pages 71 - 88)

Removal of condition 5 (Permitted Development) and variation of condition 10 (removal of existing structures prior to commencement) of SE/14/01074/FUL

- 4.6. **SE/14/03999/PAE - Meadowbank, 79 College Road, Hextable, Kent BR8 7LW** (Pages 89 - 94)

Prior notification of a single storey rear extension which extends 4m beyond the rear wall of the original dwelling house with a maximum height of 2.97m and eaves height of 2.45m.

EXEMPT ITEMS

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

To assist in the speedy and efficient despatch of business, Members wishing to obtain factual information on items included on the Agenda are asked to enquire of the appropriate 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 227247)

Any Member who wishes to request the Chairman to agree a pre-meeting site inspection is asked to email democratic.services@sevenoaks.gov.uk or speak to a member of the Democratic Services Team on 01732 227247 by 5pm on Monday, 26 January 2015.

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 8 January 2015 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Miss. Thornton (Vice Chairman)

Cllrs. Mrs. Ayres, Brookbank, Brown, Clark, Cooke, Edwards-Winser, Firth, McGarvey, Orridge, Mrs. Parkin, Raikes, and Walshe

Apologies for absence were received from Cllrs. Bosley, Gaywood, Miss. Stack and Underwood

Cllrs. Ayres, Mrs. Davison, Davison, Piper and Scholey were also present.

87. Minutes

Resolved: That the minutes of the Development Control Committee held on 18 December 2014 be approved and signed by the Chairman as a correct record.

88. Declarations of Interest or Predetermination

There were no declarations of interest or predetermination.

89. Declarations of Lobbying

All Members declared that they had been lobbied in respect of minute item 90 – SE/14/03361/FUL Skinners Farm, Skinners Lane, Edenbridge TN8 6LW.

90. SE/14/03361/FUL Skinners Farm, Skinners Lane, Edenbridge TN8 6LW

The proposal was for a Solar PV Park complete with landscaping mitigation, inverters, substation, security fence, infra red CCTV, access for the landowner to farm, new planting and all necessary ancillary works.

The application was referred to Committee at the request of Councillor Scholey for the reason that no policy held by Sevenoaks District Council development plan covered the building of renewable energy structures in the Green Belt. In the absence of such a policy that had neither been subject to scrutiny by Members nor subject to public consultation, Councillor Scholey did not believe that it was appropriate that a decision, which could set a precedent in the District, should be taken under delegated authority.

Members' attention was brought to the main agenda papers and the late observation sheet. Member's noted that page 3 paragraph 2 line 2 of the late observation sheet should have read that the 'recommendation for refusal within the main papers remain unchanged.'

The Committee was addressed by the following speakers:

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Development Control Committee - 8 January 2015

Against the Application:	Mr. George Gotobed
For the Application:	Mr. Arthur Bell
Parish Representative:	Cllr. Mrs. Davison
Local Member:	Cllr. Scholey

Members asked questions of clarification from the Speakers and Officers. In response to questions, Mr. Bell explained that a community benefit would be the Town Council receiving a financial payment per annum. He also advised that financial viability was a factor in selection of the site.

The Planning Manager advised Members that the Council had no involvement with any agreement to do with financial payments offered to local organisations by the developer and he could not therefore advise on whether any such agreement could be given weight. If Members were minded to go against the Officer's recommendation, officers would need to consider what conditions could be imposed. He also advised that he could not comment on whether an alternative site that had been suggested would be suitable or preferable to the application site as officers had not had any opportunity to consider the merits of the possible alternative. The recommendation was based on the information provided in the papers.

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

Members discussed whether there would be a community benefit to the solar farm. It was considered whether the proposal had sufficient grounds for very special circumstances in line with paragraph 91 of the NPPF as the site was within Green Belt land.

The motion was put to the vote and it was

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

The land lies within the Metropolitan Green Belt where strict policies of restraint apply. The proposal would be inappropriate development harmful to the maintenance of the character of the Green Belt and to its openness. The Council does not consider that the very special circumstances and the sequential analysis put forward in this case are sufficient to justify overriding policy held within the National Planning Policy Framework, policies LO1, LO8 and SP2 of the Sevenoaks District Core Strategy and guidance held within the National Planning Practice Guidance.

The proposed development would significantly harm the visual amenities of those who use the network of public footpaths that pass the site. In the short term, prior to the proposed natural screen establishing itself on site, the appearance of the proposed fencing around the site and the appearance of the panels and associated structures would significantly detract from the visual amenities of the immediate area around the site. Once established, the screen would reduce the appreciation of the open character of the area to those using the public footpaths, particularly the footpath that currently runs in a north-south directly adjacent to the application site. This conflicts with policy LO8 of the Sevenoaks District Core Strategy.

THE MEETING WAS CONCLUDED AT 8.15 PM

CHAIRMAN

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4.1 - SE/14/03286/FUL Date expired 10 December 2014

PROPOSAL: Conversion of the existing barn into a single independent dwelling with associated landscaping.

LOCATION: Barn Field North East Of Underriver Vineyard, Rooks Hill, Underriver, Kent

WARD(S): Seal & Weald

ITEM FOR DECISION

Councillor Thornton has called the application in to consider the objections raised by the parish council, in particular whether the building is of substantial construction and capable of conversion without major or complete reconstruction that would detract from the original character

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

1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans: P-0100A, P-2030, P-2010, P-1000, P-2020, P-1500A

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

3) The development shall achieve a BREEAM minimum rating of very good. Evidence shall be provided to the Local Authority - Prior to the occupation of the development, that the development has achieved a BREEAM minimum rating of very good or alternative as agreed in writing by the Local Planning Authority.

In the interests of sustainability and in accordance with SP2 of the Core Strategy

4) No development shall be carried out on the land until full details of hard and soft landscape and boundary treatment works (including the entrance gates) have been submitted to and approved in writing by the Council. Those details shall include:-a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities); -type, height and material of new boundary treatments;-type of hard landscaping material to be used; and-a programme of implementation

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

5) No external lighting shall be installed on the land until such details have been submitted to and approved by the Council. The installation of external lighting shall only be carried out in accordance with the approved details.

To ensure that the appearance of the development enhances the character and appearance of the AONB as supported by Policy EN1 of the Sevenoaks District Local

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Plan.

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

To ensure that the appearance of the development enhances the character and appearance of the AONB as supported by Policy EN1 of the Sevenoaks District Local Plan.

7) Demolition works on the outside of the building should be undertaken outside nesting bird season where possible. If this is not possible a nesting bird check should be completed prior to any works on site and a written record of this be kept.

In the interests of ecological diversity in accordance with SP11 of the Core Strategy.

8) Prior to the completion of development, a scheme if biodiversity enhancement measures shall be submitted and approved by the local planning authority. the measures shall be implemented in accordance with the approved details prior to occupation of the building, and retained thereafter.

In the interests of ecological diversity in accordance with SP11 of the Core Strategy.

9) No development shall take place until full details of the proposed sewerage system has been submitted to and approved in writing by the Council. Any approved scheme shall be completed to the written satisfaction of the Council prior to the occupation of the development.

to ensure that satisfactory provision for the discharge of sewerage is made.

10) If within a period of 5 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 protect the visual appearance of the area as supported by EN1 of the Sevenoaks District Local Plan.

11) Notwithstanding the approved plans, the new drive shall be finished in a bound surface within 5m of the carriageway of Rooks Hill.

In the interest of road safety.

12) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: the parking of vehicles of site operatives and visitors loading and unloading of plant and materials storage of plant and materials used in constructing the development wheel washing facilities measures to control the emission of dust and dirt during construction

In the interests of the amenity of the locality and highway safety

13) No building, enclosure or swimming pool, 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 safeguard the rural character of the area.

14) No extension or external alterations shall be carried out to the dwelling hereby approved, despite the provisions of any Development Order.

To safeguard the rural character of the area.

15) No boundary walls, fences or other means of enclosure shall be erected on the site boundary, despite the provisions of any Development Order.

To safeguard the rural character of the area.

16) If at any stage during the build process, asbestos is discovered in the structure of the building, an appropriately qualified environment specialist, shall be retained to assess the implications of this. In this case, no further work shall take place until the specialist has confirmed in writing to the Council that the development and the land is suitable for the permitted end use.

In the interests of the future occupants of the development

17) Prior to commencement of development, an amended residential curtilage plan shall be submitted and approved by the local planning authority. The development shall be carried out in accordance with the approved plan.

To protect the rural character of the locality.

Informatives

1) Please note that in accordance with the information on your Self Build Exemption Claim Form Part 1 and the requirements of The Community Infrastructure Levy Regulations 2010 (as amended) you MUST submit a COMMENCEMENT NOTICE to the Council BEFORE starting work on site. Failure to do so will result in the CIL charge becoming payable in full.

2) Please note that within six months of completing the home, the applicant must submit additional supporting evidence to confirm that the project is self build, being:

* A Self Build Exemption Claim Form - Part 2 (available on the Planning Portal website);

* The supporting evidence as set out in the form, to confirm that the levy exemption should be upheld.

If the evidence is not submitted to the Council within the 6 month time period, the full levy charge becomes payable.

3) The granting of any planning permission does not convey approval for any works in the highway or affecting it, e.g. construction of a driveway and linking it to the public highway. A licence must be obtained for such works. The Applicant should contact Kent County Council Highways and Transportation (web:

http://www.kent.gov.uk/roads_and_transport/highway_improvements/parking/dropped_kerbs.aspx telephone:03000 418181) in order to obtain the necessary Application

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Pack. Please allow at least eight weeks notice.

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.aspx),
- 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 provided with pre-application advice that led to improvements to the acceptability of the proposal.

Description of Proposal

- 1 Permission is sought for the conversion of an existing barn to a residential unit. The frame and existing fibre cement cladding panels are shown as retained with the external cladding of the building to be over clad with sweet chestnut timber. The site access is retained, with a new vehicle grasscrete access road leading to the barn, which is shown as obscured from view by the use of landscaped bunding.
- 2 The proposal shows the re-use and adaptation of the existing barn. The floor level of the barn is shown as lowered by 90cm and an additional level of accommodation added within the existing structure. Facade materials are to be over-clad with Sweet Chestnut timber cladding.

- 3 The existing entrance at the front of the barn is shown as maintained and a vehicle route is created as a grasscrete path leading from the existing access point to a proposed screened domestic area, and a parking area which is also screened by landscaped bunding.
- 4 The existing openings on the roof are shown as reused, but predominately reduced in size on the south side for conservation style rooflights. The existing opening on the northern facade is proposed with a glazed screen infill with a rooflight above. In order to minimize the light pollution from the glazed facade the scheme proposes timber louvre sliding shutters to reduce the impact and presence of the building in its environment at dusk.
- 5 A post and wire fence is proposed around the perimeter of the application site. New grass banks are shown to the north and west elevations to screen the existing building, existing hardstanding and the new proposed parking. Additional tree planting is also proposed to the north and west elevations.

Description of Site

- 6 The site area is approximately 4.82Ha / 11.9 Acres set within an undulating landscape, although the planning application area is 0.28 Ha / 0.7 Acres. The existing building is screened by trees to the perimeter of the site running parallel with Rooks Hill Road. Existing smaller scale trees are located at the northern facade of the existing building. The Barn was historically associated with the Underriver Vineyard and has been redundant since the time of sale in March 2011.
- 7 The existing building is a steel portal frame on a concrete base structure. Large full height sliding industrial doors are located on the northern façade and a personnel door is located on the western flank wall. 12 no. large rooflights are located within the roof cladding within the structural bays. The roof covering is corrugated steel. The barn is surrounded by agricultural land and there are also mature hedgerows and trees to the perimeter - none of these would be affected by the proposals.

Constraints

- 8 AONB
- 9 Green belt

Policies

Sevenoaks District Local Plan

- 10 Policy- EN1,

Sevenoaks Core Strategy

- 11 Policies – L01, L08, SP1, SP2, GB3A, GB3B

ADMP

- 12 Policies – EN1, EN2, SC1, GB7

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Others

13 Underriver Village Design Statement

14 Sevenoaks Countryside Assessment

Relevant Planning History

15 14/02571/FUL - Conversion of the existing barn into a single dwelling with associated landscaping. Withdrawn

Consultations

SDC Planning Policy

16 SDC Policy has made the following comment:

'Thank you for the opportunity to comment on this application. My comments are restricted to the impact of the proposal on the character and setting of the AONB.'

The site lies within the Kent Downs AONB and consists of an existing permanent barn which is already visible within the landscape. Conversion of the barn into a dwelling-house would not have a greater impact on openness or increase its prominence within the landscape. The inclusion of screening within the proposal is likely to decrease the visibility of the site and therefore the scheme is unlikely to have a detrimental impact on the character of the AONB.

The Planning Policy team does not wish to comment on detailed matters of the submission. I trust that the above is clear, however please do not hesitate to contact me should you wish to discuss the matter further.'

KCC Ecology

17 KCC Ecology has stated:

'We have reviewed the ecological information which has been submitted with the planning application and we are satisfied that the proposed development has limited potential to impact protected and notable species provided the precautionary mitigation detailed within the report is carried out.'

KCC Highways

18 Kent Highways made the following initial comments:

'One observation: If the scale bar is correct, the proposed parking and turning area appears to be too small and I would recommend it is widened. Recommended dimensions for the parking bays are 2.5 metres x 5 metres, and the driveway in front of the parking should be 6 metres wide to enable a car to turn easily into the parking bays.'

Assuming the above issue is resolved, we would not wish to raise any objection to the proposals as there would be little impact on the public highway. However, I would request a planning condition that the new driveway should have a bound surface within 5 metres of the edge of the carriageway of Rooks Hill.'

INFORMATIVE:

The granting of any planning permission does not convey approval for any works in the highway or affecting it, e.g. construction of a driveway and linking it to the public highway. A licence must be obtained for such works. The Applicant should contact Kent County Council Highways and Transportation (web:

http://www.kent.gov.uk/roads_and_transport/highway_improvements/parking/dropped_kerbs.aspx telephone:03000 418181) in order to obtain the necessary Application Pack. Please allow at least eight weeks notice.'

- 19 In response to an amendment to address this issue, the following response was then made:

'I confirm the latest proposals as shown in drawing 14065 P-0100 rev A address the concerns set out in my response of 7th November and should provide adequate parking and turning. Please note that if this application is granted permission we would request a planning condition that the new driveway should have a bound surface within 5 metres of the edge of the carriageway of Rooks Hill.

INFORMATIVE:

The granting of any planning permission does not convey approval for any works in the highway or affecting it, e.g. linking the driveway to the public highway. A licence must be obtained for such works. The Applicant should contact Kent County Council Highways and Transportation (web:

http://www.kent.gov.uk/roads_and_transport/highway_improvements/parking/dropped_kerbs.aspx telephone:03000 418181) in order to obtain the necessary Application Pack. Please allow at least eight weeks notice.'

Natural England

- 20 Natural England have made the following comments:

Statutory nature conservation sites – no objection

This application is in close proximity to the One Tree Hill & Bitchet Common Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(l) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Protected landscapes

Having reviewed the application Natural England does not wish to comment on this development proposal.

The development however, relates to the Kent Downs AONB. We therefore advise you to seek the advice of the AONB board. Their knowledge of the location and

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wider landscape setting of the development should help to confirm whether or not it would impact significantly on the purposes of the designation. They will also be able to advise whether the development accords with the aims and policies set out in the AONB management plan.

Protected species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that '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'. Section 40(3) of the same Act also states that 'conserving

biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat’.

Impact Risk Zones for Sites of Special Scientific Interest

Natural England has recently published a set of mapped Impact Risk Zones (IRZs) for Sites of Special Scientific Interest (SSSIs). This helpful GIS tool can be used by LPAs and developers to consider whether a proposed development is likely to affect a SSSI and determine whether they will need to consult Natural England to seek advice on the nature of any potential SSSI impacts and how they might be avoided or mitigated. Further information and guidance on how to access and use the IRZs is available on the Natural England website.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk’.

Southern Water

21 Southern Water has advised:

‘The applicant has not stated details of means of disposal of foul and surface water disposal from the site. There are no public sewers in the area to serve this development. The applicant is advised to examine alternative means of foul and surface water disposal.

The Environment Agency should be consulted directly regarding the use of a private wastewater treatment works or septic tank drainage which disposes of effluent to sub-soil irrigation. The owner of the premises will need to empty and maintain the works or septic tank to ensure its long term effectiveness.’

Parish Council

22 Seal Parish Council has objected, and made the following comments:

‘National Planning Policy Framework states:

that conversion of redundant or disused buildings is acceptable where it would lead to an enhancement to the immediate setting which is clearly not the case in the part of the Kent Downs AONB and MGB. The formation of a domestic curtilage with associated garden furniture, children’s play equipment, mown lawns and ancillary items, would cause immense harm to this particularly attractive stretch of open countryside, and damage the views to and from the greensand ridge.

The application documents suggest the use of bunds would mitigate the harm. However in their own right bunds impose a deformity to the natural landscape.

The application documents also suggest that the existing floor (ground) would be lowered by 900mm which given the form of construction of this type of barn, a concrete raft, would virtually require substantial demolition or removal of a significant part of the structure to achieve.

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The Law states under 2014 No. 564 TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014

Development not permitted if:

6. (g) *the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;*

The application documents retain the original walling and extend the external dimensions by over-cladding with the proposed wall material which is contrary to the above directive

The proposal is contrary to SDC Policy GB7 in that:

- *The proposed new use, along with any associated use of land surrounding the building, will have a materially greater impact than the present use on the openness of the Green Belt and harm the existing character of the area.*
- *There is clear evidence that the buildings are not capable of conversion without major or complete re-construction.*

The conversion works require substantial reconstruction as follows:

1. *Underpinning of the main supporting posts (if possible).*
2. *Taking up the ground floor slab and lowering by 900mm. Re-forming the slab to Building Regulation requirements.*
3. *Inserting a complete new section to the lower 9000mm of the building, including structural element and cladding.*

The proposal is contrary to the Underriver Village Design Statement, which is an adopted Supplementary Planning Document in that:

- *R1 Particular account should be taken of the visual impact of any new developments upon the appearance of the Village. New developments should be designed to intrude as little as possible upon the openness of the countryside by taking advantage of the lie of the land and natural screening. The appearance of a low-density settlement should be maintained. Large obtrusive buildings amidst fields should be avoided.*
 - *R2 New developments should be designed so as not to damage distant views from and to the Greensand Ridge (see photograph on back cover) as stated Core Strategy Policy SP1, from public road, footpaths, bridleways and other public rights of way and from neighbouring properties. Large walls, entrance gates and prominent roofs on the skyline and large windows reflecting the light should be avoided wherever possible. Solar panels should be sited discreetly. Artificial lighting should be no brighter than required for its purpose: it should be low-angled, discreet and focussed as narrowly as possible. It should not intrude upon the darkness of the night sky.*
- R3 New **developments** should be sympathetic with the general character of the Village, which has a wide variety of building styles, but innovative architecture might be considered in appropriate locations. Developers should be encouraged to use*

traditional local materials and features, such as local rag stone, weatherboarding, oak framing and red clay hanging tiles or roof tiles. They should generally be of single or two storey construction and not higher than neighbouring buildings. Replacement dwellings should be of very high quality, reflect local style and massing and be located within the curtilage to minimise their impact to the surrounding area. The area is characterised by one and two storey buildings. Higher buildings are likely to be out of character with the area and will not generally be acceptable. Any lighting of which no details are given should be subject to a separate planning application to protect the rural landscape'

Kent AONB Unit

23 Kent AONB unit have made the following comment:

'This replacement of an agricultural building with one in residential use will in our view alter to a considerable degree the character of the area through the introduction of light pollution, vehicle use, domestic curtilage, all will reduce openness and affect the character of the area. Furthermore the proposals are contrary to the Design Guidelines of the Sevenoaks Greensand Ridge Landscape Character Area (page 35 of the Kent Downs AONB Landscape Design Handbook) and the Landscape Actions of the Sevenoaks District Countryside Assessment 2011 which is adopted as SPD. An isolated dwelling in open countryside with no agricultural justification, (and apparently visible from the Greensand Way), would be detrimental to the environment, landscape and recreational opportunities of the AONB. The proposed development would therefore weaken the special characteristics and qualities, natural beauty and landscape character and disregard the primary purpose of the AONB designation, namely the conservation and enhancement of its natural beauty, contrary to Policies SD1, SD3 and LLC1 of the AONB Management Plan 2014-2019.

If the recommendation were for approval would make a holding objection to this proposal'

Representations

24 47 notifications of objection have been received, 34 of these from people who use the footpath. They raise the following points:

- The proposal is for a new build
- A new build with a paved drive will stand out in the landscape
- The change of use along with the new driveway, hard surfaces, parking, gates, fences domestic planting and lighting will suburbanise the field.
- The proposal does not represent the conversion of an attractive farm building
- The impact of the proposal would be greater than an unused barn
- The proposal would encourage applications for new development and set a precedent
- The bunding would erode the natural shape of the hill
- Planning permission was refused for a house before the barns erection

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- There are no special circumstances to allow this in the green belt where it would harm the openness
- The proposal is unacceptable within the AONB – its fails to conserve or enhance its character
- The barn is highly visible from the footpath
- The barn is not capable of conversion without significant/major rebuild
- The barn is in an isolated position
- There might be a lack of light to the inside of the barn
- The proposal would result in increased traffic
- The entrance treatment is unacceptable
- The site is close to a site of special scientific interest.
- Permitted development such as outbuildings would further harm the character of the area
- If permission is granted, then landscaping should be conditioned
- Construction work at the site would cause damage to the existing road by the lorries
- Sewerage should have been addressed
- The structural survey is misleading and incomplete. The building can not be converted as suggested.
- There is nothing to guarantee that there is not asbestos in the structure

Chief Planning Officer's Appraisal

25 The main issues for consideration are:

- Principle of development
- Appearance and impact on the AONB.
- Impact on neighbouring amenity
- CIL
- Other matters

Principle of Development

26 Paragraph 14 of the NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

27 Paragraph 90 of the National Planning Policy Framework states that certain forms of development, including the reuse of buildings provided that they are of permanent and substantial construction, are not inappropriate in the Green Belt provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt.

- 28 Policy SC1 of ADMP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. The Council will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with policies in the LDF will be approved without delay unless material planning considerations indicate otherwise.
- 29 Policy LO1 of the Core Strategy states that in locations such as this, priority will be given to protecting the rural character of the District. Development will only take place where it is compatible with policies for protecting the Green Belt and the High Weald and Kent Downs AONB.
- 30 Policy GB3A of the local plan permits the reuse of buildings within the green belt providing that the proposed use would not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land within it, the buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction, and the form, bulk and general design of the buildings are in keeping with their surroundings and respect local building styles and materials. The creation of a residential curtilage as part of a conversion proposal will not be permitted in AONBs where this would be harmful to the character of those areas.
- 31 Further to this, GB3B states that when considering proposals for the reuse of agricultural buildings for non agricultural purposes, the Local Planning Authority will also consider if the building or other related buildings within a group have been constructed within the last 10 years, whether there was a genuine agricultural justification for the building when originally constructed.
- 32 Policy GB7 of the ADMP permits the reuse of a building within the Green Belt subject to the proposed use and surrounding land not having a materially greater impact on the openness of the Green Belt than the current use, or harm the character of the area. The building must be of permanent and substantial construction and capable of conversion without major or complete reconstruction that would detract from its original character.
- 33 The proposal relates to the conversion of an existing building to residential use. The building was constructed more than 10 years ago. The applicant has submitted a survey by a structural engineer which confirms the Officer assessment of the building on site, and demonstrates that the building is of permanent and substantial construction. The works proposed are able to take place without major or complete reconstruction of the building. The conversion works only involve the cladding of the building and the insertion of minimal fenestration. The existing door to the barn is utilised as is the main entrance to the building.
- 34 Although some structural work consisting of the internal lowering of the floor by 90cm and the installation of plasterboard is proposed, this does not constitute major reconstruction. Queries have been raised in the consultation responses about whether this work is possible. The structural survey submitted with the application, and produced by a qualified engineer states that the proposal is a viable undertaking and that the building is sound and not in need of major reconstruction.

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- 35 No extension of the building is proposed. It would remain of the same form, bulk and scale. As such, the physicality of the building would not have a materially greater impact on the openness of the Green Belt as it would be unchanged.
- 36 The use of sweet chestnut timber cladding on the exterior walls and roof of the building would enable it to harmonise more effectively with the green and wooded surroundings compared with the current metal structure. As such, the development would appear more in keeping with its environment in accordance with GB3A of the Local Plan.
- 37 The current use of the building for agricultural purposes could have a significant impact on the openness of the Green Belt in terms of levels of activity. There is some hardstanding outside the barn which would be used in connection with the stationing of agricultural machinery which could be stored in the barn. In comparison, the proposed use, while it would create some curtilage to the rear and side of the barn, also includes landscaping measures, including the provision of bunds and planting to improve the impact of the proposed use on the openness of the green belt, and shield the existing hardstanding and some of the barn from public view. The curtilage is of a restrained size and sits within the locality within existing grazing land and fenced using appropriate post and wire fencing. Boundary treatments can be conditioned to ensure that they remain appropriate to the character of the area. Additional landscaping is proposed which would soften the appearance of building even further.
- 38 Although alterations have already been made to the curtilage of the building, it has been suggested that it could be pulled even further back from the centre of the site, and softened around the edges so that it would sit more organically within the landscape and so that domestic paraphernalia would be kept closer to the dwelling. This can be dealt with by condition.
- 39 The barn is barely visible from a public footpath, the Greensand Way, which lies 430m away. It is screened from this vantage point by significant existing tree planting. A belt of tree coverage lies to all boundaries of the field in which the barn is located. This blocks the view of the barn within the wider landscape.
- 40 The access to the land already exists and the proposed driveway is shown as constructed of grasscrete so that it would 'disappear' as a grassed area into the wider landscape.
- 41 The building would no longer appear as an agricultural building. However, it is not the intention of the policy to secure this. The building would retain the appearance of a rural building in terms of its shape and mass, and would have no greater impact on the openness of the Green Belt than the existing use, it would be in harmonise with the surroundings and would be softened in the landscape and hidden from view to a greater extent than it currently is. As such, it would preserve the openness of the Greenbelt

Appearance and Impact on the AONB

Village Design Statement

- 42 Policy R1 requires particular account be taken of the visual impact of any new developments upon the appearance of the Village. New developments should be designed to intrude as little as possible upon the openness of the countryside by

taking advantage of the lie of the land and natural screening. The appearance of a low-density settlement should be maintained. Large obtrusive buildings amidst fields should be avoided.

- 43 Policy R2 requires that new developments should be designed so as not to damage distant views from and to the Greensand Ridge as stated Core Strategy Policy SP1, from public road, footpaths, bridleways and other public rights of way and from neighbouring properties. Large walls, entrance gates and prominent roofs on the skyline and large windows reflecting the light should be avoided wherever possible. Solar panels should be sited discreetly. Artificial lighting should be no brighter than required for its purpose: it should be low-angled, discreet and focussed as narrowly as possible. It should not intrude upon the darkness of the night sky.
- 44 Policy R6 states that residential conversions of redundant agricultural buildings of historic interest should be designed to conserve as much as practicable of the original character. Appropriate doors and windows should be used.

SDC Sevenoaks Countryside Assessment

- 45 The Sevenoaks Countryside Assessment states that the key characteristics of the area (Sevenoaks Weald and Underriver are an undulating, enclosed rural landscape, numerous 18th, 19th and 20th century properties set within large gardens, a topography emphasised by the numerous internal field boundaries, narrow lanes with clipped hedges and many gentrified oasts and barns. The visibility of the area is considered to be moderate with views 'contained by the frequent trees, hedgerows and woodland, and by the topography'.

Sevenoaks Core Strategy

- 46 Policy LO8 of the Core Strategy states that the extent of the Green Belt will be maintained, the countryside will be conserved and the distinctive features that contribute to the special character of the landscape and its biodiversity will be protected and enhanced where possible. The distinctive character of the Kent Downs and High Weald AONB and their settings will be conserved and enhanced. Particular regard will be given to the condition and sensitivity of the landscape character and securing the recommended landscape actions in the proposed SPD to ensue that all development conserves and enhances local landscape character and that appropriate mitigation is provided where damage to the local character cannot be avoided.
- 47 Policy SP1 of Core Strategy states that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated. In areas where the local environment lacks positive features, new development should contribute to an improvement in the quality of the environment. The Districts heritage assets and their settings will be protected and enhanced.

Sevenoaks District Local Plan

- 48 Policy EN1 of the local Plan contains a number of criteria including that all forms of development 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.

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The layout of proposed development should respect the topography of the site and retain important features such as trees.

ADMP

- 49 Policy EN1 of ADMP states that proposals which would create high quality design will be permitted subject to a number of design criteria including that the form of the development should respond to the scale, height, materials and site coverage of the area and the layout of proposals should respect the topography and character of the site.

The Kent AONB Management Plan

- 50 This is a document that has been adopted by the Council but does not form part of the Local Development Framework.
- 51 Policy SD1 states that the need to conserve and enhance the natural beauty of the Kent Downs AONB is recognised as the primary purpose of the designation and seeks the highest level of protection within statutory and other appropriate planning and development strategies and development control decisions.
- 52 Policy SD3 states that new development or changes to land use will be opposed where they disregard or run counter to the primary purpose of the Kent Downs AONB.
- 53 Policy LLC2 states that the promotion, management, restoration and appropriate creation of prominent views and viewpoints will be supported.
- 54 The Kent Downs AONB unit has, at the request of a member of the public, commented on the planning application. The comments are based on the replacement of an agricultural building with one in residential use. The application is for the conversion of an existing building with no increase in its size, height or bulk and not for the demolition and replacement with a new dwelling. Therefore, as will be discussed, while there would be minimal increased light pollution from the conversion, the use of the building and its appearance in the landscape, would be no greater than the existing use of the building. It is also barely visible from the Greensand Way.
- 55 The appearance of the application site is typical of the area as considered in the Sevenoaks Countryside Assessment. As per the key characteristics of the area, the site is undulating and appears as an enclosed rural landscape. It is surrounded by internal field boundaries, with views contained by the frequent trees, hedgerows and woodland, and by the topography. The proposal is set within field boundaries, and tree, woodland and hedgerow cover, and is proposed as one of the 'gentrified oasts and barns' quoted within the assessment document. On the basis of this analysis of the character of the area, the impact of the proposal would not have a detrimental impact on the wider countryside, but would benefit from the characteristics of the area.
- 56 As previously discussed, the visual impact of the proposal, compared with the existing barn and its use would be no more intrusive in the landscape and the openness of the countryside. The use of sweet chestnut timber cladding and the additional landscaping would soften its appearance and shield some of the building and existing hard standing from its current view. The restrained residential curtilage is located behind the barn and the proposed bunding and as

such would not appear excessive in the setting. The building would be no larger than it currently is, but would appear as less impacting because of the proposed materials. The distinctive character of the AONB would be conserved through the softening of the appearance of the barn and its environs.

- 57 Some lighting would be evident from the barn at night time. However the fenestration has been kept to a minimum, mostly utilises the existing openings, and is mainly located on the roof where it would be less evident from the street and public viewpoint. The front northern elevation is shown with timber louvered sliding barn doors which would reduce light pollution from the building. A condition could be imposed which would prevent any external lighting without approval. In this way, excessive or overly luminous lighting could be avoided.
- 58 The barn is well screened from view by natural tree coverage and is as such a distance away from the Greensand walk that its conversion, along with the associated mitigation measures would have no greater impact from this view than the existing building. Due to the mitigation measures, the development would appear less imposing in the landscape. The current barn has no historic interest.
- 59 The use of sweet chestnut timber for the building, and a grasscrete driveway would respond to the wooded and green setting of the barn.
- 60 As such, it is considered that the conversion along with the cladding and landscaping measures would comply with Policy R1, R2 and R6, of the Village Design Statement, policy LO8 and SP1 of the Core Strategy, EN1 of the Core Strategy and EN1 of the ADMP.

Impact on neighbouring amenity

- 61 The barn is located a significant distance from any residential dwelling. The closest being Underriver Vineyard at 192m away. It would therefore have a minimal impact on neighbouring amenity as there would be no potential for overlooking or impact. The proposal would not have a detrimental impact on the amenity of adjoining occupiers.

Other matters

Sustainable construction

- 62 Policy SP2 of the Core Strategy states that the District will contribute to reducing the causes and effects of climate change by promoting best practice in sustainable design and construction to improve the energy and water efficiency of all new development. Conversions would be expected to achieve at least very good BREEAM standard.
- 63 A sustainability statement has been submitted with the application which demonstrates that the proposal would achieve BREEAM excellent standard. A condition can require evidence to show that post construction, the development has achieved at least 'very good' standard.

Highway Impact

- 64 Kent Highways considers that the proposal provides adequate parking and turning and that the new driveway should have a bound surface within 5 metres of the edge of the carriageway of Rooks Hill. The proposal shows the use of grass

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create which is a bound surface. As such, there are no highway issues outstanding at the site. Concerns have been raised about the impact of construction traffic on the highway. This is not a material planning consideration which can be afforded any weight in terms of the acceptability of the proposed development. However a construction method statement could be required to control and minimise the number of deliveries to the site, and the impact of parking and storage of materials on the locality.

Ecology Impact

- 65 KCC Ecology have reviewed the ecological information which has been submitted with the planning application and are satisfied that the proposed development has limited potential to impact protected and notable species provided the precautionary mitigation detailed within the report is carried out. As such, these items can be conditioned.

Waste

- 66 Southern Water has advised that because the applicant has not stated details of means of disposal of foul and surface water disposal from the site and there are no public sewers in the area to serve the development, they should examine alternative means of foul and surface water disposal. Further to this, the Environment Agency should be consulted directly on the proposal. This can be required by condition.
- 67 Natural England have noted that additional biodiversity enhancements could be incorporated into the proposal. These can be required by condition.

Consultation Responses

- 68 A number of other matters have been raised in the consultation responses which need to be addressed as follows:
- The proposal is not for a new build but for a conversion of the existing barn.
 - The proposed drive is shown as treated in grasscrete which would appear as a grassed area, not a hard paved area.
 - No external lighting is shown as part of the application. The only lighting would appear from the minimal openings. The application would be conditioned so that any external lighting would require consent.
 - The boundary is shown as post and wire which is an appropriate agricultural boundary treatment. Such subdivision of the land could be undertaken regardless without the need for planning permission to subdivide the land for, example grazing purposes.
 - The appearance of the existing barn is not relevant in terms of its consideration as an existing building. Policy does not differentiate between timber and steel barns. But only existing structures and whether they are of permanent and substantial construction.
 - The proposal cannot be assessed against the use of an unused barn, but against the existing use which is an agricultural barn. As such, the impact of the proposed domestic use of the building on the openness of the

locality has been assessed against its use as an operational agricultural barn.

- The proposal would not encourage new development or set a precedent. Each planning application is assessed on its own merits which are individual to each site and against planning policy.
- The proposed bunding would not be viewed in the context of the open landscape or as part of the natural slope of the site, but would act as a screen to the existing building. They would be significantly lower than the existing barn and their precise height would be clarified by the landscaping condition. The two proposed bunds would only ever appear with the existing barn behind them.
- The application is not being considered in terms of 'very special circumstances' but as the reuse of a building and therefore not inappropriate in the Green belt provided that it preserves the openness of the Green belt and does not conflict with the purposes of including land in the green belt as per Paragraph 90 of the National Planning Policy Framework which states that certain forms of development in the green belt are acceptable.
- The barn is not highly visible from the footpath. It can be seen but at a great distance and behind a dense screen of trees. Another barn is highly visible from the footpath. This other barn is located in close proximity to the footpath.
- The information submitted with the planning application shows that the barn is of permanent and substantial construction and that it can be converted without significant or major rebuild. The internal lowering of the floor and the cladding of the building, along with the insertion of glazing do not constitute significant or major rebuilding.
- The proposal would not result in significant increased traffic compared with its existing agricultural use (albeit currently not in use). Kent Highways have assessed the application and have no objections to its proposed use or the highway impacts of the use.
- The site is located a minimum of 300m away from a Site of Special Scientific Interest. This is such a distance that the conversion works cannot be considered to have a detrimental impact on the designation. No objection in this respect has been made by Natural England or Kent Ecology.
- Permitted development rights would be removed from the site so that no curtilage buildings and no extension works could be carried out without planning permission.
- There is nothing to guarantee that there is not asbestos in the structure, however if that were found to be the case, the application could not be implemented as approved.

69 Concern has been raised about the proposed front entrance gate detail. Limited information about this has been submitted with the planning application, however full details would be required by condition to ensure that the gates would be appropriate to the character of the area.

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Community Infrastructure Levy (CIL)

- 70 The Council adopted the Community Infrastructure Levy on 18 February 2014 and began charging on applications approved from the 4th August.
- 71 A self build exemption is available to anyone who builds or commissions their own home for their own occupation providing the relevant criteria are met as set out in Sections 54A, 54B, 54C and 54D of The Community Infrastructure Levy Regulations 2010 (as amended).
- 72 The applicant has completed all the declarations on the exemption claim form and has assumed liability for CIL. The development has not commenced on site. It is therefore apparent that the applicant is exempt from CIL for the planning application.

Conclusion

- 73 That conditional permission is granted for the proposal.

Background Papers

Site and Block plans

Contact Officer(s): Joanna Russell Extension: 7367

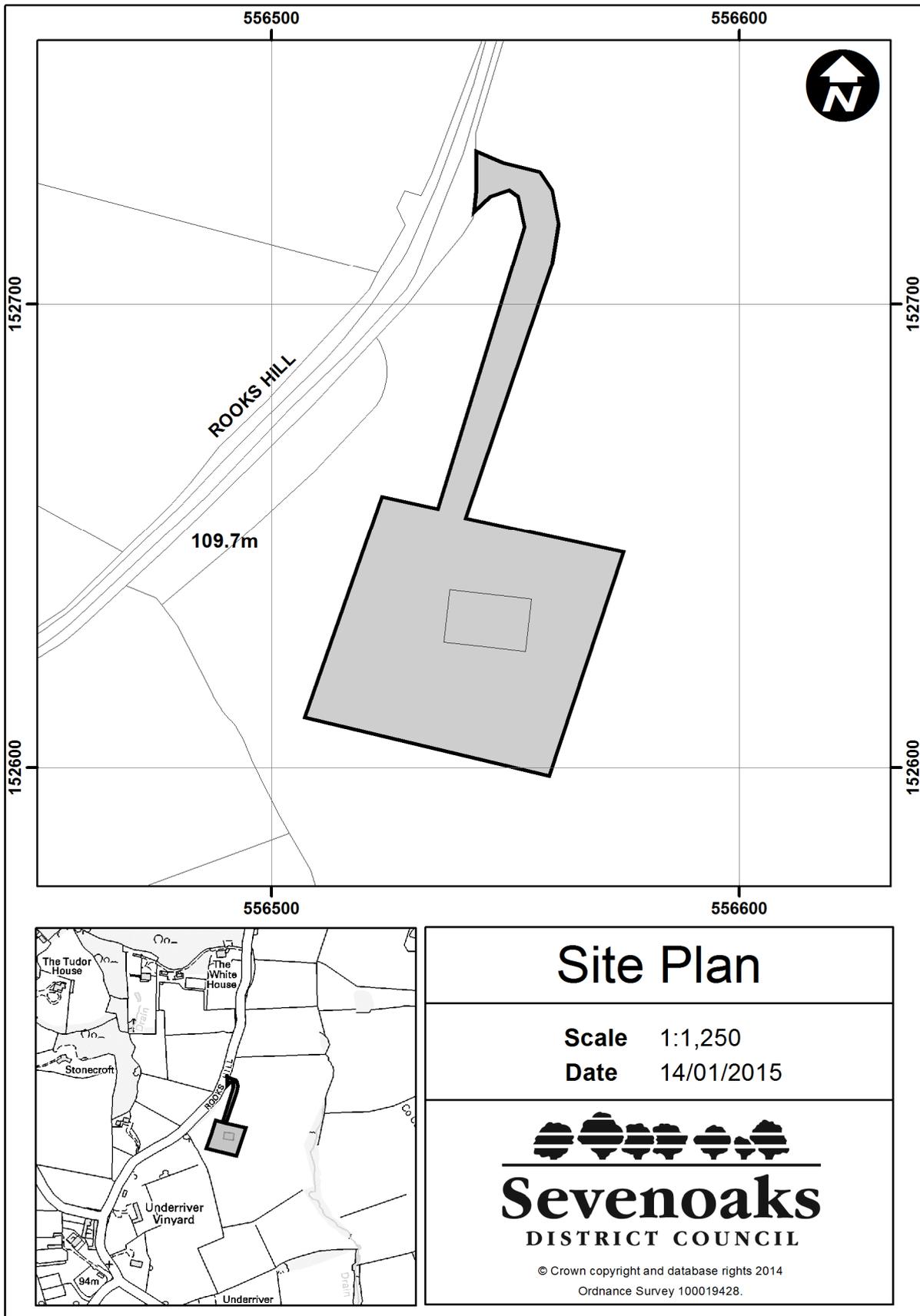
Richard Morris
Chief Planning Officer

Link to application details

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NDH4X6BKHF00>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NDH4X6BKHF00>



Site Plan

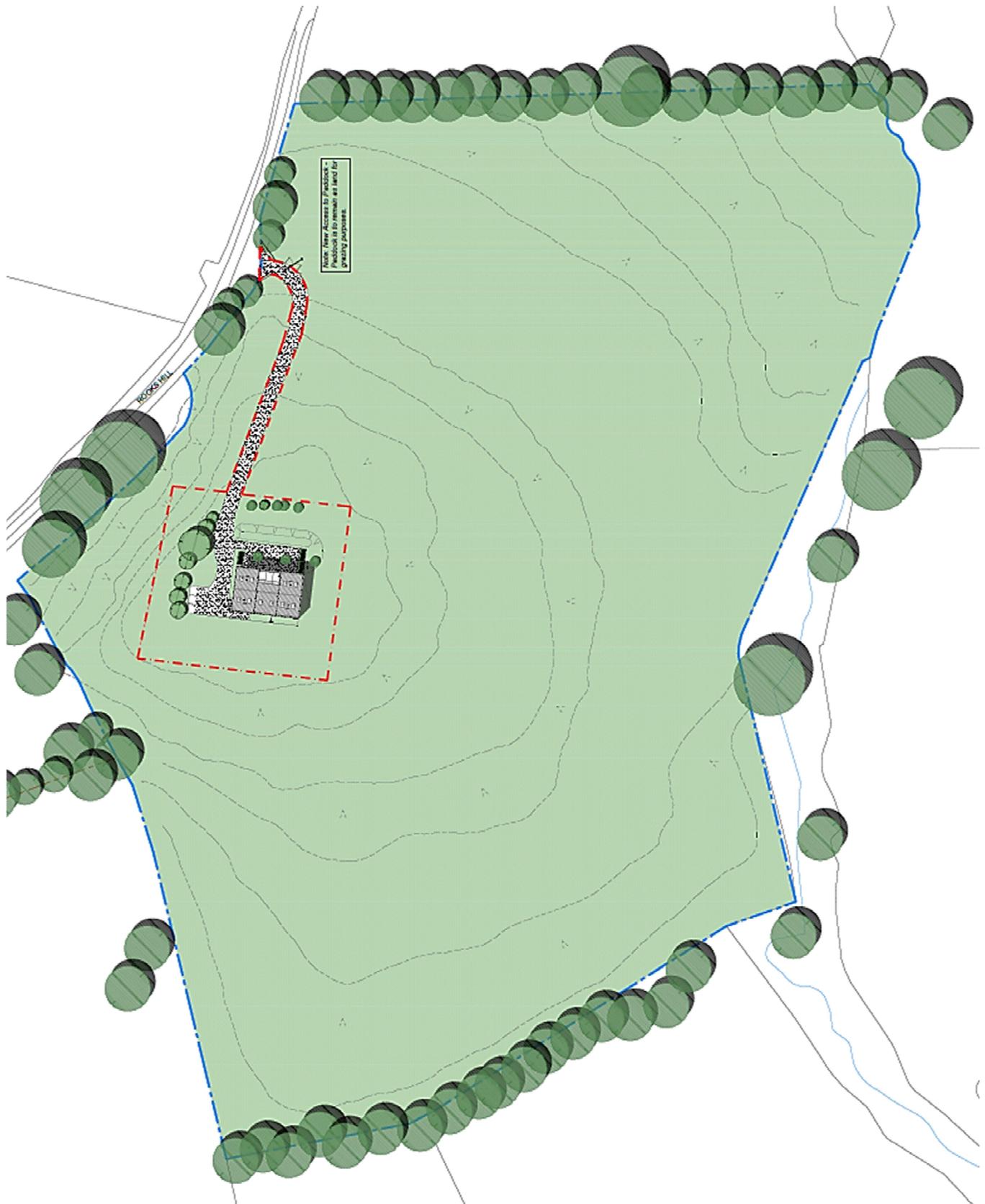
Scale 1:1,250

Date 14/01/2015



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Ordnance Survey 100019428.

Block Plan



4.2 - SE/14/02434/FUL Date expired 13 October 2014

PROPOSAL: Demolition of existing garage, lean-to shed and greenhouse, to facilitate a two storey rear extension single storey front extension and alterations to fenestration to the former garage and mews cottage at the rear of 10 The Drive into a small three bedroom house.

LOCATION: 10 The Drive, Sevenoaks, Kent TN13 3AE

WARD(S): Sevenoaks Town & St Johns

ITEM FOR DECISION

Councillor Fleming has referred the application to Development Control Committee on the basis of overdevelopment, Conservation Area impact and the use class.

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

1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL.01A, PL.02A, PL.03A, PL.04A, PL.10B, PL.11B, PL.12B, PL.20, D.01, DIAG.01, S.03.

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

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

To ensure that the appearance of the development enhances the character and appearance of the locality as supported by Policy EN1 of the Sevenoaks District Local Plan.

4) Prior to occupation of the dwelling, the first floor bathroom window in the south elevation shall be obscurely glazed and shall be retained as such thereafter.

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

5) The development shall achieve a BREEAM minimum rating of very good. 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 BREEAM Design Certificate minimum level very good or alternative as agreed in writing by the Local Planning Authority; and

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ii) Prior to the occupation of the development, that the development has achieved a BREEAM post construction certificate minimum level very good or alternative as agreed in writing by the Local Planning Authority.

In the interests of sustainability and in accordance with SP2 of the Core Strategy.

6) No development shall take place until full details of the proposed foul and surface water drainage, and sewerage systems have been submitted to and approved in writing by the Council. Any approved scheme shall be completed to the written satisfaction of the Council prior to the occupation of the development.

To ensure the development site and other land does not suffer an unacceptable or increased risk of flooding and/or pollution and to ensure that sustainability and environmental objectives are met.

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

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

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

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

Informatives

1) Please note that in accordance with the information on your Self Build Exemption Claim Form Part 1 and the requirements of The Community Infrastructure Levy Regulations 2010 (as amended) you MUST submit a COMMENCEMENT NOTICE to the Council BEFORE starting work on site. Failure to do so will result in the CIL charge becoming payable in full.

2) Please note that within six months of completing the home, the applicant must submit additional supporting evidence to confirm that the project is self build, being:

* A Self Build Exemption Claim Form - Part 2 (available on the Planning Portal website);

* The supporting evidence as set out in the form, to confirm that the levy exemption should be upheld.

If the evidence is not submitted to the Council within the 6 month time period, the full levy charge becomes payable.

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.aspx),
- 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:

Description of Proposal

- 1 Demolition of existing garage, lean to shed and greenhouse. The erection of a two storey rear extension single storey flat green roof and front extension, and alterations to fenestration to the existing building at the rear of 10 The Drive to facilitate its conversion into a 3 bed dwelling.
- 2 The proposed development would be a two storey detached three bedroom family home. A new basement floor would provide a utility, family room and WC. The extended ground floor would comprise the living room, kitchen and dining room, one bedroom, office/study and bathroom. The existing second floor would provide two double bedrooms and a bathroom.

Description of Site

- 3 The site is located at the rear of 10 The Drive, close to Sevenoaks town centre and located in The Vine Conservation Area. To the west is No. 12 the adjoining semi-detached house to 10 The Drive and to the east is No. 8 a large detached house. The site backs onto an apartment block at the rear of the former Stormont Garage site.
- 4 The building was built c1900 at the same time as the main house. (Both visible on the 1909 map) The building, over the years, has been used as a builder's workshop and yard, general storage and lawn mover repair workshop. There is already existing access to the site as well as permission to park two cars on the site. Council records show that the building might have originally functioned as a

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coach house although it's most recent use has been in connection with the use of the site for the repairing and servicing of lawn mowers.

Constraints

5 Conservation area

Policies

Sevenoaks District Local Plan

6 Policies– EN1, EN23, VP1

Core Strategy

7 Policies – LO1, SP1, SP2,

ADMP

8 Policies – EN1, EN2, EN4, SC1

Other

9 The Vine Conservation Area Appraisal and Management Plan

Relevant Planning History

10 83/01268/HIST - alterations extension conversion and use of existing stable/garage as separate residential unit. Refuse

87/00268/HIST - conversion of existing coach house to unit of residential accommodation. Refused

02/01781/FUL - erection of a pre-cast concrete garage. Granted

04/01005/FUL - demolition of existing building to rear and construction of 2 bed one and a half storey dwelling. Refuse and dismissed at appeal. (Attached as Appendices 1 & 2)

Consultations

Parish/Town Council

11 Sevenoaks Town Council have advised:

'Sevenoaks Town Council recommended approval subject to the local district member requesting that the application is considered by the Development Control Committee.'

KCC Highways

12 Kent Highways have advised:

'1. I would recommend a turning area to be provided, so that cars do have to reverse out onto The Drive;

2. *The geometry of the proposed parking area appears to be quite tight.*
3. *There do not appear to be any significant issues that could justify an objection on highways grounds.'*

13 Kent highways have clarified that they do not consider that the application could be refused on highway grounds.

SDC Arboricultural/Landscape Officer

14 SDC Arboricultural officer has advised:

'No objection to this proposal. I suggest a landscaping condition be applied to specify the details of the stated tree and hedge planting.'

Representations

15 9 notifications of objection have been received. They raise the following points:

- There have been refusal at appeal on this site before and there is no change in circumstance to support this application.
- The proposal does not preserve or enhance the character or appearance of the conservation area.
- The use of the site for residential is inappropriate.
- There would be a loss of privacy
- It would have a detrimental impact on amenity in terms of noise and disturbance.
- The proposal represents backland development
- The proposal would be an overdevelopment of the site.
- The proposal would set an unwelcome precedent.
- The use of the building is for light commercial use and would represent a change of use.
- Any windows to the rear should be obscurely glazed.
- It is unclear how sewerage or drainage will be dealt with.

Chief Planning Officer's Appraisal

16 The main issues for consideration are:

- Principle of development
- Appearance and impact on the conservation area.
- Impact on neighbouring amenity
- Other matters
- CIL

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Principle of Development

- 16 Policy LO1 of the Core Strategy states that development will be focussed within the built confines of existing settlements. Sevenoaks urban area is identified as one of the principal areas for focus for development in the District. As such, the location is an acceptable site in principle for residential development.
- 17 Policy SC1 of ADMP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. The Council will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with policies in the LDF will be approved without delay unless material planning considerations indicate otherwise.
- 18 Paragraph 14 of the NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.
- 19 Paragraph 53 of the NPPF states that *'Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.'*
- 20 Council records show that the most recent use of the land was for commercial purposes – in connection with a mower repair and servicing business. As such, the land is not within residential use and cannot be assessed as garden development. Subject to an assessment and compliance with other planning policies relating to appearance and impact, the presumption should be in favour of this development due to the sustainable location within the urban confines of Sevenoaks.
- 21 The applicant has highlighted that the layout of 10 The Drive is an exception within the area with the existing building to the rear as built c.1900 clearly showing the vehicular access as an integral part of the original and existing building. The application building was built at the rear of No.10, with its own vehicular access. The historic map (dated 1910) shows a curtilage for this rear building that divides the land to the rear of the property, as it does today.
- 22 In this submission, the applicant has provided significant detail about the building that is proposed for conversion – that it was constructed at the same time as the main dwelling at the front of the site and that it has historically been used for residential purposes, although has more recently been used for light industrial / workshop purposes. In this respect, this application differs significantly to other back land / outbuilding development, particularly in a conservation area. There are no Council records to show that the building was ever used for residential purposes but given the historic associations of the building and the adverse impact that its commercial use could have on the amenity of neighbouring occupiers, this application is considered to carry merit where other 'backland development' may not.

- 23 Permissions have been refused previously for the redevelopment of this site – in 1983, 1987 and 2004. Since consideration of these applications, the direction of planning policy has changed considerably as detailed above. In consideration of planning applications, presumption must now be in favour of sustainable development. This is a golden thread which runs through to local policy – in the emerging ADMP which carried significant weight - and should be applied in decision making. As such, although these previous decisions are material planning considerations, they carry limited weight due to the shift in the focus of national and emerging local planning policy.
- 24 Another change that has occurred since the previous refusals of permission is that the plot directly to the rear of the application site has been developed. The plot was previously occupied by a car showroom and workshop. This has since been replaced with Sackville Place – a residential development of greater proportions than the existing buildings on the site. With the exception of the application site, the character of the area is now entirely residential. As such, the commercial use of the application plot is now out of keeping with the character of the area and the proposed change of use of the site to residential would make it harmonise with the pattern of uses in the immediate locality.

Appearance and Impact on the Conservation Area

- 25 Policy EN1 of the Local Plan contains a number of criteria including that all forms of development are 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. The layout of proposed development should respect the topography of the site and retain important features such as trees. The design of new buildings should incorporate measures to deter crime.
- 26 Policy EN23 of the Local Plan states that proposals for development or redevelopment within or affecting conservation areas should be of positive architectural benefit by paying special attention to the desirability of preserving or enhancing the character or appearance of the area and its setting
- 27 Policy SP1 of Core Strategy states that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated. In areas where the local environment lacks positive features, new development should contribute to an improvement in the quality of the environment. The Districts heritage assets and their settings will be protected and enhanced.
- 28 Policy EN1 of ADMP states that proposals which would create high quality design will be permitted subject to a number of design criteria including that the form of the development should respond to the scale, height, materials and site coverage of the area; the layout of the proposal would respect the topography and character of the site; the proposal would not result in the loss of open spaces that would have an unacceptable impact on the character of the area; the design of new buildings should be permeable and provide connectivity with neighbouring areas; and would create a safe and secure environment.
- 29 EN4 of ADMP states that proposals which affect a heritage asset or its setting will be permitted where the development conserves or enhances the character, appearance and setting of the asset, Applications will be assessed with reference

Agenda Item 4.2

to the historic and/or architectural significance of the asset, the prominence of its location and setting, and the historic and/or architectural significance of any elements to be lost or replaced.

- 30 Paragraph 57 of the NPPF states that *'it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes'*
- 31 Paragraph 60 of the NPPF states that *'planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.'*
- 32 Paragraph 63 states that *'in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.'*
- 33 The Planning (Conservation Area and Listed Building) Act 1990 requires special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 34 The Vine Conservation Area Appraisal identifies key issues within the conservation area as:
- Parking pressure and associated clutter;
 - Maintenance and replacement of inappropriate standard features;
 - Loss of characteristic houses on large plots and their replacement with smaller uncharacteristic smaller houses or flats;
 - Loss of traditional details;
 - Presence of cheap low-quality UPVC double glazed windows. This is perhaps less prevalent than it has been in previous years, although landlords and house owners wanting to make spurious savings on maintenance and increases to thermal efficiency still insist on these inappropriate changes;
 - Inappropriate change of use from single family house to flats. There are different planning rules relating to flats and commercial properties which should be noted. At least one property in St Botolph's Road was noted with PVCU windows. This does require planning permission as this house is being used as flats. UPVC is inappropriate and original timber windows should always be repaired.
 - A lack of maintenance in the public realm extends to the private arena. Houses must be regularly maintained and painted. The use of inappropriate materials should be discouraged.
- 35 It goes on to recognise that:

'Any new development should encourage high quality and innovative design that reflect local identity and distinctiveness and promotes healthy, safe and secure

living and working environments. The design and layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but the townscape and landscape of the whole area. The pattern and pedestrian scale of existing local streets and spaces should help determine the character and identity of the new development...

...All development in the conservation area, must respond to its immediate environment and context, in terms of scale, density, form, materials and detailing. Applicants for planning permission must provide a "Design and Access Statement", to justify the design decisions that have been made as the scheme was developed and to show how proposed alterations relate to their context. Where appropriate long views of and from the site must be taken into account. Proposals which fail to respect the local contextual framework or the scale, height, proportion and materials of the local area will not normally be permitted.'

- 36 The development involves the change of use of an existing building which has a strong historic association with the development of the conservation area because it and the main dwelling were constructed at the same time. The proposal differs significantly from the conversion of a more recent outbuilding or the insertion of a new building. The existing building at the rear of the site is an original feature of the pattern of development in the locality and the conservation area. In the same way, the use of the rear of the site separate from the dwelling at the front, and the subdivision of the garden is unusual within the area, but regardless is a historic feature of this plot. In this respect, the conversion of the building and its use for residential purposes would, unusually respect the historic pattern of development on the plot and utilise an original building within the conservation area.
- 37 Due to its location, at the rear of the site away from the road frontage, the proposal would be barely visible from the street scene. The access driveway is already in use to access the existing building at the rear. Therefore, its continued use would have no additional impact. The roofs of the extensions, and the roof over the basement are shown as planted which would soften their appearance within the stretch of rear gardens. The use of materials, including horizontal timber cladding and brick would ensure that the development harmonised with the existing buildings at the front of the site, and also the natural appearance of the gardens. The extensions, as single storey and of simple clean lines, would respect the local distinctiveness of the existing building.
- 38 The removal of the more recent additions to the site – the lean to, greenhouse and garage would be of positive benefit to the appearance of the locality.
- 39 The most recent refusal of planning permission in 2004 was for the demolition of the existing building and the construction of a bland house of non descript appearance. In his appeal decision (Attached as Appendices 1 & 2), the Inspector considered that the design and scale of the proposal would be incompatible with the existing style of houses in the locality. This application overcomes this objection through the retention of the existing original building, the addition of sensitively designed, minimal extensions and the use of high quality materials.
- 40 The proposal would be a high quality individual development which respects local distinctiveness. It would respect and protect the character of the area and the setting of the site. Through its limited visibility at the rear of the site, the use of materials and the addition of minimal, low level extensions, it would harmonise

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with the locality and preserve the character and appearance of the conservation area.

Impact on neighbouring amenity

- 41 Policy EN1 of Local Plan states that proposed development should not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements.
- 42 Policy EN2 of ADMP states that proposals will be permitted where they would provide adequate residential amenities for existing and future occupiers of the development and would safeguard the amenities of existing and future occupants of nearby properties by ensuring that the development does not result in excessive noise, vibration, odour, air pollution, activity or vehicle movements, overlooking or visual intrusion and where the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 43 The previously refused 2004 application was a detached two storey new build dwelling that contained two first floor and two ground floor windows facing towards the rear of the existing dwellings on The Drive. The inspector considered that the use of the driveway by future occupants of the development would not cause harm through noise and disturbance, but he did find that there would be a loss of privacy between the occupants of the proposal and the occupants of the apartments within No's 8, 10 and 12 The Drive.
- 44 This application has addressed this issue through the addition of only new ground floor windows. No new first floor windows have been proposed which face towards the existing dwellings.. The only first floor window that will face towards the existing buildings is contained within the existing building, and would serve a bathroom. As such, it could be required to be obscurely glazed. Regardless, the distance between this window and the rear elevation of the existing dwelling is 26.6 which is a sufficient distance to ensure that there would be no loss of amenity.
- 45 No windows are proposed in the rear north elevation.
- 46 The other remaining windows which would face towards the existing buildings would be at ground floor or basement level and screened behind the soft landscaping that is proposed as a boundary in between the site and the rear of the existing dwelling. This would not cause any overlooking between the dwellings.
- 47 The site is well screened to its side boundaries and this would prevent any loss of amenity from the proposed ground floor openings which would face onto the end of the rear garden at number 12.
- 48 The existing building contains a small window at first floor level in each of the side elevations. The window on the boundary with No. 8 is an existing window and as such, there would be no increased impact from it. The window shown on the boundary with No. 12 is a new window. Views from it would be obscured by the boundary planting between the plots. Regardless, it looks out onto the end of an amenity space rather than into habitable space. As such, its impact is considered to be acceptable.

- 49 This proposal would have a minimal impact on neighbouring amenity that is considered acceptable.

Other matters

Sustainable construction

- 50 Policy SP2 of the Core Strategy states that the District will contribute to reducing the causes and effects of climate change by promoting best practice in sustainable design and construction to improve the energy and water efficiency of all new development. Conversions would be required to achieve at least a 'very good' BREEAM rating. This can be dealt with by condition.

Construction works

- 51 Given the location of the site, adjacent to residential dwellings, it would be reasonable to impose a condition to require a development method statement to ensure adequate parking, hours of operation and storage of materials during the construction period.

Highway Impact

- 52 Kent Highways have raised concerns about the lack of a turning area and that the proposed parking area is tight. However they have concluded that these would not justify a refusal of the proposal on highway grounds.

Drainage and sewerage

- 53 Concerns have been raised about the provision for sewerage and water run off. These matters can be conditioned.

Community Infrastructure Levy (CIL)

- 54 The Council adopted the Community Infrastructure Levy on 18 February 2014 and began charging on applications approved from the 4th August.
- 55 A self build exemption is available to anyone who builds or commissions their own home for their own occupation providing the relevant criteria are met as set out in Sections 54A, 54B, 54C and 54D of The Community Infrastructure Levy Regulations 2010 (as amended).
- 56 The applicant has submitted a Self Build Exemption Claim Form: Part 1 and has confirmed all the declarations required.

Conclusion

- 57 That conditional permission is granted for the proposal.

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Background Papers

Site and Block plans

Contact Officer(s):

Joanna Russell Extension: 7367

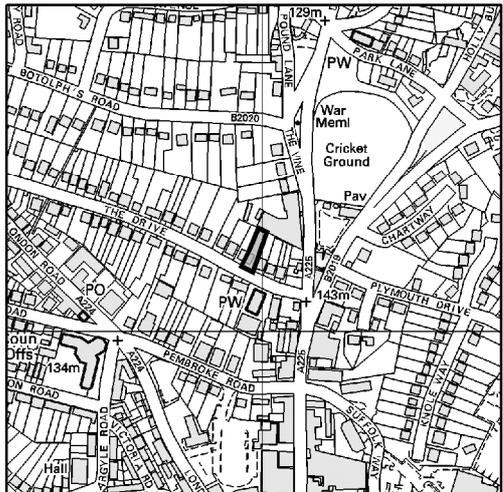
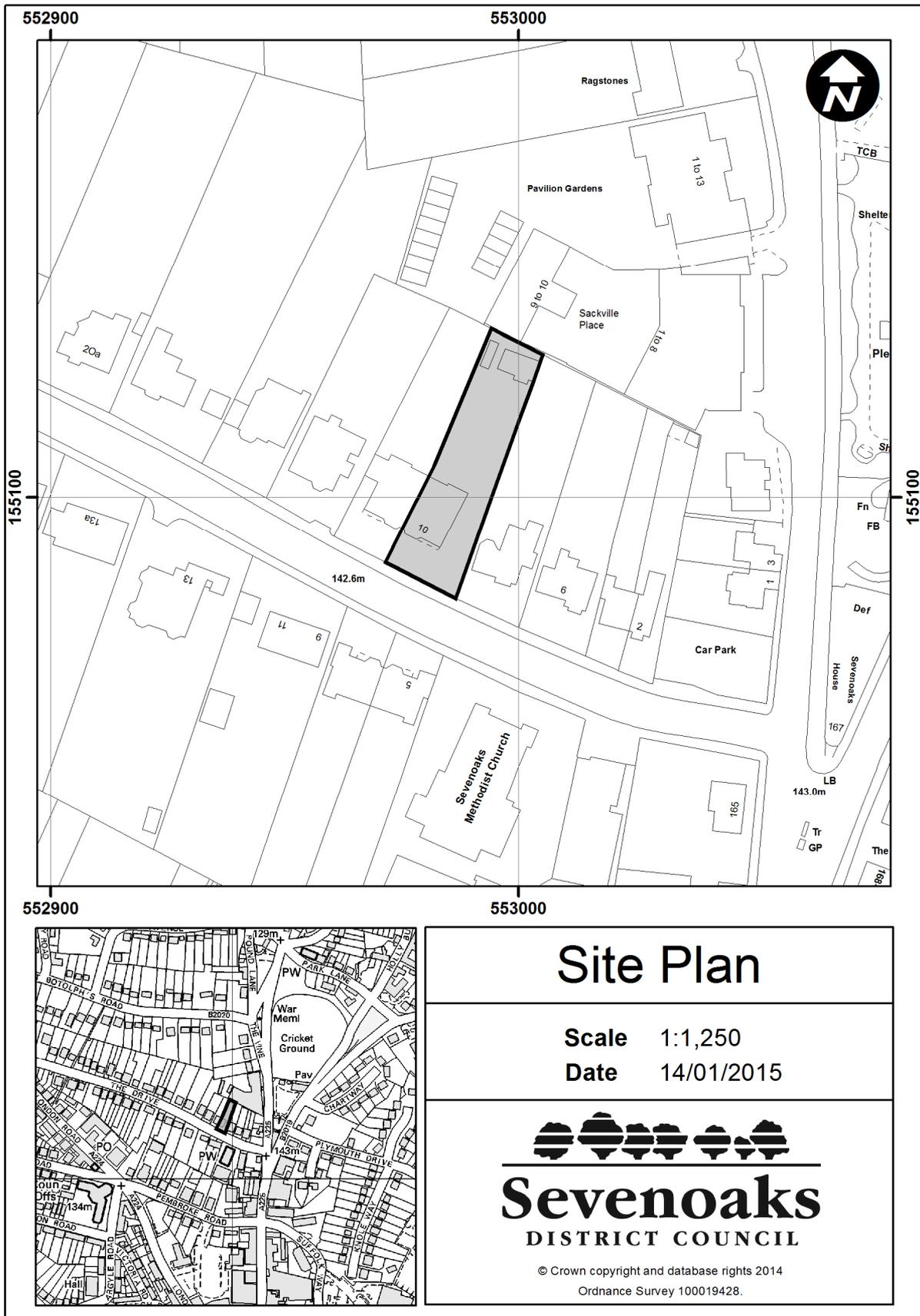
Richard Morris
Chief Planning Officer

Link to application details

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N9EU81BKGNQ00>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=N9EU81BKGNQ00>



Site Plan

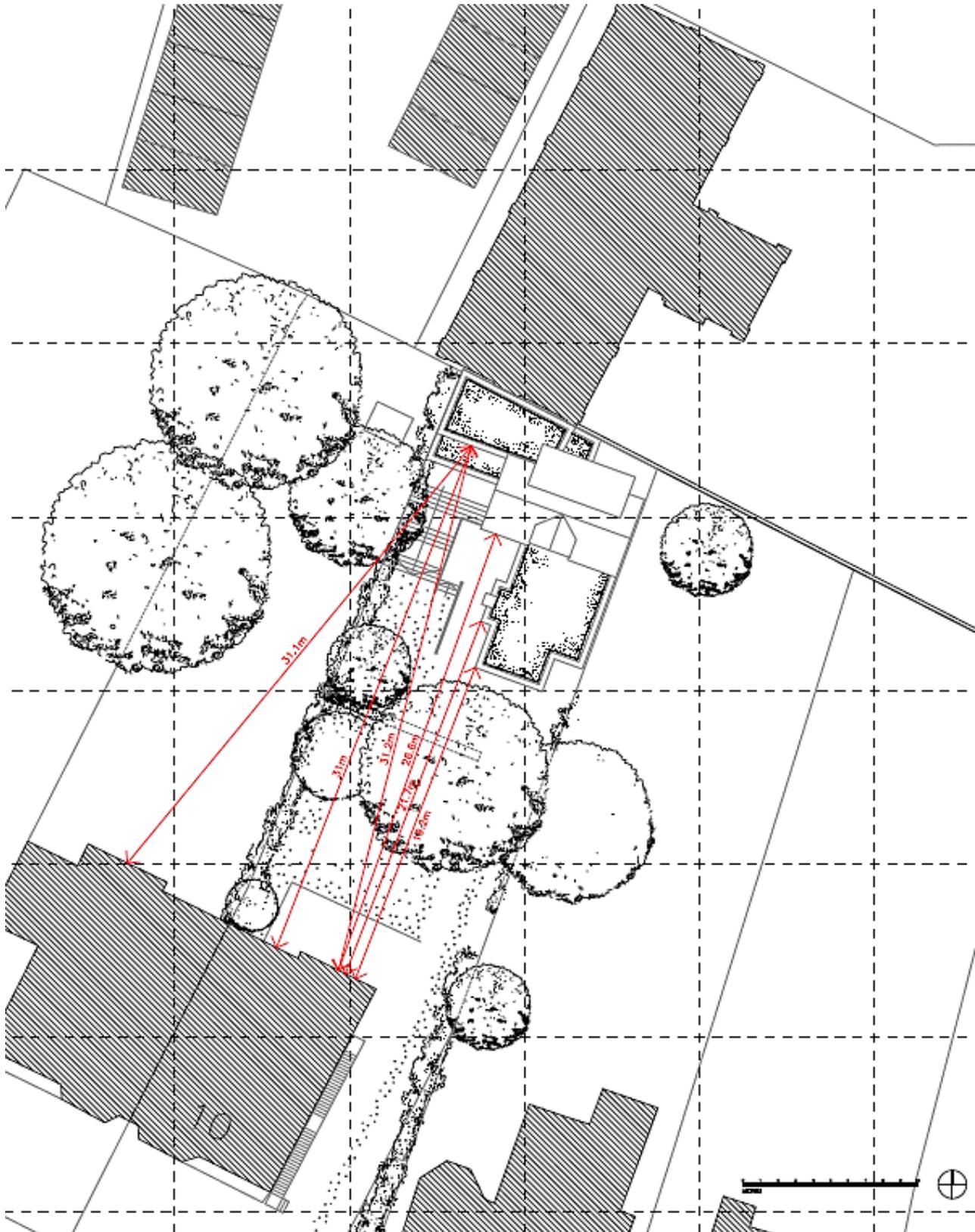
Scale 1:1,250

Date 14/01/2015



Sevenoaks
DISTRICT COUNCIL

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Ordnance Survey 100019428.





Appeal Decision

Site visit made on 14 March 2005

by **W G Le-Las BA(Hons) PhD MRTPI FRSA**

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
 409 Kite Wing
 Temple Quay House
 2 The Square
 Temple Quay
 Bristol BS1 6PN
 ☎ 0117 372 6372
 e-mail: enquiries@planning-
 inspectorate.gsi.gov.uk
 Date 28 APR 2005

Appeal Ref: APP/G2245/A/04/1160463

The Coach House, to the rear of 10 The Drive, Sevenoaks, TN13 3AE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr P Palermo against the decision of Sevenoaks District Council.
- The application (Ref No SE/04/01005/FUL, dated 16 February 2004) was refused by notice dated 2 June 2004.
- The development proposed is described as “demolition of ~~existing building~~ construction of 2 bed, 1½ storey dwelling”.

Summary of Decision: The appeal is dismissed.

SEVENOAKS DISTRICT COUNCIL

REC'D 29 APR 2005

STRATEGIC SERVICES DEPT.

Procedural Matter

1. I note that the submitted plans show a new garage as well as a new dwelling. I will deal with the appeal on that basis.

Main Issues

2. The proposed dwelling and garage would be in a backland location, to the rear of No 10 The Drive. I therefore consider that there are two main issues in this appeal:
 - the effect of the proposed dwelling and garage on the character and appearance of the surrounding area; and,
 - the impact of the proposed dwelling and garage on the living conditions of nearby residents at Nos 8, 10 and 12 The Drive.

Planning Policy

3. The development plan includes the Kent Structure Plan, adopted in 1996; and the Sevenoaks District Local Plan (LP), adopted in 2000. I consider the most relevant policy for this appeal to be LP policy EN1, which imposes criteria for all forms of development. Criterion 1) requires buildings to be compatible with other buildings in the locality. Criterion 3) seeks to protect privacy and amenities. Criterion 4) establishes that tandem development will not be permitted.

Reasons

Issue 1: Character and appearance

5. Despite being near to Sevenoaks town centre, this part of The Drive has retained its residential character. On the same side of the road as No 10 there are large semi-detached houses with long, narrow, rear gardens. To the north, at the end of the rear gardens of Nos 2-10 The Drive, is the high, blank wall of a car showroom.

6. To my mind, the small size and backland position of the appeal site would be incompatible in an area where frontage housing and long rear gardens are the norm. I accept that there has been a building on the site for a long time; the coach house that would be demolished as part of the appeal proposal. There is also a double garage and a greenhouse. However, these are subordinate outbuildings which one might reasonably expect to find in the rear gardens of houses of this age. To my mind, their presence does not justify the erection of a new dwelling in their place. Criterion 4) of LP policy EN1 says that backland (or tandem) development will not be permitted. I do not consider the presence of the existing buildings sufficient justification to set this criterion aside. In addition, I find the design and scale of the proposed dwelling to be incompatible with the Edwardian style of the houses on the road frontage. This is contrary to Criterion 1) of LP policy EN1. I have therefore concluded that the proposed dwelling and garage would have a harmful effect on the character and appearance of the surrounding area.

Issue 2: Living conditions

8. I do not share the concerns raised about noise and disturbance from the use of the driveway. The driveway already serves 4 garages and, potentially, these could generate more traffic movements than the proposed dwelling itself. However, I am concerned about privacy. Nos 8, 10 and 12 The Drive are sub-divided into flats on all floors. The proposed dwelling's backland position would make it hard for occupants of rear-facing flats to retain levels of privacy that they currently enjoy. I consider that their living conditions would be worsened. In addition, future occupants of the proposed dwelling could also be looked down on from the flats and this, too, would result in a loss of privacy. I therefore take the view that Criterion 3) of LP policy EN1, which seeks to protect privacy, would not be satisfied.
9. I conclude on the second issue that the proposed dwelling and garage would have a harmful impact on the living conditions of nearby residents at Nos 8, 10 and 12 The Drive.

Other Matters

10. I have noted the appellant's landscaping proposals, but I do not consider that they would overcome the concerns I have already described. I agree with the appellant that the site is in a sustainable location, and on previously-developed land. I acknowledge that efficient use of such sites is encouraged by the government, as set out in advice in Planning Policy Guidance Note 3 *Housing*. However, my concerns about the backland position of the proposed dwelling, and the consequent implications for privacy, outweigh this.

Conclusions

11. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

12. I dismiss the appeal.

W G Le-las

Inspector

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4.3- SE/14/03235/FUL Date expired 6 January 2015

PROPOSAL: Demolition of the existing office building and the construction of a new mixed use development, comprising office space and three residential flats.

LOCATION: Denva Marine Consultants Ltd , 156 High Street, Sevenoaks, Kent TN13 1XE

WARD(S): Sevenoaks Town & St Johns

ITEM FOR DECISION

Councillor Fleming has referred the application to Development Control Committee on the grounds of overdevelopment, over looking and highways

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

1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 4743 PD 0002 REV B, 4743 PD 003 REV A

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

3) 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 building 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 locality as supported by Policy EN1 of the Sevenoaks District Local Plan.

4) Prior to occupation of the building, all first and second floor windows in the north elevation shall be obscurely glazed and retained as such thereafter

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

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

To enhance the visual appearance of the area as supported by EN1 of the Sevenoaks

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District Local Plan.

6) If within a period of 5 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.

7) 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 sustainability and in accordance with SP2 of the Core Strategy

8) Details of cycle storage at the front of the building shall be submitted and approved in writing to the local planning authority. the approved details shall be implemented prior to occupation of the building and retained as such thereafter

In the interests of sustainable transport provision

9) Prior to occupation of the development, along the site frontage the applicants should restore the full height kerb except at the location of the planned vehicular access.

In the interest of pedestrian safety

10) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: the parking of vehicles of site operatives and visitors loading and unloading of plant and materials including a commitment that (a) heavy goods vehicles will not be permitted to reverse into or out of the site unless under the supervision of a banksman, wheel washing facilities measures to control the emission of dust and dirt during construction

In the interests of highway safety

11) The privacy screens shown located at the end of the terraces shall be installed prior to occupation of the dwelling, in accordance with the approved plans, and maintained as such thereafter

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

Informatives

1) The proposed development has been assessed and it is the Council's view that the CIL IS PAYABLE. Full details will be set out in the CIL Liability Notice which will be

issued with this decision or as soon as possible after the decision.

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.aspx),
- 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 small scale issues which arose during the process of the application and was given time to address it.

Description of Proposal

- 1 Demolition of the existing office building and the construction of a new mixed use development, comprising office space and three residential flats.

Description of Site

- 2 The application site is approximately 421m² (0.04 of a hectare) and has a gentle sloped fall from the front to the back of the site. It is located to the north of Sevenoaks Town Centre within an area defined on the Sevenoaks Town Centre Inset map as a main business area in the ADMP and Local Plan and within the town centre under the Core Strategy.
- 3 The site is bounded by a large 4 storey office to the south a formally light industrial site to the north (which now sits vacant), and residential gardens

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beyond to the east. The existing building is located a generous distance away from the road to the west and currently allows for a couple of vehicles to be parked on site in front of it.

- 4 The site currently accommodates Transterra House which provides office space. It is considered that the current provision is of poor quality and, although it has been extended in the past does not currently provide suitable space that meets modern business needs. The existing building will be demolished as part of this application.

Policies

Sevenoaks Core Strategy

- 5 Policies – L01, L02, L03, SP1, SP2, SP7

Sevenoaks District Local Plan

- 6 Policies - EN1, ST1A, EP8, VP1

ADMP

- 7 Policies - SC1, EN1, EN2, EMP1, TLC1,

Other

- 8 NPPF

Relevant Planning History

- 9 None

Consultations

Parish/Town Council

- 10 Sevenoaks Town Council recommended approval.

KCC Highways

- 11 Following the submission of amendments to the scheme, Kent Highways have advised:

‘Thank you for securing improvements to the proposals.

Addressing the various issues:-

- 1. The updated drawing shows an adequate manoeuvring area for cars.*
- 2. The proposed number of parking spaces for the office remains minimal, however in terms of parking spaces per unit office area it is not significantly different from the existing provision.*
- 3. The proposed cycle parking still appears to be impractical, and requires cycles to be lifted and crammed into a small cabinet. This will discourage residents from owning bicycles. Individual cycle lockers would be more appropriate, however*

there does not appear to be adequate room to provide a sufficient number. I would recommend that the applicant should provide a Sheffield stand at the front of the development, so that visitors can park their cycles there.

After consideration of the above issues, I do not intend to raise an objection to the application. If approved, I would request the following planning conditions:

1. Along the site frontage the applicants should restore the full height kerb except at the location of the planned vehicular access. Reason: Pedestrian Safety.

2. Before any construction commences, a construction management plan must be approved by the planning authority. This must include a clear commitment that (a) heavy goods vehicles will not be permitted to reverse into or out of the site unless under the supervision of a banksman, (b) no vehicle will be permitted to leave the site unless its wheels have been cleared of mud, stones or similar material. Reason: Highway Safety.'

Thames Water

12 Thames Water has advised:

Waste Comments

13 *Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at www.thameswater.co.uk*

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

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

Water Comments

14 *With regard to water supply, this comes within the area covered by the South East Water Company. For your information the address to write to is - South East Water Company, 3 Church Road, Haywards Heath, West Sussex. RH16 3NY. Tel: 01444-448200'*

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Representations

15 None received.

Chief Planning Officer's Appraisal

16 The main issues for consideration of this planning application are:

- The principle of development
- Design and Appearance
- Highway implications
- Amenity impact
- Community infrastructure levy

Principle of Development

- 17 Policy LO1 of the Core Strategy states that development will be focused within the built confines of existing settlements. The Sevenoaks urban area (the site is located within the Sevenoaks Urban Confine as noted in Figure 3 of the Core Strategy) will be the principle focus for development in the district in accordance with Policies LO2 and LO3".
- 18 Policy LO2 of the Core Strategy details the Council's aspiration for development in Sevenoaks. It states that existing suitable employment sites will be retained with the opportunity for regeneration and redevelopment to better meet the needs of business.
- 19 Policy LO3 of the Core Strategy states that a mix of uses will be retained and enhanced within the town centre. The historic form and character of the town centre will be maintained. New development in the town centre should be of a scale consistent with the existing character of the centre and should contribute to improving the quality of the town centre environment.
- 20 Paragraph 14 of the NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.
- 21 Policy SC1 of ADMP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. The Council will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with policies in the LDF will be approved without delay unless material planning considerations indicate otherwise.
- 22 Paragraph 14 of the NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

- 23 Therefore, subject to compliance with other local plan policies, it is considered that the site is a sustainable and acceptable location in principle for a mixed use development scheme incorporating office and residential use.
- 24 Policy SP8 of the Core Strategy relates to Economic Development and Land for Business. It states that the sustainable development of the District's economy will be supported by the retention, intensification and regeneration of existing business area primarily at Sevenoaks, Swanley and Edenbridge and Major Developed Sites in rural areas.
- 25 Policy SP8 states that *'sites used for business purposes will be retained in business use unless it can be demonstrated that there is no reasonable prospect of their take up or continued use for business purposes during the Core Strategy period. Redevelopment for mixed use of business sites may exceptionally be permitted where such development would facilitate the regeneration of the site to more effectively meet the needs of modern business, where the employment capacity of the site, represented by the commercial floorspace, is maintained and where a mixed use development would represent a sustainable approach consistent with the general distribution of development'*.
- 26 The Core Strategy states that the Council is preparing an Economic Development Action Plan and that one of its key themes is maintaining the supply of local employment land. The Core Strategy has a significant role to play in implementing the Action Plan in the provision it makes for development and states that there is a significant supply of employment land for business use and that the great majority is acceptably located (as identified in the Employment Land Review). The review identifies that there is a future additional land requirement which can be met through the intensification and use of vacant land. The emphasis of policy is therefore on retaining and making effective use of existing employment land.
- 27 Policy EP8 of the Local Plan identifies the main business areas and states that Class B uses will be permitted within these areas.
- 28 One of the three roles that the NPPF identifies that the planning system should play in contributing towards the achievement of sustainable development is described in the NPPF as:
- "an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation: and by identifying and coordinating development requirements, including the provision of infrastructure"*
- 29 Paragraphs 18 and 19 of the NPPF state
18. *The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.*
19. *The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system."*

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- 30 Paragraph 22 of the NPPF states

"Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities."

- 31 The Council's emerging Allocations and Development Management Plan, EMP1 proposes that the site continues to be allocated for business use. The site forms part of the employment land supply that the Employment Land Review (2007), and the updated Long Term Employment Space Projections (2011), recommend that the Council should retain to meet requirements of the local economy to 2026.
- 32 The proposed development site forms part of the High Street employment land allocation in Sevenoaks. It is subject to policy EP8 of the Sevenoaks Local Plan (2000), policy SP8 of the Sevenoaks District Core Strategy, and EMP1 of the ADMP. The approach in these policies is consistent with para 22 of the NPPF. Its redevelopment for mixed use purposes is also compliant with Policy LO3 of the Core Strategy which states that a mix of uses will be retained and enhanced within the town centre.
- 33 The local policies seek to protect such sites unless it can be demonstrated that there is no reasonable prospect of their take up or continued use for business purposes during the Core Strategy period. If this cannot be demonstrated, they exceptionally allow for the redevelopment for mixed use where such development would facilitate the regeneration of the site to more effectively meet the needs of modern business, provided that the employment capacity of the site, is maintained and where a mixed use development would represent a sustainable approach consistent with the general distribution of development.
- 34 Having assessed the information submitted with the planning application, and visited the site, it is considered that the existing building is in a poor state of repair and is no longer fit for purpose. The applicant has submitted information to demonstrate that in its current state and with minimal parking provision, the existing building would not meet the needs of modern business. It is accepted that there is no reasonable prospect of the site's take up or continued use for business purposes during the Core Strategy period in its current state.
- 35 The existing area of office space (excluding circulation, toilets and storage) is approximately 141msq and the proposed area is 97msq. However the existing property is very cellular over 2 floors with lots of small rooms like a residential property whereas the new space is much more efficient with an open-plan area all on a single floor. The company who vacated the site had 4 employees. If the efficiency of the existing building were improved, potentially 9-10 employees could be accommodated. The proposed floor plan shows sufficient space for 14 employees including disabled access.
- 36 The proposal would potentially provide an increase in the number of jobs currently on the site and seeks to redevelop the site for mixed use so that it would more effectively meet the needs of modern business. Although the amount of

employment floorspace would be reduced, it would, given the upgrade of existing office space, not reduce the employment capacity of the site. Given the location of the site within the town centre, it would represent a sustainable approach consistent with the general distribution of development in accordance with local policy including policy LO3 of the Core Strategy which states that a mix of uses will be retained and enhanced within the town centre.

- 37 The density of the development is 75 dwellings per hectare. This level is considered appropriate, and makes the best use of land. It is compliant with the requirements of policy SP7 which states that developments should achieve at least 75 units per hectare within Sevenoaks Town centre. The provision of residential units within the built confines and within the town centre is compliant with local and national policy with the site being a sustainable location that should be the principle focus for development in the district.

Design and Appearance

- 38 Policy EN1 of the Local Plan contains a number of criteria including that all forms of development are 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. The layout of proposed development should respect the topography of the site and retain important features such as trees. The design of new buildings should incorporate measures to deter crime.
- 39 Policy SP1 of Core Strategy states that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated. In areas where the local environment lacks positive features, new development should contribute to an improvement in the quality of the environment. The Districts heritage assets and their settings will be protected and enhanced.
- 40 Policy EN1 of ADMP states that proposals which would create high quality design will be permitted subject to a number of design criteria including that the form of the development should respond to the scale, height, materials and site coverage of the area; the layout of the proposal would respect the topography and character of the site; the proposal would not result in the loss of open spaces that would have an unacceptable impact on the character of the area; the design of new buildings should be permeable and provide connectivity with neighbouring areas; and would create a safe and secure environment.
- 41 Paragraph 57 of the NPPF states that 'it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes'
- 42 Paragraph 60 of the NPPF states that 'planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.'

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- 43 Paragraph 63 states that 'in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.'
- 44 The scale, height and bulk of the proposal fits in comfortably with its surroundings. It would be taller than the existing building, however it would relate well to the street. The ridge line is approximately 1.6m lower than the neighbouring building 154 High Street.
- 45 The scale of the building in the street is reduced by the stepping back of the building which helps to break up its form. Set back from the boundary line, it creates a greater sense of openness on the streetscene. Although the depth of the building into the plot is considerably greater than existing, this has no impact on its appearance in the streetscene.
- 46 Although the proposal is significantly larger than the existing building, given the context of the site, the surrounding development and its location within the town centre, the design treatments such as the set down in height from the neighbouring building and set back from the road along with the distances from the development to any residential uses, would ensure that the proposal does not represent an overdevelopment of the site. In all respects, the proposal complies with local and national planning policy.
- 47 The neighbouring plot to the North is vacant. An application was withdrawn in 2011 for construction of three storey office building with associated car parking to the rear & at the basement level. This was approved at committee with the requirement for a legal agreement to be signed. The agreement was not signed and the application therefore not permitted. The proposal showed the building up of the vacant land up the boundary line of the site but with no windows in the Southern elevation where it adjoins No. 156.
- 48 The application for No.156 shows a small gap between it and the boundary of 166. Any forthcoming proposal for the neighbouring site at 166 would need to be set in more from the side boundary than previously considered to allow some light to reach the windows in the northern elevation of the proposed development at 156. The upper storey windows would be obscurely glazed and are non habitable. As such, it is considered that this proposal would not compromise the revised development of the neighbouring plot.
- 49 The application proposal is a high quality building with clean lines and detail that reflects the surrounding context. A traditional material palette is shown which would create a cohesive design across the scheme as a whole. The main material is buff facing brick, with the introduction of a feature header course and cill with a feature banding and entrance portico.
- 50 The ground floor is shown as finished with a stucco render which would give an acceptable period feel to the development, with a stone portico defining the entrance. The fenestration is carefully proportioned and complements the styling of the building.
- 51 The roof is proposed to have a grey slate finish with dormers to the front and rear with the occasional discrete conservation roof light introduced to maximise natural daylight.

- 52 The styling and detailing of the building would be in harmony with its locality and shows materials and detailing a high quality that would respond to the character and distinctiveness of the area.
- 53 A soft landscaping scheme can be imposed to control the landscaping of the development at the front and area.

Amenity impact

- 54 Policy EN1 of local plan states that proposed development should not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements.
- 55 Policy EN2 of ADMP states that proposals will be permitted where they would provide adequate residential amenities for existing and future occupiers of the development and would safeguard the amenities of existing and future occupants of nearby properties by ensuring that the development does not result in excessive noise, vibration, odour, air pollution, activity or vehicle movements, overlooking or visual intrusion and where the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 56 No windows are proposed in the side elevation of the building which faces onto the existing adjacent office development at 154 High Street. On this southern side of the development, the proposal would extend 10.6m further back into the site than the existing and extend an additional two floors upwards. A distance of 1.3m is maintained between the proposal and number 154. Where the first upper floor windows are located on 154, the proposed building steps back and the open rear terraces are located. This would ensure that there would be sufficient daylight to the windows of Number 154. Opaque privacy screens are shown on the sides of the terraces so that there would be no overlooking between the proposal and the windows of No. 154.
- 57 Given these factors, there would be no unacceptable impact on the users of No. 154
- 58 On the side of the development that is adjacent to the vacant plot, the proposal would extend an approximate additional 11.5m back into the site. The plot next to the development site is vacant. The relationship between the development of the vacant plot and this proposal has been considered already.
- 59 The closest building that would be affected to the north is sited 47m away. This is an acceptable distance between buildings for there to be no detrimental impact on the amenity of the occupiers of No.168-170 High Street. The residential windows on the northern elevation all service WC's, ensuites and utility rooms. As such, they can be reasonably required to be obscurely glazed. There would therefore be no overlooking impact from the proposal to the north.
- 60 The nearest residential premises to the rear of the site is 6 Warren Court. The garden of this sits at the rear of the application site. There would be maintained an approximate distance of 33m from the rear building line of the proposal to the closest boundary of the garden of No 6 Warren Court. The distance between rear building lines would be 48m, however this would be at an oblique angle and not

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facing. These distances are acceptable in this context and would not result in a detrimental impact on the amenity of the occupiers of the proposal or existing dwellings.

- 61 This proposal would have a minimal impact on neighbouring amenity that is considered acceptable.

Highway implications

- 62 Core Strategy Policy SP2 states that the council will:

'2. Seek improved facilities for cyclists and pedestrians'

- 63 Policy T1 of the ADMP states that:

"New developments will be required to mitigate any adverse travel impacts, including their impact on congestion and safety, environmental impact, such as noise and tranquillity, pollution and impact on amenity and health."

- 64 The development proposals include 3 allocated spaces for the residential flats in accordance with the parking standards. A further space will be provided for the shared use of visitors and the office development. This shared use is encouraged as the two uses tend to require parking at different times.

- 65 A transport assessment has been submitted which demonstrates that this is a satisfactory provision on the basis that the residential provision will be in accordance with adopted parking standards, and that the office parking, while less than the current provision would be acceptable within such a sustainable location within the town centre. The parking would also provide for a much safer access in to and out of the site, compared with the current arrangement which requires vehicles to back out onto the highway.

- 66 Following the submission of some amendments to the parking provision on site, Kent highways have raised no objection to the proposal and agree with the transport assessment that the parking provision in this location is acceptable. The proposal provides an adequate manoeuvring area for cars and although the proposed number of parking spaces for the office remains minimal, it is not significantly different from the existing provision.

- 67 Kent Highways consider that the proposed cycle parking appears to be impractical, and requires cycles to be lifted and crammed into a small cabinet. This will discourage residents from owning bicycles. Individual cycle lockers would be more appropriate, however there does not appear to be adequate room to provide a sufficient number. Kent Highways have recommended therefore that the applicant should provide a Sheffield stand at the front of the development, so that visitors can park their cycles there. Given the generous set back of the development from the road, this can be achieved through condition.

- 68 Conditions can also be imposed regarding restoration of the full height kerb across an expanse of the frontage, submission of a construction management plan including a clear commitment that (a) heavy goods vehicles will not be permitted to reverse into or out of the site unless under the supervision of a banksman, and (b) no vehicle will be permitted to leave the site unless its wheels have been cleared of mud, stones or similar material.

Community Infrastructure Levy

69 The Council adopted the Community Infrastructure Levy on 18 February 2014 and began charging on applications approved from the 4th August.

70 The proposal is CIL liable and no exemption has been sought.

Conclusion

71 That planning permission is granted.

Background Papers

Site and Block plans

Contact Officer(s):

Joanna Russell Extension: 7367

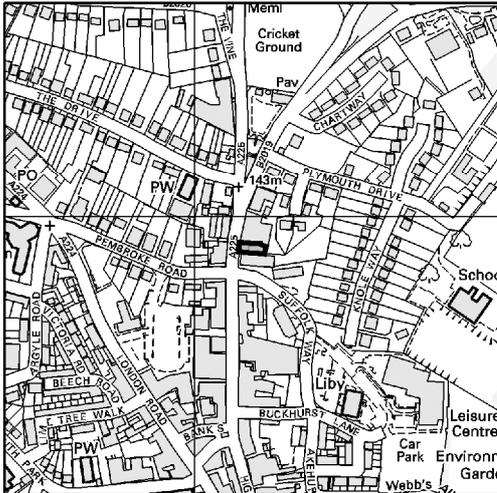
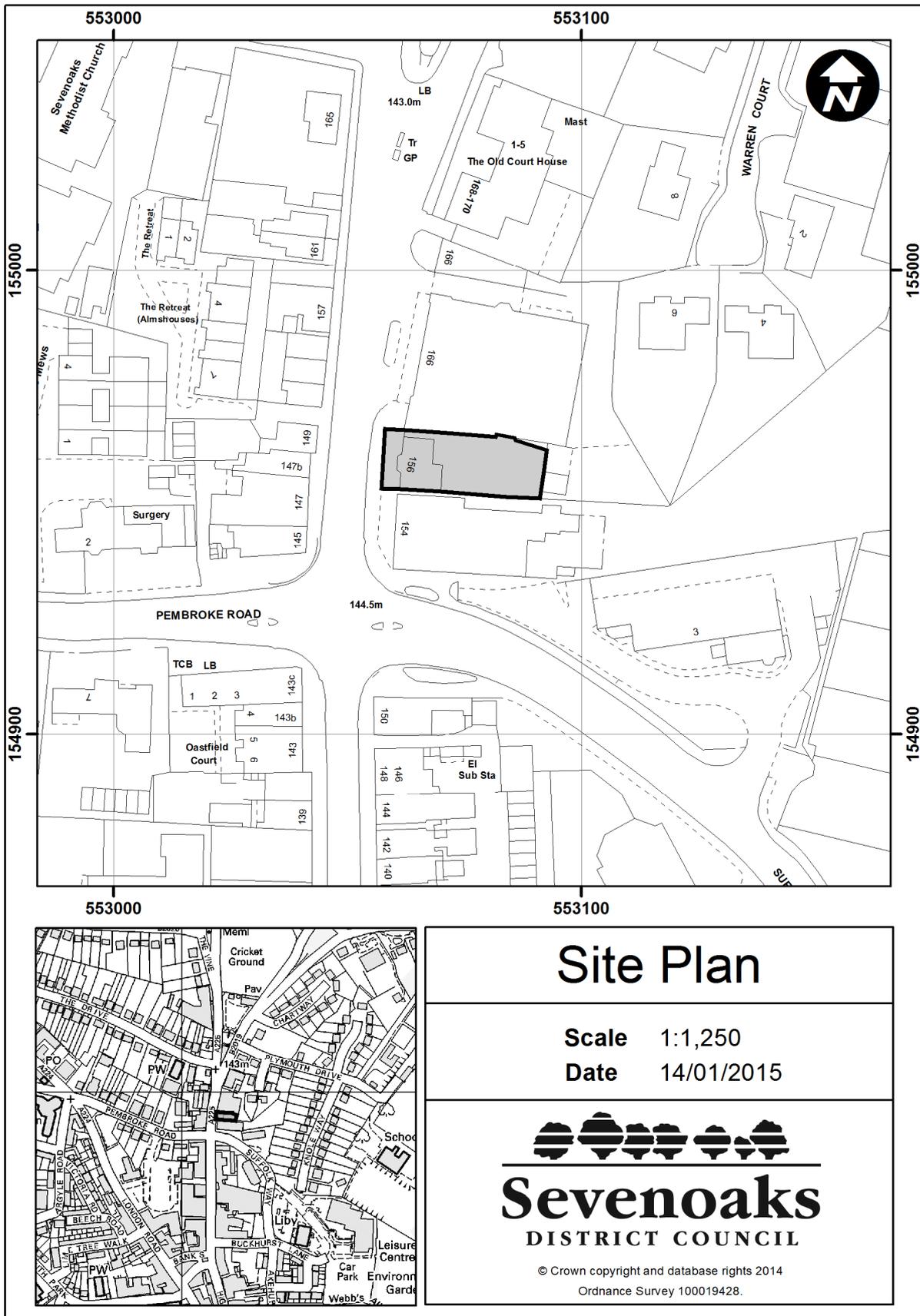
Richard Morris
Chief Planning Officer

Link to application details

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=ND468NBKHE500>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=ND468NBKHE500>



Site Plan

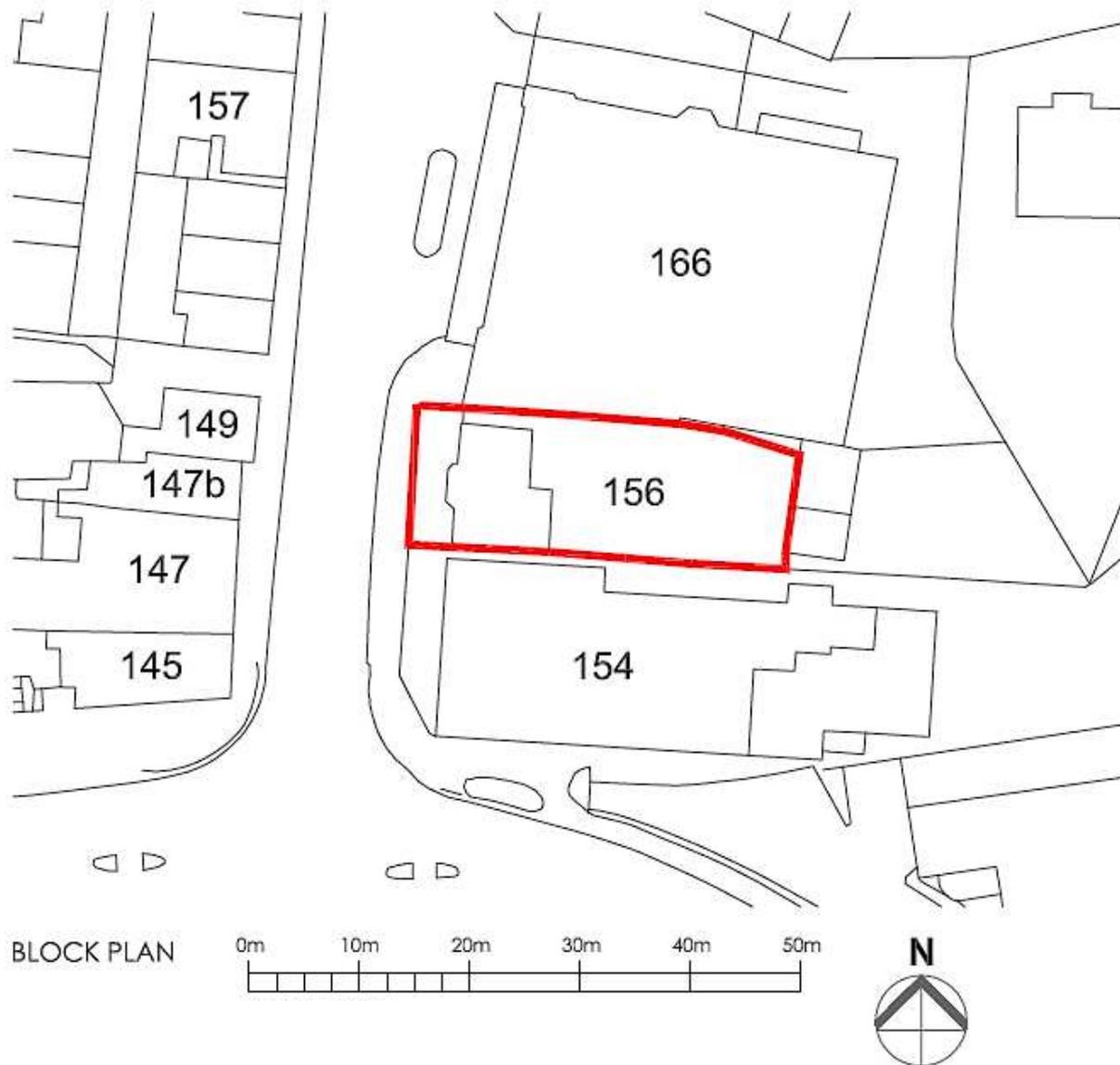
Scale 1:1,250

Date 14/01/2015



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Block Plan



BLOCK PLAN

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Agenda Item 4.4

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.

Description of Proposal

- 1 Retrospective planning permission is sought for the erection of a 1.8m high close board fence with concrete posts and base. The fence is to enclose part of the front and the side boundaries of the site, and will enclose the main garden area of the property.

Description of Site

- 2 The property is a detached dwelling which sits on the eastern side of Station Road, to the south of its junction with Clarks Lane.
- 3 The plot is irregular in that it is only slightly deeper than the 2 storey dwelling situated on it, but it is wider than the house and thus the majority of the amenity space is situated to the side, with a narrow strip to the rear and front of the dwelling.
- 4 Thus the current side boundaries are formed by the pavements of Station Road to the front, and Clarks Lane to the side.
- 5 The wider area is of residential in character with a mixture of modern and more traditional two storey dwellings in the vicinity of the site.
- 6 Immediately adjacent to the site to the south is a car park, creating a significant gap between the application site and the next closest property to the south.
- 7 The site is located within the Halstead Urban Confines and the Conservation Area.

Constraints

- 8 Area of Special Control of Advertisement
- 9 Metropolitan Green Belt
- 10 Special Landscape Area
- 11 Halstead Conservation Area

Policies

Sevenoaks Local Plan:

- 12 Policies EN1, EN7, EN23, EN25A, GB1

Core Strategy:

- 13 Policy SP1

Allocations and Development Management Plan, Draft submission (Nov 2013):

14 Policies SC1, EN1, EN2

Other

15 National Planning Policy Framework (NPPF) and associated technical guidance

Relevant Planning History

16 None

Consultations

Parish / Town Council

17 The Parish Council supports this planning application as the removal of the hedging and installation of the fence has exposed a large area of the footway which allows pedestrians to walk on the footway rather than in the road as previously. The fence also provides good sightlines for drivers exiting Clarks Lane. (06.11.14).

SDC Conservation Officer

18 56 Station Road is located within Halsted Conservation Area. It is on the boundary of the conservation area and on one of the key routes into the village. The extant character of this part of the conservation area is small scale residential development with shallow front gardens facing out onto the recreation ground. The front boundaries of the properties along Station Road are all low level and either picket of hedges/shrubs which creates an intimacy within the streetscene. No.56 is the last house on station road to be within the conservation area and also has a low fence to the front of the house. However, the plot extends to the side of the property with its boundary along Station Road and its junction with Clarks Lane. Recently a large hedge was removed and replaced with a high fence. Whilst this is essentially a rear garden and more privacy required than to the frontage, this is also a key elevation within the conservation area as it is prominent in long views into the village. The fence does not have the qualities of the previous hedge being harder and more dominant on the streetscene. The hedge also reflects the shrubbery and hedges further along Station Road.

19 I would consider this to be harmful, but less than substantial harm, to the character of the conservation area. Development that results in less than substantial harm to designated heritage assets (conservation area) is required by the NPPF to describe the public benefits which are to be weighed against the harm. Without this demonstration of public benefit I recommend refusal.

Kent Highways

20 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.

Representations

21 Neighbours consulted – 3

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22 2 objections received which raise the following points:

- Negative impact on the character of the village
- Prominence within the streetscene

Chief Planning Officer's Appraisal

23 Whilst this is a retrospective application, in assessing the application, officers have considered the planning merits of this case.

Principle of development

24 One of the core principles within the NPPF is achieving sustainable development and encouraging high quality design. Emerging policy SC1 (presumption in favour of sustainable development) also seeks to ensure that there is a presumption in favour of sustainable development. Similarly, policy SP1 of the Core Strategy supports in principle new development subject to a number of requirements being met including design and ensuring that new development does not have any undue harm to neighbouring properties. The remaining elements to consider include:

- Green Belt impact;
- Highways impact; and
- Impact on the streetscene and Conservation Area

Green Belt

25 The NPPF states that as with previous Green Belt policy, inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 79 of the NPPF states that the essential characteristics of Green Belts are their openness and their permanence with Paragraph 80 stating that the Green Belt serves the following relevant purposes:

- To check unrestricted sprawl of large built up areas;
- To assist in safeguarding the countryside from encroachment
- To prevent neighbouring towns merging into one another;
- To preserve the setting and special character of historic towns.

26 Crucially, paragraph 90 of the NPPF states that certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. This being:

- Engineering operations.

27 The proposed fence is 1.8 metres high and extends along the north (side) and part of the west (front) boundary of the site. It abuts the pavement edge to the front and highway to the side. It is considered to be an engineering operation.

- 28 There was previously a significant hedge which enclosed the boundary of the site, and the main amenity space, from google earth images it would appear that this was approximately 1.8-2.0m high, with trees beyond. The fence now erected has some impact on the openness of the Green Belt given its height and design. However one cannot consider this area of the Green Belt as open. The boundary treatments along Clarks Lane are enclosed of high fencing, large trees and mature landscaping / hedging.
- 29 The functions of the Green Belt in this location is to stop urban sprawl and it is considered that by erecting this fence there would not be additional harm to the openness of the Green Belt as it is read against the backdrop of the village and not open greenery and replaces a large hedge.
- 30 With reference to the above discussion, it is considered that, on balance, that the fence is acceptable in this location. It would preserve the openness of the Green Belt and would not conflict with the purpose of including land within the Green Belt.
- 31 The fence is therefore considered an acceptable engineering operation within the Green Belt and would be appropriate development in accordance with Section 9 of the NPPF.

Highway impacts

- 32 Policy EN1 of the SDLP states that proposed development should not create unacceptable traffic conditions on the surrounding road network.
- 33 The fencing encloses the north and west boundaries of the site, and these form the junction with Clarkes Lane and Station Road. As it replaces a former hedge to a similar height, it is not considered that the development results in any additional harm to highway safety.
- 34 Kent Highways have also raised no objections.
- 35 Therefore the proposal complies with policy VP1 of the Sevenoaks District Local Plan and EN2 of the Allocations and Development Management Plan.

Impact on the character of the area/streetscene/Conservation Area

- 36 Under The Town and Country Planning (Listed Buildings and Conservation Area) Act 1990 Act. It is the duty of the Local Planning Authority to ensure that the character of the Conservation Area should be preserved or enhanced.
- 37 A heritage asset is defined in the NPPF as a building, monument, site, place area or landscape identified as having a degree of significance meriting consideration in planning decisions because of its heritage interest. Therefore the Halsted Conservation Area would be defined as a heritage asset.
- 38 Paragraph 132 of the NPPF states that 'when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the assets conservation' and 'that any harm or loss should require clear and convincing justification.'

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- 39 Policies EN23 of the Local Plan and EN4 of the ADMP support this, and make it clear that heritage assets should be preserved and that development should conserve or enhance appearance.
- 40 The development is on a main route through Halstead Village, in an area where the boundary treatment is characterised by low walls and shrubs. Whilst it is acknowledged that the fence does serve a private garden where a higher level of privacy would be expected, it is also a key elevation within the Conservation Area and the development differs significantly from the hedge that was previously on site in terms of harder materials and visual intrusion.
- 41 Therefore the SDC Conservation Officer has concluded that the development would result in less than substantial harm.
- 42 Paragraph 134 of the NPPF states that,
- 'Where development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'*
- 43 The improvement of the development on highway safety has been mentioned as a public benefit. Including the improved ingress/egress onto Clarks Road as a result of the removal of the hedge and its replacement. Paragraph 132 of the NPPF states that 'great weight' should be given to the conservation of heritage assets, and that any harm or loss should require clear and convincing justification.
- 44 There may be some public benefit to highway safety although this has not been quantified. That benefit could have been achieved by a lower wall/fence that would be more in keeping with the area.
- 45 There is, therefore, clearly harm to the character of the Conservation Area and the proposal does not, as required by the Town and Country Planning (Listed Building and Conservation Areas) Act 1990, preserve or enhance the Conservation Area. The public benefit to highway safety would not in this case, with this fence design, outweigh the harm to the character to the Conservation Area.
- 46 The proposal does not therefore comply with the National Planning Policy Framework, or the requirements of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990.

Conclusion

- 47 The proposal is appropriate development within the Green Belt, and will not have an unacceptable impact on the amenities of the neighbouring properties.
- 48 However the development does not preserve or enhance the Conservation Area and no public benefits have been put forward which would clearly outweigh this harm. Therefore the development does not comply with the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 and paragraph 134 of the National Planning Policy Framework.

Background Papers

Site and Block plans

Contact Officer(s): Deborah Miles Extension: 7360

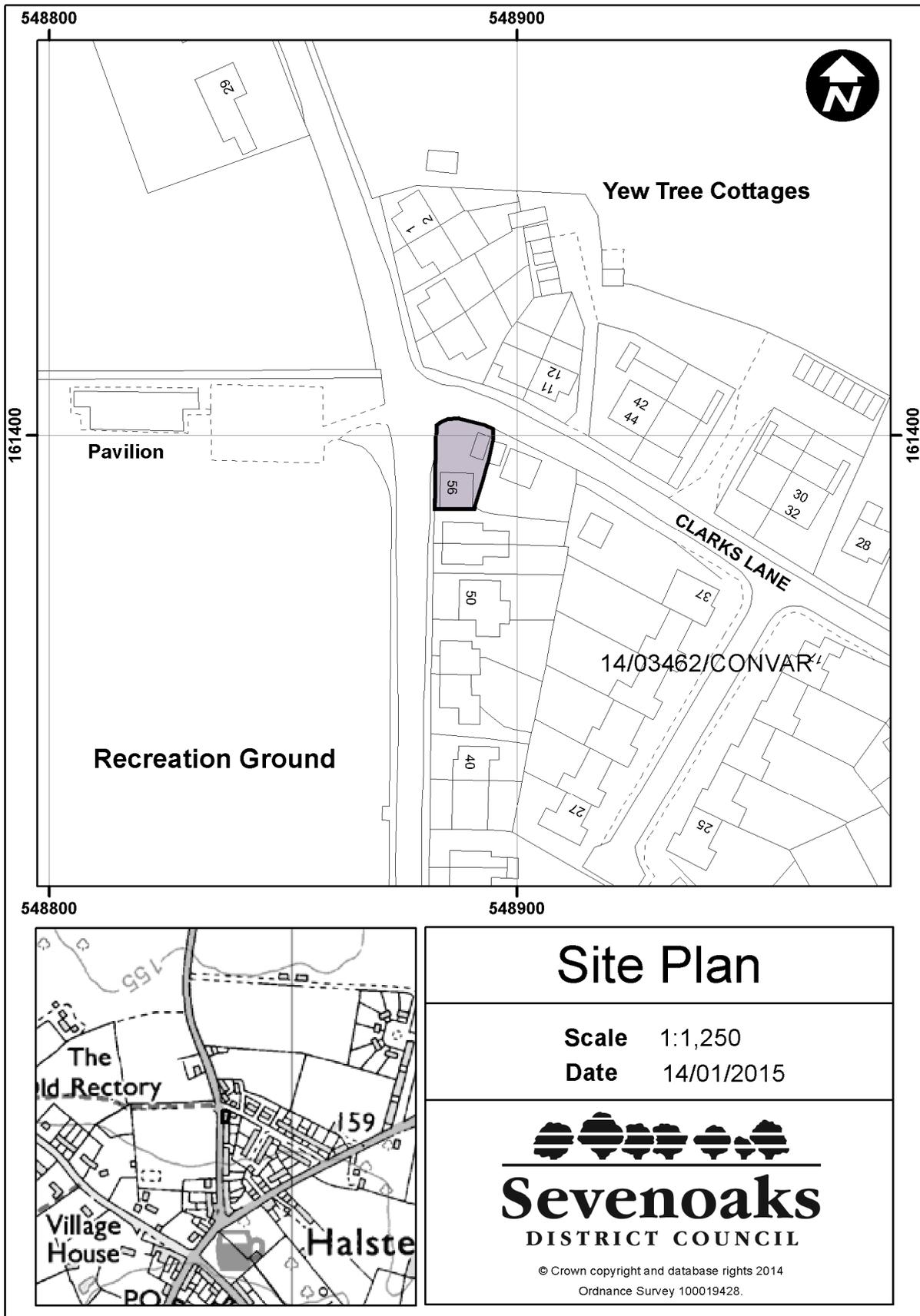
Richard Morris
Chief Planning Officer

Link to application details

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NBKMFJBKH2J00>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NBKMFJBKH2J00>



Block Plan



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4.5 - SE/14/03462/CONVAR Date expired 29 December 2014

PROPOSAL: Removal of condition 5 (Permitted Development) and variation of condition 10 (removal of existing structures prior to commencement) of SE/14/01074/FUL to 'Prior to commencement of development existing outbuildings shown as 1 & 3 on 4441-PD-002 Rev A shall be demolished and all resulting materials removed from site. The existing dwelling shown on drawing no. 4441-PD-001 Rev A shall be completely demolished and all resulting materials removed from site within 3 months from the date of the completion of the approved dwelling.'

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

WARD(S): Otford & Shoreham

ITEM FOR DECISION

Councillor Stack has referred the application to Development Control Committee so that the impact of the proposal on the Green Belt can be considered

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

1) The development hereby permitted shall be begun before the expiration of the time limit imposed on application SE/14/01074/HOUSE

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

2) Prior to commencement of development samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted should be 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) Prior to commencement of development the applicant, or their agents or successors in title, shall secure the implementation of a programme of archaeological work in accordance with a written specification and timetable which should be 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

Agenda Item 4.5

Planning Policy Framework.

5) Prior to commencement of development full details of both hard and soft landscaping shall be 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. The hard and soft landscaping shall be carried out in accordance with the approved details.

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

6) Prior to commencement of development details of any existing land levels and proposed changes in land level, and cross sections to show how these relate to the proposed basement shall be submitted to and approved in writing by the Council. Any proposed scheme shall then be completed in accordance with the approved details.

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.

7) 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

8) 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.

9) Prior to commencement of development all existing outbuildings shown as 1 and 3 on 4441-PD-002 REV A shall be demolished and all resulting materials removed from the site. The existing dwelling shown on drawing no. 4441-PD-001 Rev A shall be completely demolished and all resulting material removed from the site within 3 months from the date of the completion of the approved dwelling.

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

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),
- 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 Removal of condition 5 (which removed Permitted Development rights for the property) and variation of condition 10 (removal of existing structures prior to commencement) of SE/14/01074/FUL to 'Prior to commencement of development existing outbuildings shown as 1 & 3 on 4441-PD-002 Rev A shall be demolished and all resulting materials removed from site. The existing dwelling shown on drawing no. 4441-PD-001 Rev A shall be completely demolished and all resulting materials removed from site within 3 months from the date of the completion of the approved dwelling.

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

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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 Green Belt

Policies

Sevenoaks District Local Plan:

- 6 Policies - EN1, H6B, H13

Core Strategy:

- 7 Policies - SP1, LO8

Allocations and Development Management Plan (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).

Relevant Planning History

- 11 SE/14/01074/FUL - Demolition of existing dwelling and outbuildings; erection of replacement dwelling with integral garaging facilities and timber decking to rear elevation Granted. (The current application seeks to amend the conditions of this application.)

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. Appeal Dismissed.

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

Kemsing Parish Council

12 Support:

Recommend APPROVAL to the variation of condition 10 (removal of existing structures prior to commencement).

Objection:

Recommend REFUSAL to the removal of condition 5 (permitted development).

Otford Parish Council

13 Support

Understand reasons for requesting variations

Kent County Highways

14 The highway network, raise no objection on behalf of the local highway authority.

INFORMATIVE: It is the responsibility of the applicant to ensure , before the development thereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

SDC Tree Officer -

15 No comment (as part of previous application 14/01074/FUL)

KCC Archaeology -

16 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

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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.

- 17 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.

Representations

- 18 Site notice posted: 13.11.14
- 19 Press notice published: 13.11.14
- 20 Neighbours consulted: 17.
- 21 No neighbour representations have been received.

Chief Planning Officer's Appraisal

- 22 The current application seeks to remove condition 5 and alter condition 10. Therefore the current scheme needs to be assessed as a new application.

Policy Context

- 23 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.'
- 24 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.
- 25 The NPPF also gives no guidance on whether or not outbuildings are to be considered in this assessment.
- 26 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.
- 27 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. This is

not in direct compliance with the NPPF which puts the focus on the size of the existing dwelling. Therefore, although this policy is a relevant consideration, other factors including the bulk, height, size and design of the proposal must also be considered.

- 28 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.
- 29 These policies and the weight accorded to them has not changed since the previous application was approved.
- 30 The Council has recently had an appeal decision (Appendix 1) for a replacement dwelling on this site. Planning reference number SE/13/03595/FUL refers. This application was refused and the subsequent appeal was dismissed. A further application for a revised scheme (planning reference number SE/14/01074/FUL refers) was approved. This later scheme had been reduced in both floorspace, scale and bulk, in order to make the proposal appropriate development within the Green Belt. The principle of the development and a scheme identical to the one being considered here already benefits from planning permission. The only difference is the proposal for the variation of conditions.
- 31 The previous scheme was felt to be appropriate development within the Green Belt. Whilst the floor space would have increased, it was 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 was 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 therefore not have been materially larger than the one it replaced. It would therefore have been appropriate development within the Green Belt and comply with the National Planning Policy Framework.
- 32 In considering the removal of condition 5, allowing the property to benefit from permitted development rights, I have considered the Inspector's appeal decision on the original, larger scheme. In this she commented that,
- Were I to allow the appeal, I see no overriding reasons in the representations before me to remove permitted development rights. It would not be reasonable or necessary to do so. Therefore, it has to be accepted that on a plot of this size, there is a possibility that permitted development of a similar scale to that granted under application Ref: SE/13/01346, and any other permitted development, may possibly occur in the future elsewhere on the site if I were to allow the appeal. Therefore, I have attributed limited weight to this matter in my determination of this appeal.*
- 33 Given the above comments, when considering a scheme that was substantially larger in terms of floorspace and bulk than the current scheme, the Inspector did not feel that the removal of permitted development rights would be required in order to make the scheme acceptable.

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In addition to this, if the previous permissions were not implemented, the applicant could currently erect a number of outbuildings on the site, under permitted development, so the removal of this condition would not change this current situation.

34 Therefore there are is no justification in Green Belt terms to uphold the removal of permitted development rights on this application.

35 Regarding the variation of condition 10 this has two parts. The first to demolish outbuildings 1 and 3, and retain outbuilding number 2. The second is to demolish the existing dwelling within 3 months of the date of completion.

36 The condition regarding the demolition of the three outbuildings on site was put in place to protect the openness of the Green Belt and character of the landscape.

37 The Inspector's report stated,

These are small scale structures. The overall impact of the existing outbuildings to be removed on the openness of the Green Belt is minimal. Therefore, the proposed removal of these outbuildings does not alter my conclusion with regard to the harm to the openness of the Green Belt.

38 The Inspector therefore attributes little weight to the removal of the outbuildings when assessing the acceptability of the scheme. Whilst the condition was put on the previous scheme in order to protect the openness of the Green Belt the outbuilding to be retained is a structure with a low roof, set back against the boundary of the application site.

39 As with the removal of the permitted development rights the inspectors comments are in relation to a scheme that is larger in terms of footprint and bulk than the one subsequently approved.

40 With reference to the second variation to condition 10 to keep the existing house *in situ* to within 3 months of the completion of the proposed dwelling, any impact on the openness of the Green Belt will be temporary. In addition it follows that as permitted development rights would not be removed there is limited harm to the retention of the dwelling during the construction process.

41 Given the above comments, when considering a scheme that was substantially larger in terms of floorspace and bulk than the current scheme, the Inspector did not feel that the outbuildings had a significant impact on the Green Belt or that the removal of permitted development rights would be required in order to make the scheme acceptable.

42 Therefore with reference to the current scheme there can be no strong planning reason to refuse the removal of condition 5 and the amendments to condition 10 as suggested by the agent.

Size, bulk, design and impact on street scene:

43 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.

- 44 The proposal will have a 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.
- 45 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.
- 46 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:

- 47 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.
- 48 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.
- 49 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 bought 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.
- 50 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.
- 51 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 is a depth of 5 metres from the back of the property.'

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- 52 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.
- 53 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...'
- 54 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 unreasonable impact on the immediate outlook of these properties. Concerns have been raised regarding the change in view. However, paragraph 5.5 also states that, *'...the planning process is not able to protect a view from a private property'*
- 55 There will be no loss of daylight to these properties.
- 56 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.
- 57 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

Other issues

- 58 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 can be placed on any permission granted.
- 59 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

- 60 The proposal is found to be appropriate development within the Green Belt as it will not result in a building that is materially larger than the one it replaces. The proposal is in accordance with policy H13 of the Sevenoaks District Local Plan,

GB4 of the Allocation and Development management Plan and the National Planning Policy Framework.

Background Papers

Site and Block plans

Contact Officer(s): Deborah Miles Extension: 7360

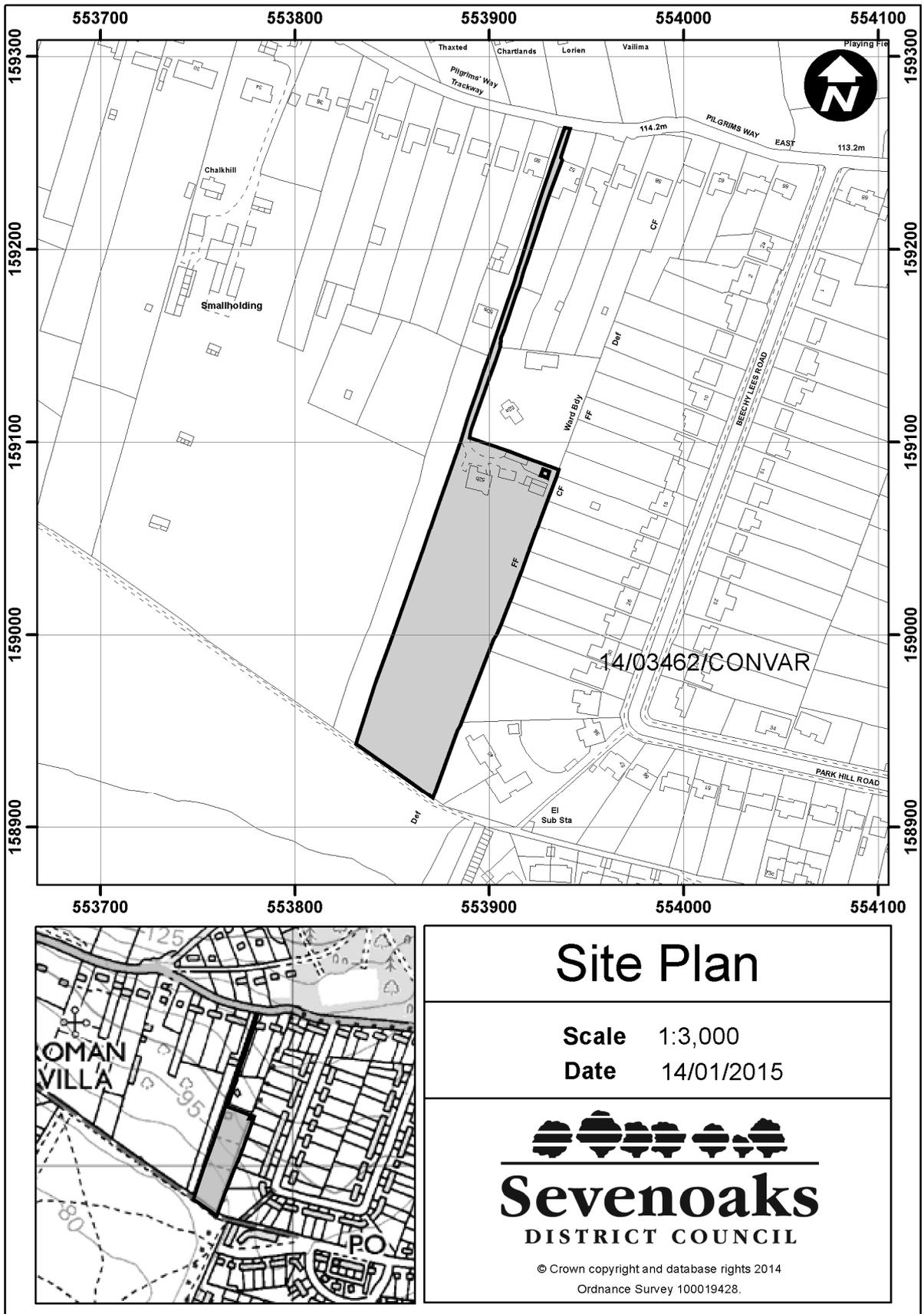
Richard Morris
Chief Planning Officer

Link to application details

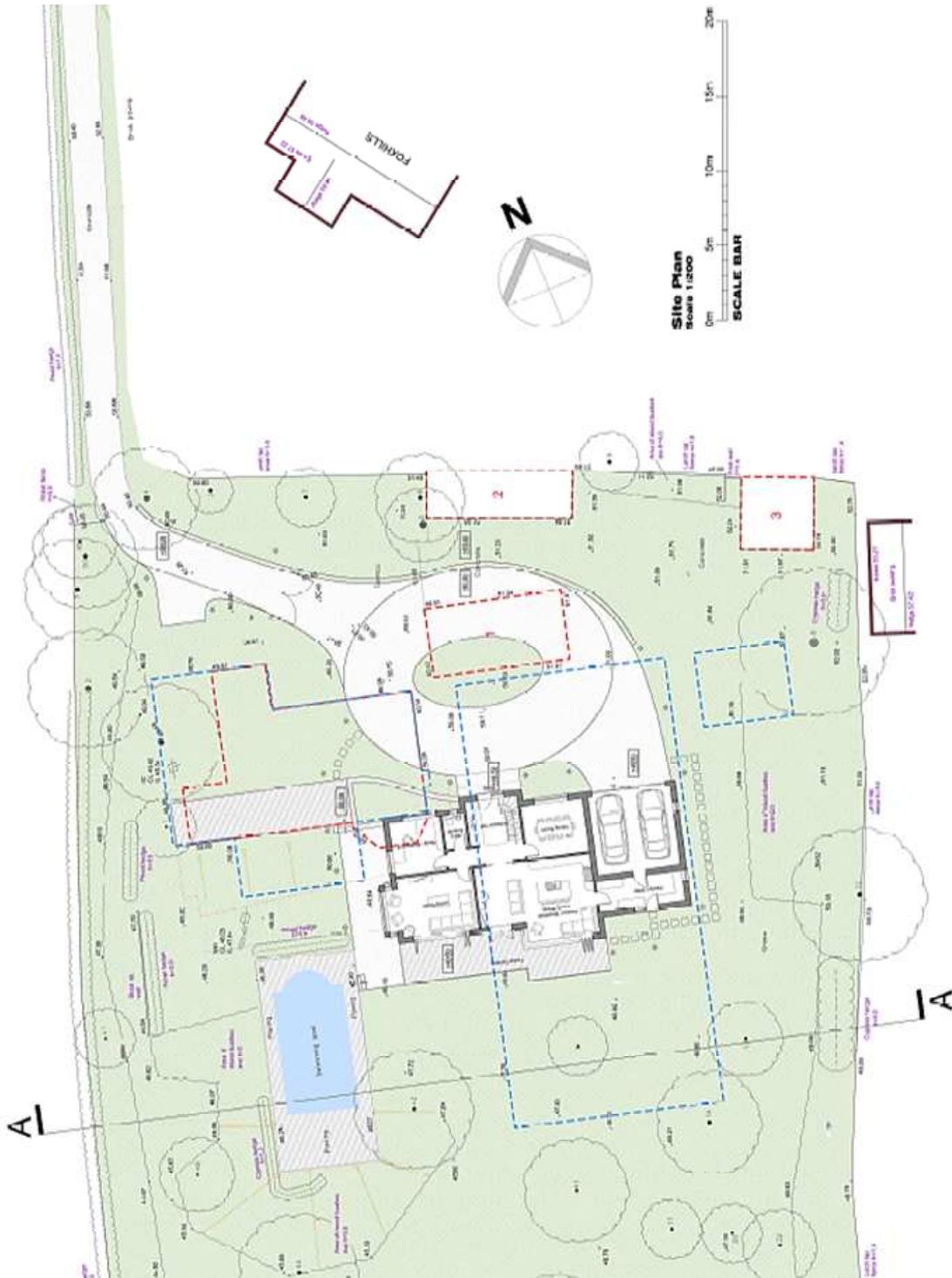
<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NEGEFVBKHLW00>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NEGEFVBKHLW00>

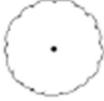
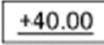


Block Plan



Please see the following landscape key:

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Landscape Key:	
	Existing trees to be retained
	Existing hedge to be retained
	Grass/Lawn area
	Permeable decking
	Permeable hardstanding
	Swimming pool
	Proposed levels
	Existing levels
	Low level bollard light



Appeal Decision

Site visit made on 29 September 2014

by J L Cheesley BA (Hons) DipTP MRTPI

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

Decision date: 9 October 2014

Appeal Ref: APP/G2245/A/14/2222792

52b Pilgrims Way East, Otford, Sevenoaks, Kent TN14 5QW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Miss H Coleman against the decision of Sevenoaks District Council.
 - The application Ref SE/13/03595/FUL, dated 3 December 2013, was refused by notice dated 5 February 2014.
 - The development proposed is demolition of existing dwelling with associated outbuildings; erection of replacement dwelling with integral garaging facilities and associated works.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. In my determination of this appeal, I have had regard to the High Court Judgment: *Redhill Aerodrome Ltd v SSCLG, Tandridge District Council, Reigate and Banstead Borough Council* [2014] EWHC 2476 (Admin).

Main Issues

3. I consider the main issues to be:

whether the proposal amounts to inappropriate development in the Green Belt, and if so, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development; and

the effect of the proposal on the character of the surrounding area.

Reasons

Green Belt

4. The National Planning Policy Framework explains that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and
-

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their permanence. One of the purposes of including land within Green Belts is to safeguard the countryside from encroachment.

5. The Framework explains that the replacement of a building is not inappropriate in the Green Belt provided that the new building is in the same use and not materially larger than the one it replaces.
6. Saved Policy H13 in the Council's Saved Local Plan Policies Compendium (2008) states that replacement dwellings in the Green Belt must comply with a list of criteria including in criterion 4) that: *the gross floor area of the replacement dwelling does not exceed the gross floor area of the original dwelling by more than 50%*. For the purposes of this policy, the original dwelling includes domestic outbuildings.
7. Whilst saved Policy H13 seeks to protect the Green Belt in accordance with the Framework, it is clear that in considering replacement buildings, the Framework has regard to the existing building and saved Policy H13 has regard to the original building.
8. The parties do not agree on various measurements and whether the existing first floor accommodation and the proposed basement should be considered as part of the floorspace calculations. However, it is not in dispute that with the inclusion of the proposed basement floorspace in the overall floorspace calculation, the gross floor area of the proposed replacement dwelling would amount to more than 50% above that of the original dwelling.
9. Emerging Policy GB2 in the Council's Allocations and Development Management Plan Draft for Submission November 2013 reflects the Council's method for assessing basement proposals. It states the floorspace of basements should be included in floorspace calculations unless a list of criteria is met, including that the basement would be situated entirely underground with no part visible at any point externally and that there should be no external windows, entrances or exits to the basement. As this Plan is at an advanced stage of preparation, I have attributed significant weight to emerging Policy GB2 in my determination of this appeal.
10. The proposed basement would have full height external glazed doors accessed via stairs leading down under a terrace. This terrace and local topography would obscure view of the majority of the rear basement elevation, with partial views of the glazed doors only available at very close proximity. Nevertheless, in my opinion, the rear elevation to the basement would be seen as an integral part of the rear elevation of the proposed dwelling. In this respect, I consider it appropriate to include the proposed basement in my assessment of whether the proposal would constitute inappropriate development.
11. The finished ridge height of the proposed dwelling would be no higher than the existing dwelling on the site. Nevertheless, the rear elevation would appear as a three-storey dwelling. In addition, the length of the proposed dwelling, the proposed half hips on the roof and the pitched roof projections to the front and rear would give the appearance of a dwelling of materially greater bulk than the one it would replace. In this context, I consider that the proposed replacement dwelling would be materially larger than the one it would replace. Thus, it would be inappropriate development, which the Framework states is, by definition, harmful to the Green Belt.

12. Added to the harm of being inappropriate development is the impact that the proposal would have in diminishing the sense of openness of this part of the Green Belt and any other harm. Due to the bulk, design and scale of the proposed dwelling as outlined above, not only would the proposal constitute inappropriate development, there would be additional harm with respect to the openness of the Green Belt.
13. The proposal includes the demolition of three outbuildings. These are small-scale structures. The overall impact of the existing outbuildings to be removed on the openness of the Green Belt is minimal. Therefore, the proposed removal of these outbuildings does not alter my conclusion with regard to the harm to the openness of the Green Belt.

Other Considerations

14. The proposed dwelling would be built to Level 4 in the Code for Sustainable Homes. In addition, the appellant has stated that it would be situated to make more effective use of topographic features. Whilst there are merits in these sustainable design and siting matters, such matters do not necessitate a dwelling of such a size. Therefore, I have attributed limited weight to these matters in my determination of this appeal.
15. A certificate of lawfulness for extensions to the existing dwelling, a single-storey garden store and pool outbuilding has been granted under application Ref: SE/13/01346. I realise that the outbuilding would cover a larger ground floor area than the proposed dwelling. In addition, although I have not been provided with specific details, I note that the appellant considers that further buildings and further extensions to the existing dwelling could be constructed as permitted development.
16. Whilst the Town and Country Planning General Permitted Development Order 1995, as amended (GPDO) places restrictions on permitted development on designated land such as National Parks, dwellings situated in the Green Belt are not subject to an additional level of control when it comes to the application of permitted development rights under Classes A to E of Part 1 of Schedule 2.
17. Were I to allow the appeal, I see no overriding reasons in the representations before me to remove permitted development rights. It would not be reasonable or necessary to do so. Therefore, it has to be accepted that on a plot of this size, there is a possibility that permitted development of a similar scale to that granted under application Ref: SE/13/01346, and any other permitted development, may possibly occur in the future elsewhere on the site if I were to allow the appeal. Therefore, I have attributed limited weight to this matter in my determination of this appeal.
18. I have been referred to a number of examples of planning permissions for other development in the Green Belt, including Appeal Decisions. I find none to be directly comparable to the proposal before me, which I have considered on its individual merits. In particular, it does appear that a number of these examples include basements wholly below ground level.
19. I note that planning permission has been granted for a replacement dwelling in a similar location to the proposal before me (Ref: SE/14/01074/FUL). There are distinct differences between the two proposals. That dwelling would be

smaller in overall bulk and the basement would be completely below ground. Therefore, I have attributed limited weight to this matter in my determination of this appeal.

Green Belt Conclusion

20. It is necessary to determine whether there are other considerations which clearly outweigh the harm to the Green Belt hereby justifying the proposal on the basis of very special circumstances. For the reasons stated above, in my opinion the considerations advanced in support of the appeal proposal do not clearly outweigh the harm it would cause to the Green Belt. In conclusion, I am of the opinion that there are no material factors that would amount to the very special circumstances needed to clearly outweigh the presumption against inappropriate development in the Green Belt. Therefore, the proposal would be contrary to policy in the Framework, emerging Policy GB2 and saved Local Plan Policy H13 in this respect.
21. In reaching my conclusion on this matter, my assessment of very special circumstances is based on the Judgement: *Redhill Aerodrome Ltd v SSCLG, Tandridge District Council, Reigate and Banstead Borough Council [2014] EWHC 2476 (Admin)*. Therefore, the assessment of very special circumstances does not include any non-Green Belt harm.
22. I have not found additional harm below with regard to the character of the surrounding area. Had this issue been included in the assessment of very special circumstances, it would not have altered my conclusion on this matter.

Character

23. Saved Policy H13 criterion (5) includes non-Green Belt harm with regard to the need for a replacement dwelling to be well designed, sympathetic to the character of the area and sited and designed so as to minimise visual intrusion.
24. The character of an area is distinctly different to its openness. This area is characterised by dwellings fronting Pilgrims Way East and backland dwellings, including the appeal property. The dwellings are situated in a spacious rural setting. The appeal site is a substantial residential plot in a verdant mature landscape setting.
25. I realise that the proposed decking and topography would obscure wider views of the full extent of the proposed rear elevation and that in this location the proposed dwelling would be well screened from public view. Due to the location, scale and design of the proposed dwelling in this primarily residential location, I consider that the proposal would not harm the maintenance of the rural character of this area. In this respect, the proposal would be in accordance with policy H13 criterion (5).

Conclusion

26. In reaching my conclusion, I have had regard to all matters raised. Whilst I have found that the proposal would not have an adverse effect on the character of the area, I consider the harm I have identified with regard to the Green Belt, is sufficient to dismiss the appeal.

J L Cheesley INSPECTOR

4.6 – SE/14/03999/PAE Date expires 2 February 2015

PROPOSAL: Prior notification of a single storey rear extension which extends 4m beyond the rear wall of the original dwelling house with a maximum height of 2.97m and eaves height of 2.45m.

LOCATION: Meadowbank, 79 College Road, Hextable, Kent BR8 7LW

WARD(S): Hextable

ITEM FOR DECISION

The application for Prior Approval has been referred to Development Control Committee as the applicant is Councillor Mrs Morris.

RECOMMENDATION: That planning permission be Prior Approval Not Required

Description of Proposal

- 1 Prior notification of a single storey rear extension which, due to a 'dogleg' in the original rear elevation extends 4m and 4.922m beyond the rear wall of the original dwelling house with a maximum height of 2.97m and eaves height of 2.45m.

Description of Site

- 2 The applications site is a two storey dwelling on the edge of the settlement of Hextable and within the Metropolitan Greenbelt. The site is predominantly rural in character and the dwelling is set well back from the main road.
- 3 To the east the residential development is more dense, comprising detached and semi detached properties in more regular sized plots. To the west the development becomes more rural, consisting of larger properties in substantial plots.

Constraints

- 4 Area of Archaeological Potential
- 5 Green Belt
- 6 Ancient Woodland to east of site.

Policies

- 7 There are no policies relevant to this application, as this is an application to determine whether the proposal complies with planning legislation laid out in the Permitted Development Order, and the only test is therefore whether or not prior approval is required. If prior approval is not required then the works may be permitted development but whether or not its permitted development is not

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considered in this application. A further application for a Lawful Development Certificate could be submitted to determine if the proposal was permitted development.

- 8 Section (ea) of Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) is relevant as it allows for larger extensions. This states:

“Until 30th May 2016, for a dwelling house not on article 1(5) land nor on a site of Special Scientific Interest, the enlarged part of the dwelling could would have a single storey and –

(i) extend beyond the rear wall of the original dwelling house by more than 8 metres in the case of a detached house, or 6 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height.”

- 9 The proposal may also not require planning permission provided that it meets this set of criteria laid out in the Permitted Development Order.
- 10 As part of the prior approval process the adjoining owners or occupiers of the site (i.e those who share a boundary) are notified and have 21 days to comment.
- 11 If any neighbour raises an objection within the 21 day period than the impact of the proposal on the amenity of all adjoining properties must be assessed.
- 12 If no neighbour objections are received and the criteria above are met than prior approval will not be required.

Relevant Planning History

- 13 83/00952/HIST – Use of former staff house as Intermediate Treatment Centre. Granted
- 90/01624/HIST - (Outline) Proposed residential development (class C3) to reinstate the residential use of the existing 3 (three) bedroom house and seek consent for a new detached 4 bed dwelling. Withdrawn
- 92/00652/HIST - Two storey side extension and porch, as amended by letter dated 8th July 1992. Granted.
- 92/01160/HIST - New garage with room over. Refused.
- 92/01491/HIST - Retention of new porch, new roof over existing garage with formation of playroom within roof space. Granted.
- 94/01931/HIST - Retention of new railings, brick walls and gates to front boundary. Granted.
- 99/01122/FUL - Erection of a single storey rear extension to accommodate garden room. Granted.

Consultations

- 14 The proposal is for prior approval. Therefore there is no statutory obligation to consult the Parish Council.

Properties Consulted

- 15 There are no dwelling houses directly adjacent to the site. However a site notice was posted on 31.12.14

Publicity Expired: 23.01.2015

- 16 In line with legislation prior approval will not be required if no objections are received.

Considerations

- 17 Clause 7 of the legislation states that the local planning authority shall, when considering the impact to neighbouring properties,

'(a) take into account any representations made as a result of the notice given under paragraph (3); and

(b) consider the amenity of all adjoining premises, not just the adjoining premises which are subject to the representations.'

- 18 Therefore if any representations are received as a result of the notices that have been sent out to the neighbouring properties, the impact on the amenities of all neighbours adjoining the site, not just those that have responded will need to be considered.

Other Issues:

- 19 No original permission for the property could be found and therefore the presumption is that permitted development rights have not been removed from the property therefore the dwelling benefits from permitted development rights and the current proposal can be considered under the prior notification procedure.

- 20 The site is not within a Conservation Area, Area of Outstanding Natural Beauty or Site of Special Scientific Interest.

- 21 Based on the information available the proposal has also been assessed against Class A of Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and the proposal may be considered permitted development. However this can only be confirmed through the submission of a Lawful Development Certificate, should prior approval not be required.

- 22 Note:- This comment is therefore made without prejudice to any application for a Lawful Development Certificate and it should be noted that if the applicant requires the formal view of the council in this respect they are advised to apply for a Lawful Development Certificate.

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Recommendation

23 At the current time, the proposal meets the criteria laid out in regard to the Prior Approval process and the Permitted Development Order, and at the current time no neighbour representations have been received. Therefore, Prior Approval is not required.

If any representations are received, the impact on amenity will be considered in late observations.

Background Papers

Site and Block plans

Contact Officer(s): Deborah Miles Extension: 7360

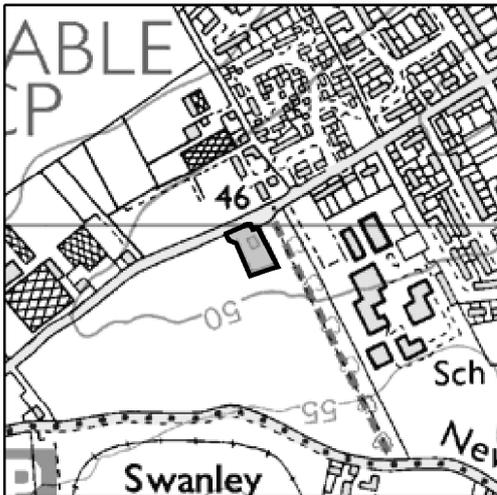
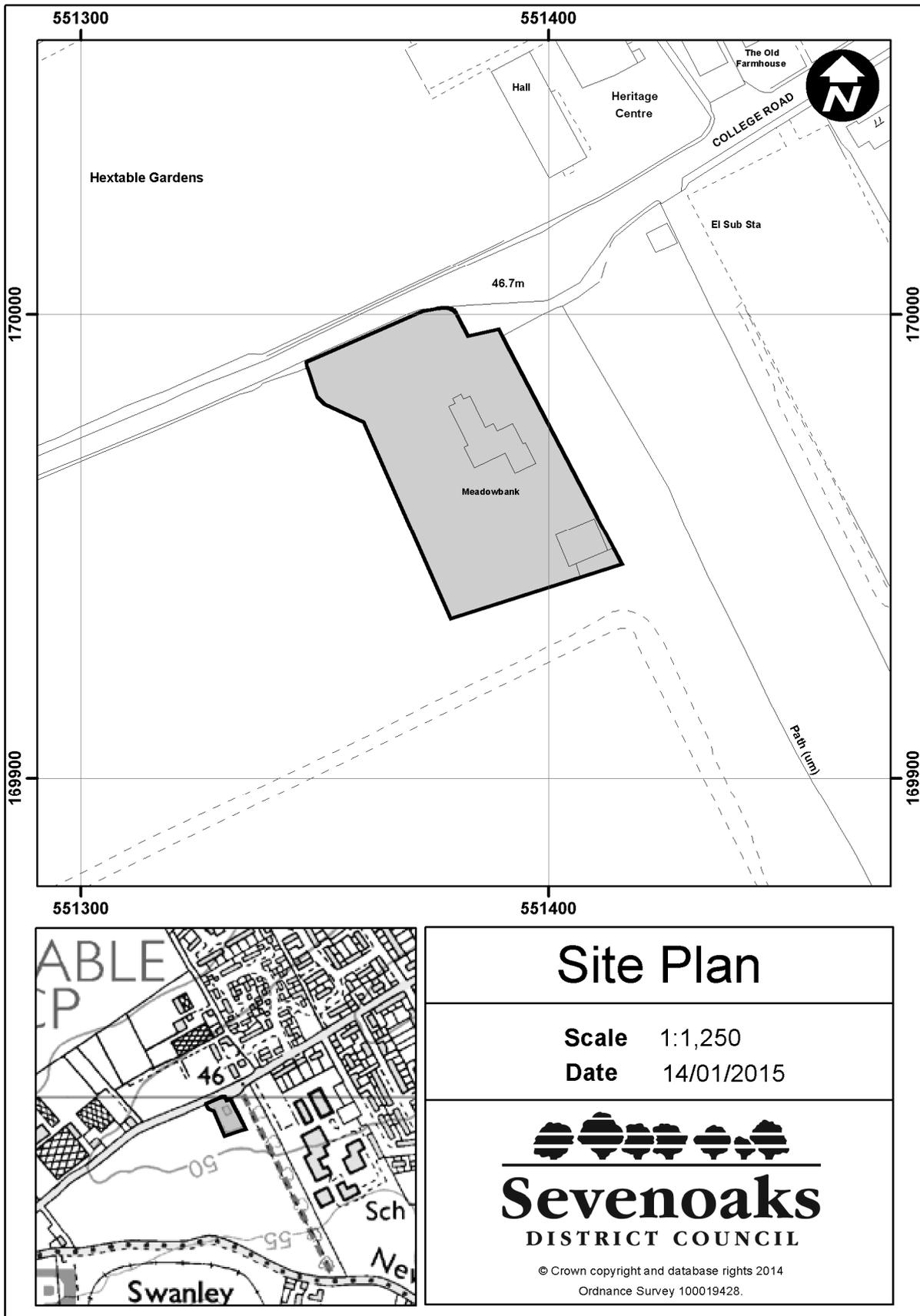
Richard Morris
Chief Planning Officer

Link to application details

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NH1AMPBKOL200>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NH1AMPBKOL200>



Site Plan

Scale 1:1,250

Date 14/01/2015



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Block Plan

