

19 October 2017 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks  
Despatched: 11.10.17



**PLEASE NOTE** Members of the Public should be aware that there is limited space to observe or listen to the meeting and that whilst every effort will be made to accommodate those attending, admittance to the building may be restricted for Health & Safety reasons.

## Development Control Committee

### Membership:

Chairman, Cllr. Williamson; Vice-Chairman, Cllr. Thornton  
Cllrs. Ball, Barnes, Bosley, Brown, Clark, Edwards-Winser, Gaywood, Hogg,  
Horwood, Mrs. Hunter, Kitchener, Layland, Parkin, Purves, Reay and Raikes

### Agenda

There are no fire drills planned. If the fire alarm is activated, which is a continuous siren with a flashing red light, please leave the building immediately, following the fire exit signs.

	<b>Pages</b>
Apologies for Absence	
1. <b>Minutes</b> To approve the minutes of the meeting of the Committee held on 28 September, as a correct record.	(Pages 1 - 4)
2. <b>Declarations of Interest or Predetermination</b> Including any interests not already registered.	
3. <b>Declarations of Lobbying</b>	
4. <b>Planning Applications - Chief Planning Officer's Report</b>	
4.1 <b>17/02111/FUL - Land At Salmans Farm, Salmans Lane, Penshurst, Kent</b> Permanent erection of polytunnels at the land at Salmans Farm, with associated landscaping and ecological enhancements.	(Pages 5 - 40)
4.2 <b>17/02113/FUL - Land At Salmans Farm, Salmans Lane, Penshurst, Kent</b> Change of use of land for the stationing and storage of rural worker caravans overwinter and the provision of associated hardstanding, drainage and landscaping.	(Pages 41 - 62)

- 4.3 17/02149/FUL - Buckhurst 2 Car Park, Buckhurst Lane, Sevenoaks, Kent TN13 1JJ** (Pages 63 - 118)
- Proposed development of a multi-decked car park, ten townhouses and associated landscaping, including ground remodelling and landscaping to Environmental Park.
- 4.4 17/02400/FUL - Land South Of Vine Baptist Church, Park Lane, Sevenoaks, Kent TN13 3UP** (Pages 119 - 136)
- Change of use of land for long stay car parking for a period of up to 18 months from January 2018.
- 4.5 16/02931/FUL - Land South Of 162, Hever Avenue, West Kingsdown, Kent TN15 6DU** (Pages 137 - 162)
- Construction of a new 4/5 bedroom detached chalet bungalow with integral garage.
- 4.6 17/02769/LDCPR - 9 Stanhope Way, Sevenoaks, Kent TN13 2DZ** (Pages 163 - 168)
- Extension to dropped kerb.

#### EXEMPT INFORMATION

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.

Any Member who wishes to request the Chairman to agree a pre-meeting site inspection is asked to email [democratic.services@sevenoaks.gov.uk](mailto:democratic.services@sevenoaks.gov.uk) or speak to a member of the Democratic Services Team on 01732 227000 by 5pm on Monday, 16 October 2017.

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.

**DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held on 28 September 2017 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Thornton (Vice Chairman)

Cllrs. Ball, Bosley, Brown, Clark, Edwards-Winser, Gaywood, Hogg, Horwood, Mrs. Hunter, Kitchener, Layland, Parkin, Purves, and Reay

Apologies for absence were received from Cllrs. Barnes and Raikes

Cllrs. Coleman and Parson were also present.

36. Minutes

Resolved: That the minutes of the Committee held on 7 September 2017, be approved and signed by the Chairman as a correct record.

37. Declarations of Interest or Predetermination

There were none.

38. Declarations of Lobbying

Cllr. Purves declared that she had been lobbied in respect of Minutes 38 - SE/17/02136/HOUSE - 16 Prospect Road, Sevenoaks, Kent TN13 3UA but would remain open minded.

Reserved Planning Applications

The Committee considered the following planning applications:

39. SE/17/02136/HOUSE- 16 Prospect Road, Sevenoaks, Kent TN13 3UA

The proposal was for the construction of a rear dormer roof addition and changes to existing fenestration. The application had been referred to Committee by Cllr. Purves on the grounds that Members could consider the impact in a Conservation area and judge if the proposed dormer windows would present a dominant and oppressive effect on the neighbouring house at no.18, and if it would mean loss of sunlight to no.18 and the dwelling below to the house at the rear, 40 Cobden Road.

## Agenda Item 1

### Development Control Committee - 28 September 2017

Members' attention was brought to the main agenda papers and late observation sheet which replaced condition 3 and amended the description of the proposal in paragraph 2 of the main agenda papers.

The Committee was addressed by the following speakers:

Against the Application:	Ben Colenso
For the Application:	Katy Cox
Parish Council:	Town Cllr. Waite
Local Member:	Cllr. Parson

Members asked questions of clarification from the speakers and officers. In response to questions Members were advised that the dormers in neighbouring properties were a mixture of pre and post designation of the conservation area.

It was moved by the Chairman and duly seconded that the recommendation in the report and late observations, be agreed.

Members discussed whether the proposal would enhance and conserve the Conservation Area. Some concern was expressed that the dormer could give the appearance of a 4 storey house which was not in keeping with the surrounding area. Members noted that the late observations included a consultation response from the Conservation Officer who raised no objection to the proposals and discussed the neighbouring roads and properties which include a variety of styled dormer windows.

The motion was put to the vote and it was

Resolved: That planning permission be granted subject to the following conditions

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed plans and Elevations drawing no. GB/KC/02 Rev B dated 05 July 2017.  
For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans to comply with Policy EN1; of the Sevenoaks Allocations and Development Management Plan.
3. No development shall be carried out on the land until details of all roof materials and samples of the slate to be used in the construction of the external surfaces of the rear dormer hereby permitted, have been submitted to and approved in writing by the Council. The development shall not be carried out other than using the approved materials.

Agenda Item 1

Development Control Committee - 28 September 2017

To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy EN1; of the Sevenoaks Allocations and Development Management Plan.

4. No development shall be carried out on the land until samples of the doors and windows have been submitted to and approved in writing by the Council. The development shall be carried out in accordance with the approved samples. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy EN4; of the Sevenoaks Allocations and Development Management Plan.

THE MEETING WAS CONCLUDED AT 7.48 PM

CHAIRMAN

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4.1 - 17/02111/FUL Date expired 11 October 2017

Proposal: Permanent erection of polytunnels at the land at Salmans Farm, with associated landscaping and ecological enhancements.

Location: Land At Salmans Farm, Salmans Lane, Penshurst, Kent

Ward(s): Penshurst, Fordcombe & Chiddingstone

**ITEM FOR DECISION**

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

1) The gross area of fields, outlined in red on approved plan no. 02, containing polytunnels shall not exceed 15 hectares unless agreed in writing with the Local Planning Authority.

To safeguard the visual appearance of the area as supported by Policies EN1, EN5 of the Sevenoaks Allocations and Development Management Plan.

2) The polytunnels structures hereby permitted shall not be covered other than between 1st March to 1st November of each calendar year. Outside of the time periods specified above the polythene or any other covering used shall be removed from the frames and stored.

To safeguard the visual appearance of the area as supported by Policies EN1, EN5 of the Sevenoaks Allocations and Development Management Plan.

3) None of the polytunnels hereby permitted shall exceed 4.3m in height from existing ground level.

To safeguard the visual appearance of the area as supported by Policies EN1, EN5 of the Sevenoaks Allocations and Development Management Plan.

4) Vehicular access to the site shall be by vehicles no larger than a Class 5 coach and transport of produce shall be by vehicles having a maximum gross weight of no more than 7.5 tonnes.

In the interests of highway and pedestrian safety as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan.

5) Other than in the event of emergency, there shall be no access into the site other than from the designated vehicular access and parking area at the eastern end of the site. There shall be no access into the site from the trackway adjacent to the south-eastern edge of the site (leading to Salmans Farm Cottages and beyond).

In the interests of highway safety and the residential amenities of neighbouring occupiers as supported by policy EN1 of the Sevenoaks Allocations and

Development Management Plan.

6) Three months after the cessation of the use of the polytunnels for growing soft fruit, all polytunnels and associated equipment and plant shall be removed from the site. The site shall be made good in accordance with a programme of restoration works which shall have been submitted to and approved in writing by the local planning authority three months prior to the cessation of the use of the polytunnels for growing soft fruit. The restoration works shall be carried out in complete accordance with the approved details.

To safeguard the visual appearance of the area as supported by Policies EN1, EN5 of the Sevenoaks Allocations and Development Management Plan.

7) Within six months of the date of this permission, a Verification Report relating to the on site surface water drainage system, shall have been carried out by a suitably qualified professional and submitted to the local planning authority. The report shall contain information and evidence (including photographs) of improvements implemented within the existing drainage system in accordance with recommendations within the Drainage Strategy and SuDS Management and Maintenance Plan prepared by Monson (September 2017) and shall be maintained for the duration of the use of the polytunnels on the site hereby permitted.

To ensure that flood risks from development to neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with the National Planning Policy Framework.

8) The habitat/landscape management of the site shall be maintained in accordance with the details as shown in Sections 5- 7 and appendix 3 of the submitted Ecological Management Plan dated July 2017 for the duration of the use of polytunnels on the site hereby permitted.

To promote biodiversity as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan and policy SP11 of the Sevenoaks Core Strategy.

9) The proposed soft landscaping measures as recommended in the submitted Landscape Assessment Review dated March 2017, shall be carried out in the first planting season following this permission for the polytunnels. If within a period of five years from the completion of the works, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

To safeguard the visual appearance of the area as supported by Policies EN1, EN5 of the Sevenoaks Allocations and Development Management Plan.

10) The development hereby permitted shall be carried out in accordance with the following approved plans: 01, 02, 10

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



**Informatives**

1) The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way.

**Note to applicant**

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

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

In this instance the applicant/agent:

- 1) Was updated on the progress of the planning application.
- 2) Was updated of small scale issues which arose during the process of the application and was given time to address it.

**Description of the site**

- 1 The application site, which is roughly triangular shaped, comprises an area of approximately 30 hectares. The site is located to the west of the main centre of Penshurst village and directly to the west of Penshurst Place.
- 2 The site is accessed via a private driveway/track, which joins the B2188, approximately 0.5 km to the east of the site. There is access to the south-eastern corner of the site from this driveway, which presently accommodates some parking in connection with the site. The driveway then

## Agenda Item 4.1

continues along the entire southern edge of the site to serve a number of residential properties further along, including Salmans Farm Cottages and as the drive turns northwards, Salmans Oast and Watermill Oast, Salmans Farm (house) and Abbotsmerry Barn. The driveway then continues north to Wat Stock. A further, unmade, vehicular track runs along the entire northern boundary of the site from Wat Stock back to the parking area at the south-eastern corner of the application site.

- 3 The section of track running from the B2188 to the south-eastern corner of the site, all along the northern boundary and along the track from Wat Stock southwards is classed as a Public Right of Way (SR546) - Eden Valley Walk (Tudor Way).
- 4 The southern and northern boundaries of the site follow the trackways, with the western boundary more irregular, as it skirts around the eastern side of Salmans Farmhouse and Abbotsmerry Barn as it rises up and over the ridge bordering a short section of private track / bridleway and a field to then meet the northern boundary at Wat Stock
- 5 Within the site the polytunnels are generally aligned to run up/down the slope of the land for drainage purposes whilst the length of each tunnel responds to the varying lengths available on each field.
- 6 Separate planning consents have been granted for above ground water storage tanks and associated equipment on the site to facilitate crop irrigation and water being extracted from the River Eden. The storage tanks are located centrally on the site near the highest point together with farm storage buildings and two mobile homes that are sited adjacent to it (permitted development).

### Description of proposal

- 7 The purpose of this application is to secure the permanent retention of approximately 15 hectares of covered polytunnels to provide protection and improved growing conditions for soft fruit crops (primarily raspberries and blackberries). The polytunnels are to be covered with polythene between 1st March to 1st November. In the intervening 4 month period the polythene covering will be removed, rolled and laid between the tunnels for storage.
- 8 No other permanent buildings are proposed as part of the application. There are several large water storage tanks and storage buildings located centrally within the site, with associated equipment to facilitate crop irrigation. The farm's main water source is from the River Eden for which the applicant has an abstraction licence from the Environment Agency.
- 9 The application is accompanied by the following supporting documents:
  - *Design and Access Statement* - which helps explain the proposal
  - *Environmental Impact Assessment Screening Opinion* - SE/17/01916/RG5
    - *Environmental Statement Not Required*

- Drainage Strategy dated January 2010 - proposed implementation of a surface water drainage scheme, which has been implemented under the 2010 permission.
  - Farm Policy Statements cover issues/details on - Landscape and Nature Conservation and Enhancement, Nuisance Management, Efficient use of water, energy and natural resources, pollution prevention, protection of human health, Environment Policies, Health and Safety - dated November 2016.
  - 3 supporting letters from Estate Agents - with reference to seeking alternative sites
  - *Ecological Management Plan dated June 2017*  
The purpose of the plan is to detail the current ecological condition of the site and its future management. The Plan sets out how the site will be maintained to provide suitable habitat for protected and notable species that may be present within the site and surrounding area, as well as enhancement measures with 5 year management plan to increase the overall biodiversity value of the site.
  - *Landscape Assessment Review - Huskisson Brown Associates dated March 2017*  
This report reviews the landscape and visual issues relating to the polytunnel site as originally reported in February 2010 and updates the baseline information, planning context and the assessment. Significant changes include the implementation of the National Planning Policy Framework in 2012 and the publication of revised Guidelines for Landscape and Visual Impact Assessment in 2013.
- 10 The report concludes that the landscape and visual effects arising from the continued use of the Salmans Farm site for polytunnel growing were largely as envisaged in the 2010 report. The report shows that the principal new planting work carried out has been successful in screening a previously exposed part of the site but that some shelterbelts proposed to be retained have been removed. This report considered that there are no landscape or visual reasons why planning permission should not be granted on the basis of the current polytunnel coverage.
- 11 Drainage Strategy and SUDS Management and Maintenance Plan - dated September 2017. The assessment of the existing onsite drainage system in the report concludes that the farm is kept in very good order and grass is cut on a regular basis both inside and outside of the polytunnels. The well maintained green areas make the land a better receptor for rainfall and helps reduce, as far as possible, silt migration. The report noted that during the site inspection, there was no evidence of recent or historic uncontrolled overland flows, nor have there been any incidents of exceedance flows causing flooding outside of the application site since the polytunnel structures were first consented. The ongoing operation and safety of the surface water scheme within the application site is due to the measures implemented and excellent ongoing farm management. Ongoing maintenance is a key element to ensuring the safe and efficient operation of the surface water management in perpetuity, for the lifetime of the polytunnel structures.

## Agenda Item 4.1

### Constraints

- 12 Metropolitan Green Belt
- 13 High Weald Area of Outstanding Natural Beauty
- 14 Public Right of Way SR564 (adjacent site)

### Policies

#### Sevenoaks Core Strategy:

- 15 Policies:
  - SP1 - Design of New Development and Conservation
  - LO8 - The Countryside and Rural Economy
  - SP11 - Biodiversity

#### Allocations and Development Management Plan

- 16 Policies:
  - EN1 - Design Principles
  - EN4 - Heritage Assets
  - EN5 - Landscape
  - G11 - Green Infrastructure and New Development
  - T1 -Mitigating Travel Impact

#### Other

- 17 National Planning Policy Framework
- 18 National Planning Guidance
- 19 High Weald AONB Management Plan - 2014-2019
- 20 SDC Landscape Assessment 2017

### Planning History

- 21 17/02113/FUL - Change of use of land for the stationing and storage of rural worker caravans overwinter and the provision of associated hardstanding, drainage and landscaping - PENDING CONSIDERATION
  - 17/01916/RG5 - Request for a screening opinion under the Town and Country Planning (Environmental Impact Assessment) Regulation 2017 for the retention of existing poly tunnels - EIA NOT REQUIRED
  - 10/00517/FUL - Retrospective application for erection of temporary portable, multi-bay polythene tunnel structures for protection of fruit crops, together with proposed associated drainage works - GRANTED (7 year temporary permission that expires November 2017)
  - 09/02661/AGRNOT - Erection of a steel frame agricultural building, as amplified by e-mail received 14.12.09 confirming use of dark coloured materials in the external fabric of the building - NO OBJECTION

07/03574/AGRNOT - Erection of two water tanks and a steel container - NO OBJECTION

05/00107/FUL - Erection of temporary portable, multi-bay polythene tunnel structures for protection of cane fruit crops - GRANTED (5 year temporary permission on part of site known as 'Top Field 30', expired November 2010)

04/01630/FUL - Retrospective and new erection of Temporary, portable multi bay polythene tunnel structures for protection for fruit crops - GRANTED

### Consultations

SDC Agricultural Advisor (Rural Planning Limited) -

- 22 'As advised regarding the earlier pre-application submissions for these proposals, submitted under PA/17/00091, the adjoining land concerned extends to some 30 ha and has been farmed with fruit for a number of years using polytunnels; most recently under SE/10/00517 Salmans Farm was granted temporary permission for some 15 ha polytunnels, which remain in existence today.
- 23 The 2010 temporary permission expires on 30 November 2017.
- 24 More recently (2014), the farm was taken over by Clock House Farm Ltd as part of their large specialist soft fruit growing venture, based at Coxheath, and utilising both owned and rented land in the locality, again mainly using polytunnels.
- 25 Salmans Farm previously had the use of the previous farmer's seasonal workers' camp with 52 mobiles, at Home Farm, Bidborough, but I gather that site has since been approved for housing. It is now proposed to have 4 agricultural workers' mobile homes at Salmans Farm instead.
- 26 The general agricultural justification for both the polytunnels and the use of seasonal workers' mobile homes has been set out by Rural Planning Limited on many occasions and has been accepted in principle both to serve Salmans Farm, other parts of Clock House Farm Ltd's land, and also for many other similar businesses across the county.'

Natural England -

- 27 '... The proposed development is for a site within or close to a nationally designated landscape namely High Weald AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.
- 28 Your decision should be guided by paragraph 115 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks.

## Agenda Item 4.1

- 29 For major development proposals paragraph 116 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.
- 30 Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.
- 31 We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.
- 32 The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

### Protected species

- 33 We have not assessed this application and associated documents for impacts on protected species.
- 34 Natural England has published Standing Advice on protected species.
- 35 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.
- 36 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.'

### KCC Ecology -

- 37 'The proposed development is for the permanent retention of poly-tunnels which are currently on site and as such we are satisfied that there is no requirement for an ecological survey to be submitted as part of the planning application.
- 38 An Ecological Management Plan has been submitted with the planning application demonstrating that the remainder of the site will be managed to benefit biodiversity.

- 39 We understand that there is a need for surface water drainage information to be submitted as part of the planning application. If the submitted information identifies that if there is a need for changes to be made to the site layout or habitats within the site, the management plan must be reviewed and updated to reflect these changes.
- 40 If no changes are required we advise that if planning permission is granted a condition is included requiring the management plan to be implemented for the lifetime of the development’.

KCC Highways -

- 41 ‘It is understood that the vehicle hardstanding, turning circle and 3.5 metre wide access track along the northern edge of the site was constructed within 2 months of the original temporary permission (10/00517/FUL).
- 42 Having considered the development proposals and the effect on the highway network, I raise no objection on behalf of the local highway authority subject to the following conditions:
- Other than in the event of an emergency or in connection with the unscheduled maintenance of the site, there shall be no access into the site other than from the designated vehicular access and parking area at the eastern end of the site. There shall be no access into the site from the track adjacent to the south-eastern edge of the site.
  - Vehicular access to and from the site by visitors employed on the site shall be by vehicles no larger than a Class 5 coach and transport of produce shall be by light goods vehicles only’.

KCC Drainage -

- 43 ‘Additional information has been submitted within the Drainage Strategy and SUDs Management and Maintenance Plan prepared by Monson (September 2017) which describes the operation of the drainage system.
- 44 The report includes recommendations for changes to provide better regulation of on-site attenuation and off-site flows and appropriate maintenance activities.
- 45 This report provides the information requested in our earlier response in relation to the existing drainage system and its operation.
- 46 We therefore have no objection to the approval of the development as proposed but we would recommend that a condition is imposed to ensure the implementation of the recommendations of the Monson report.
- 47 If your authority is minded to approve the proposal we would recommend the following condition with submission at an appropriate time frame as designated by yourselves’.

## Agenda Item 4.1

### High Weald AONB Unit -

- 48 'Section 85 of the Countryside and Rights of Way Act 2000 requires local authorities to have regard to 'the purpose of conserving and enhancing the natural beauty of AONBs in making decisions that affect the designated area. The National Planning Policy Framework paragraph 115 requires great weight to be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas. The High Weald AONB Management Plan has been adopted by all the relevant local authorities, including Sevenoaks District Council, as their policy for the management of the area and for the carrying out of their functions in relation to it.
- 49 The High Weald AONB Management Plan sets out five key landscape components of the High Weald, which are:
- Geology, landform, water systems and climate
  - Settlement
  - Routeways
  - Woodland
  - Field and heath.
- 50 The first and last of these are considered to be the most relevant for these applications. The Management Plan sets objectives and targets for each of these components. Objective FH1 of the Management Plan seeks 'To secure agriculturally productive use for the fields of the High Weald, especially for local markets, as part of sustainable land management'. This includes horticulture and soft fruit growing has an established history in the area, particularly in the Kent part of the High Weald.
- 51 It is noted that the fruit plants at the application site are grown in pots and some representations suggest that this demonstrates that the operation has no requirement to be in the AONB. However, I understood that the operator considers that the site is good for soft fruit growing because of its landform and local climate which is exceptionally warm and sheltered. The AONB Unit suggests the local planning authority seeks independent expert opinion on this matter.
- 52 The representations also raise the issue of the visual impact of the polytunnels. The AONB Unit's Planning Advisor has visited the site and surrounding areas and viewed the photographs submitted as part of the application and by representors. The expanse of plastic sheeting over 15 hectares undoubtedly has a visual impact on the landscape, albeit that this is removed in the winter months. The AONB Unit does not object to polytunnels in principle but it is our view that the scale of this application is not consistent with the small-scale nature of the AONB's landscape character.
- 53 The AONB Unit's Planning Advisor observed that shelter belts have been planted around the site and notes that there are proposals for additional environmental improvements such as wildflower meadows and pond



management but I have not been able to scrutinise these proposals in detail and have not assessed their value as compensation measures for the visual impact. The AONB Unit's Planning Advisor has provided the applicants with links to our website on wildflower meadow management and pond restoration to encourage these improvements to be carried out in a way that maximises environmental benefits and supports plants that are indigenous to the High Weald.

- 54 In the event that Sevenoaks District Council decides to grant planning permission, the following requirements are recommended:
- The polytunnels and caravans should be maintained in a good condition, or replaced by similar structures as necessary, to avoid visual degradation of the site over time;
  - Details of the proposed ecological improvements and their future management shall be submitted to and approved by the LPA (we would like to be consulted on these details); These details were submitted with the application and we have suggested an implementation condition.
  - Any external lighting on the site should be controlled through condition, including lighting within the tunnels, which would be visible from outside due to their transparent nature. The Institute of Lighting Professionals (ILP) recommends light control zone E1 (Intrinsically dark) for exterior lighting in AONBs in their guidance for the reduction of obtrusive light.
- 55 The above comments are advisory and are the professional views of the AONB Director on the potential impacts on the High Weald landscape. They are not necessarily the views of the High Weald AONB Joint Advisory Committee'.

Penshurst Parish Council -

- 56 Object to the development for the following reasons:
- 57 'The impact on the visual appearance of the AONB and the Green Belt would be considerable. In view of the fact that the economic information provided with the application is not made available to the Parish Council we are therefore unable to give an informed opinion on any economic benefits which may be accrued to either the local or general economy.
- 58 It has been suggested this application was recommended to be submitted for permanent approval, consequently the tunnels would not be transient as with previous temporary approval periods. In view of this it would have a permanent and adverse impact on the landscape.
- 59 We note the reasons given in the pre-application advice as to why the Planning Officer considers it inappropriate to pursue a temporary permission. The NPPG gives circumstances which "*may include*". It does not state that circumstances are limited to these examples. The guidance also uses the words "*rarely*" and "*normally*", rather than "*never*" and "*always*".

## Agenda Item 4.1

- 60 The Parish Council would consider support for a temporary and finite permission, as outlined in 9.13 of the Design and Access Statement, subject to the appropriate legally binding agreements.
- 61 We would therefore question whether this National Planning Policy Guidance precludes the granting of further temporary permission’.

Chiddingstone Parish Council -

- 62 Object for the following reason:
- 63 ‘The proposal would constitute inappropriate development in the AONB and Green Belt.
- 64 This site is highly visible from a wide area, and the impact of the polytunnels would have a detrimental effect on the landscape. This is contrary to the Government’s clear commitment to protect AONBs. Existing legislation and policy contain strong protections, and the 2015 Conservative Party manifesto states that the Government ‘will protect the Green Belt, and maintain national protections for Areas of Outstanding Natural Beauty, National Parks, Sites of Special Scientific Interest and other environmental designations’. Because this site has the double protection of Green Belt and AONB, this proposal would have a greater detrimental impact on the area.
- 65 The existing consent for polytunnels on this site was as a temporary approval only, and there was an agreement that the polytunnels would be removed at the end of the temporary approval period and the land returned to agricultural use.
- 66 The existing consent also states that the business would employ local people. This is not the case and workers at the site are migrant.
- 67 Any approval for permanent polytunnels on this site would set a precedent for other locations in the area. There is a concern that neighbouring landowners could apply for a similar scheme which would create an expanse of polytunnels in this AONB and Green Belt’.

Campaign to Protect Rural England (CPRE) -

- 68 Object to the proposal for the following reasons:
- 69 ‘In March 2015 the then Planning Minister, Brandon Lewis, wrote to the Chief Executive of the Planning Inspectorate. The letter starts as follows:
- ‘I have become aware of several recent appeal cases [one of them concerning polytunnels in the wrong place] in which harm to landscape character has been an important consideration in the appeal being dismissed.
- 70 These cases are a reminder of one of the twelve core principles at paragraph 17 of the National Planning Policy Framework - that plans and decisions should take into account the different roles and character of different areas, and recognise the intrinsic character and beauty of the countryside - to ensure that development is suitable for the local context.’

*Harm to the landscape of the AONB*

- 71 We think this reminder to the Inspectorate is highly pertinent to the present application. The context in this case is the effect on the landscape of the High Weald AONB. Helpfully, paragraph 5.17 of the Landscape Assessment Review summarises the site as:

‘a statutorily protected landscape, set on a local ridge, exposed to views from a right of way of regional importance and, at least partly, in the setting of the Penshurst Conservation Area.’

- 72 This defines the sensitivity of the site. We note that many objections to the application come from local people who, to quote Brandon Lewis, ‘recognise the intrinsic character and beauty of the countryside’. Paragraph 2.3 of the High Weald Management Plan, which it should be noted is a key Delivery Mechanism for the Council’s Local Plan ADMP Policy EN5 Landscape, stresses the importance of the perception of the people who experience it:

‘The form and pattern of physical components in the landscape can be described objectively while our perceptions of it and the special qualities we value tend to be more subjective and address how we respond to this character through our senses, emotions and intellect.’

- 73 The Review discusses screening measures and ‘mitigation’, both of which are acknowledgement that the development is causing harm to the landscape. Conclusions drawn from technical measurement of impacts are not the only guide to deciding whether, for example, the development satisfies the demanding conditions of ADMP Policy EN5. Our ‘perceptions’ of this huge development are that it is alien to its surroundings. Policy EN5 requires that in AONBs:

‘the form, scale, materials and design [of the development] would enhance the character of the landscape...’

- 74 In our judgment the application fails on every count. It is harmful to the exceptional landscape quality and therefore, if the intrinsic character and beauty of the countryside is to be protected, it is in the wrong place.
- 75 We might add that given the harm to the AONB, there is scant evidence that alternative locations have been researched exhaustively.

*Sustainable development*

- 76 Paragraph 10 Planning Policy of the Design and Access Statement quotes the NPPF on sustainable development and goes on:

‘This proposal comprises sustainable economic development which is essential...’

- 77 Economic development is one matter but there is no proper consideration of all relevant aspects of sustainable development together. Paragraph 7 of the NPPF says that there are three dimensions to sustainable development: economic, social and environmental, and importantly:

## Agenda Item 4.1

‘These roles should not be taken in isolation because they are mutually dependent.’

- 78 No case is made to demonstrate the sustainability of this development in the balanced sense required by the NPPF. No doubt this is a successful business making a contribution to the national economy but the social benefits are not clear, for example in terms of local employment, neither is the environmental role in ‘contributing to protecting and enhancing our natural, built and historic environment’ locally. Instead we have the recognised harm to the countryside.
- 79 CPRE acknowledges the role that polytunnels can play in the rural economy but in the present case, for reasons of harm to nationally important countryside from inappropriate development, we consider that permanent planning permission should not be granted’.
- 80 Cllr Coleman (Local Member - Representation made prior to being elected) - Objects to the scheme:
- Polytunnels significantly detrimental to the visual amenity;
  - Inconsistent with planning policy;
  - There are other viable alternative uses;
  - Unlikely to bring local economic benefits or employment;
  - Use of agribusiness could be undertaken in more suitable locations without undermining overall economic viability;
  - Local infrastructure unsuitable to support traffic movement, as evidenced by cracked bridge;
- 81 Set a precedent other similar development in the AONB.

### Representations

- 82 251 Objections received from both local residents and those further afield -
- Within an Area of Outstanding Natural Beauty the local authority have a duty to protect areas such as this;
  - Green Belt and AONB needs protection;
  - Gives the right to making a village of caravans;
  - Polytunnels are invasive and ugly;
  - No orange site notices; (officer comment: 2 site notices posted on 24 July 2017, 1 at the front access and another on a PROW sign at the junction of Salmans Lane and Peshurst Road;
  - No alternative sites have been properly explored;
  - Damaging affect upon Peshurst character and reputation;
  - Clock House Farm does not contribute to the local economy;
  - Migrant labour being used; Creates noise;
  - Surface water drainage issues;
  - Visual landscape assessment flawed;
  - Belief that land would return to its natural state upon expiry of existing temporary permission;
  - Plants grown in pots - can be grown elsewhere;
  - Damage caused to local bridge - cracks formed;

- Tenant willing to sell off other land that the farm owns in Coxheath to housing developers; (officer comment: this is not a material planning consideration)
- It's a commercial and agri-industrial site;
- Creates a precedent for similar development within the AONB;
- No economic argument can be applied in this case;
- Can be seen everywhere in the village;
- Natural environment will be permanently diminished;
- Farmer is not local; Result in further development within the site;
- Polytunnels create glare;
- Inconsistent with planning policies;
- Affects historic landscape of the village and the 'Tudor Way' (borders site)
- Other land available within Kent, more appropriate for this use;
- No dependence on land;
- Some economic information has been withheld;
- Site is bigger than the O2 arena;
- Creates light pollution;
- Not an agricultural operation;
- Going back on what they promised that the land will return to its former condition;)
- Blight property values;
- Increase of workers on-site - raise security issues;
- No amenities for labourers;
- Questions raised on water quality, micro-climate and growing conditions on-site;
- Economics of case are designed to misled
- References to refused application at Nashes Farm.
- This development should have never been approved.

83 Statement of Opposition from ADU planning on behalf of Protect Penshurst Campaign Group. In summary states -

- Polytunnels are not inappropriate development within the Green Belt;
- AONB should be conserved and enhanced;
- The scale, height, form and appearance of the tunnels fail to protect the visual qualities of the AONB and openness of the Green Belt;
- Nashes Farm appeal decision is of relevance and should be given more weight;
- Absence of a compelling economic case to override the harm to the AONB and Green Belt;
- Several other planning appeal decisions relating to polytunnel development made known.

84 Landscape and Visual Issues report by Liz Lake Associates August 2017 commissioned by Protect Penshurst Campaign Group. In summary states -

- Independent review of proposed and critique of the Landscape Assessment Review submitted with application;
- Would result in permanent and unavoidable long-term harm to the landscape;
- Conflicts with planning policies;

## Agenda Item 4.1

- Erodes distinctive traditional and rural landscape of AONB;
- Reduces the openness of the Countryside;
- Intensification of the site would exacerbate the harmful effects of development and the landscape and visual resources.

85 Letter from Clock House Farms and their Planning Agent in response to objections made. They are in summary -

- Salmans Farm has been producing soft fruit on site for 20 years during this time technological advancement of horticulture has significantly developed;
- Clock House Farm took over agricultural tenancy in 2013;
- Made investment in improving the environment, replacing diesel generator with mains electricity, thus reducing noise and risk of pollution;
- The site has a micro-climate- valuable to growing soft fruit and allows water extraction from River Eden nearby;
- Taken responsibility on wildlife and other environmental factors within the site;
- Member of LEAF – an organisation that helps farmers to produce good quality food with care to high environmental standards;
- Retention of field boundaries, windbreaks and natural vegetation;
- Introduced new habitats and native semi mature woodland;
- Area of tunnels, 15ha of the 22ha that they manage;
- 25% of the land is not in use for the production of soft fruit;
- Some economic information has been withheld because of the sensitivity of the data of a variety of third party businesses and services;
- Payments to local suppliers by farm is approximately £250k and approximately £200k nationally per annum;
- Wages for the workforce at Salmans is approximately £980k per annum;
- Clock House Farm has no intention of developing the site any further;
- 30-40% of sweet blackberries consumed in the UK are produced at Salmans Farm;
- Alternate uses of the site of mono-arable, cattle or dairy farming may not have the potential to bring biodiversity, habitats benefits;
- Existing benefits of employment provision, biodiversity and ecological enhancement and contribution to local and national economy is significant;
- The impacts of development as noted by Liz Lakes Associates are 'grossly underestimated'
- Disputes that the plastic is not being removed outside permissible months of production;
- The tunnel covering does not cover all of the tunnels throughout the permissible months. This is dependent on the strain of crop – between 30-40% of tunnels are only covered between March to July/August – leaving 6-7ha uncovered for 8 months of the year;
- Nashes Farm appeal not comparable - each application judged on its own merits was considered under previous planning policies i.e. pre-NPPF.

86 64 representations of support have been received making the following points, in summary:

- This is a farming community and the land should continue to be used as such;
- UK farming should be maintained and encouraged against imports which are expensive and carbon creating;
- Efficient and well run business and causes no disturbance;
- Ecological enhancement to the site;
- To run a commercial operation sustainably, you need to make profit;
- Less vehicular movement since the new tenant has taken over the site;
- Polytunnels are only visible from viewing above them;
- The application is a smaller area than the previous;
- Assists in the local and national economy both directly and in-directly;
- Reduction in 'food-miles';
- Less use of pesticides and water when grown in pots;
- Increase in Class I yields – greater than 80%;
- Using containers to grown plants keep production costs down;
- Farming has to innovate;
- Well-screened site;
- No change to what the village has been accustomed to;
- Previously 16ft hop poles and wires were used on-site and no-one complained about them;
- Has to be a balancing exercise between landscape and economic benefits;
- NPPF gives strong support to sustainable growth in the countryside.

87 2 responses from National Farming Union supporting the application on the following grounds -

- The tunnels play a very important role in the growth and production of fruit on this farm for marketing which in turn can benefit the community as a whole;
- 'Current fruit and vegetables' sector faces one of the largest trade deficit; where imports cost £8.7bn in 2014 while exports were worth £0.9bn, trade gap of £7.8bn. – could expose UK customers to extreme price variations;
- Environmentally friendly way of giving the British public accessibility to good quality British fruit;
- Local farmers should be supported and allowed to pursue their livelihood;
- Poly tunnels increase growing season and picking season, allowing to produce top quality and to meet high customer satisfactions, enabling the farm to produce a competitive quality product which can be supplied on time to the UK market which would otherwise be supplied by foreign farmers and generate economic stability for rural communities;
- Without polytunnels it is not economically possible to meet customer demands;
- Soft fruit needs to be grown in this country and not imported;

## Agenda Item 4.1

### Chief Planning Officer's appraisal

#### Principle Issues

##### Background

- 88 The farm is run as part of a larger farming business operated by Clock House Farm Ltd based in Coxheath, Maidstone. The site is used for the production of soft fruit. Polytunnels have been in use for this purpose on the farm for some years since 2004. Their use extends the growing season and improves the overall quality and crop yields of the harvested fruit.
- 89 Currently the farm produces approximately 340 tonnes of raspberries and approximately 75 tonnes of sweet blackberries from this site, which makes up approximately 10% of the total business revenue of Clock House Farm Ltd. The applicant's planning statement states that the production of the blackberry variety produced by Clock House Farm makes up to 30-40% of the overall tonnage produced in Kent and represents approximately 31% of the total of consumption of sweet blackberries in the UK this year.
- 90 Successional tunnels are used where the crop is planted into pots. The tunnel framework stays in place for successive crops (i.e. the individual plants are replaced from time to time) and is intended to remain as long as soft fruit is grown in that field. When the tunnels are not in use, the polythene is rolled back exposing the frame of the tunnel which is left in-situ.
- 91 Although the use of the soft fruit growing methods in this instance does not rely on planting crops in the ground, this approach to soft fruit growing still falls within the definition of "agriculture" given in the Town and Country Planning Act 1990, Section 336(i):
- "agriculture" includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly'*
- 92 The tunnels themselves comprise a series of steel framed hoops fixed into the ground at intervals, over which plastic sheeting is provided to protect the crop. The hoops are fixed to the ground by posts screwed into the soil to a depth of 40-60 cm by machinery. They comprise a series of adjoining "bays", depending on the size and shape of the field. The maximum height of the tunnels is 4.3 metres and their maximum width is 7.8 metres.
- 93 Depending on the size of the field, the tunnel can extend up to a maximum of 285 metres in length relating to site circumstances. The tunnels contain 3 rows of pots (1 plant per pot and filled with Coir fibre alternative compost material) per tunnel on a wire trellis system, that allows each cane to be individually managed as it grows. Each row cultivated by a drip feed computer controlled irrigation system. Each pot sits upon the ground so



that rooting does not take place in the ground. This method of planting requires the polytunnels to remain permanently in place.

- 94 In terms of planning law, the erection of polytunnels of the type included in this application is regarded as a building operation. A High Court Judgement, in 2006 (*Tuesley Farm, Surrey - Hall Hunter Partnership v First Secretary of State [2006] EWHC 3482 (Admin)*), in a case which concerned a farm in the Green Belt and in an Area of Great Landscape Value which also abutted the Surrey Hills AONB, ruled that the agricultural polytunnels in that case, which were very similar to those proposed here, in terms of scale and type, were, for the purposes of Green Belt policy, agricultural buildings that are not inappropriate in the Green Belt, as defined in Paragraph 89 of the NPPF.
- 95 It is pertinent to note that some plastic tunnels - of a different design or a lesser scale, for example - might not fall within the Town and Country Planning Act definition of development and thus might not require permission. Indeed some polytunnel developments might benefit from permitted development rights for agricultural buildings contained within Schedule 2, Part 6 of the General Permitted Development Order, and thus avoid the need for a planning application. However, the size of those currently proposed, in this application, both individually and collectively, precludes that in this instance.
- 96 It is part of the applicant's case that polytunnels have been used on the farm for the protection of soft fruit for many years. The applicant contends that they are now seeking planning permission for a continuation of this practice on broadly the same scale as present. They advise that the extent of tunnel coverage since 2004 has been reduced, from 22 hectares to 15 hectares. Further investment has been made in terms of improving the infrastructure within the site and making improvements in biodiversity matters and implementing further landscaping screening measures.
- 97 It is noted that the current tenant, Clock House Farms Ltd, continued the agricultural tenancy from 2014 and made significant investment into the site and the implementation of new farming practice and regime i.e. - renewal of polytunnels, new irrigation system, further landscaping etc.

### Principle Issues

- Green Belt
- AONB
- Visual impact on the AONB
- Impact upon heritage assets
- Drainage
- Ecology
- Residential amenity
- Highways

### Impact upon the Green Belt

- 98 Section 9 of the National Planning Policy Framework (NPPF) therefore applies. The NPPF requires that when considering any planning application, local planning authorities should ensure that substantial weight is given to

## Agenda Item 4.1

any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

- 99 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF also advises that new buildings within the Green Belt should be considered as inappropriate. However it does set out a number of exemptions and buildings for agricultural and forestry are listed as one of these.
- 100 As mentioned above, the High Court judgement in *Hall Hunter Partnership v First Secretary of State* ruled that agricultural polytunnels similar to those proposed here are, in terms of Green Belt policy, buildings that are not inappropriate in the Green Belt, as defined in Paragraph 89 of the NPPF. We accept that the growing methods used can be reasonably defined as agricultural. For those reasons the proposal would not be contrary to Green Belt Policy, but is appropriate development in the Green Belt.

### Impact upon the AONB

#### National policy

- 101 The Countryside and Rights of Way Act (2000), Section 85 states that:
- 'In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.'*
- 102 This approach is set out in the National Planning Policy Framework at paragraphs 109, 115 and 116 where advice is given to local planning authorities in relation to the consideration and determination of planning applications in the AONB.
- 103 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, whilst the impacts of the proposal should be primarily judged against the requirements of paragraph 115, 116 of the NPPF. Here the NPPF calls for great weight to be given to conserving landscape and scenic beauty, particularly in the AONB, with consideration given alongside the need to support to a prosperous rural economy.
- 104 Paragraph 116 of the NPPF states that planning permission for major development in designated areas should be refused except in exceptional circumstances and where it can be demonstrated that the development is in the public interest. This is a major development in the AONB.
- 105 Whilst the farm is located in the AONB, these polytunnels are transient and of a temporary nature. This is demonstrated by the fact that the farmer removes the polythene from the tunnels for four months in any year. A further 5-6 hectares of covering is also removed once the early crop has been harvested/picked.

- 106 This is an established site for the purpose of growing soft fruit where there has been significant investment from the farmer over a number of years. This demonstrates that the cost and scope (due to landscape designations) of moving the business is prohibitive.
- 107 The national crop considerations, proposals for additional landscaping and the practices of removing the polythene at certain times during the year, weigh in favour of the proposal. The imposition of reasonable planning conditions may also mean that the proposal is in compliance with para 116 of the NPPF.

Local planning policy

- 108 Policy EN5 of the Allocations and Development Management Plan states that proposals within AONB will be permitted where the form, scale, materials and design would conserve and enhance the character of the landscape and have regard to the relevant Management Plan and associated guidance.
- 109 Core Strategy Policy LO8 seeks to conserve and enhance the distinctive character of the AONB and the use of appropriate mitigation is provided where damage to local character cannot be avoided. It also supports the maintenance and diversification of the rural economy, that includes agriculture.
- 110 Our local plan policy reiterates, whilst adding some further criteria to the national planning policy approach to development in AONBs. These temporary polytunnels set against a wider landscape, with the planting that has already taken place along with the national crop considerations and the contribution this proposal makes to our rural economy means that on balance it is acceptable.

Supplementary Planning Guidance

- 111 The High Weald AONB Management Plan 2014 - 2019
- 112 The High Weald AONB Management Plan 2014 - 2019, is also a material consideration. It seeks to ensure that the natural beauty of the landscape and vitality of the communities of the High Weald AONB are recognised, valued, strengthened well into the future and in a way which enhances health and well-being and supports much needed sustainable growth and development in a vibrant working rural landscape.
- 113 'Objective FH1 of the Management Plan - To secure agriculturally productive use for the fields of the High Weald, especially for local markets, as part of sustainable land management.

*Rationale: To contribute to sustainable domestic food and non-food agricultural production, to support a working countryside, and to reduce the dependency of the UK on non-sustainably managed agricultural land and the need for long-distance transport that produces air pollutants causing harm to health and the environment.'*

## Agenda Item 4.1

- 114 The growing of soft fruits under polytunnels meets the aims of this objective squarely in terms of making a significant contribution to domestic food production supporting a working countryside and reduces food miles.

### Visual impact on the AONB

- 115 The Landscape Assessment Review submitted by the applicant considered the polytunnels at the land at Salmans Farm in terms of various viewpoints throughout the locality and from nearby public rights of way. It makes comparisons with the Landscape and Visual Landscape Assessment submitted with the 2010 application, and importantly the viewpoints were revisited. This assessment has been carried out to accepted April 2013 guidance developed by the Landscape Institute and the Institute of Environmental Management and Assessment that are used to assess the sensitivity of the landscape and the likely impact of the polytunnels on overall landscape character and in terms of visual impact generally.
- 116 The assessment concludes that the overall views remains unchanged since the 2010 planning permission. The assessment notes that since the polytunnels had been removed from the lower field (southern portion of the 2010 site is now not within the application site) this has considerably reduced the amount of polytunnels in view. This, coupled with the implementation of further landscaping screening measures, has had the effect overall of enhancing views from the base line position.
- 117 The report notes that a number of poplar shelterbelts had been removed since 2010, however this is a positive benefit to the landscape. This means that the field structure has been returned back to its existing pattern as shown on the 1873 OS Survey Map. This complies with one objectives of the High Weald AONB Management Plan seeks to protect/preserve.
- 118 The report considers that the significance of the landscape and visual impacts were minimal to slight adverse (*where the proposal would cause a perceptible but small deterioration and unlikely to be an determinative issue*), and that this effect is temporary due to the nature of the polytunnels use. There were no views that were considered to be moderate adverse (*where the proposal would cause a noticeable and clear deterioration and likely to be a determinative issue especially where combined with other similar rankings*) and recommends that an area of unimplemented planting is planted up and that an annual strengthening of field margins is undertaken. The report also recognises that identified effects of the permanent retention of the polytunnels will continue to gradually reduce if the site is appropriately managed and as the shelterbelt and plantations continue to mature.
- 119 Notwithstanding the above, consideration has been given to the Landscape Visual Issues report by Liz Lake Associates, June 2017 submitted by an objector. This report is generally a critique of the applicant's Landscape Assessment. The objector's report finds fault with the applicant's approach in a number of respects:

- the visual effect of the polytunnels at Salmans Farm have been more harmful than the David Huskisson Report assessed in 2010;
  - The assessed visual effect of the polytunnels was understated at the time the 2010 planning application was submitted and still concludes that the visual effect today is therefore understated.
- 120 However it is important to note that this document is a report and is not a formal assessment carried out in the same way that the applicant's Landscape Visual Assessment. When considering the Assessment and the report there is a clear difference of opinion over the overall significance of the visual impact that the tunnels have in the landscape.
- 121 Having considered the assessments and reports and taking into account the implementation of the post 2010 mitigation measures, the geographical extent of the site and its complex topography, it is concluded that that there will be a noticeable residual impact on the landscape. This conclusion is reached taking account of the mitigating factors highlighted on behalf of the applicants, both in relation to the nature of the development itself (such as the length of time that the site will be covered in plastic, and the seasonal nature of this) and the further specific mitigation measures that are proposed.
- 122 Further consideration of this impact merits examination in order to come to an overall planning judgement.
- 123 The topography of the locality is such that the site is part of an undulating landscape, characterised by fields, woodlands and mature trees/hedgerows. The site itself lies along the southern flank and ridge of a relatively small and intimate valley, which runs north-east to south-west from Peshurst Place to the east.
- 124 Views of the site from the public footpath running along the site's northern boundary and that running from north to south along the western edge are generally well screened by existing foliage and tree cover and the particular relationship between the levels of the land. By and large, this combination of different types of topography and vistas, combined with the presence of existing screening by natural vegetation and historic field patterns, serves to make the impact of the tunnels in these closer range views much less intrusive.
- 125 There are a number of other medium distance views, some of which are reasonably screened by intervening landscaping, for example along Grove Road itself (to the south), from Blowers Hill, a glimpse of the western side of the site is partially in view, but still is partially screened to some extent.
- 126 There are also some long distance views, from Coopers Lane to the south of Poundsbridge and Poundsbridge Hill/The Lane (also known as Fordcombe Lane) to the east of Fordcombe, though again, hedging helps to screen views from the road itself. That said, the lay of the land from these vantage points is higher than the site itself, so the polytunnels would be seen over and above the surrounding landscaping.

## Agenda Item 4.1

- 127 There are also longer distances views from Ide Hill, Riverhill and from other view points on the higher ground to the north. However, the countryside around Peshurst is undulating and interspersed by wooded areas. When viewed from more distant vantage points the site is seen in the context of the wider landscape and forms a relatively small element, with the general appearance of agricultural land amongst a backdrop of fields of varying colours and textures.
- 128 As mentioned above, the polytunnels situated at higher level on the plateau are partly screened by planting on and immediately adjacent to the site. The vantage points where the site can be seen from are vistas that are sited on higher ground than the polytunnels themselves. From these vistas/viewpoints, the polytunnels are considered to have a moderate visual impact upon the working rural landscape of the AONB when viewed within the context of the area.
- 129 The most notable viewpoint of the site is from the public footpath that traverses the ridge to the south of the site on the opposite side of the valley, from SR441. Along part of this footpath there are a few properties that have north facing aspects. These properties include Warren Farm Barn and 1-6 Warren Cottages. Seen across the valley from this position, the site is particularly exposed and the polytunnels to the southern end of the site can be seen even though they are partially screened by an existing tree belt.
- 130 However, as noted on the site visit (mid-August), this part of the site was used for the early crop and the tunnel covers had been rolled back, leaving just the tunnel structures standing. This is considered not to be so harmful to the landscape. If this portion of the site is used for the early crop season, when the tunnels are covered, they would be more obvious especially when the tree belt, that is mostly deciduous, is not in-leaf leaving the southern end site more exposed.
- 131 When considering the impact of this proposal on the landscape character of the AONB, a number of other factors have been taken into account. For example the tunnels would not be permanent features in the landscape as the polythene covers are removed for the winter months. Whilst the supports remain in situ, the visual impact is markedly less. Indeed the support structures are unlikely to be visible from a distance against the backdrop of the natural landscape and woodland.
- 132 The greatest impact of the polytunnels will be during spring and summer (i.e. when covered). This coincides with the natural foliage being in leaf, which in turn helps to screen the site. The proposals would not result in a permanent loss of any natural landscape features or trees.
- 133 Whilst the overall impact is relatively limited/slight adverse, it is accepted that the polytunnels can be seen for considerable distances resulting in some harm to the landscape character of this part of the AONB.

### Impact upon heritage assets

- 134 In relation to development that could affect the setting of listed buildings, section 66 of the Planning (Listed Buildings and Conservation Areas) Act

1990 (LBCA Act) places a duty on decision takers to pay special regard to the desirability of preserving that setting before granting planning permission.

- 135 A view from public right of way SR426 to the east of Penshurst Place looking westwards from the top of a ridge has been considered. The polytunnels cannot be seen from this view, due to the intervening topography and interspersed woodlands. Even walkers using the adjacent bridleway walking down the ridge into the Penshurst Place Estate will be unable to see the polytunnel development. From the B2176, Penshurst Road, views of the polytunnel site are obscured by mature landscaping and would not be seen.
- 136 Having regard to the above, the application site would not be seen in the context of the setting of these heritage assets and would not harm their historic significance, due to the distance between the site and the assets, the changes in level and the mature vegetation.
- 137 It is considered unlikely that visitors would avoid Penshurst Place, its grounds, together with the numerous special events that are hosted there and the historic core of Penshurst Village, only because they would see the polytunnel development within the village, as cited by some of the representations received.
- 138 It is concluded that there would be no harm to the significance or setting of these designated heritage assets, as they would be preserved. There would be no conflict with Policy EN4 of the ADMP or the aims and objectives of the NPPF, which seeks to protect the distinctive characteristics of Heritage Assets.

#### Residential amenity

- 139 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the developments, while ensuring it would not result in excessive overlooking, visual intrusion, vibration, odour, air pollution, vehicle movements, or a loss of privacy and light enjoyed by the occupiers of nearby properties.
- 140 In terms of impact of the proposal on residential amenity, the polytunnels are not located directly adjacent to boundaries with residential properties, with the exception of Abbotsmerry Barn.
- 141 Abbotsmerry Barn is the most significantly affected of those residents in that the property is bounded on two sides by areas of polytunnels. These tunnelled areas, bound part of the northwestern boundary to this property. There is a wide area of track between the tunnelled area and the property's boundary fence with some existing tree screening. Although this particular polytunnel block has been in place in excess of 14 years, if this proposal were to succeed, then it would not be unreasonable to secure strengthening planting measures to this boundary to provide further privacy and ameliorate their concerns relating to security issues to the occupants.
- 142 Loss of outlook from a residential property can be a material planning consideration, although there is no right to a view that can be protected by the planning system. It is sometimes difficult to differentiate between these two concepts. The question is essentially one of distinguishing between

## Agenda Item 4.1

what it is right to protect in the public interest (which is a legitimate planning consideration) and the interests of specific individuals (which, generally, are not). Given the particular size and design of the tunnels, and the separation distances, topography and existing and proposed landscaping measures, it is considered that this is sufficient to protect the outlook of individual dwellings, so far as it is appropriate to do so through the Planning Acts.

### Highways

- 143 The site has been in operation for in excess of 14 years, and access to the site is from Salmans Lane which is a private road. Despite the size of the site, traffic movement generated by the proposal is very little. Seasonal workers are transported to and from the site by bus operated by Clock House Farms Ltd. Furthermore the product is taken from the site by one - two daily movements, using a 7.5t lorry. This moves the soft fruit from the site onward to a packinghouse/cold storage.
- 144 It is considered that that the traffic movements associated with the agricultural activities as well as the movement of the workforce is not significantly out of character when seen in the context of the wider area. Traffic generated by the existing use of the site is minimal and well controlled by Clock House Farms Ltd as the workforce is transported to and from the site by bus and deliveries are strictly controlled by the farm itself.
- 145 KCC Highways has raised no objection to the development subject to conditions.
- 146 Representations have been made in relation to the damage to an existing bridge within Salmans Lane and that the farm has caused it to crack, by the use of heavy vehicles going over it.
- 147 The bridge concerned is sited outside the application site and is under ownership of the landlord, which is not Clock House Farms. However, it is understood that works are soon to be undertaken to repair the bridge to which the landlord, Clock House Farms Ltd and KCC Public Rights of Way are to finance. Despite the concerns raised by objectors, the use of this bridge by Clock House Farms Ltd is not a justified reason to refuse the application.
- 148 It has been suggested that the agricultural traffic servicing the polytunnel fields and delivery vehicles accessing the site are a road safety hazard. However, although the lane is sometime narrow, there are many other farming operations in this rural area. There is no restriction on agricultural traffic using this private lane or other roads in general. To place a restriction would have unreasonable consequences on this farm and others in the vicinity.

### Ecology

- 149 Paragraph 118 of the NPPF and SP11 of the Core Strategy, G11 of the ADMP sets out that new development should maximise opportunities to build in features which are of benefit to biodiversity as part of good design.



- 150 It is clear that the farmers have embraced the improvement of the site's biodiversity and are committed to improve further on this. The submitted Ecological Management Plan together with recommended further enhancements would positively benefit the land to which High Weald AONB supports. KCC Ecology has raised no concerns.
- 151 The details submitted with this application improve the ecological value of the site in accordance with the advice of policy SP11 of the Core Strategy and GI1 of the ADMP.

#### Drainage

- 152 It seems that there have been problems with some surface water flooding onto the private lane bordering the site as cited in the representations. However, there is no evidence to suggest that this is as a direct result of polytunnel operations. The site has implemented the 2010 drainage scheme and a review of the existing drainage system by a report by Monson Engineering. This recent report concluded that there were no existing issues with the system employed within the site and the lead flood authority has raised no objection subject to condition.

#### Other Issues

- 153 Representations have referenced the economic connections between tourism and protected landscapes, the polytunnels would have a detrimental impact to contribution of tourism to the rural economy; however no clear evidence has been presented to support this especially when the polytunnels have been present on site for many years.
- 154 Consideration has been given to the submission of various appeal decisions by the planning agent acting for Protect Penshurst. These submissions mostly related to planning enforcement appeals and a few pre- and post-NPPF decisions some of which are smaller developments outside our district.
- 155 The objectors have drawn our attention, to the 2007 appeal decision at Nashes Farm, in Penshurst and the 2005 Tuesley Farm decision in Surrey, both notably pre-NPPF and both were dismissed.
- 156 In particular the Nashes Farm appeal in 2007 was dismissed under different Development Plan policies and before the introduction National Planning Policy Framework. The appeal Inspector makes reference to the polytunnels being more visually prominent and that the landscape cover is insufficient to effectively screen them. The significant harm identified to the landscape character of the AONB could not be overcome by the economic case presented.
- 157 In assessing the planning application on Salmans Farm in 2010, we gave full regard to the earlier Nashes Farm appeal decision. It was considered then, as now, that Nashes Farm occupies a very different siting to Salmans farm. Nashes Farm is located close to the valley bottom, on the edge of a relatively open and exposed plain, it is far more exposed in the landscape than Salmans Farm, which is located within a more intimate and confined valley. As a consequence, Salmans Farm has a more limited visual impact on the landscape. Therefore whilst the Nashes Farm is clearly relevant as an

## Agenda Item 4.1

appeal dismissed for polytunnels in Penshurst, the actual harm to the AONB between the two schemes is considerably different due to their different locations.

- 158 The case of *Hall Hunter Partnership* (referred to earlier), however, is a binding legal decision of the High Court and thoroughly tested the appropriateness of polytunnels in designated landscape areas.
- 159 Concern has been raised over light pollution. However, no external lighting is proposed under this application.
- 160 Local residents have also raised concerns over noise disturbance from the polytunnels. However, the proposed polytunnels are some distance from the nearest dwellinghouses. For the past 5 years, the use polytunnels and their associated activities has operated without any complaints relating to noise disturbance to our environmental health or enforcement teams. The continued use of the polytunnels and associated activities is not proposed to change. Therefore the development will not result in noise disturbance or harm to residential amenity.

### The planning balance exercise

- 161 The development plan comprises the Sevenoaks Allocation Development Management Plan (2015) and the Sevenoaks Core Strategy (2011). Both documents contain district wide policies that regulate development. This application is local policy compliant in relation to policies that support agricultural development, and rural development that benefits the economy. However the scheme also involves major development in an AONB, where great weight should be afforded to conserving the landscape and scenic beauty of the AONB.
- 162 As detailed above the NPPF in paragraph 116 allows major development in exceptional circumstances and where it can be demonstrated they are in public interest. Such considerations relate to:
- need for the development, including national considerations and impact on local economy if permit and as well if refused;
  - cost and scope for development elsewhere outside the designated area, or meeting the need in some other way;
  - any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
- 163 The NPPF is a material consideration and in paragraphs 6 to 10, it explains that the purpose of the planning system is to achieve sustainable development. These paragraphs also set out three dimensions, economic, social and environmental, that contribute to such development and confirm that these roles should not be considered in isolation. The policies of the Framework are to be taken as a whole when considering what sustainable development means in practice for the planning system.
- 164 Paragraph 14 of the NPPF states a presumption in favour of sustainable development, on strands of economic, social and environment

considerations. It then cites for decision taking purposes that ‘*approving development proposals that accord with the development plan without delay*’. Therefore the NPPF implies this as a material consideration as form of national policy when determining planning applications especially when a proposal conforms to development policy.

- 165 However, as previously mentioned in this report, the proposal does not comply to the letter of then appropriate planning policy, as there is some negative visual impact of the development upon the High Weald AONB. This does not automatically imply that the proposal should fail, as there are other material planning considerations that could indicate otherwise. The planning balance is whether “*any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*”
- 166 In term of the economic/social role the proposal, the case put forward by the applicant is, essentially, that soft fruit production on this farm would be uneconomic without the protection afforded to the crops by polytunnels at the level proposed. This is because they would no longer be able to supply fruit of the quality and consistency demanded by the major retail outlets that they supply. It is further argued that the contribution that the farm makes to the economy, both locally and more widely, both directly and indirectly, is significant and that this would be lost if soft fruit production were to cease.
- 167 Objectors to the development, on the other hand, argue that the economic arguments are flawed, based on inaccurate or unsubstantiated data. It is stated that the use of polytunnels merely serves to enhance the profitability of the farm and that this benefits a relatively small number of people. It is also maintained that the opportunities for diversification into other crops and activities have not been fully explored. Notwithstanding this, if an alternative farming regime was undertaken on this site, such as intensive arable or livestock farming, it may include detrimental and irrevocable changes to the historic landscape through a need to increase field sizes to maximise crop yields, or the positioning of animal shelters resulting in ecological impacts/loss of habitats.
- 168 Our agricultural advisor has stated, as before with the previous applications that agronomic justification for using polytunnels is entirely appropriate. The applicant submission demonstrates that the extensive use of polytunnels is necessary for the continued economic viability of soft fruit production on the scale that takes place at Clock House Farm Ltd. The current operation of the farm makes a very significant contribution to the local and regional economy and that no reasonable alternative agricultural regime would sustain similar levels of economic benefit.
- 169 The High Weald Area of Outstanding Natural Beauty Management Plan is also of relevance. The section “Field and Heath” relates to the management of the land, particularly through agricultural uses. One of the key objectives outlined above is “To secure agriculturally productive use for the fields of the High Weald AONB, especially for local markets, as part of sustainable land management.” Part of the rationale for this is to reduce dependency of

## Agenda Item 4.1

the UK market on less sustainable sources of produce e.g. imports from further afield including abroad.

- 170 Three of the four indicators of success of this objective are given as an increase in added value to agricultural products, an increase in production that directly benefits the environment and increased demand for locally produced products. This in turn broadly accepts the principle of agricultural practices within the High Weald.
- 171 Paragraph 28 of the NPPF recognises the importance to support sustainable growth and expansion of business/enterprises in rural area and further promote development of agricultural and other land-based rural businesses to which this proposal complies to which significant weight is attached.
- 172 It has to be recognised that there is a distinct difference between a situation where an agricultural enterprise is seeking to establish a new business based on polytunnels within the AONB and this case, where the applicant has been operating his fruit growing business for many years. There has been significant investment in the necessary infrastructure i.e. irrigation, water tanks etc to ensure that business meets the stringent demands that the major supermarkets, who drive this market, now impose.
- 173 The conclusion is that if planning permission is refused, there would be prospect of the loss of the agricultural jobs that the farm presently supports. Soft fruit growing and picking is labour intensive and seasonal. Nonetheless, these workers have a valuable part to play in the local economy. Whilst the origin of the workers may not be local, the enterprise as a whole is contributing to the economic well-being of the county/country.
- 174 Clock House Farms Ltd has in their planning statement stated that they have invested heavily in the machinery and equipment necessary for soft fruit growing since they took over the tenancy from Shorter Farms in 2014. Polytunnels were first introduced in 2004, before it was established that they required planning permission, hence the subsequent temporary permission. This is a well-established agricultural enterprise which, if planning permission is refused, would result in the closure of this part of the business as it exists today which in turn would have a consequential impact upon the overall turnover of this existing enterprise.
- 175 The sweet blackberries that are grown on site are a variety which Berry Gardens, the growing conglomerate that Clock House Farm Ltd are members of, have unique growing rights to. In 2014/2015 all of Clock House Farms Ltd in-house field scale crop management trials were carried out at Salmans and have led to the enterprise achieving some of the highest yields with this variety of blackberry that are grown in polytunnels. Between 30 to 40% of the sweet blackberries consumed in the UK come from Clock House Farm.
- 176 The growth of this strain of blackberry has constantly achieved over 30 tonnes per hectare at Salmans. Using the same cultural methods developed at Salmans, on other sites that the enterprise runs, they have got close to, but not achieved the yield that Salmans site constantly produces, further proving the excellent growing conditions that this site offers.

- 177 The proposal has benefits for the local economy, for UK food production, for sustainable food distribution and improving the nation's food security. It is accepted that the polytunnels are important to the growing of soft fruit, extending their season, ensuring competitive prices and reducing the reliance on imported fruits thus reducing food miles. Clock House Farm Ltd's contribution of 30 - 40% of sweet blackberries grown in the UK is nationally significant, as well as other soft fruit that it grows.
- 178 In summary, it is considered that a strong economic argument exists to support the permanent retention of the tunnels despite the representations made by objectors.
- 179 Objectors consider that this operation should be sited elsewhere i.e. on brownfield sites, or that other sites have not been adequately explored. However, these comments fail to recognise the importance of the topography of the land and the climate associated with it and the economics and constraints of pursuing such an operation on previously developed land i.e. land values, land contamination risks etc.
- 180 From the information submitted it is clear that the polytunnels have enabled greater quantities and better quality soft fruit to be produced. This has contributed to the success and viability of the business and contributed to our rural economy, hence the polytunnels remain on-site and their permanent retention sought.
- 181 Salmans Farm is one of principal members of the Berry Gardens Growers Co-operative. Berry Gardens is a marketing subsidiary of the Co-Operative that provides selling, technical and support services to UK Growers.
- 182 A supporting letter from Berry Gardens states that UK growers have been successful in substituting imported produce and confirms that the use of polytunnels is essential to the soft fruit growing industry to meet market demands.
- 183 The historic agricultural productiveness of the Kent countryside has earned it the title "The Garden of England". The countryside has for many years included a great divergence of crops grown in a variety of ways: through plastic, hop poles, fleece or cloches and polytunnels. It is not unreasonable to anticipate that the farm will need to adapt to modern day farming techniques, such as the use of polytunnels.
- 184 The tunnels have been located on this site for more than 14 years. During that time further mitigation measures have been employed by Clock House Farm and its predecessor. For example the planting of tree belts and the reduction of the area covered by the polytunnels has been reduced since 2010, from approximately 22 hectares to 15 hectares, mainly by the removal of tunnels that were located to the east of the site.
- 185 The AONB designation here and in other parts of the county covers much land that is intensively farmed. In this case, the growing of soft fruit. There is inevitably a tension in AONBs where there are working landscapes. It is therefore a challenge for all involved parties to manage this effectively, bearing in mind the changing agricultural land uses and practices. The High Weald Management Plan recognises the need for active management of the

## Agenda Item 4.1

landscape. Clock House Farm Ltd supports the local landscape character by already adopting extensive ecological and landscape management plans/policies. Additional strategic planting will help to mitigate the impact, as set out in the report by Huskisson Brown Associates.

- 186 However, as already discussed, the polytunnels are appropriate development in the Green Belt and are defined as agricultural buildings for the purposes of growing soft fruit crops. The polytunnels are transient and of a temporary nature. The national crop considerations, proposals for additional landscaping and the practices of removing the polythene at certain times during the year, weigh in favour for the proposal.
- 187 Whilst some harm can be identified to the visual quality of AONB, it does not necessarily imply that planning permission should be refused. Further to this, Part 9 of the Natural Environment and Rural Communities Act 2006 clarifies that land used for agriculture, woodlands, parkland or with physiographical features partly the product of human intervention in the landscape, is not prevented from being treated as an area of natural beauty from public locations. This implies that human intervention within the landscape is accepted.
- 188 In this instance significant weight is attributed to the importance of conserving the landscape and scenic beauty of the AONB. It is acknowledged that some limited harm results from the development and to some extent its impact can be mitigated by further landscaping to screen the development.
- 189 Exceptional circumstances do exist in line with paragraph 116 of the NPPF to allow a major development in the AONB, as there are national considerations in terms of the extent of specific fruit growth on site, the impact on the local economy, the uniqueness of the location of the site with optimum growing conditions and that any detrimental effect on the landscape could be moderated.

### Conclusion

- 190 In summary, all the material planning considerations that have been identified in the report need to be balanced to come to a conclusion in this case. It is clear that there would be economic, social and environmental benefits arising from the scheme. Equally there are areas of harm identified, such as some visual harm to the AONB.
- 191 It is concluded that this harm is outweighed by the economic needs of the agricultural business, the benefits to the local economy, in terms of the sustainable use of the agricultural land and the environmental and the ongoing viability and vitality of a well-established agricultural business and the appropriate land-use of agricultural land in this location.

### Recommendation

- 192 That planning permission is granted subject to conditions

**Background papers**

Site and block plan

Contact Officer(s): Sean Mitchell Extension: 7349

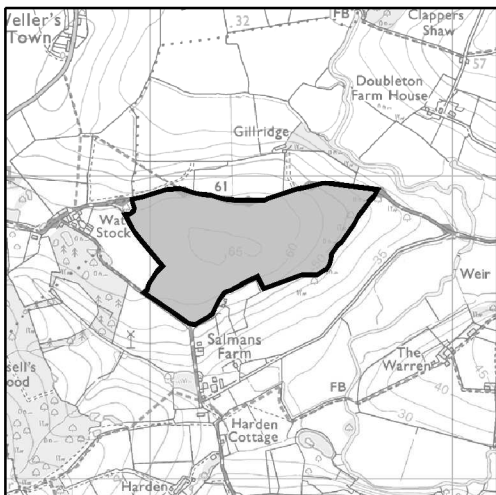
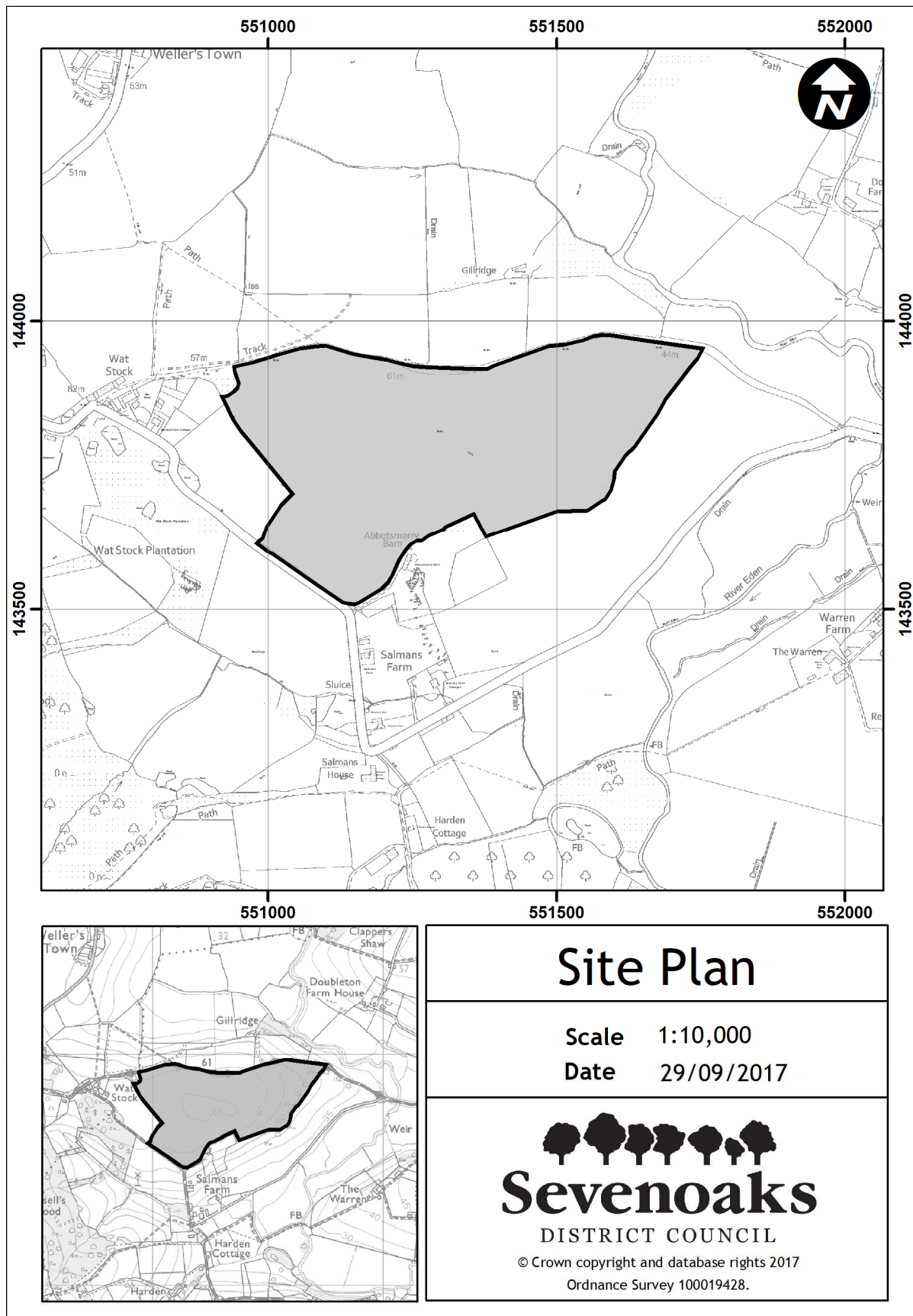
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OSKPWKBKLPO00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OSKPWKBKLPO00>

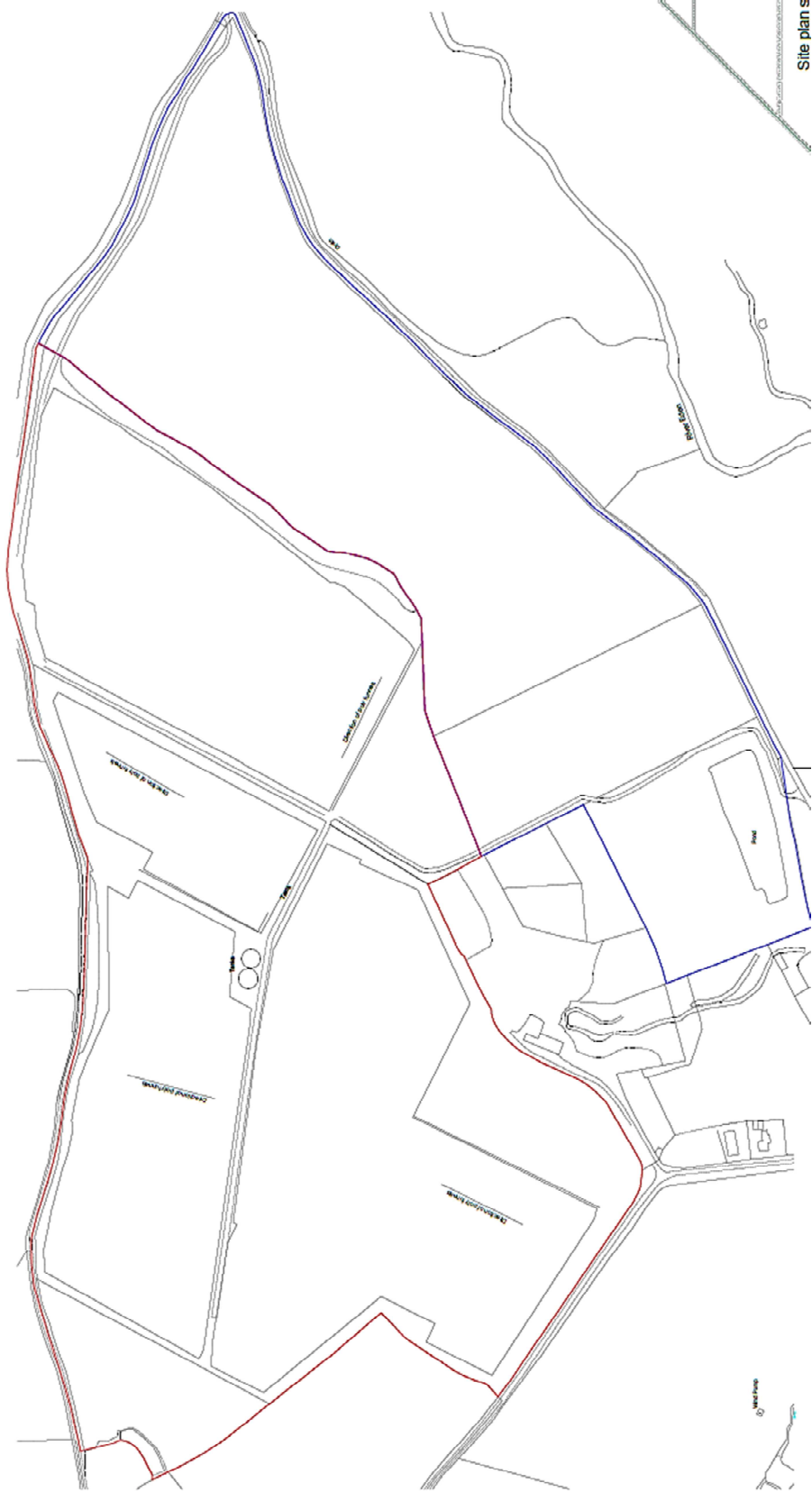


<h1>Site Plan</h1>	
<b>Scale</b>	1:10,000
<b>Date</b>	29/09/2017
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Existing Block Plan



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4.2 - 17/02113/FUL Date expired 4 September 2017

Proposal: Change of use of land for the stationing and storage of rural worker caravans overwinter and the provision of associated hardstanding, drainage and landscaping.

Location: Land At Salmans Farm, Salmans Lane, Penshurst, Kent

Ward(s): Penshurst, Fordcombe & Chiddingstone

**ITEM FOR DECISION**

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

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

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

2) The caravans shall not be brought onto the land until full details of soft landscape works have been submitted to and approved in writing by the local planning authority. 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 local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted. The approved details shall be implemented within the first planting season after approval.

To safeguard the visual appearance of the area as supported by Policies EN1, EN5 of the Sevenoaks Allocations and Development Management Plan.

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

To safeguard the visual appearance of the area as supported by Policies EN1, EN5 of the Sevenoaks Allocations and Development Management Plan.

4) No floodlighting, security lighting or other external lighting shall be installed or operated at the site, other than in accordance with details submitted and agreed in writing by the local planning authority. Such details shall include a statement as to the need for the lighting, the hours and frequency of operation, the areas of illumination and beam angles, and the number and location of any lighting. Only the approved lighting shall be installed and maintained thereafter..

To protect the amenities of the area as supported by Policies EN5, EN6 of the Sevenoaks Allocations and Development Management Plan.

## Agenda Item 4.2

5) At no time shall there be more than 4 caravans stationed or stored within the area of the application site as shown in blue on approved drawing no. 01A. Furthermore the caravans shall only be sited in the area as shown on approved drawing no. 02.

To protect the amenities of the area as supported by Policies EN1, EN5 of the Sevenoaks Allocations and Development Management Plan.

6) The total number of agricultural workers accommodated within the caravans hereby permitted shall not exceed 6 persons per caravan, a total of 24 persons at any one time.

To safeguard the amenity of the area.

7) The external elevations and roofs of the caravans shall be coloured dark green and thereafter retained as such.

To safeguard the visual appearance of the area as supported by Policies EN1, EN5 of the Sevenoaks Allocations and Development Management Plan.

8) The caravans hereby permitted shall be used for the purpose of seasonal workers' accommodation in association with the agriculture of the adjoining agricultural unit, as defined by Section 336(i) of the Town and Country Planning Act 1990, as amended (or any definition which replaces it) and for no other purpose including Class C3 (residential) of the Use Classes Order 1987, as amended.

Stationing of non-agricultural workers caravans would be contrary to Green Belt policy and rural protection policies as supported by Policy GB6 of the Sevenoaks Development Management Plan and policy LO8 of the Sevenoaks Core Strategy.

9) Three months after the cessation of the use of the site for the stationing of caravans hereby permitted, the caravans and associated equipment and hardstanding shall be removed from the site. Three months prior to the cessation of the use of the site, a programme of restoration works will be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details within a month of the removal of the caravans.

To safeguard the amenity of the area.

10) The development hereby permitted shall be carried out in accordance with the following approved plans: 01A and 02

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

### **Note to applicant**

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

- Offering a duty officer service to provide initial planning advice,

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

In this instance the applicant/agent:

- 1) Was provided with pre-application advice.
- 2) Was updated on the progress of the planning application.

### Description of site

- 1 The application site, forms part of a larger agricultural until that comprises an area of approximately 22 hectares of which 15 hectares is covered by polytunnels for the use of growing soft fruit. The site is located to the west of the main centre of Penshurst village and directly to the west of Penshurst Place.
- 2 The site is accessed via a private driveway/track, which joins the B2188, approximately 0.5 km to the east of the site. There is access to the south-eastern corner of the site from this driveway, which presently accommodates some parking in connection with the site. The driveway then continues along the entire southern edge of the site to serve a number of residential properties further along, including Salmans Farm Cottages and as the drive turns northwards, Salmans Oast and Watermill Oast, Salmans Farm (house) and Abbotsmerry Barn. The driveway then continues north to Wat Stock. A further, unmade, vehicular track runs along the entire northern boundary of the site from Wat Stock back to the parking area at the south-eastern corner of the application site.
- 3 The section of track running from the B2188 to the south-eastern corner of the site, all along the northern boundary and along the track from Wat Stock

## Agenda Item 4.2

southwards is classed as a Public Right of Way (SR546) - Eden Valley Walk (Tudor Way).

- 4 The southern and northern boundaries of the site follow the trackways, with the western boundary more irregular as it skirts around the eastern side of Salmans Farmhouse and Abbotsmerry Barn as it rises up and over the ridge bordering a short section of private track / bridleway and a field to then meet the northern boundary at Wat Stock
- 5 Within the site the polytunnels are generally aligned to run up/down the slope of the land for drainage purposes whilst the length of each tunnel responds to the varying lengths available on each field.
- 6 Separate permissions have been granted for above ground water storage tanks and associated equipment on the site to facilitate crop irrigation, water being extracted from the River Eden. The storage tanks are located centrally on the site near the highest point of the site together with farm storage buildings and a couple of mobile homes that are sited adjacent to it (permitted development). It here where it is intended to station 4 caravans within this small cluster of buildings.

### Description of proposal

- 7 Change of use of land for the stationing and storage of four rural worker caravans overwinter and the provision of associated hardstanding, drainage and landscaping.
- 8 Each caravan measures approximately 11 metres x 3.7 metres wide and have self-contained amenities within them, thus removing the requirement of an amenity block. A network of gravel footpaths together with associated services to the caravans will be provided on the site.
- 9 The proposed caravans will have 6 berths each having a capacity to accommodate up to 26 workers to carry out work at Salmans Farm. Salmans Farm grows soft fruit on 15 hectares of land. Accommodation is required for 'only agricultural' workers to undertake general horticultural operations, and carry out out-of-season duties such as maintaining the land i.e. pruning and topping, mowing, spraying and replanting and provide security for the site. It is expected that 1 caravan would be occupied continuously and the other three would only expect remain unoccupied for 1 month during a 12 month period. The number of people to occupy the caravans at any one time will vary, depending on how early or late the crop is.
- 10 The proposal includes the installation of a sewage treatment plant to treat on-site wastewater.

### Constraints

- 11 Metropolitan Green Belt
- 12 High Weald Area of Outstanding Natural Beauty
- 13 Public Right of Way SR564 (adjacent site)

## Policies

Sevenoaks Core Strategy:

14 Policies:

SP1- Design of New Development and Conservation  
LO8 - The Countryside and Rural Economy

Allocations and Development Management Plan

15 Policies:

SC1 - Presumption in Favour of Sustainable Development  
EN5 - Landscape  
EN6 - Outdoor Lighting  
GB6 - Siting of Caravans and Mobile Homes in the Green Belt

Other:

16 National Planning Policy Framework

17 National Planning Policy Guidance

18 Caravans and Control of Development Act 1960

19 The High Weald AONB Management Plan

20 SDC Development in the Green Belt SPD

## Planning History

21 17/02111/FUL - Permanent erection of polytunnels at the land at Salmans Farm, with associated landscaping and ecological enhancements - PENDING CONSIDERATION

17/01916/RG5 - Request for a screening opinion under the Town and Country Planning (Environmental Impact Assessment) Regulation 2017 for the retention of existing poly tunnels - EIA Not REQUIRED

10/00517/FUL - Retrospective application for erection of temporary portable, multi-bay polythene tunnel structures for protection of fruit crops, together with proposed associated drainage works - GRANTED

09/02661/AGRNOT - Erection of a steel frame Agricultural Building. As amplified by e-mail received 14.12.09 confirming use of dark coloured materials in the external fabric of the building - NO OBJECTION

07/03574/AGRNOT - Erection of two water tanks and a steel container - NO OBJECTION

05/00107/FUL - Erection of temporary portable, multi-bay polythene tunnel structures for protection of cane fruit crops - GRANTED (5 year temporary permission on part of site known as 'Top Field 30', expired November 2010)

## Agenda Item 4.2

04/01630/FUL - Retrospective and new erection of Temporary, portable multi bay polythene tunnel structures for protection for fruit crops - GRANTED

### Consultations

SDC Agricultural Advisor

- 22 'As advised regarding the earlier pre-application submissions for these proposals, submitted under PA/17/00091, the adjoining land concerned extends to some 30 ha and has been farmed with fruit for a number of years using polytunnels; most recently under SE/10/00517 Salmans Farm was granted temporary permission for some 15 ha polytunnels, which remain in existence today. The 2010 temporary permission expires on 30 November 2017.
- 23 More recently (2014) the farm was taken over by Clock House Farm Ltd. as part of their large specialist soft fruit growing venture, based at Coxheath, and utilising both owned and rented land in the locality, again mainly using polytunnels.
- 24 Salmans Farm previously had the use of the previous farmer's seasonal workers' camp with 52 mobiles, at Home Farm, Bidborough, but I gather that site has since been approved for housing. It is now proposed to have 4 agricultural workers' mobile homes at Salmans Farm instead. More recently (2014) the farm was taken over by Clock House Farm Ltd. as part of their large specialist soft fruit growing venture, based at Coxheath, and utilising both owned and rented land in the locality, again mainly using polytunnels.
- 25 Salmans Farm previously had the use of the previous farmer's seasonal workers' camp with 52 mobiles, at Home Farm, Bidborough, but I gather that site has since been approved for housing. It is now proposed to have 4 agricultural workers' mobile homes at Salmans Farm instead.
- 26 The general agricultural justification for both the polytunnels and the use of seasonal workers' mobile homes has been set out by Rural Planning Limited on many occasions and has been accepted in principle both to serve Salmans Farm, other parts of Clock House Farm Ltd.'s land, and also for many other similar businesses across the County.
- 27 The general agricultural justification for both the polytunnels and the use of seasonal workers' mobile homes has been set out by Rural Planning Limited on many occasions and has been accepted in principle both to serve Salmans Farm, other parts of Clock House Farm Ltd.'s land, and also for many other similar businesses across the County. The agricultural justification is further explained, in this case, in the Statements submitted by the applicants' agents.'

High Weald AONB Unit -

- 28 'Section 85 of the Countryside and Rights of Way Act 2000 requires local authorities to have regard to 'the purpose of conserving and enhancing the natural beauty of AONBs' in making decisions that affect the designated area. The National Planning Policy Framework paragraph 115 requires great



weight to be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas. The High Weald AONB Management Plan has been adopted by all the relevant local authorities, including Sevenoaks District Council, as their policy for the management of the area and for the carrying out of their functions in relation to it.

- 29 It is the responsibility of Sevenoaks District Council to decide whether the applications meet legislative and policy requirements in respect of AONBs.
- 30 The High Weald AONB Management Plan sets out five key landscape components of the High Weald, which are:
- Geology, landform, water systems and climate
  - Settlement
  - Routeways
  - Woodland
  - Field and heath.
- 31 The first and last of these are considered to be the most relevant for these applications. The Management Plan sets objectives and targets for each of these components. Objective FH1 of the Management Plan seeks ‘To secure agriculturally productive use for the fields of the High Weald, especially for local markets, as part of sustainable land management’. This includes horticulture and soft fruit growing has an established history in the area, particularly in the Kent part of the High Weald.
- 32 It is noted that the fruit plants at the application site are grown in pots and some representations suggest that this demonstrates that the operation has no requirement to be in the AONB. However, I understood that the operator considers that the site is good for soft fruit growing because of its form and local climate which is exceptionally warm and sheltered. The AONB Unit suggests the local planning authority seeks independent expert opinion on this matter.
- 33 The representations also raise the issue of the visual impact of the polytunnels. The AONB Unit’s Planning Advisor has visited the site and surrounding areas and viewed the photographs submitted as part of the application and by representors. The expanse of plastic sheeting over 15 hectares undoubtedly has a visual impact on the landscape, albeit that this is removed in the winter months. The AONB Unit does not object to polytunnels in principle but it is our view that the scale of this application is not consistent with the small scale nature of the AONB’s landscape character.
- 34 The AONB Unit’s Planning Advisor observed that shelter belts have been planted around the site and notes that there are proposals for additional environmental improvements such as wildflower meadows and pond management but I have not been able to scrutinise these proposals in detail and have not assessed their value as compensation measures for the visual impact. The AONB Unit’s Planning Advisor has provided the applicants with

## Agenda Item 4.2

links to our website on wildflower meadow management and pond restoration to encourage these improvements to be carried out in a way that maximises environmental benefits and supports plants that are indigenous to the High Weald.

- 35 In the event that Sevenoaks District Council decides to grant planning permission, the following requirements are recommended:
- The polytunnels and caravans should be maintained in a good condition, or replaced by similar structures as necessary, to avoid visual degradation of the site over time;
  - Details of the proposed ecological improvements and their future management shall be submitted to and approved by the LPA (we would like to be consulted on these details);
  - Any external lighting on the site should be controlled through condition, including lighting within the tunnels which would be visible from outside due to their transparent nature. The Institute of Lighting Professionals (ILP) recommends light control zone E1 (Intrinsically dark) for exterior lighting in AONBs in their guidance for the reduction of obtrusive light.'

### Penshurst Parish Council

- 36 'Approval is only permitted in conjunction with polytunnel use if application SE/17/02111/FUL is approved
- Number of caravans limited to four (4) as a maximum
  - The land remains agricultural land and the change of use is not permitted
  - Future permitted development rights relating to the stationing of mobile homes are removed'

### Chiddingstone Parish Council

- 37 Object for the following reasons:
- 38 'There is concern that, if approved, this site would require more workers than could be accommodated in the four caravans included in this application. Additional caravans or mobile homes, whether on a permanent or temporary basis, would also constitute inappropriate development in the AONB and Green Belt.
- 39 Workers at this location would put a huge burden on the current infrastructure - there are not enough school places for their children and the doctors' surgeries in the area are full.
- 40 Chiddingstone Parish Council does support local rural businesses when there are economic and social benefits. In this case there does not appear to be any such benefit for the local area'.
- 41 Cllr Coleman (Local Member - Representation made prior to being elected) - Objects to the scheme:

- Inappropriate development in the AONB and set a precedent other similar development in the AONB;
- Mobile homes do not respect local built character;
- Increase in traffic movements

## Representations

42 145 Objections received from both local residents and those further afield -

- No visual merit;
- Duty to Protect AONB;
- Security Issues;
- Take away communal feel of a village by the influx of migrant workers; (officer comment - this is not a material planning consideration)
- Sanitation and drainage issues;
- No economic benefit;
- No proven need;
- Company would not be at an competitive advantage;
- Associated infrastructure would harm green belt;
- To applicant is premature; (officer comment - this is not a material planning consideration)
- Bridge in a dangerous state;
- Would lead bigger encampment; (officer comment - this is not a material planning consideration)
- Industrial operation;
- Forerunner to a housing estate; (officer comment - this is not a material planning consideration)
- Setting a precedence;
- Harm openness of Green Belt;
- Would not reduce traffic movements;
- Blight property values; (officer comment - this is not a material planning consideration)
- Adverse impact upon local community resources, infrastructure;
- Affect tourism;
- Light pollution;
- Already have accommodation in Maidstone;
- Affect the Conservation Area;
- Proposed drainage system too excessive to meet its needs.

43 (It is noted that many objections relate mostly to the parent planning application ref: SE/17/02111/FUL regarding the polytunnels).

43 Statement of Opposition from ADU planning on behalf of Protect Penshurst Campaign Group. In summary states:

‘Mobile homes would be harmful to the AONB and to the openness of the Green Belt. They would fail to comply with Policy GB6 of the ADMP in that a proven need has not adequately been made for their retention. Nor are they acceptable in terms of their location, access or local amenity. In the

## Agenda Item 4.2

absence for the retention of the polytunnels this application is considered to be pre-mature.'

- 44 35 representations of support from both local residents and those further afield have been received including the National Farmers Union. Representations making the following points, in summary:

- Use would not result in deterioration of local tourism;
- Sits beyond the flood plain;
- Farm workers would contribute to the local economy - paying NI and tax;
- Reduction with the need to commute;
- Site is shielded;
- Essential for protection and maintenance of crops;
- Sustain farming practises and food security;
- Keep food costs low;
- Less disruption by keeping working accommodation on site.

### Chief Planning Officer's appraisal

#### Principle issues

#### Background

- 45 The proposed caravans are to accommodate agricultural workers employed by Clock House Farms. It is expected that a minimum number of staff is required to be on-site to effectively manage the 15 hectare polytunnel operation on site. The occupants of the proposed caravans will undertake general horticultural operations including but not limited to planting, harvesting, packing, plant pruning and thinning, mowing, spaying, pollinating, feeding, temperature monitoring, replanting, polytunnels maintenance and general maintenance (fixing stakes, pest control etc.).

Month	Staff Required	Tasks
January	Medium - low	Tunnel repairs to frame, wirework maintenance, plant moving, irrigation maintenance, machinery repair and maintenance, building maintenance and cleaned.
February	Medium	Tunnel construction and repairs, orders done, mowing
March	Medium - high	Slit blackberry beds, tunnel construction, planting, mulch and replace canes, mowing in tunnels, fertilizer application, temperature monitoring and feeding plants.

April	High	Planting, mulching and sorting canes, weeding, thinning and, mowing, temperature monitoring and feeding plants
May	High	Planting, weeding, mulching, thinning and training, mowing, temperature monitoring, feeding plants, picking and packing
June	High	Planting, weeding, spraying, thinning and training, temperature monitoring and feeding plants, mowing, picking and packing
July	High	Planting, weeding, mulching, thinning and training, spraying, mowing, picking and packing. Cut back fruited canes
August	High	Weeding, spraying, pruning and training, picking, packing and mowing.
September	High	Weeding, spraying, pruning and training, picking, packing and mowing.
October	High	Picking and packing, dismantling poly tunnels and growing areas.
November	Medium	Plant moving, dismantling poly tunnels and growing areas.
December	Medium - low	Tunnel and trellis repairs to frame, wirework maintenance, plant moving, irrigation maintenance, machinery repair and maintenance, building maintenance and cleaning.

46 The applicant has stated that further consideration has been given to renting accommodation locally. However, Clock House Farm Ltd consider that it would give them a substantial competitive disadvantage compared to other farms producing the same fruit for the following reasons:

- staff would not be on site to deal with the variable tasks required of them and the often unusual hours associated with their work (potential spraying in the early morning when there is no wind, picking the fruit crops in the evening before the prediction of a heavy frost etc.);
- Result in to paying their staff more to reflect the rents that their staff would then need to pay, which would also put them at a serious competitive disadvantage;

## Agenda Item 4.2

- Seasonal workers do not want to commit to having to pay for annual occupation of dwellings in nearby settlements, additional travel costs etc so the attractiveness of this work reduces for the workers. The attraction for the staff that undertake this work is the ability to be provided with accommodation that deals with all their services and needs and allows them to go on holiday outside of the seasonal work period without worry.
- The additional cost of transporting the staff to and from the farm on a regular basis.

### Impact upon the Green Belt

- 47 Current Government advice, in the form of the NPPF, supports the protection of the Green Belt and seeks to restrict development. Paragraph 79 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The advice states that there is a general presumption against inappropriate development within the Green Belt. Such development should not be approved, except in very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt.
- 48 The NPPF states that certain other forms of development are not inappropriate development provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.
- 49 Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, except for a limited number of exceptions, including: Buildings for agriculture and forestry.
- 50 In light of this the caravans could be seen as appropriate development in the green belt.
- 51 Policy GB6 of the ADMP allows for temporary or permanent location of mobile home/caravans in the Green Belt if there is a proven need for agricultural/forestry purposes. In addition the NPPF also seeks to promote a prosperous rural economy and para.28, amongst other things, states that:
- ‘Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development by:
- supporting sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings and;
  - promote the development and diversification of agricultural and other land-based rural businesses.’
- 52 Policy GB6 of the ADMP allows for the permanent or temporary stationing of mobile homes/caravans for residential accommodation associated with

agricultural or forestry purposes within the Green Belt providing there is proven need.

- 53 As highlighted previously the management of the site does warrant the occupation of workers to adequately deal with sudden changes in climatic conditions and demands of the crop/business. In this instance, the business has demonstrated in compliance with Policy GB6 of the ADMP that there is a need to retain the caravans onsite even though 3 of them are unoccupied for one month in a 12 month period. Our Agricultural Advisor has raised no objection to this proposal.
- 54 It is recognised that the caravans will cause modest harm to the open character of the Green Belt as they add to the additional built form within the site. Notwithstanding this, they are considered as appropriate development within the Green Belt.
- 55 Overall it is considered that the development is appropriate development in the Green Belt that conforms to Policy GB6 of the ADMP
- 56 In acknowledgement that much of the year the caravans can be stationed without requiring planning permission, it remains to be assessed whether storing them in the same location represents the optimum solution in minimising their visual impact on the rural character of the area.
- 57 It is recognised that the caravans will cause modest harm to the open character of the Green Belt that leads to a view that they should be removed when no longer required. In this instance, to remove the caravans to another site when not in use for a short period would represent a cost to the business and logistical issues. Furthermore, there is no capacity to put them into a storage building onsite as these are occupied by machinery and cold storage. Their retention could only be justified if it would cause a demonstrable increase in visual harm compared to their stationing and occupation for much of the year and which could not be resolved by other mitigation measures i.e. landscaping.
- 58 In the context of the immediate area the site is already well enclosed by existing mature hedgerows and tree belt to its northern boundary. The caravans would be sited within a small cluster of permanent built forms, being the existing storage building and water tanks. These existing features ensure that the impact of the caravans will be contained within the site and have a limited impact on the rural character of the wider rural area. Additional landscaping could be planted to further diminish/soften the visual impact of the development when the caravans are being stored/occupied, as this would be seen as a positive measure.

#### Impact upon the AONB

- 59 The Countryside and Rights of Way Act (2000), Section 85 states that:

‘In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.’

## Agenda Item 4.2

- 60 As such the local planning authority has a duty to uphold this by statute.
- 61 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 62 Paragraphs 115 and 116 of the National Planning Policy Framework are also applicable as they seek to protect the intrinsic qualities of AONBs.
- 63 Paragraph 115 of the NPPF gives great weight to conserving and enhancing the landscape, natural and scenic beauty of the AONB necessarily feeds through to how one should respond to development which fails to conserve or enhance the AONB.
- 64 Policy EN5 of the Allocations and Development Management Plan states that proposals within AONB will be permitted where the form, scale, materials and design would conserve and enhance the character of the landscape and have regard to the relevant Management Plan and associated guidance.
- 65 Core Strategy Policy LO8 seeks to conserve and enhance the distinctive character of AONBs and the use of appropriate mitigation is provided where damage to local character cannot be avoided. It also supports the maintenance and diversification of the rural economy that includes agriculture.
- 66 The impacts of the proposal should be primarily judged against the requirements of paragraph 115 of the Framework, which call for great weight to be given to conserving landscape and scenic beauty, and also considered alongside the other policies within it that give support to a prosperous rural economy.
- 67 The caravans would be located to the rear of an existing storage/coldstore building within the site. The caravans would be partially screen by the existing building and the surrounding polytunnels. Further landscaping would further reinforce the screening of the caravans, which would lessen their visual impact. The visibility of the proposal also needs to take account of the backdrop of the larger building to its front other and others that surround it, which would lessen their prominence. Both these factors would reduce the visual impact, and would mean that the development would not appear incongruent features at odds with the agricultural and rural landscape.
- 68 However the introduction of further built form within the context of the AONB would neither conserve nor enhance its natural beauty and the special character of the landscape. As such the proposal would not accord with policy EN5 of the ADMP.

### Residential amenity

- 69 Paragraph 17 of the NPPF identifies a set of core land-use planning principles that should underpin decision-taking. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Policy EN2 of the ADMP requires that any proposed development should not have an adverse



impact on the amenities of neighbours and ensures a satisfactory environment for future occupants.

- 70 In terms of the impact of the proposal on residential amenity, the mobiles are set well within the farm site. It is not considered that any nearby property would be directly affected by the proposed development due to the separation distances, as the closest dwelling is some 250 metres to the southwest of the site - Abbotsmerry Barn.
- 71 Concerns have been raised in the representations relating the intensification of the site and the resultant noise that could be generated by increased traffic and more persons loitering around the caravans. It must be noted that this development would form part of an agricultural operation, it is reasonable to expect and experience some noise and disturbance during the daytime and evening activities. There will be some noise associated with people living in the caravans but this will be minimal.
- 72 However for the majority of the day the workforce will be out working in the polytunnels. A designated site manager on site who will be able to oversee the management of the staff workers in the caravans, to prevent any disturbance or inconvenience on site. Furthermore the farm discourages workers from using their own form of transport and therefore it is unlikely that there would be a significant noise issue would arise from additional vehicular activity.
- 73 On considering the above, the stationing of these caravans at a minimum distance of 250 metres from the nearest property, would not detrimentally effect to the living conditions of nearby residential properties. This proposal would comply with Policy EN2 of the ADMP.

#### Highways

- 74 Objections made in relation to this development is its impact on the local road network when the caravans are occupied and to the deterioration of the access road/bridge on Salmans Lane due to increased traffic. Kent Highways views have been sought on this matter and their comments will be reported in the late observations.
- 75 It should be noted however temporary seasonal accommodation in the way of caravans can be station at the farm for a number of months without the need for any planning permission. There would be no requirement for any highway or parking provision in such circumstances. In addition the current seasonal workers have to travel to this site to work and have had for a number of years now. The current proposal would involve reduce travelling to and from work, as the seasonal workers would now live on site. Therefore there is a balance of travel movements in the months would seasonal workers are on site.
- 76 When the caravans are being occupied in the winter months, it is considered that the amount of traffic generated will be minimal and likely to be no more than that required for general maintenance operations carried out by the farm.

## Agenda Item 4.2

- 77 With regard to the representation made regarding the damage to the bridge, as mentioned in the previous report under planning permission reference SE/17/02111/FUL, works are planned for the repairs to be undertaken to the bridge on Salmans Lane.

### Other issues

- 78 Consideration has been given the objections raised to the proposal in respect of noise and disturbance, number of future occupants, drainage and the increased pressure on the local infrastructure and resources. These are matters that we can have some control over by the use of planning conditions. Therefore these matters would not result in a level of harm which would justify a refusal of this application.
- 79 It must be noted that the occupation of the caravans are to be restricted to workers only and it is not farm policy to encourage dependants/families to reside with them. Therefore it not considered that the number of seasonal workers residing on site would put undue pressure on local services or facilities.
- 80 Conditions requiring details of boundary treatments and external lighting are necessary to protect the character and appearance of the area. For similar reasons, the dark green colour external finishes of the mobile homes would be reasonable to assist the caravans to assimilate into their immediate surroundings thus not adversely affect the character and appearance of the rural location.
- 81 A number of representations have stated that if this permission were to be granted, it would create a precedent for more caravans to move onto the site. In light of this, a condition has been imposed to limit the number of caravans allowed within the site.

### Planning balance

- 82 The proposed stationing of caravans at this site needs to be balanced between harm to the AONB as a result of the development and support for agricultural workers accommodation in the green belt, along with the policies supporting the rural agricultural economy.
- 83 There is identified harm and there is also a need to consider whether other material considerations apply to outweigh the identified harm. The planning balance is whether 'any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.
- 84 In this case it is important to recognise that for the majority of the year these caravans benefit from permitted development. The caravans would need to conform to the definition of a caravan as cited in Caravan Sites and Control of Development Act 1960.
- 85 Section 29 of the 1960 Act states that a caravan 'means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any other motor vehicle so designed or

adapted, but does not include a) any railway rolling stock which is for the time being on rails forming part of a railway system, on b) any tent.’ This definition also includes ‘twin unit’ caravans.

- 86 In addition to the above, the 1960 Act defines the size of a caravan as being:
- ‘(a) length (exclusive of any drawbar): 20m); .
  - (b) width: 6.8m; .
  - (c) overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level): 3.05m).’
- 87 Therefore if the caravans conform to this, then the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 as amended would apply. It states in Schedule Two, Part 5, Class A of that Order that permitted development for the use of land, other than a building, as a caravan site providing they are not used for winter quarters.
- 88 Class A, paragraph A.1 of the Order states that permitted development is subject to condition ‘that the use is discontinued when circumstances specified in paragraph A.2 cease to exist, and all caravans on site are removed as soon as reasonably practicable’.
- 89 This can be construed as a viable ‘fall-back’ position and the Caravan Sites and Control of Development Act 1960, qualifies the exemption that a site licence would not be required ‘for the use as a caravan site of agricultural land for the accommodation during a particular season of a person or persons employed in farming operations on land in the same occupation’
- 90 This is a qualified ‘fall-back’ position and is an important material planning consideration in the determination of this application.
- 91 Further to the above these permitted development rights under Schedule Two, Part 5 of 2015 Order:
- Are irrespective of landscape designation - the Area of Outstanding Natural Beauty and Metropolitan Green Belt are subject to the same permitted development rights as land outside these designations;
  - Do not limit the number of caravans allowed to be sited on land and;
  - Do not restrict the caravans to be occupied by workers farming on the land on which they are sited.
- 92 Therefore providing that the caravans are removed from the site as soon as reasonably practicable, as set out in the relevant clauses and conditions of the General Permitted Development Order, the siting of the caravans at land on Salmans Farm would be classed as permitted development.
- 93 Whilst no limit is specified on the number of caravans that can be stationed for this purpose, it must first be demonstrated that the numbers of caravans are proportionate to the scale of agricultural operations being carried out. Our Agricultural Advisor is satisfied that given the small scale of this proposal and the needs of the established agricultural enterprise, the

## Agenda Item 4.2

additional caravans are justified and proportionate to the needs of the enterprise to succeed in its commercial operation.

- 94 It is therefore considered that the proposed number of caravans is justified in agricultural terms and can be sited when occupied within a season as permitted development. It is acknowledged that there is no time constraint to define a length of a season in planning terms.
- 95 This application is however, for the stationing of caravans on a permanent basis at the farm, specifically for occupation all year round by the farm's workers.
- 96 As previously mentioned there is identified harm caused to the character and appearance of the AONB as the development would neither conserve nor enhance it.
- 97 The harm derived from this would be no greater than that permissible by the permitted development regime. There is slight harm caused to the openness of the Green Belt however this needs to be weighted against all material planning considerations.
- 98 By allowing the 4 caravans to remain on-site outside the 'working' season (1 month for three caravans) would positively benefit the farm and the local economy without adversely affecting the amenities of the area. Further planning conditions can be imposed to soften the impact of the development within the immediate area and would be seen in the context of belonging to a small cluster of agricultural buildings.

### Conclusion

- 99 It is acknowledged that the development does cause some harm to the landscape including the AONB and Green Belt. However, significant weight is given to the fall back position as well as the benefits the economic operation of the farm would bring to the local rural economy. These considerations when combined outweigh the harm to the AONB and Green Belt as identified in the report.

### Recommendation

- 100 That planning permission is granted

### Background papers

Site and block plan

Contact Officer(s): Sean Mitchell Extension: 7349

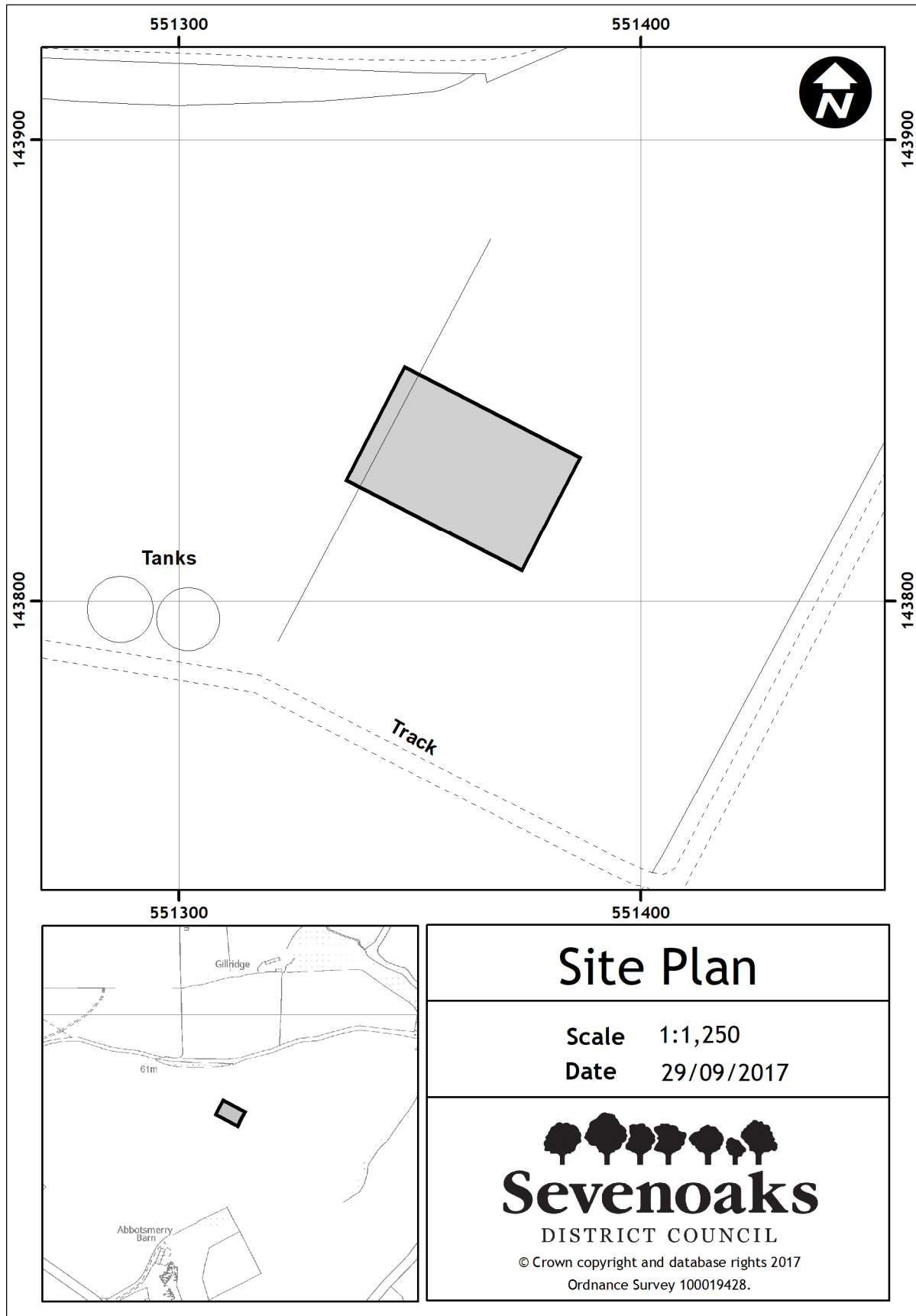
**Richard Morris**  
Chief Planning Officer

Link to application details:

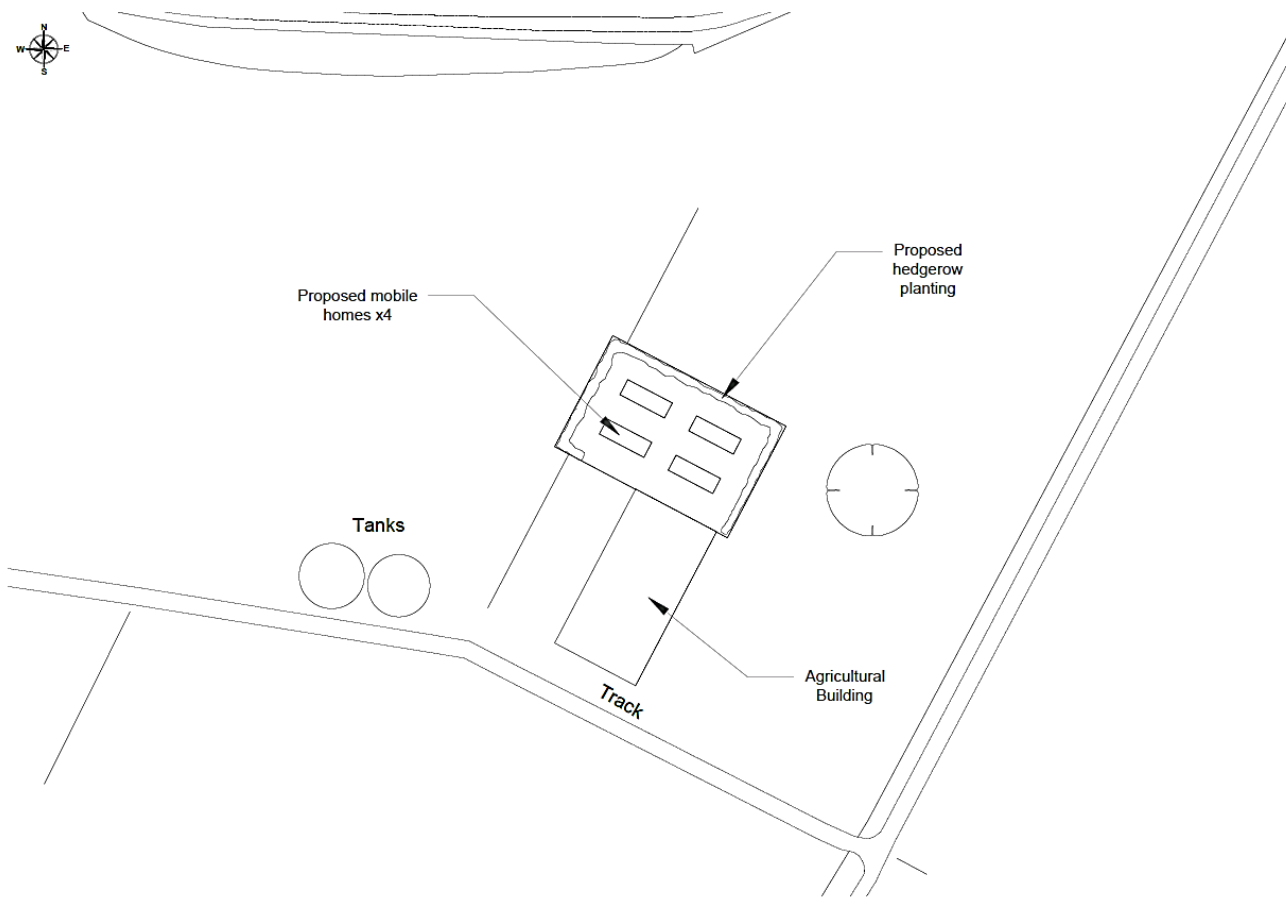
<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OSKPX3BKLPS00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OSKPX3BKLPS00>



Block Plan



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4.3 - 17/02149/FUL Date expired 16 October 2017

Proposal: Proposed development of a multi-decked car park, ten townhouses and associated landscaping, including ground remodelling and landscaping to Environmental Park.

Location: Buckhurst 2 Car Park, Buckhurst Lane, Sevenoaks, Kent TN13 1JJ

Ward(s): Sevenoaks Town & St Johns

**ITEM FOR DECISION**

This application is being reported to the Development Control Committee as the Council is the applicant.

RECOMMENDATION: That planning permission be GRANTED subject to a suitable legal agreement being entered into to secure the affordable housing contribution of £329,867.02 and subject to the following conditions:-

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

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

2) No development shall be carried out on the land until samples of the materials to be used in the construction of the external surfaces of the car park and residential units hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the approved materials. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

To ensure that the appearance of the development enhances the character and appearance of the local area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

3) No development shall commence until the tree protection measures have been installed in full, as set out in the Arboricultural Implications Assessment by AGB Environmental dated the 5 September 2017. The approved measures shall be retained on site for the duration of the development, and no works, storage or activities within a protected area shall take place unless specifically set out in the above report or agreed in writing by the local planning authority.

To protect existing trees on site, in order to safeguard the character of the area and soften the impact of the development, in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

4) Notwithstanding the submitted plans, no trees shall be removed on the site

other than those specifically shown for removal on the Tree Protection Plan submitted with the Arboricultural Implications Assessment by AGB Environmental dated the 5 September 2017, unless agreed otherwise in writing by the local planning authority.

For the avoidance of doubt and in order to safeguard the character of the area and soften the impact of the development, in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

5) Notwithstanding the submitted landscape information, no development shall commence on the multi storey car park, the ten town houses or the regrading of the environmental park hereby permitted until full details of the hard and soft landscape works (excluding details of the soft landscaping of the rear garden areas to the townhouses) have been submitted to and approved in writing by the local planning authority. 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 landscape works shall be carried out in accordance with the approved details. If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

To safeguard the visual appearance of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

6) Prior to first use of the car park, a minimum of four electric charging points shall be provided and maintained within the car park. Within the first year of the use of the car park commencing, full details of the demand for the electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. If the demand demonstrates a need for the provision of additional charging points full details of the infrastructure provided to accommodate the additional charging points should be provided within six months of the details of demand being submitted. The facilities and arrangements shall in all respects be constructed in strict accordance with the approved details.

To encourage the use of low emission vehicles, in accordance with Policy T3 of the Sevenoaks Allocations and Development Management Plan.

7) No lighting shall be installed to the car park or access road to the front of the townhouses hereby permitted, unless full details of such lighting together with evidence to demonstrate that it would conform with the limitations in table 2 (based on an E3 Environmental Zone) of the Guidance Notes for the Reduction of Obtrusive Light by the Institute of Lighting Professionals, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and maintained as such thereafter.

To avoid unnecessary light pollution and unacceptable impacts upon neighbouring properties, in accordance with policies EN2 and EN6 of the Sevenoaks Allocations and Development Management Plan.

8) The applicant shall obtain a Secured by Design accreditation for the development hereby permitted, a copy of which must be submitted to, and approved in writing by, the Local Planning Authority within 3 months of the completion of the development.

In the interest of Security, Crime Prevention and Community Safety and in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

9) No development shall take place, including any works of site clearance, until a Construction Method Statement for the development of the application site including the movement of any excavated waste either off site or to the Environmental Park area with access arrangements, has been submitted to, and approved in writing by the local planning authority. The statement shall also provide for: the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; timings of deliveries; storage of plant and materials used in constructing the development, and the details of the management of noise during construction to follow the guidance within BS 5228-1:2009 +A1:2014. The approved statement shall be adhered to throughout the construction period.

To control the impact of the development on the public highway and in the interests of highways safety, and residential amenity in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

10) Before the use or occupation of the residential units hereby permitted, the car parking and turning areas shown on the approved drawing S8 rev P03 shall be provided and shall be kept available for the parking of cars at all times.

In the interest of highway safety.

11) Prior to the occupation and use of the car park a scheme for the long term landscape management of the Environmental Park shall be submitted to and approved in writing by the Local Planning Authority and maintained as such thereafter. To safeguard the visual appearance of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

To safeguard the visual appearance of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

12) Prior to the occupation of the car park and townhouses a community use agreement for the Environmental Park shall be submitted to and approved in writing by the local planning authority. The Park's long term use shall be maintained in strict accordance with the approved details.

To safeguard the visual appearance of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

13) No development shall commence until a remedial strategy for

## Agenda Item 4.3

contamination, together with a timetable of works, is submitted to the local planning authority for approval in writing. These must be in accordance with the CLEAea guidelines and methodology and shall include:

1) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, to be carried out by a suitably qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology (ref 2).

2) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the local planning authority. Prior to any remediation commencing on site, approval shall be obtained from the local planning authority of any such remedial works required. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

3) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance (ref 3). If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the local planning authority.

4) Upon completion of the works, this condition shall not be fully discharged until a closure report has been submitted to and approved by the local planning authority. The closure report shall include details of the proposed remediation works and the quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. This shall include photographic evidence. Details of any post remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report, together with the necessary documentation detailing what waste materials have been removed from the site and evidence of the final point of disposal of any contaminated material, i.e. waste transfer notes.

Further information on compliance with this condition can be obtained from the Council's environmental health services team. Ref 1 : contaminated land research report no. 2, 3 & 4 (doe)Ref 2 : contaminated land research report no. 1 (doe)Ref 3 : ciria vols 1-12 contaminated land series and ciria "building on derelict land"

To ensure the site is fit for residential use, in accordance with the National Planning Policy Framework.

14) No development shall be carried out on the land until the applicant, or their agents or successors in title, has secured the implementation of a 'watching brief'. This shall be undertaken by an archaeologist approved in writing by the local planning authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written specification and timetable which has been submitted to and approved in writing by the local planning authority. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

To investigate and record archaeological features as supported by Policy EN4 of the Sevenoaks Allocations and Development Management Plan.

15) Prior to the commencement of the development details of drainage works including proposed soakaways and site investigations which evaluate the depth and extent of any works shall be provided to the Local Planning Authority and approved in writing. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details Further guidance is available from the Environment Agency website, and this information must be submitted for assessment before development commences at the site

To ensure the site is fit for use, in accordance with the National Planning Policy Framework.

16) Prior to the first use of the car park, full details of the improvements to the junction of Suffolk Way/Pembroke Road/High Street including a new pedestrian island on Suffolk Way, puffin technology at the junction and widening of the High Street (south) as shown in principle on drawing number T-02 rev. P3 shall be submitted to and approved in writing by the local planning authority. These approved details shall be constructed prior to the first use of the car park hereby approved.

In the interest of pedestrian and highway safety.

17) Prior to the first use of the car park a review of the variable message signing relating to parking in the town centre shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the first use of the car park hereby approved.

In the interest of pedestrian and highway safety.

18) Prior to the occupation of the car park a parking management plan shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the first use of the car park hereby approved.

In the interest of pedestrian and highway safety.

19) Prior to the commencement of the development a Construction Management Plan shall be submitted to and approved in writing by the local planning authority and shall include the following:(a) Routing of construction and delivery vehicles to / from site(b) Parking and turning areas for construction and delivery vehicles and site personnel (c) Timing of deliveries(d) Provision of wheel washing facilities(e) Temporary traffic management / signage

In the interest of pedestrian and highway safety.

20) Prior to the commencement of development details of the provision of measures to prevent the discharge of surface water onto the public highway shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the first use of the car park hereby approved.

## Agenda Item 4.3

In the interest of pedestrian and highway safety.

21) Prior to the commencement of development details of the provision of wheel washing facilities on site and for the duration of construction works shall be submitted to and approved in writing by the local planning authority. The approved details shall be operational for the duration of the construction works.

In the interest of pedestrian and highway safety.

22) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015, no development shall be carried out within Classes A, B, C, D, or E Part 1 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order).

To safeguard the appearance of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

23) The provision of the vehicle loading/unloading and turning facilities shown on the submitted plans located to the north of the hereby approved car park and residential homes, as shown and detailed on the Transport and Highways Mitigation Technical Note 2 Appendix A and Appendix B, proposed site plan 9005, and proposed ground floor plan 9101 shall be implemented prior to the use of the site commencing and shall be permanently retained as such.

In the interest of pedestrian and highway safety.

24) Details of cycle parking within the car park and the gardens of the residential homes hereby approved shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to occupation of the building, and retained thereafter

To ensure satisfactory cycle parking provision.

25) Full details of the construction and future maintenance of the vehicular access to the site as shown on the submitted plans ground floor GA Plan 9101 and Proposed Site Plan 9005 prior to the use of the site commencing, shall be submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented prior to first use of the car park and retained thereafter.

In the interest of pedestrian and highway safety.

26) No development of the residential homes hereby approved shall commence until full details of the glazing to the windows on the rear elevations of the townhouses has been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the first occupation of the dwellings and thereafter maintained as such.

To prevent inappropriate levels of luminescence throughout the night and any adverse impacts on Knole Park.

27) No development shall take place until details of all boundary treatment including details of retaining walls and the boundary access gate for the new

townhouses have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development or phased as agreed in writing by the local planning authority. The approved scheme shall thereafter be retained.

To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan and the NPPF. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

28) No development shall take place until details of the implementation and phasing for the development have been submitted to and approved in writing by the local planning authority. The approved scheme shall be phased as agreed in writing by the local planning authority.

To ensure the visual amenity of the area is maintained, in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan and the NPPF.

29) No development shall take place until details of the on site treatment, sorting and disposal of all excavated materials has been submitted to and approved in writing by the local planning authority. The on site treatment, sorting and disposal of all excavated materials shall in all respects be carried out in strict accordance with the approved details.

To ensure the site is fit for residential use, in accordance with the National Planning Policy Framework.

30) Works of demolition and construction shall only be carried out between the hours of 08.00 to 18.00 hours Monday to Friday, and 08.00 to 13.00 hours on Saturdays, with no noisy working audible at the site boundary being permitted on Sundays or Bank Holidays.

In the interests of residential amenity in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

31) Full details of any piling or any other foundation designs, using penetrative methods shall be submitted to and approved in writing by the Local Planning Authority Any piling must be undertaken in accordance with the terms of the approved details.

To minimise disturbance of any existing contamination and the protection of groundwater and in the interests of residential amenity in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management 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.

## Agenda Item 4.3

2) You are advised of the need to enter into an Agreement under Section 278 of the Highways Act 1980 with Kent County Council and for the approval of plans for the works to the highway before commencement of any works on the land. Please contact Kent Highways, West Kent Area Office, Block I, St. Michael's Close, Aylesford, Kent ME20 7TZ (Tel. 01622 605980).

3) A public right of way may be affected by this proposal and planning permission does not authorise its stopping up or diversion (even temporarily). There is a separate and sometimes lengthy procedure to deal with this and you should contact this Council for further information. It is an offence to obstruct a public right of way.

### **Note to applicant**

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

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

In this instance the applicant/agent:

- 1) Was updated on the progress of the planning application.
- 2) The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.
- 3) Was updated of small scale issues which arose during the process of the application and was given time to address it.



### Description of site

- 1 The application site encompasses the existing Buckhurst 2 car park and the environmental park to the east. The existing car park site slopes from up to the south and slopes up to the west and currently provides 285 spaces. It is used for long term stay Monday to Friday and is available for short stay parking at weekends. The car park is owned and managed by Sevenoaks District Council.
- 2 Towards the east and also included within the application site is the Environmental Park, an area of land that acts as a buffer between the built development of the town centre and Knole Park towards the east. The land levels within this part of the site drop away quite significantly to the east. This part of the site contains extensive tree cover, largely forming woodland to the east.
- 3 The Environmental Park, formerly owned by the Knole Estate but located outside the historic parkland was leased to Sevenoaks District Council. It currently consists of a playground, play facilities, shelters and landscaping. The Council relinquished the lease a number of years ago and since this time the area has not been maintained and the former cleared grassed areas and planting have become overgrown.
- 4 The car park site sits behind Sevenoaks Town centre, with the library and leisure centre to the northwest and north respectively. The application site lies within the built confines of Sevenoaks, within the Town Centre area and is also identified as an area of change in the Sevenoaks Core Strategy. The site does not lie within or adjoins the Sevenoaks Conservation Area.
- 5 The metropolitan Green Belt designation overs the Environmental Park. Whilst the historic Knole Park, a site of special scientific interest (SSSI) which contains ancient woodland and the Kent Downs Area of Outstanding Natural Beauty lie just to the east and southeast of the application site.
- 6 There is a pedestrian footpath (known locally as Webb's Alley) running to the south of the site which connects to Knole Park via a steep bank. Beyond this bank, at a higher level off Akehurst Lane, are two storey residential dwellings known as Webb's Meadow which houses accommodation for the elderly.
- 7 The western boundary lies adjacent to the rear gardens the residential dwellings in Buckhurst Avenue, numbers 1-13 and also the flank elevation of 15 Buckhurst Avenue.

### Description of proposal

- 8 This proposal is for a multi-storey car park which will provide 481 parking spaces. This is an increase of 196 spaces over the existing surface level car park (285 spaces). The proposed scheme also involves the erection of ten townhouses as part of enabling works to help fund the cost of the extensive

## Agenda Item 4.3

engineering works required to lower the new car park's ground levels, as the existing car park rises up towards Webb's Alley to the south.

- 9 The inert materials removed from the car park excluding any badly contaminated soil, which will be removed from the site, will be used to regrade the adjacent Environmental Park to create a more useable open space, along with associated and extensive landscaping works.

### Multi storey car park

- 10 The proposed multi-decked car park is over four levels, with the ground floor level being partially excavated. The proposed car park is located in the central part of the site, over the location of the existing surface car park. The application proposes a lower ground floor level achieved through excavation works. This will minimise potential adverse impacts on nearby residential properties and address the wider visual impact of the project.
- 11 The existing vehicular access to Buckhurst 2 car park is off Buckhurst Lane in the north-western corner of the site. This arrangement will remain the same for the proposed scheme.
- 12 The proposed ground level for the new car park has been taken from the existing car park entrance. The proposed car park, partially excavated, results in the new car park structure having an overall maximum height internally from the lower ground level to the top of the stair core of 12 metres.
- 13 The primary structure will be constructed using a galvanised steel frame. The columns, beams and bracing will be predominately screened from view by the use of external timber fins. The staircase will be in concrete with galvanised handrails to either side. Due to the changes in ground levels across the site from north to south only the second and third open deck level of the car park would be visible from properties on Akehurst Lane and from the access to the car park from Webb's Alley.
- 14 The ground floor car park level will be clad in ragstone panels with the upper three floors being enclosed with timber fins. This will provide both natural ventilation and a softer appearance. The design would be further enhanced by green walling climbers to the cores.
- 15 The lighting for the car park and external areas will use Passive Infrared Sensors (PIR) at every level. This allows the detection of movement to be monitored and once a level is no longer in use the lighting to that level will turn off. Timers can also be set to any required delay before activating the lighting to switch back on or off.
- 16 As part of the car park management strategy, the applicants propose to limit the use of the top deck of the car park to businesses holding yearly permits rather than for residents. This will increase the probability that the top level will be quieter after 7 pm. At every level of the car park, a 1.2 metre solid metal panel will be constructed around the car park perimeter. This panel acts as both a vehicle crash barrier as well as a car headlight

countermeasure. On the upper deck, this barrier will also act as the car park's edge restraint.

- 17 A 1.8 metre high mesh fence is proposed along the south car park retaining wall which extends to the west boundary and is in combination with a secure gate at the northwest corner, access by the general public to the planted area between the car park and Buckhurst Avenue is restricted.
- 18 Three pedestrian access points are proposed to the car park. To the north; one of the two dedicated access cores provides a direct link across to the leisure centre whilst an access point via the main entrance will link to the High Street. An existing access point off Webb's Alley in the south-west corner of the site will be maintained and lead to the second dedicated access core.
- 19 Whilst the existing surface car park does not provide any accessible parking bays, a total of 13 parking bays are to be provided. Ten accessible spaces along the east wall of the car park are proposed to be dual use to maximise the car park capacity; the spaces could be changed from accessible spaces to normal use as demand requires. The details of how this will work would be provided through a car park management plan
- 20 It is also proposed to accommodate 15 cycle spaces and 25 motorcycle spaces within the new car park. As part of the proposals, 4 of the spaces will be fitted with electric charge facilities, with a further 8 spaces designed to have the potential to be fitted with electric charge facilities at a later date.
- 21 Landscaping is proposed around the edges of the car park to help integrate the new building into the adjacent townscape and wider landscape beyond. Lines of trees have been included along the Leisure Centre and Buckhurst Avenue boundaries to help soften views of the development and to provide shade along the walkway to the Environmental Park and pre-school. A number of existing trees have been retained alongside Webb's Alley and have been added to with new planting. Street trees are proposed in front of the townhouses.
- 22 As part of the application, a parking survey has been submitted which assesses the need for the expansion of car parking provision in the town centre. Traffic flow surveys were also undertaken at a number of key junctions. Additionally pedestrian counts were completed at the Suffolk Way/Pembroke Road/High Street junction.

#### Ten townhouses

- 23 Ten 4 bedroom town houses are proposed to be constructed to the east of the multi storey car park, overlooking the Environmental Park and Knole Park beyond. Each dwelling would have provision for one off street car parking space.
- 24 The proposed townhouses are set out in three blocks and utilise the changing ground levels, which rise to the south. The proposed town houses

## Agenda Item 4.3

are constructed over four floors between 13 metres to 13.2 metres in height, depending on ground levels.

- 25 The residential units will reflect the natural materials palette of the car park's external structure, using a solid brick base at the lower level and timber on the upper levels. The upper levels of the dwellings will be brought forward to create a covered entrance area at the front with open terraces to the rear. This change will be demarcated by the differentiating external materials on the lower and upper levels.
- 26 The east elevations overlook the Environmental Park, and so large windows are proposed to maximise views and natural surveillance. The western elevation of the townhouses face the car park structure, thus smaller windows are proposed here to maintain privacy levels.
- 27 A separate vehicular access road is proposed running along the north side of the car park, to serve the new residential development. This road will also allow a chemical tanker access to the swimming pool plant room at the rear of the leisure centre. In order to provide enough space for manoeuvring of the large vehicle, the road will be widened to 5.5 metres and the kerb radii both at the site entrance and at the turn to the leisure centre service yard adjusted.
- 28 The existing pedestrian footway will be reinstated slightly closer to the leisure centre to gain the extra width for the proposed road and at the same time maintain the proposed row of trees north of the path and the hedgerow south of it. The more generous turning radii results in the reduction of the planting area to the northeast corner of the site.
- 29 Permeable paving is proposed for most of the length of the road as part of the drainage strategy for the site; tarmac is only maintained at the east end of the road as it is an appropriate and robust material for the turning of heavy vehicles. There will be a low level sliding gate to the residential road to the west of the new houses.
- 30 The residential town houses will have private enclosed space through a combination of front and rear gardens.

### Environmental Park

- 31 The access to the Environmental Park is still maintained.
- 32 In terms of the landscaping, a landscape masterplan for the car park, the residential units and the improvements to the Environmental Park has been submitted with the application together with an Arboricultural Impact Assessment. This provides details of all the appropriate hard and soft landscaping proposed and species of all planting in suitable locations throughout the site in order to soften the site's overall visual appearance. The report sets out the proposed mitigation measures to protect replacement and existing retained trees.
- 33 Due to the excavation proposed a significant volume of excavated soil is created. The need to find a sustainable location for this material has

(Item 4.3) 12

resulted in the design proposal to use this soil to remodel the adjacent Environmental Park. This approach is supported by Policy CSW13 of the Kent Minerals and Waste Local Plan 2013-30.

- 34 This supports the redevelopment of brownfield sites, soil decontamination and the subsequent reuse in the redevelopment within the site. Policy CSW 13 seeks to ensure that contaminated land is treated in situ or in combination with other contaminated land when those sites are to be redeveloped.
- 35 This reuse of the soil will enable the park to be remodelled to create a flatter open lawn in the area closest to the town centre. A small grassed amphitheatre is proposed within the park to be used by current and future residents, as well as visitors to the town centre, as an informal area for relaxation but also as a potential space for community events.
- 36 The existing lower slopes of the park will be retained with the mature trees adjacent to Knole Park providing a treed screen. As part of the landscape works some mixed species of smaller Ash, Willow, Sycamore and Hawthorn trees will be removed to clear overgrown areas of the existing footpath and seating areas. This would remove existing dead wood and ensure the long term health of the more mature trees adjacent to the boundary with Knole Park. This approach will help to preserve the existing biodiversity where the site meets Knole Park SSSI (Site of Special Scientific Interest). New tree planting and ecological mitigation will be introduced on the remodelled slope.
- 37 A suitable section within the northern part of the environmental park is to be retained specifically for use as an on-site reptile receptor area. This is located adjacent to the children's play area and equipment and is indicated on the submitted Landscape Masterplan and Planting Plan. Upon completion of the works in the Environmental Park, the reptiles will then be able to recolonise the rest of the site. The reptile receptor area is therefore excluded from the extent of the terrain modification.

## Policies

### Sevenoaks Core Strategy

#### 38 Policies:

- L01 Distribution of development
- L02 Development in Sevenoaks Urban Area
- L03 Development in Sevenoaks Town Centre
- SP1 Design of new development and conservation
- SP2 Sustainable development
- SP3 Provision of Affordable Housing
- SP5 Housing Size and Type
- SP7 Density of Housing Development
- SP9 Infrastructure provision
- SP10 Green Infrastructure, Open Space, Sport and Recreation Provision
- SP11 Biodiversity

## Agenda Item 4.3

### Allocations and Development Management Plan (ADMP)

#### 39 Policies:

- SC1 Presumption in favour of sustainable development
- EN1 Design principles
- EN2 Amenity protection
- EN4 Heritage Assets
- EN5 Landscape
- EN6 Outdoor Lighting
- EN7 Noise Pollution
- GI1 Green Infrastructure and New Development
- T1 Mitigating Travel Impact
- T2 Vehicle Parking
- T3 Provision of Electrical Vehicle Charging Points.

#### Other:

- 40 National Planning Policy Framework (NPPF)

#### Relevant planning history

- 41 14/02924/RG5 - Environmental Impact Assessment Screening Request - Not required. 28/08/2014.  
  
14/02988/FUL - Erection of a part two, part three storey car park structure to provide 578 car parking spaces. Application withdrawn 16/10/2014  
  
17/02083/RG5 - Environmental Impact Assessment Screening Request - Not required 30/06/2017

#### Consultations

##### Sevenoaks Town Council

- 42 Additional comments: Sevenoaks Town Council recommended approval subject to the mitigation measures outlined in the reptile survey being attached as a condition of approval.
- 43 Following a re-consultation upon receipt of a transport assessment addendum Sevenoaks Town Council recommended approval and agrees that the proposed traffic mitigation scheme should be implemented.
- 44 Previous comments from the Town Council on the proposal as originally submitted which are still of relevance are as follows:

Recommend approval subject to the following:

- A more detailed design being submitted for the restoration of the environmental park for its return to community use, this should be developed in consultation with end users to avoid unnecessary reworking of the site post completion.
- An appropriate plan for re-provision of spaces during construction; especially for

- businesses which require easy and frequent access to their cars during the day.
- A construction management plan created with local businesses to minimise the impact on the road network, avoiding any traffic during peak hours, especially through Pembroke Rd junction. The Town Council objects to the proposal to focus deliveries in the 7-8am window, and requests this is replaced by a prior to 7:30am arrangement.
- While the Town Council welcomes the ability to increase the number of electrical charging points in the future, it believes that in light of changes in government legislation there should be additional infrastructure included to allow a larger number of electrical charging points to be installed when necessary.
- The Town Council requests that the developer enter into a s106 agreement to fund the restoration of Webb's Alley to provide a improved and alternative pedestrian link to Knole house.
- The Town Council is concerned there will be a detrimental impact on the flow of traffic through Pembroke Rd traffic lights as a result of the development and requests that other access routes should be investigated to solve the issue.

Tree Officer

- 45 Additional comments: Further to my previous comments the consultant dealing with the landscaping issues has amended the previous drawings showing the proposed planting in line with the issues I previously raised.
- 46 In line with my comments, the northern boundary planting is to include 3 Pine trees and the size of the Acers has been increased to a more acceptable size.
- 47 The western boundary has had the proposed Birch trees removed from the proposals and has been replaced with varieties of Hawthorn and Sorbus which are much more appropriate than the previous proposal.
- 48 The proposed sizes of trees to be planted along the southern boundary have been increased in size in line with my recommendations.
- 49 The proposed park planting to the east was shown to be a monoculture and as the revised drawing number HED.1278.301 shows this has been revised to show a better mix of not only species but differing sizes.
- 50 These aforementioned alterations to the proposals are more acceptable than the previous proposals. I do continue to state however that there should be a management programme into the long term future of the site to ensure that the trees are managed to a good standard as they grow into maturity.

Environmental Health Officer

- 51
- The SRL noise impact assessment demonstrates that the parking structure is likely to result in an increase in the typical daily noise

## Agenda Item 4.3

- environment of around 2 dB(A) based on the LAeq, this change would be unlikely to be noticed by those in the vicinity of the parking structure.
- There would be an inevitable increase in impulsive events from door slams etc. but monitoring data suggests they will have very little impact if any on the proposed dwelling or existing nearby residential properties.
  - The monitoring information demonstrates the proposed dwellings can be adequately protected from noise to meet the requirements of BS 8233 and World Health Organisation guidance.
  - No adverse comments regarding the acoustic information for this application.
  - The ground investigation report contains significant information for foundation design etc.
  - A detailed remedial strategy should be submitted and agreed to ensure that on completion the residential gardens are suitable for use. The proposals within the report for soft landscaped areas are fine, however oversight of any remediation will be necessary for the final validation of the development.
  - Excavated soils can be suitable for reuse in other areas such as the Environmental Park providing they are chemically suitable for the intended end use as identified within the report.
  - The remedial strategy and final validation can be by condition should you be minded to grant permission.
  - Having reviewed the construction management plan it has little information on noise. Whilst it is commendable that those on site have access to noise meters but no noise parameters have been stated in the management plan. It would therefore be prudent for the construction 2 management plan give an undertaking to follow the guidance within BS 5228-1:2009 +A1:2014 as this has comprehensive information on noise assessment and control to ensure adequate protection of neighbouring business and dwellings during the construction of this development.
  - The lighting proposals which appear to have very little potential for light spill and glare which prevent concerns over light pollution/nuisance, however potential adverse impacts can be controlled by condition.

### Conservation Officer

- 52 The application site sits indirectly on the western boundary of Knole Park. The Environmental Park is a buffer between the site and the Park. The proposed multi-storey car park is located on the site of the current Buckhurst II car park but the proposed structure will not occupy the whole site.
- 53 The site is elevated above Knole Park on a ridge that marks the end of the Sevenoaks town development. The land falls away from the application site through the Environmental Park and to the base of the Gallops within Knole Park. From the bottom of this valley the views are narrow and linear and do not include the application site. The development would not be visible from this point.



- 54 The applicant has demonstrated the visibility from several key points and in long views from within the park, including Echo Mount and this seems to be reasonable.
- 55 In terms of the relationship between the house and the park the proposed development will not be harmful. The development will not be visible from the house and the development will also not impact on how the house is experienced within its park setting.
- 56 The car park will be a prominent feature within the immediate townscape and there will be long views out of the conservation area along Buckhurst Road into the application site. The car park will introduce a new aesthetic into this area with the materials and the form. However, this part of the town is characterised by car parks and large scale ancillary development like the leisure centre and library. The views from the conservation area along Buckhurst Road are currently open with the terrace drawing the view away. Currently the view finishes with an open sky which could act as a locational tool and indicate Knole Park. However, the small loss of this openness is not considered to be harmful to character of the conservation area as the value of this view makes little contribution towards the articulated character of the conservation area.
- 57 From the park the development will not be a dominant or prominent physical feature. The residential units and car park could be glimpsed through the trees from several points but the depth of the tree coverage already limits the visual permeability of the site at this point. The glimpses of the residential gables are consistent with the glimpses and clear snatches of gables and rooflines of other Sevenoaks buildings from within the park. These glimpses characterise the western perimeter of the park and reflects the established and historic relationship between the park and town.
- 58 Unlike many large country houses and their estates the rapid increase in development towards the end of the nineteenth and early twentieth century saw previously rural houses and parkland abut urban sprawl. This is not the case with Knole which has always been located adjacent to the community of Sevenoaks. This means that Sevenoaks, as a town, is part of the setting of Knole Park and makes a positive contribution.
- 59 However, it is important to note that intensive development on this scale along the perimeter of the Park will have a cumulatively harmful impact on the setting of the Park. Over urbanisation of the boundary would not be appropriate and would upset the delicate balance between park and town. Occasional glimpses of town development are an established element of the setting but overly dominant qualities of townscape (not only visual) would be inappropriate and any proposals must be carefully considered and assessed.
- 60 The proposals would not harmfully effect the appreciation of the significance of the park because it does not alter the delicate balance between the town and park or harmfully alter the delicate balance between. Routes in to and out off the site are unaltered and follow the historic pattern; the park will retain its open and green qualities with

## Agenda Item 4.3

glimpses into the town through the trees to the western boundary. The car park is a non-dominant development which is part of the evolution of Sevenoaks as a thriving town. Cumulative changes can be harmful to the character of an area and development along the western perimeter must be carefully considered in order to maintain the delicate relationship between the town and park.

- 61 The applicant has demonstrated that the proposals will not be a dominant or prominent feature from within the Park and will only be glimpsed through the trees, not over them. This appears to be a reasonable assumption and there is no available evidence to contradict this assessment. There is an established yet delicate relationship between Park and town which is experienced from within the park. The demonstrated visibility is not contrary to this pattern but the lighting could negatively impact on the park by providing inappropriate levels of luminescence throughout the night. For this reason I recommend a condition should be added managing light levels.
- 62 In terms of the conservation area I am satisfied that the design, mass and bulk of the proposed developments will not detract from the articulated special interest as defined by the character appraisal.
- 63 I have taken account of the English Heritage Guidance 'The Setting of Heritage Assets' and I conclude that this development preserves the setting of the designated heritage assets.

### Historic England

- 64 Historic England commented on the previous iteration of the scheme (SE/14/02988) that proposes to erect a three storey car park adjacent to the western boundary of the grade I registered formal gardens and parkland at Knole.
- 65 The parkland retains its 18<sup>th</sup> century landscape character in the form of open parkland dotted with clumps, individual trees and avenues. At the heart of the park sits Knole House, which is rightly grade I listed, and is considered to be one of the finest houses in Kent. The current application now includes a row of ten townhouses located between the park boundary and the proposed car park.
- 66 Our previous advice recommended that your Council should request long view assessments from the principal house in order to assess any potential harm caused by the proposals to the significance and the setting of Knole house and park land. We are pleased that long view assessments have been included within the current application.
- 67 We conclude that the new development will be glimpsed through the existing tree cover and that this visibility will lead to some element of harm. Although we consider that the level of harm will be low, NPPF paragraph 134 clearly states that your Council is required to weigh this harm against the public benefits of the proposals.
- 68 Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be

(Item 4.3) 18

addressed in order for the application to meet the requirements of paragraphs 134 of the NPPF. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Kent County Council Archaeological Officer

- 69 No objections to the proposal subject to a planning condition requiring the implementation of a watching brief to be undertaken by an archaeologist approved by the local planning authority with a approved written programme and specification prior to the commencement of development.

Environment Agency

- 70
- Proposal will have a low environmental risk. We therefore have no comments to make.
  - The applicant may be required to apply for other consents directly from the Environment Agency. The term consent covers consents, permissions or licenses for different activities (such as water abstraction or discharging to a stream), and we have a regulatory role in issuing and monitoring them.

Kent County Council Flood and Water Management

- 71
- No objection to the application detailed above subject to a number of planning conditions
  - We note that the applicant is aware of the requirement to incorporate SuDS features at the master planning stage and has done so, but also offer the following comments.
  - The site is located within Zone 2 Groundwater Source Protection Zone, consultation is recommend with our groundwater protection team regarding the use of infiltration on this site.
  - The drainage statement (section 2.6, Drainage Statement, CTP, June 2017) makes reference to the likelihood of a perched water layer underlying the site: the proposed site investigations must evaluate the depth and extent of any perched layer, and ensure a 10m unsaturated separation zone between any proposed infiltration and the proven groundwater level.
  - The underlying strata are the Hythe Formation (Ragstone) in which there is a risk of encountering loosely infilled features known as ‘gulls’. The installation of soakaways may lead to ground instability if these features are present and are inundated with water. Forthcoming ground investigations should carefully evaluate the potential instability risks associated with infiltration drainage into these deposits.
  - Discharge rates will need to be carefully considered if the ground conditions are found to be unsuitable for infiltration.
  - The applicant should be aware and take into account the new guidance published in February 2016 relating to climate change allowances in flood risk assessments. It is likely that the LLFA will require (as a

(Item 4.3) 19

## Agenda Item 4.3

minimum) any design to accommodate the 1 in 100 year storm with a 20% allowance for climate change

### Kent County Council Transport and Highways

72 Access to the car park and the residential units is provided from Buckhurst Lane by means of two separate accesses and tracking diagrams have been provided which indicate that this is acceptable. Each of the new houses is provided with a parking space and this too is acceptable for this location. The car park provides adequate disabled parking spaces and electric charging points and cycle spaces are included.

73 The traffic movements associated with the existing car park has been calculated using ticket sale records and these have been used to establish trip rates per parking space which can then be applied to the number of proposed spaces to calculate the trip generation expected.

74 Traffic generation for the residential element has been calculated using the TRICs database. The car park and residential development is expected to generate the following traffic:

#### Total trips of extended car park and including new residential trips:

	Arr	Dep	Total
AM	359	8	367
PM	12	105	117
Sat	81	53	134

75 The residual impact is the new development trips less existing car park trips as shown below:

	Arr	Dep	Total
AM	144	5	149
PM	7	43	50
Sat	33	22	56

This traffic has been assigned to the highway network using 2011 Census data

### Impact

76 In order to establish existing traffic flows surveys were undertaken at a number of key junctions on Thursday 27 April 2017 and Saturday 6 May 2017. Additionally pedestrian counts were completed at the Suffolk Way/Pembroke Road/High Street junction. Growth rates were applied to

(Item 4.3) 20

the surveyed traffic flows in order to assess the impact of the development traffic in 2017 and 2023 at the following junctions:

- Suffolk Way / Buckhurst Lane priority junction
- High Street/ London Road/Rockdale Road priority junction
- London Road/Pembroke Road/Argyle Road signalised junction
- Suffolk Way/Pembroke Road/High Street signalised junction combined with Holly Bush Lane/Dartford Road priority junction

Suffolk Way / Buckhurst Lane priority junction

- 77 The results indicate that the junction operates within capacity in the future year with the development traffic included. The ratio of flow to capacity is below 0.85 on each approach and the maximum queue length is 2 vehicles.

High Street/ London Road/Rockdale Road priority junction

- 78 The proposed development is estimated to increase traffic flows by approximately 1%. The junction capacity assessment indicates that the High Street (north) will operate over capacity in 2023 with the degree of saturation (DoS) of 0.996 in the AM peak and 1.111 during the PM peak. The addition of the development traffic will have a slight adverse effect with the DoS reaching 1.025 in the AM peak and 1.129 during the PM peak. This level of increase will add approximately 4 vehicles to the queue length and this would not be regarded as a severe impact.

London Road/Pembroke Road/Argyle Road signalised junction

- 79 The results indicate that the junction operates within capacity in the future year with the development traffic included. The degree of saturation is below 0.85 on each approach.

Suffolk Way/Pembroke Road/High Street signalised junction combined with Holly

Bush Lane/Dartford Road priority junction

- 80 This junction is experiencing capacity problems in the 2017 scenario. The 2023 assessment indicates that the junction will have significant capacity issues therefore mitigating measures are proposed in the form of a pedestrian island on the Suffolk Way arm to allow a two stage pedestrian crossing. This can be achieved within the highway and although the footway would be narrowed, a width of 2.17m would be available. Additionally wider traffic lanes are proposed on High Street (south) to increase road capacity. A footway width of 2.05m will be available for pedestrians.
- 81 Puffin crossings will replace the existing pedestrian crossings at the junction. The capacity assessment indicates that with these measures in place the junction will operate with less delay and generally shorter queue lengths than the 2017 without development scenario.
- 82 A comparison of the results for the different scenarios is provided below (DoS refers to degree of saturation and MMQ is mean maximum queue)

## Agenda Item 4.3

AM Peak	2017 no dev. DoS %	MMQ	2023 no dev. DoS %	MMQ	2023 + dev + mitigation DoS %	MMQ
Pembroke Rd	94.2	12.2	100.1	15.9	88.4	12.4
High Street (N)	97.4	27.4	103.4	39.5	91.9	25
Suffolk Way	72.0	3.7	76.6	4.2	77.1	4.3
High St (s)	83.1	14.2	95.3	19.5	81.9	14.1
Dartford Road	37.5	4.0	40.3	4.4	41.3	3.9
Holly Bush Lane	67.8	11.2	73.5	18.8	81.5	11.7
PRC	-8.3		-14.9		-2.1	
Avg. delay	73.3		116.1		55.7	

PM Peak	2017 no dev. DoS %	MMQ	2023 no dev. DoS %	MMQ	2023 + dev + mitigation DoS %	MMQ
Pembroke Road	95.3	16.6	100.9	21.10	89.9	15.3
High Street (N)	97.4	26.4	101.8	33.5	92.9	24.6
Suffolk Way	95.3	21.5	103.5	34.4	91.1	21.5
High Street (S)	82.6	15.4	88.4	16.6	68.5	16.3
Dartford Road	55.1	5.1	58.5	5.7	61.5	5.8
Hollybush Lane	49.8	7.8	54.0	11.2	54.5	7.1
PRC %	-8.3		-15.0		-3.2	
Avg. Delay	96.5		135.9		77.0	

83 An additional assessment was completed allowing additional time for pedestrian crossing movements as concerns were raised that increased

pedestrian demand or slow moving pedestrians may adversely affect capacity. The results indicate that with additional time given to the pedestrians crossing, the junction still operates within capacity and capacity is improved when compared to the 2023 without development and without mitigation scenario.

- 84 A robust and detailed assessment has been completed for this development proposal. The extension to the car park and provision of ten new homes will not be likely to result in any detriment to highway safety or capacity and therefore I do not wish to raise any objection subject to appropriate planning conditions on any approval.

#### Kent County Council Public Rights Of Way

- 85
- Recommends a Section 106 agreement to fund a complete overlay of the footpath (500mm DMB tarmac) SU23 from the southeast corner of the plot of 15 Buckhurst Avenue to the gate into Knole Park, a distance of approximately 250m, that is beside the proposed car park and environmental park.
  - Request a condition that the planting of the border/hedge between the footpath and the car park to be maintained at a height of no more than 1 metre to stop more overshadowing and that Sevenoaks District Council or the company responsible for the landscape maintenance maintain the verge of the footpath SU23 on its northern side, between the south eastern corner of 15 Buckhurst drive and the entrance into Knole Park. While this may not be shown as being registered to Sevenoaks District Council at the Land Registry, the surface of a highway adjacent to a registered title may or may not be shown on the official plan as part of it but that is not conclusive and is subject to the General Boundaries Rule in the Land Registration Act 2002, Section 60. There is, under common law, a rebuttable presumption of medium filium that the adjacent landowners each own to the middle of the path. 2
  - This mitigation would go some way to alleviating my concerns about the adverse impact on users of the footpath from the intended multi storey car park and housing development.

#### Kent Police Crime Prevention Design Officer

- 86
- The car park aims to achieve the “Parkmark” ‘Secure Car Park Award’ which is part of The Safer Parking Scheme, a national standard for UK car parks that seeks to ensure the safety of people & vehicles, discourage anti-social behaviour and reduce crime.
  - Supporting the Park Mark scheme is ‘Secured by Design’, a national police project focusing on the design and security for new and refurbished homes, commercial premises and car parks. During the next phase of design a Secure by Design Advisor will be engaged to review and assess the proposal as a whole (car park and residential units) to highlight where opportunities to ‘design out crime’ can occur through physical security and processes.

## Agenda Item 4.3

- We note that the upper roof level of the car park is open with a metal barrier at 1.2m in height as a proposed safety measure for both pedestrians and vehicles. It is very important that this is the minimum height of the barrier and that it conforms to building regulations for such structures, particularly in regard to height, in order offer the maximum protection against falling from the roof.

87 CCTV is required at all levels and any lighting or cctv columns should not provide foot holds for climbing.

- With the above in mind, I have no further comments to make at this time and look forward to working with the applicant/agent in regard to working towards achieving Secured By Design (SBD) and Park Mark Safer Parking Scheme (SPS) for this proposal, should it receive planning permission.

### Kent County Council Ecology:

- 88
- Further surveys for great crested newts along with any necessary mitigation measures;
  - Further surveys for reptiles along with any necessary mitigation measures;
  - Further surveys for bats along with any necessary mitigation measures;
  - Further surveys for dormice newts along with any necessary mitigation measures;
  - Further surveys for invertebrates along with any necessary mitigation measures;
  - Further information demonstrating that there will be no impacts upon the nearby SSSI.

89 The additional information has been submitted and we are awaiting further comments from KCC Ecology. These will be reported in the late observations papers along with any suggested conditions.

### Natural England

- 90
- Natural England has assessed this application using the Impact Risk Zones data (IRZs) and 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 Knole Park SSSI has been notified.
  - This SSSI does not represent a constraint in determining this application.
  - The proposed development is for a site within or close to a nationally designated landscape namely Kent Downs AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal.
  - Your decision should be guided by paragraph 115 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major

(Item 4.3) 24



development proposals paragraph 116 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

- We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species.
- 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.
- 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.

#### Kent Wildlife Trust

- 91
- Welcomes the completion of the reptile survey and assessment.
  - No objection to the recommended mitigation strategy and objectives for an ecological management plan for the Environmental Park.
  - A series of other essential protected species survey reports remain outstanding for invertebrates; great crested newts; dormice; and bats (incorporating an impact assessment of illumination to be provided within and between the proposed multi-storey car park and the houses).
  - Recommends that a comprehensive ecological management plan (EMP) for the Environmental Park should be submitted for approval. The Plan should incorporate the management recommendations from the reptile survey.
  - Recommends the imposition of conditions to secure implementation of the EMP.
  - Would like to see the use of native species of local provenance for all new tree and shrub planting across both the carpark site and the Environmental Park

#### The Sevenoaks Society

- 92
- The Society recognises the significant improvement on the previous scheme.
  - They remain concerned that the traffic reports and assessments are not correct and that the estimated traffic increases are wrong.
  - They consider that there would be an increase in traffic and congestion
  - Air pollution would be worse.
  - There should be a much better mix of house and more affordable.
  - The houses are of a significant height and scale.
  - Webb's Alley should be improved and upgraded.
  - Further details of the materials should be provided.

## Agenda Item 4.3

### Sevenoaks Conservation Council

- 93
- The applicant's Technical Note 2 (September 2017) and the highway authority's advice (15 September 2017) fails to mention the matters referred to by the Conservation Council in its second representation relating to (a) whether the projected flows through the High St/Suffolk Way junction take into account flows to and from Trinity School and the new Grammar School; and (b) the amenity and safety aspect of the proposed reduction in pavement widths at that junction and the apparent conflict with the highway design standards of both the DOT and Kent Highways in respect of pavement widths in shopping streets. It is to be hoped these matters will be properly addressed in the officers' report, references to the relevant design standards being set out in the Conservation Council's second representation.
  - The SCC expressed strong concern relating to the previous withdrawn application on environmental and traffic grounds. The submitted documentation is voluminous. These representations are based primarily upon the contents of (1) the Design and Access Statement (2) the Heritage Statement (3) the Planning Statement and (4) the Transport Assessment, and perusal of some of the submitted plans and drawings. This Representation does not address the Traffic Addendum and its appendices which were only placed on the local planning authority's website on 8 August 2017, and on which we have been informed that the consultation period has been extended for a further 14 days (email from the Council's Chief Executive of 9 August 2017). The SCC considers that the new application is markedly superior to the previous one in design terms in three respects: (1) the sinking of the carpark building (supported last time by the SCC) is a considerable improvement and will reduce visibility from the adjoining Conservation Area and Knole Park (a Registered Park and Garden). (2) the proposed cladding of the carpark building is probably as sensitive as can reasonably be expected and uses a rich blend of materials. The inclusion of landscaping improvements to the adjoining proposed Environmental Park appears to be a sound way to dispose of surplus spoil. The landscaping should reduce the effects on Knole Park and has the potential to provide a significant public benefit in terms of use and amenity.
  - However, in respect of each of these three matters, attention is drawn to the statement in the Design and Access Statement (para 2.4) that "any development would require a very sympathetic design". This is elaborated in the Heritage Statement (page 27 and 31) which recognises that "concerns about impact and appearance are legitimate" and how challenging it is to "design and build in a way that positively contributes to the area". The Heritage Assessment recognises (page 29) that there will still be a "notable impact" and that there will still be "visibility of rooflines [of the new houses] from certain viewpoints at certain times of the year" within Knole Park, in addition to the marked change of views down Buckhurst Lane. In our view this makes it the more important that there is strict adherence to the details of the submitted designs for facades and landscaping, and we urge that conditions are imposed to require the submission of further suitable large-scale and detailed plans before implementation to ensure there are no changes made or short-cuts taken.

- In respect of the proposed Environment Park, it is in our view essential that conditions are imposed to ensure that there is public access to the Environmental Park (which is not within the Council's ownership) and provision made for its future maintenance.
- It is also necessary to ensure that access through the Environmental Park and into Knole Park is improved (which is not readily apparent from the present drawings, but is, we have been told, intended).
- We remain concerned at the capacity of the High Street/Suffolk Way to accommodate the increased flows which will result from the increased capacity of the new carpark (approximately a net increase of 250 vehicles: see the figures in the planning application). We note the anticipated increase in vehicle movements for the morning peak hour (144 arriving and 5 departing: see para 6.1.5 of the Traffic Assessment), but the originally submitted documents contained no details of how this could be accommodated at this critical junction. As stated above, this representation is made without study of the new Traffic Addendum and appendices, in respect of which the SCC's position is reserved.
- We understand the need for an element of new housing to render the revised proposals financially viable. We accept that the proposed design of the 10 new houses will to some extent mask the visual effect of the carpark building. We also accept that the financial return from 10 4-bedroom private-market houses will secure the greatest financial return to the Council as developer (para 5.2.8 of the Planning Statement). In our view, however, the applicant should be required to demonstrate that it would not be viable for the proposed development to proceed if it included either smaller units of private housing (including flats) and/or an element of affordable housing. In this respect we draw attention to policies SP3 and SP5 of the Core Strategy and the statements on the pressing need for smaller houses and affordable housing in the local planning authority's consultation document "Issues and Options" (July 2017).
- In this respect we regret the applicant's decision not to make available for public inspection its "Housing Mix and Affordable Housing Statement" (see para 5.2.8 of the Planning Statement). We would also seek further details of the Council's "proposed off-site contribution" towards affordable housing (referred to in para 5.4.1 of the Planning Statement, but not otherwise referred to in the documentation). We therefore broadly welcome the application, but draw attention to various concerns on which satisfaction is needed before permission should be granted.

#### National Trust

- 94 The National Trust owns a central portion of the Knole historic parkland site, which is considered to be highly sensitive in landscape terms, due to its designation as Grade I Historic Park & Garden, and the Grade I listing of the mansion, as well as its Site of Special Scientific Interest nature conservation value. Development of the application site will impact on the setting of these heritage assets, and the historic parkland in particular. The National Planning Policy Framework (NPPF) and relevant case law highlight the importance of a heritage assets setting in both the NPPF para 128 and the requirements of para 129;

## Agenda Item 4.3

129: Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

95 Local Plan Policy EN4 sets out the Council policy on heritage assets:

Proposals that 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 to the following: (a) the historic and/or architectural significance of the asset; (b) the prominence of its location and setting; and (c) the historic and/or architectural significance of any elements to be lost or replaced.

96 The National Trust recognises and supports the need for additional car parking in Sevenoaks. The development of the site as a multi-story car park is supported and the additional design consideration given to the height and external appearance of the structure is appreciated. In general terms the car park structure will have an impact on the setting of the historic parkland and in particular the designed views out of the parkland. The parkland edge will also be compromised by the closing of this gap in the built form that borders the historic parkland. Further built form facing into the parkland can only erode the character and impact on the sensitivity and significance of the parkland.

97 The original layout iterations indicated that the 'enabling' development of residential units required to financially support the scheme, would be located on the urban side of the site, facing towards the existing built area. The layout as applied for has changed this layout to present the residential units facing into the Knole parkland. This change is considered to be inappropriate and likely to increase the impact of the development on the parkland setting.

98 The scale of the residential units has increased to comprise 3 storey units of high prestige (and value) and in particular the height appears to have increased significantly. The impact of ten 3 storey 'townhouses' fronting directly onto the historic parkland is considered to be far greater, and more intrusive and damaging, than the plain elevation of the car park would be likely to constitute. The residential units will increase light pollution, glare, visual intrusion, noise and present a more complex and distracting element into the parkland edge. The impact on the setting of the historic parkland is greatly increased by the siting of these houses fronting the park, than may have been caused by the plain and better designed elevation of the car park itself. The heritage statement notes on page 25 that the car park is clad with timber fins that create a softer finish, and while this to some degree mirrored in the townhouses, the complexity of the residential elevations will be greatly increased. The breaks between and within the residential units design, vertical emphasis from glazing and other features, including the broken roofline, rather than providing a 'broken rhythm varied

height and material treatment' as stated on page 25 of the heritage statement, will increase the complexity, and the detailing of the visual receptor from within the parkland raising the visual impact of this elevation facing the historic parkland, to the detriment of its setting.

- 99 This elevation will be visible from the parkland, especially in winter and from Knole Mansion. The historic character of the parkland is that the significant views are from the parkland out to the wider area. Future management led by greater understanding of the historic character and advice from conservation management plans, could likely indicate opening up of views from the parkland. Thus the existing screening and tree cover cannot be guaranteed or be necessarily relied on to manage the impact of the development on the wider parkland. In historic landscape terms the development may be said to be 'stealing the historic views' within the parkland by siting intrusive and complex built form into the visual envelope of the historic parkland without sufficient information and understanding of the character of the setting.
- 100 It is suggested that additional research, and understanding of the setting is required to fully assess the impact of the development on the setting of the grade I historic parkland, and that this assessment of the impact on the heritage assets has not been fully undertaken by the application. Neither the Heritage Statement or the Landscape and Visual Impact Assessment appear to take full account of the historic character of the parkland and its setting and the nature of its design, simply concerning themselves with visual issues and/or the experience and awareness of the town in relation to the park, leading to the simple conclusion in section 3.4, p24 of the heritage statement that;
- 101 Given these points it is possible to conclude that at present part of the Site that is currently used as a car park makes no contribution to the significance of the heritage asset (or those contained within it) whereas the Environmental Park makes a minor contribution to the overall setting and significance of the Registered Park and Garden.
- 102 This appears to be a superficial assessment of the impact of the development or the contribution of the site to the Grade I heritage assets that it affects, with insufficient understanding of the historic character of the parkland and how it relates to the wider area. In this respect it is not considered that the application meets the tests in para s128 and 129 of the NPPF to fully take account of the heritage significance of the asset it is affecting.
- 103 Overall the National Trust consider that the proposed housing development is unwisely sited and not justified in heritage terms in respect of the impacts on the highly sensitive heritage assets that it overlooks. The historic parkland and mansion are of the highest Grade I listing and sensitivity and a more informed and considered view of the impacts and effects of the development on the historic character of these assets is required to make a fully informed judgement about the scale of the harm.

## Agenda Item 4.3

- 104 The need for the car park is probably justified in public benefits terms but the need for the enabling housing and the additional harm that they represent is not justified by their siting, or need for such larger scale 'prestige' development to raise the enabling finance. The National Trust therefore consider that the design and layout of the whole development does not meet the heritage tests in the NPPF and has not been fully considered and supported by sufficient evidence and understanding of the heritage assets, and the consequent impact upon them. The application therefore does not meet the heritage tests in the NPPF, and does not meet the Council local plan policy EN4, and thus fails to meet the requirements of national and local planning policy.

### Representations

- 105 59 representations were received in response to the application. 26 of these representations objected to the proposals and their objections can be summarised as follows:

- The new parking will cause even more congestion in the town centre and surroundings which already are very poorly managed for traffic.
- Questions around whether the proposed works to the traffic island will really improve capacity
- The traffic survey shows that parking spaces fluctuate during the course of the day
- The Suffolk Way / Pembroke Road / High Street junction is presently over-loaded, causing frequent significant delay on Dartford Road and Seal Hollow Road, with consequent impact on air quality and the safety of pedestrian movements at the over-loaded crossroads. This application will further exacerbate an unacceptable situation
- SDC should commission a feasibility study to consider the implementation of a One-Way system in the Town Centre as a direct alternative to the proposed Multi-Story Car Park in Buckhurst.
- Questions raised over various statements in the Transport Assessment over traffic movements, junction capacity, highway safety, queuing traffic and traffic island/refuge
- Current overloaded road junction configuration will not cope.
- Where will the current car users be displaced go?
- There is poor access and egress to the existing car park, with no sound proposals in place to improve upon this.
- Other ways to revitalise shopping centres by reducing traffic congestion by taking measures to reduce car-borne commuting to the town centre.
- Improvement of the traffic flow at the Suffolk Way / High Street traffic lights is a fundamental requirement.
- A more wide-ranging solution is needed that considers traffic control generally rather than compounding the traffic issue with the addition of simply more car parking
- The cost of gaining 188 additional parking spaces works out at over £50K per space. The previous application was rejected partly because of the traffic congestion at the junction of Suffolk Way, Pembroke

and the High Street adding 188 additional spaces would only exacerbate it.

- The proposal completely overlooks the health risks posed by Nitrogen Dioxide (NO<sub>2</sub>) & Particulates from vehicle exhaust emissions in the area.
- The proposed 4 storey building would dwarf its surroundings, however well landscaped, and would be an eyesore when viewed from Knole Park, adding to the unwelcome creeping urbanisation of Sevenoaks.
- Loss of views across the heritage parkland due to the proposed ten townhouses
- The unattractive massing of the Car Park would be bad enough without the added significant loss of privacy (resulting from sightlines from the upper level) for existing residents of Buckhurst Avenue.
- Town houses proposed as part of this development are totally inappropriate. The opportunity could be used to provide a sympathetic sight line from the Knole Park side.
- Loss of light, outlook and privacy to neighbouring residential properties
- The top floor of the proposed car park provides direct views into all of the bathroom and bedrooms of Buckhurst residents. The design is as tall as the Buckhurst houses.
- Night-time light pollution will harm residential amenity.
- Impacts on the structural stability of the houses, given houses in Buckhurst Avenue which were built about 1890 and therefore the foundations meet the standards of that time.
- Noise and disruption to the residents during the proposed construction.
- Noise disturbance from use of the multi storey car park
- light pollution from the new building would be harmful to the area.
- Concern as to whether residents will be able to continue to walk from Webb's Alley through to the leisure centre and library along the west side of the proposed new car park as they have the right to do at present.
- Houses being offered as either shared ownership or at least a few of them as social housing.
- We don't need more cars in the centre but more affordable housing.
- The amount of published documents for this application are excessive.
- Concerns expressed about the loss of any existing trees.

106 15 comments in support of the application and 18 comments neither supporting nor objecting to the application were received. All of these comments can be summarised as follows:

- Lack of sufficient long stay parking in town
- The town centre relies on the businesses within it. The retailers and restaurants need staff, the offices need staff and all these people along with visitors and residents utilise the facilities of the town. If the council don't make better provision, Sevenoaks will become a ghost town.

## Agenda Item 4.3

- Support additional parking but it does need to be reasonably priced for staff working in the retail units in the town.
- Whilst the construction would cause some disruption proposal would provide much needed parking.
- The lack of parking is resulting in loss of trade and employees leaving.
- People would stay longer and spend more if they were not concerned about the parking
- I understand how this could affect the community and its residents, but it would bring more trade into Sevenoaks. It would be an asset.

### Chief Planning Officer's appraisal

107 The main issues for consideration are:

- Principle of development and demonstrable need for car park.
- Design of development and impact upon character and appearance of area.
- Impact upon the Site of Special Scientific Interest and the Area of Outstanding Natural Beauty.
- Impact on the Metropolitan Green Belt.
- Impact on historic assets.
- Impact to highways and parking.
- Impact on neighbouring amenity.
- Impact on trees, landscaping and ecology.
- Viability and mix of housing.
- Noise, air quality and contamination.
- Other Issues.

### Principle of development/demonstrable need

108 Paragraph 14 of the National Planning Policy Framework confirms that the NPPF has a presumption in favour of sustainable development, and that development that accords with the development plan should be approved unless material considerations indicate otherwise. (See paragraphs 11, 12, and 13 of NPPF).

109 Paragraph 14 of the NPPF (and footnote 9) also advises that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless there are specific policies in the NPPF that indicate that development should be restricted. This applies to a variety of designations, including Sites of Special Scientific Interest, Green Belt, Areas of Outstanding Natural Beauty, designated heritage assets and locations at risk of flooding.

110 Paragraph 9 of the NPPF states that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):

- making it easier for jobs to be created in cities, towns and villages;



- moving from a net loss of bio-diversity to achieving net gains for nature;
- replacing poor design with better design;
- improving the conditions in which people live, work, travel and take leisure

- 111 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.
- 112 Paragraph 19 of the NPPF states that 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.
- 113 Paragraph 20 states that to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
- 114 Paragraph 21 states that investment in business should not be over-burdened by the combined requirements of planning policy expectations. Planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing.

#### Multi storey car park

- 115 Policy LO1 of the Core Strategy defines where we would like to see development in our district. LO2 and LO3 are more specific, focusing on Sevenoaks urban area and the management of car parking. These policies require the focus of development to be within the confines of existing settlements, where development can be a catalyst for regeneration and where redevelopment will better meet the needs of business both for parking provision and in terms of future investment in the town centre.
- 116 The location of the new multi storey car park - within the urban confines of Sevenoaks town centre complies with these policies, providing an enhancement to the environment and increased car parking provision in an area which will support businesses and residents.
- 117 The increase in car parking provision in the town centre, where there are known deficiencies, will also comply with policy SP9 of the Core Strategy. This policy supports the development of infrastructure facilities required to resolve existing deficiencies and to support the scale and distribution of development proposed in the core strategy.
- 118 Our general policy SC1 of the Allocations and Development Management Plan (ADMP) requires us to take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

## Agenda Item 4.3

- 119 In accordance with Policy EN1 of the Allocations and Development Management Plan, proposals should have regard to the compatibility of the proposal to its location; the impact of the proposal on its surrounding environment, landscape, habitats and biodiversity, the contribution to creating balanced communities, the conservation and enhancement of our cultural heritage, the contribution to and impact on our economy; and the impact on existing infrastructure and contribution to new supporting infrastructure.
- 120 As such there is significant support in the Development Plan policies for redeveloping the existing car park site to provide a decked car park to support the vitality and viability of the town centre, through the introduction of important and much needed infrastructure project.
- 121 Buckhurst 2 car park is owned and managed by Sevenoaks District Council and has an existing capacity for 285 vehicles. There is a waiting list for season tickets for this car park and the current capacity is not adequate to provide for the demand created by employees of local businesses and local residents.
- 122 At the Economic & Community Development Advisory Committee held on Wednesday, 26th February 2014 a report was considered by Members of the committee at item 9 on the agenda entitled the Sevenoaks Town Centre Parking Review. This report included an independent parking survey that clearly showed very high utilisation rates for the Buckhurst 2 long stay car park. The outcome of the assessment concluded that between 170 and 221 additional parking spaces were required in the town centre area. The current proposals provide an opportunity to increase the car parking provision, close to Sevenoaks Town Centre.
- 123 It is therefore clear that this application is fundamental in providing sufficient parking to meet current and future demand for long term spaces and to help to alleviate parking stress within Sevenoaks. The proposal will provide 196 extra parking spaces and address some of the concerns raised by the Economic & Community Development Advisory Committee about the lack of parking facilities within the town centre.
- 124 Due to the location of the site, it would enable continued management of our parking stock and importantly, freeing up short stay parking in other town centre car parks whilst expanding the long stay car parking provision.
- 125 The principle of the proposal to increase car parking provision through a new decked car park is compliant with these adopted policies.
- 126 It is acknowledged that this provision would not relate to a sustainable form of transport, it would support and contain growth within an urban area rather than displacing car use into less sustainable locations. As such, the proposal would accord with elements of the NPPF.
- 127 The principle and the need for the provision of additional long stay parking within the town centre in this location is acceptable.

Ten townhouses

- 128 The proposed development includes significant ground works to reduce the overall height of the proposed car park and minimise its impact on the surrounding area.
- 129 The inevitable consequence of the considerable groundworks is to increase the construction costs. The applicant has sought to bridge the funding gap, by incorporating some enabling development to help fund the engineering works proposed.
- 130 This enabling development is in the form of ten town houses situated to the east of the new car park. The proceeds from the sale of these houses will support the provision of much needed town centre infrastructure in the form of additional town centre parking provision.
- 131 The development of part of the application site for housing seeks to make efficient use of previously development land within the urban confines of Sevenoaks Town Centre. This is in accordance with national planning policy that encourages the effective use of previously developed land (NPPF paragraph 111). Furthermore, the proposed development is in accordance with Policy LO1 of Sevenoaks Core Strategy which sets out that Sevenoaks Town Centre will be the principal focus for development within the District.
- 132 Policy LO2 of the Core Strategy requires the provision of approximately 1,330 dwellings until 2026 in the Sevenoaks urban area. Paragraph 47 of the National Planning Policy Framework requires local planning authorities to ensure their local plan meets the full, objectively assessed needs for market and affordable housing. Paragraph 49 of the NPPF is then clear in that policies for the supply of housing cannot be considered up to date if the local planning authority cannot show a robust supply of housing land. To meet the current requirements for the supply of housing and to achieve the numbers of new dwellings required until 2026 sites such as this need to be considered for the provision of new housing. The erection of these ten additional dwellings will make a contribution to the housing supply in the area, in line with the requirements of the NPPF.
- 133 Residential development is already established in this area, with existing dwellings situated in close proximity to the application site along Akehurst, Buckhurst Avenue and Buckhurst Lane. The application site is within walking distance of Sevenoaks town centre and is highly accessible through well-connected infrastructure and alternative public transport methods nearby, including bus routes and train services.
- 134 The principle of residential development is acceptable in this location and compliant with policy.

Environmental Park

- 135 The scheme involves proposed enhancements to the underutilised environmental park. Excavated soil from the construction of the car park will be used to remodel the Environmental Park to create a level area of

## Agenda Item 4.3

open space closer to the town centre which will encourage better use of the area.

- 136 The Environmental Park is owned by the Knole Estate but located outside the historic parkland designation. It has been previously leased to the Council and play equipment was installed. The Council relinquished the lease a number of years ago and since this time the area has not been regularly maintained and has become overgrown. Whilst former play equipment has been either removed, very weathered or vandalised.
- 137 The environmental park lies within the green belt. The engineering works in the environmental park will create and enhance its use by residents and visitors to Sevenoaks. Paths and an amphitheatre together with soft landscaping are proposed to create a public park for town centre users.
- 138 A detailed green belt assessment is carried out below, but as a matter of principle outdoor recreational is an appropriate use in the green belt and engineering operations are also permitted subject to having no significant harm to the openness of the green belt.
- 139 The principle of utilising this land for public benefit and access is considered acceptable in principle.

### Impact on historic assets

- 140 The Sevenoaks High Street Conservation Area lies approximately 20 metres away from the application site boundary to the west and south-west of the site. The car park, library and leisure centre all lie outside the Conservation Area. Due to the site's close proximity to the conservation area careful consideration needs to be given as to whether the current proposals would due to their height and scale result in any significant harm to the setting of the neighbouring conservation area.
- 141 Sections 66 and 72 Planning (Conservation Area and Listed Building) Act 1990 requires special attention be paid to the desirability of a conservation area, as well as also the character or appearance of a conservation area preserving or enhancing the setting of a listed building.
- 142 Paragraph 128 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum, the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.
- 143 Paragraph 129 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact

of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

- 144 Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
- 145 Paragraph 134 states that where a development proposal 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.
- 146 Policy SP1 of the Core Strategy 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. Whilst the application site is not located within the conservation area careful consideration is needed as to whether or not the proposals would have any adverse impact on its setting.
- 147 Policy 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 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.

#### Setting of conservation area

- 148 The Sevenoaks High Street Conservation Area lies to the west and south-west of the application site and is visible from within the conservation area. The car park, library and leisure centre all lie outside the Conservation Area but the conservation area is visible from the application site. This area has very different character to that identified as special about the historic core of the town and what constitutes the significance of the Conservation Area. In contrast to the historic form and tight grain described in the appraisal document, this part of the town is open and functional, with large buildings with substantial footprints, large areas of surface car parks can be seen just to the north and east of the Conservation Area boundary.
- 149 The Conservation Area appraisal acknowledges that traffic and parking is one of the most important factors in the development and character of the town. It describes the tension between the economic success of the shops

## Agenda Item 4.3

and businesses and the importance of tourism to the area but describes the impact of poorly managed traffic through the town centre. This scheme has the ability to better manage the parking areas in the conservation through additional spaces created outside the conservation area.

- 150 Given the predominating character of the area surrounding the site, and intervening built form, planting and changes in topography which restrict inter visibility between the Conservation Area and the site or the wider setting to the east including Knole Park, it is deemed that currently the site makes no material contribution to the setting of the neighbouring Conservation Area.
- 151 The proposed car park would be a prominent feature within the immediate townscape and there will be long views out of the conservation area along Buckhurst Road into the application site. The car park will introduce a new aesthetic into this area with the materials and the form. However, this part of the town is characterised by car parks and large scale ancillary development like the leisure centre and library. The views from the conservation area along Buckhurst Road are currently open with the terrace housing drawing views away. The proposed car park is set into the site and this reduces the overall height, scale and bulk.
- 152 The proposal would improve the setting of the conservation area by rationalising the present unsatisfactory parking and circulation within the surrounding area. In broader terms, the concentration of movement within this proposed site could draw traffic away from the centre of the conservation area and potentially improve its character and appearance.
- 153 The proposed development in its current form would cause no harm to the significance of the Sevenoaks High Street Conservation Area.
- 154 The proposal will not harm the setting of the conservation area, either from views into or views out of the Conservation Area. This view is supported our Conservation Officer. As such I am satisfied that the proposal will preserve the setting of the nearby Conservation Area.

### Setting of listed and historic parklands

- 155 The historic parkland to the east of the site is clearly the most sensitive part of the site's setting due to the high status and high significance of both the Grade I listed Knole Park and the Grade I listed Knole House.
- 156 The site is elevated above Knole Park on a ridge that marks the end of the Sevenoaks town development. The land falls away from the application site through the environmental park and to the base of the Gallops within Knole Park. From the bottom of this valley the views are narrow and linear and do not include the application site. The development would not be visible from this point.
- 157 The applicant has demonstrated through a Landscape and Visual Assessment and a Heritage Assessment the visibility of the proposals from several key points and in long views from within the park, including Echo Mount.

- 158 In terms of the relationship between the listed Knole House and the historic park, the proposed development will not be harmful. The development will not be visible from the Knole House and the development would not impact on how the Knole House is experienced within its historic park setting. From the historic park the development will not be a dominant or prominent physical feature. The residential units could be glimpsed through the trees from several points but the depth of the tree coverage already limits the visual permeability of the site at this point. The glimpses of the residential gables are consistent with the glimpses and views of gables and rooflines of other Sevenoaks buildings from within the historic park. These glimpses characterise the western perimeter of the historic park and reflects the established and historic relationship between the historic park and town.
- 159 The only real indication that the town is located so close to the historic parkland is the presence of the traffic using the entrance to Knole Park accessed from the lodge gates off the High Street entrance. The floodlights of the rugby club to the north of the application site are also the only other indication of built development from the historic parkland. Once within the parkland, the Knole golf club is more visible and has more impact than the town of Sevenoaks that lies so close by.
- 160 From the south, from the area to the north of the main lodge houses, to the rear of the buildings along the eastern side of the High Street, the site is primarily concealed behind trees.
- 161 The existing planting within the environmental park will be retained or replaced to provide a visually dense verdant area. However, in winter the roofline of the townhouses would be glimpsed through the tree canopy and lights from the buildings would be seen from within the historic park. This can be mitigated appropriately through planning conditions on any permission to ensure lighting and glare from the buildings is minimised.
- 162 With regard to any impact on views from Knole House, or within the historic park, closer to the Knole House, it is considered that the distance between the Knole House and the site and the nature of the topography and planting between them means that views of the proposed car park would be remain significantly restricted. Ground level views from around the Knole House would remain unchanged however, views of the rooftops of the townhouses would be visible from the most elevated view from the Outer Wicket Tower.
- 163 In terms of the increased traffic movements due to the increased parking provision, the movement that might be associated with the proposed new use would be contained within the application site and would have no impact on the historic parkland due to the large expanse of planting in between which provides a buffer to the development.
- 164 Given these considerations, it is concluded that the proposed multi storey car park and the regrading of the environmental park would preserve the setting of the listed Knole House and its historic parkland. This view is shared with our Conservation Officer. As due to their height, the intervening distance and other proposed buildings, changing topography and planting, they will remain unnoticeable from within the Knole Park.

## Agenda Item 4.3

- 165 It is considered however that the proposed townhouses will cause a minor level of harm to Knole Park and Knole House, by virtue of light levels resulting from their use and the visibility of the rooflines from certain viewpoints at certain times of year. This will to a minor degree, decrease the level of separation currently experienced between the heritage assets and the town.
- 166 The proposed townhouses would cause less than substantial harm and minor harm to the significance of Knole Park and Knole House. This arises from the contribution that the site makes to the setting of these heritage assets.
- 167 The proposed construction of a multi storey new car park is an important infrastructure project for town, which would be of great public benefit to the town centre and its continued vitality and viability. The proposed ten townhouses are an integral enabling part of the car park development. The proposal car park would help to rationalise parking, the road network and pedestrian links in the area that could have an overall positive impact on the Conservation Area compared to the existing situation of an over-occupied surface car park. This is supported by Policy EN4 of the Allocations and Development Management Plan, through reducing the site's current impact and enhancing the setting of the Conservation Area. The potential minor harm of light can be controlled by planning condition.
- 168 This balancing of the harm against the public benefit and the imposition of a lighting condition is supported by our Conservation Officer.
- 169 Therefore I am satisfied that the very limited harm identified from the townhouses can be outweighed by the public benefit accrued from this project with the imposition of a lighting condition. As such the proposal meets the test and it is considered that in accordance with Paragraph 134 of the NPPF is acceptable in the context of the setting of the listed Knole House and its historic parkland.

### Design of development and impact upon character and appearance of area.

- 170 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.
- 171 Policy SP1 of the Core Strategy states that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated.
- 172 Policy EN1 of the ADMP states that the form of proposed development should respond to the scale, height, materials and site coverage of the area. This policy also states that the layout of proposed development should respect the topography and character of the site and the surrounding area.

### Multi storey car park

- 173 The proposal for a four storey decked car park introduces additional mass and a greater scale than existing onto the site. The decked car park utilises



the changing ground levels to great effect, with a significant section being located beneath existing ground levels. This reduces its overall height, when viewed from the south and south west corner of the site. A number of elements have been introduced in the design of the structure to make it harmonise with its surroundings and to lessen its visual impact. The external appearance of the car park, finished in a timber fin cladding system with a ragstone base wall, would be in keeping with natural material palette of stone and timber. This is also in line with the proposed material for the proposed residential units.

- 174 The levels on the site have been utilised to keep the elevation closest to Knole Park as low as possible. The applicants during the planning application have repositioned the car park structure to pull it as far away from the housing in Buckhurst Avenue and Akehurst Lane as possible. This has resulted in a larger intervening distance from these houses and the car park western elevation. This reduces the proposal's impact on these dwellings.
- 175 The site is sufficiently shielded on the southern side of the site to ensure that its impact on this side, in design terms, would be minimal. To the northern side of the site, the structure would face on to other larger buildings and a more utilitarian setting and would appear in keeping with the character of the part of the site.
- 176 The materials that are proposed to be used on each elevation of the car park would successfully militate against its impact by reason of increased bulk and scale. The timber fins are slowly rotated along the east and west elevations which results in the fins in the central sections being parallel to the façade. The proposed car park is partially dug into the site through the excavation of the ground levels. This results in the overall height of the car park structure being lower within the street scene and less visually prominent. The change in height across the site from north to south results in only the second and third open deck level of the car park structure being significantly visible from properties on Akehurst Lane or when accessing the car park from Webb's Alley.
- 177 The use of materials and the basement level of the car park enable the structure to remain permeable and keep an element of lightness to the structure, while also shielding the vehicular activity within. The use of timber fins is intended to relate to the natural setting of the site on its eastern side and these would soften the appearance of the structure and break up its mass and intensity.
- 178 The use of green walling climbers on stainless steel wire rope and net to the concrete stairwell access cores will soften the appearance of bulk of the car park from all viewpoints. From the environmental gardens, the structure would not be significantly visible due to the proposed location of the ten town houses. As such from this elevation, the proposed car park would not appear overly solid or urban, but softer in appearance.
- 179 The proposal will result in an increase in lighting of the site. However, it is an urban site and setting where lighting would be expected. The use of

## Agenda Item 4.3

- Passive Infrared Sensors (PIR) at every level is acceptable as it the proposed use and management of the top parking level.
- 180 The direction of the lighting can be required by condition, along with luminance details to ensure that the impact outside of the structure is kept to a minimum.
- 181 The excavated nature of the proposed car park reduces its overall impact upon the character and appearance of the area and the surroundings.
- 182 It is acknowledged that the new structure would have notable massing and a sizable footprint. However, the proposals include measures as described above by which the impact of the building can be tempered to some extent. The proposal would fit into the established grain of this part of the town. It would be a large building and a dramatic contrast to the smaller finely grained townscape of the High Street, but within its immediate context of the library, the leisure centre and the other surface and multi storied car parks within the area it would not be entirely out of place.
- 183 The site of the present car park is not visible from within the historic park or its buildings. The trees along the eastern boundary of the car park area and those within the former environmental park mean that views from the car park out towards the park and the buildings contained within it are screened by the trees. From within the parkland views out of the area, towards the site are blocked by trees along the boundary and within the parkland itself. At the highest point towards this western side of the parkland the site of the car park is still not visible.
- 184 Therefore, although the proposal would result in a large increase in mass and bulk on site, the positioning and treatment of the elevations would ensure that it's mass is visually broken up and is respectful of its context to an acceptable degree. The design of the structure is of a high quality and uses materials which would sit comfortably within its setting and would go some way to mitigating its impact. The use of motion sensor lighting and the elevational treatment, along with conditions relating to the direction and luminance of the lights would ensure that the lighting of the proposal is not overly dominant in its setting. The appearance and design of the proposal is therefore considered acceptable.
- 185 Policy EN6 of ADMP requires that outdoor lighting should be time limited and user activated, lamps should be shielded and aligned correctly and appropriate type and intensity of lighting should be used. As stated above the details of lighting can be subject to a planning condition if the application is approved. It is noted that appropriate mitigation measures such as the design of the building and motion sensors are proposed and this would ensure there is no adverse impact upon the AONB or SSSI.
- 186 The proposed decked car park has been well design, uses good quality materials and has utilised the changing ground levels to great effect. Whilst this development is significant, the proposed materials help to soften the scale and massing of the development. Therefore I am satisfied that the proposal will not harm the visual amenity of the local area.

Townhouses

- 187 The proposed townhouses are grouped together in two blocks of three and a central block of four houses. The proposed town houses are four storeys in height with the fourth storey located within the roof space.
- 188 The front elevation (west elevation) of the proposed town houses is partially screened from view by the proposed car park. The west elevation frames the more urban mews style access street. Smaller windows within this elevation maintain a level of privacy from the adjacent car park, while still providing sufficient daylight in secondary rooms of the house.
- 189 The external treatment of the houses would consist of composite timber cladding to the front at first, second and third floor level with stretcher brickwork to the ground floor level. The flank elevations and roof would be clad with zinc standing seam panels with no windows proposed to the flank elevations and windows to the front and rear being double glazed with some timber panels.
- 190 The rear elevation (east elevation) overlooks the Environmental Park and therefore large windows are proposed to maximise the views from the main living space and bedrooms with the same external finishes as the front elevation. A small balcony is proposed to the first floor with a glass balustrade.
- 191 The design of the residential properties with pitched roofs result in a development that is slightly visible from the edges of the park. However due to their design, rather than present a solid edge they have a broken rhythm, varied height and material treatment.
- 192 The height of the townhouses does not reflect the height of the surrounding houses in terms of number of storeys, however the position of them within the topography of the excavated site means that their roof-lines are only marginally above the existing buildings adjacent to the site.
- 193 In light of the above considerations I am satisfied that the proposed houses will not harm the visual amenity of the local area.

Environmental Park

- 194 The development of this site presents an opportunity to revitalise the environmental park which over time has become very overgrown and underused. The mature trees on the lower slopes of this park closest to Knole will be retained and provide mature planting and screening.
- 195 The proposed remodelling of the ground levels in the environmental park are extensive, with lower sections being raised up to 4 metres in places in order to create more useable open space. A lawn amphitheatre, woodland slopes, play areas, revamped seating areas, upgrading footpaths and the creation of a new access onto Webb's Alley.
- 196 Whilst a number of trees will be removed, extensive new planting is proposed and a more detailed tree assessment follows later in this report.

## Agenda Item 4.3

- 197 The proposed extensive landscaping and management plans will enhance the visual appearance of this underutilised park and preserve the visual amenity of the local area.

### Impact upon the Kent Downs AONB

- 198 No part of the application site lies within the Kent Downs Area of Outstanding Natural Beauty (AONB). However a small part of the south eastern boundary of the environmental park is located adjacent to the Kent Downs AONB. The NPPF states that great weight needs to be given to conserving and enhancing landscape and scenic beauty within AONBs.
- 199 Policy EN5 states that their ‘settings will be given the highest status of protection in relation to landscape and scenic beauty.’ It also states that proposals within the AONB will only be permitted where ‘the form, scale, materials and design would conserve and enhance the character of the landscape.’
- 200 The proposed works closest to the AONB are engineering works within the environmental park. Whilst these ground levels will increase they will still be screened by the existing tree screen as well as the proposed additional tree planting on the woodland slope.
- 201 Within the Environmental Park the replacement trees will be native woodland planting with a native shrub understorey. This reinforces the retained woodland and creates a dense natural vegetation, replacing the biodiversity lost to the development and further assists to screen views of the development from the AONB. Therefore these works would not harm the landscape setting of the AONB.
- 202 The proposed built form of the townhouses and the decked car park lies some 114 metres from the AONB. The landscape appraisal acknowledges that there maybe may be partial glimpses of the development through the trees at certain times of the year, these would be limited views. Due to the topography of the site, extensive existing and proposed tree planting, the proposed scheme will not cause harm to the setting of the AONB.

### Impact upon the SSSI and ecological issues

- 203 No part of the application site lies within the Knole Park SSSI. As with the AONB, a small part of the south eastern boundary abuts the SSSI.
- 204 Natural England has assessed the impact of the three different components of the development and has concluded, that the development proposed will not damage destroy the interest features for which Knole Park SSSI was created. They state that the SSSI does not represent a constraint in determining this application. Therefore the proposal will not harm the adjacent SSSI.
- 205 In terms of the ecology within the environmental park, this matter is still subject to assessment by the KCC Ecology team, as they have requested additional reports to be carried out. A detailed response, along with appropriate conditions will be set out in the late observations papers.

(Item 4.3) 44

Impact on the Metropolitan Green Belt

- 206 The environmental park lies within the green belt. This is an open recreational use which is already an appropriate form of development in the green belt. Its continued and enhanced provision under this application is therefore appropriate development in the green belt as set out in paragraphs 81 and 89 of the NPPF.
- 207 Paragraph 90 of the NPPF allows for engineering operations in the green belt, so long as they preserve its openness and do not conflict with the purposes of including land within the green belt. In this instance the proposed works are to regrade the land levels to make this open space more usable and accessible. The proposal does not create bunds or visual blocks to the environmental park and actually provides opportunities for better access and outdoor recreation to green belt land.
- 208 Therefore I am satisfied that the proposal is appropriate development in the green belt.

Impact to highways and parking:

- 209 The previous application for the decked car park was withdrawn on the basis of objections raised by Kent Highways. As Members will note above, Kent Highways do not raise objections to this latest scheme.
- 210 Paragraph 32 of the NPPF states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
  - safe and suitable access to the site can be achieved for all people; and
  - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe (my emphasis).**
- 211 In conjunction with the NPPF, the National Planning Practice Guidance (NPPG) was established in March 2014 as a supporting resource which is also a material consideration in determining planning applications. The NPPG includes a section titled 'Travel Plans, Transport Assessments and Statements in Decision-Taking'. The NPPG states that Transport Assessments, Transport Statements and Travel Plans can positively contribute to encouraging sustainable travel, lessening traffic generation and its detrimental impacts, and reducing carbon emissions and climate impact. In doing so, developments can create accessible, connected, inclusive communities with improved road safety, health and quality of life. The document states that Transport Assessments, Transport Statements and

## Agenda Item 4.3

Travel Plans should be proportionate to the size and scope of the proposed development, be tailored to particular local circumstances and be established at the earliest practicable possible stage.

- 212 Policy T2 of the ADMP states that vehicle parking provision, including cycle parking, in new residential developments should be made in accordance with the current KCC vehicle parking standards in Interim Guidance Note 3 to the Kent Design Guide (or any subsequent replacement).
- 213 Policy EN1 of the ADMP requires that proposed development should ensure the satisfactory means of access for vehicles and pedestrians provides adequate parking and refuse facilities.
- 214 Policy T3 of the Allocations and Development Management Plan sets out that major non-residential proposals should include a scheme for electric charging infrastructure. The application site is suitable to provide this, being a long-stay car park and highly accessible. The proposed car park will therefore provide 4no. of the spaces with charging facilities, with an additional 8 spaces designed to potentially be fitted with charging points in the future, in accordance with policy.
- 215 A Transport Assessment (TA) has been submitted with the application and this assesses how and to what extent the proposed development may impact on the surrounding highway network. The assessment concludes that in accordance with national policy, the development will not have a severe impact on the local highway and transport network.
- 216 As part of the Transport Assessment a number of surveys were undertaken which assessed the existing highway capacity. The assessment of the capacity was undertaken at four junctions within close proximity of the site to ascertain current levels of operation and the effects of additional development traffic. The junctions that were assessed were done as a result of detailed discussions and negotiations with Kent County Council Transport and Highways.
- 217 The traffic movements associated with the existing car park were calculated using ticket sale records and these were used to establish trip rates per parking space which were then applied to the number of proposed spaces to calculate the trip generation expected. Traffic generation for the residential element was calculated using the TRICs database. This is the UK and Ireland's national system of trip generation analysis which challenges and validates assumptions about the transport impacts of new developments.
- 218 A robust and detailed assessment has been carried out by the applicants for this development proposal in terms of its potential impacts on transport. Detailed traffic and pedestrian surveys were undertaken on existing roads within the area. The applicant has adequately demonstrated to the Council that they have properly considered the transport impact of the proposal and taken into account how to mitigate it. Therefore, the principle of the development accords with the aims and objectives of Policy T1 of the ADMP.

- 219 In terms of the parking provision and vehicle and pedestrian access to the proposed town houses, a dedicated access from Buckhurst Lane will help to keep residential traffic separate from the car park traffic. The residential access road will be a mews style street and will be a shared space. Access to the residential area will be controlled via a sliding gate with access provided solely to residents and service vehicles.
- 220 In accordance with Kent County Council parking standards, one parking space will be provided per unit. Each parking space will be located immediately outside the front of each dwelling. A pedestrian link between the housing and the car park will be provided in order to facilitate visitor parking within the car park. In addition, each house will be provided with four cycle parking spaces, with secure storage provided in the rear garden of each property.
- 221 The County Highways Engineer considers that the survey data and transport assessments are acceptable and will not result in any detriment to highway safety or capacity. No objections have been raised subject to a number of planning conditions ensuring certain highway improvements are carried out and disruption is minimised during construction.
- 222 The off site highway works to the refuge island at the junction will be subject to a section 278 agreement. This is a part of the Highways Act 1980 that allows developers to enter into a legal agreement with the county council to make alterations or improvements to a public highway.
- 223 It is therefore considered that on balance the proposal would be acceptable in terms of transport and highways matters and provides adequate parking provision and also preserves pedestrian and highways safety in accordance with the NPPF and Policies T1, T2, T3 and EN1 of the ADMP.

Impact on neighbouring amenity

- 224 Paragraph 17 of the NPPF identifies a set of core land-use planning principles that should underpin decision-taking. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 225 Policy EN2 of the 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.
- 226 The British Research Establishment Guidelines - Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice are well established and are adopted by most Local Authorities as the appropriate scientific and empirical methods of measuring daylight and sunlight in order to provide objective data upon which to apply their planning policies. The Guidelines are not fixed standards but should be applied flexibly to take account of the specific circumstances of each case.
- 227 There are residential properties on the southern side of the site known as Webb's Meadow and Constant Meadow. These are separated from the

## Agenda Item 4.3

proposal by vegetation and a footpath. The flank elevation of Constant Meadow would be located approximately 14 metres away from the retaining wall of the car park and approximately 16.5 metres away from the south elevation of the car park building. Webb's Meadow at its closest point would be located approximately 16 metres away from the retaining wall of the car park and 18 metres away from the proposed south elevation of the building.

- 228 There are a limited amount of windows located within Constant Meadow that face towards the application site. Towards the west of the application site, the rear elevation of number 3 Buckhurst Avenue is approximately 17 metres away from the proposed development. The rear elevation of number 7 and 9 is approximately 14 metres away and number 11 is 16 metres away.
- 229 Numbers 1 - 13 Buckhurst Avenue are located towards the west of the application site. These are all two storey properties that back onto the site separated by their gardens and the side road. These are traditional Victorian style buildings with rear additions.
- 230 One method to test loss of daylight to neighbouring properties is through the use of the 45 degree test, to see if facing neighbouring windows could be affected by a loss of light. After carrying out this test there would be no harm from loss of daylight light to adjoining properties. Detailed drawings have also been provided which clearly indicate the proposal would pass a 25 degree light test in the Building Research Establishment (BRE), which also assists in assessing outlook from neighbouring windows.
- 231 To evaluate any potential loss of sunlight and overshadowing impact of the proposed car park on the neighbouring residential properties and the proposed dwellings, more detailed assessments have been carried out. These reports takes into account any impact on surrounding existing and future residents, and conclude that the development is generally consistent with the guidance set out by BRE. Therefore the proposed development would have no adverse impacts to amenity in terms of overshadowing, daylight and sunlight levels enjoyed by adjacent neighbours.
- 232 Of further consideration is any detrimental overlooking or loss of privacy to the neighbouring properties and their private amenity areas.
- 233 Neighbour comments have focused on the risk of overlooking towards neighbouring properties curtilage and gardens, and direct in-looking from the top levels of the car park. In order to minimise concerns regarding overlooking, the design of the fins slowly rotate along the east and west elevations. As a result, the fins in the central sections are parallel to the façade and therefore reduce the potential to look out and over the existing and proposed properties.
- 234 Given the above assessment, it has been demonstrated that neighbouring amenity and the amenity of future occupiers of the new dwellings will be secured. It is recommended that full details of the external design of the fins and full details of all boundary enclosures and treatments installed where there is a risk of additional harmful overlooking and loss of amenity is



controlled by detail submission; this would address any harm and protect neighbouring amenity.

- 235 The proposed top deck has a guard up to 1.2 metres in height and there is the potential of overlooking to occur into the residential properties in Buckhurst Avenue. However the use of the top car park will be transient and access restricted after 7 pm. Therefore on balance I do not consider the proposal will result in significant loss of privacy to neighbouring properties.
- 236 It is noted that objections have been raised with regard to light pollution - this is partly covered by Policy EN6, which reads that any scheme including lighting must ensure that 'there would be no harmful impact on privacy or amenity for neighbour residential properties'. The application site is located in a residential area, where a degree of light pollution from dwellings is already experienced. The proposed development does not appear to contain any design features that would increase the degree to which light pollution above what would be expected in this urban area.
- 237 However, external lighting to the building could represent one potential route through which harm is raised. Given this, it is recommended that, in order to ensure that no un-due light pollution is produced to the detriment of neighbouring amenity; details, by way of planning condition are required by the local planning authority regarding any external light fixtures.
- 238 In conclusion, the development is not considered to harm the amenities of neighbouring properties and is considered to provide a suitable standard of living accommodation with suitable levels of privacy, outlook and amenity. As such the proposal would accord with the NPPF and policy EN2 of the ADMP.

#### Impact on trees and landscaping

- 239 Detailed and comprehensive landscaping and planting plans have been provided. The proposed development would result in improvements to the existing environmental park and additional planting around the site with a more publicly accessible park.
- 240 Landscaping and tree planting form integral parts of the proposed housing and car park schemes to help soften their appearance.
- 241 The Landscape Officer raises no objection subject to a landscape management plan being put in place, which can be covered by condition.

#### Viability and mix of housing

- 242 The proposed development includes significant groundworks to cut the proposed car park into the existing sloping site, thereby reducing its height and massing. The inevitable consequence of this excavation work is an increased construction cost. Accordingly to assist in funding the new car park, the ten townhouses are proposed to enable the car park to come forward. Without the associated housing, this much needed and important town centre infrastructure project would not come forward otherwise.

## Agenda Item 4.3

- 243 Core Strategy Policy SP5 states that we will expect new housing development to contribute to a mix of different housing types in residential areas taking into account the existing pattern of housing in the area, evidence of local need and site-specific factors. It will seek the inclusion of small units (less than three bedrooms) in new development schemes in suitable locations to increase the proportion of smaller units in the District housing stock.
- 244 The preamble to the policy states that “...the Council will seek to achieve an average of 50% two bedroom or less across all developments. This is not intended to be a quota and in considering individual development schemes account will also be taken of the range of dwelling sizes of market and social housing in the local area and of site specific factors in considering the mix of dwelling sizes” (Core Strategy, Paragraph 5.3.22).
- 245 Core Strategy Policy SP3 states that in order to meet the needs of people who are not able to compete in the general housing market, the Council will expect the provision of affordable housing in all types of residential development including specialized housing. The location, layout and design of the affordable housing within the scheme should create an inclusive development.
- 246 Where an element of affordable housing is required at least 65% of the affordable housing units should be social rented, unless we are satisfied that an alternative mix meets a proven need.
- 247 In exceptional circumstances where it is demonstrated to our satisfaction through an independent assessment of viability that on-site provision in accordance with the policy would not be viable, a reduced level of provision may be accepted or, failing that, a financial contribution towards provision off-site will be required.
- 248 In this application an independent viability assessment has been carried out which provides an appraisal of the scheme and explains why it cannot support the full delivery of affordable housing. The viability assessment explains why the proposed mix of 10 four bedroom town houses is considered the most appropriate, having regard to all factors and issues, notwithstanding the aims of Policy SP5.
- 249 The independent assessment of the viability report concluded that the scheme would not be viable if required to support policy compliant affordable housing on site, and an additional a CIL payment (approximately £270K) and section 106 contributions over the £600,000 currently proposed.
- 250 These proposals seek to deliver a form of development which will ensure delivery of the car park in a financially sustainable way, and which minimises the burden on the public purse. Accordingly, the applicant has proposed a form, mix and tenure of housing which realises sufficient value to deliver the car park. The applicant is however willing to maintain the previous offer of a CIL and s106 affordable housing contribution of £600,000.

Noise

- 251 With regard to residential amenity and noise, Paragraph 17 of the NPPF identifies a set of core land-use planning principles that should underpin decision-taking. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 252 Policy EN2 of the 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 development does not result in, and is not located in areas where occupiers of the development would be subject to, excessive noise, vibration, odour, air pollution, activity or vehicle movements.
- 253 A detailed noise impact assessment has been submitted by SRL Technical Services as part of the supporting documentation for this application. The assessment acknowledges that the parking structure is likely to result in a small increase in the typical daily noise environment; however it concludes that this would have very little impact, if any, on the proposed dwellings or existing nearby residential properties.
- 254 The noise impact assessment has been reviewed by our Environmental Health team who have no objections to the conclusions of the assessment provided.
- 255 Therefore, subject to details of mitigation measures such as window details, details of sound insulation for the new dwellings and details of the design of the external materials for the car park the proposed development would meet the requirements of Policy EN2 and the NPPF.

Air quality

- 256 In terms of the air quality reports that have been submitted, this matter is still subject to assessment by our Environmental Health team.
- 257 A detailed response, along with appropriate conditions will be set out in the late observations papers.

Contamination

- 258 A detailed ground investigation report has been submitted which contains significant information for foundation designs and other construction details. Colleagues in Environmental Health have reviewed the details and conclude that they are satisfactory.
- 259 A detailed remedial strategy and final validation report will be conditioned to ensure full details of all remedial works are provided.

## Agenda Item 4.3

### Drainage

- 260 With regard to the drainage of the site, details of sustainable drainage and its design has been provided. A number of planning conditions on any permission are suggested to address further details requested by Kent County Council Flood and Water Management.

### Impact on foundations of neighbouring properties

- 261 In terms of the earth works proposed and the excavation works required, the potential impact this would have on the neighbouring properties and any damage to neighbouring properties is a civil matter.
- 262 Any potential damage to neighbouring foundations is subject to separate discussions between the applicant and neighbouring properties and is covered under the Party Wall Act.
- 263 The Party Wall Act is a procedure for resolving disputes between owners of neighbouring properties, arising as a result of one owner's intention to carry out works which would affect the party wall, involve the construction of a party wall or boundary wall at or adjacent to the line of junction between the two properties or excavation within certain distances of a neighbour's structure and to a lower depth than its foundations.

### Public Rights of Way

- 264 With regard to the comments raised by the County's Public Rights of Way Officer which seeks funding through a section 106 legal agreement for complete overlay of the public footpath to Knole Park (Webb's Alley), a distance of approximately 250m, this is not considered as a reasonable or proportionate request. The proposed development is for 10 new houses and for a new car park to provide long stay car parking for the town centre. It is not considered that the use of the footpath to Knole would significantly increase as a result of this development and as such a financial contribution to its upkeep is considered unreasonable.

### Displaced parking areas during construction

- 265 Whilst the proposed car park is redeveloped, the existing car park users will be displaced. Planning permission has already been granted for a temporary use Morewood Close until June 2019, which will provide 107 spaces. Members will note that the next item on the agenda is for 70 spaces to be created to the north of the Vine Cricket ground. The Council is also looking at other alternative parking arrangements to meet the remaining need.

### Other issues

- 266 In terms of comments raised by residents about pedestrian access through the car park to the leisure centre, the High Street and the Environmental Park, this access will be maintained. Whilst public access across the site from the north-west to the south-east corner is no longer available, this route can still be undertaken via the car park's dedicated walkways and access cores if desired.

- 267 Three pedestrian access points are proposed to the car park. To the north; one of the two dedicated access cores provides a direct link across to the leisure centre whilst an access point via the main entrance will link to the High Street. An existing access point off Webb's Alley in the south-west corner of the site will be maintained and lead to the second dedicated access core. Primary pedestrian access to the dwellings will be via the residential access street to the north of the site. Pedestrian access will be provided at the side of an access-controlled vehicular entrance gate.
- 268 A secure gate at the south end of the residential road allows for a dedicated access point to the car park and provides a route through to the parking spaces and access core which in turn links to Webb's Alley. Situated between each of the residential blocks will be a secure access point to the Environmental Park and will be reserved for residents-use only.

### Conclusion

- 269 The proposed development is considered to be acceptable in principle. The development would optimise the use of a previously developed site within the urban confines of Sevenoaks and provide much needed long stay car parking facilities for residents and local businesses. The development would provide an opportunity to provide car parking, additional homes and improve an existing area of publicly accessible open space for the future.

Contact Officer: Mark Mirams Extension: 7451

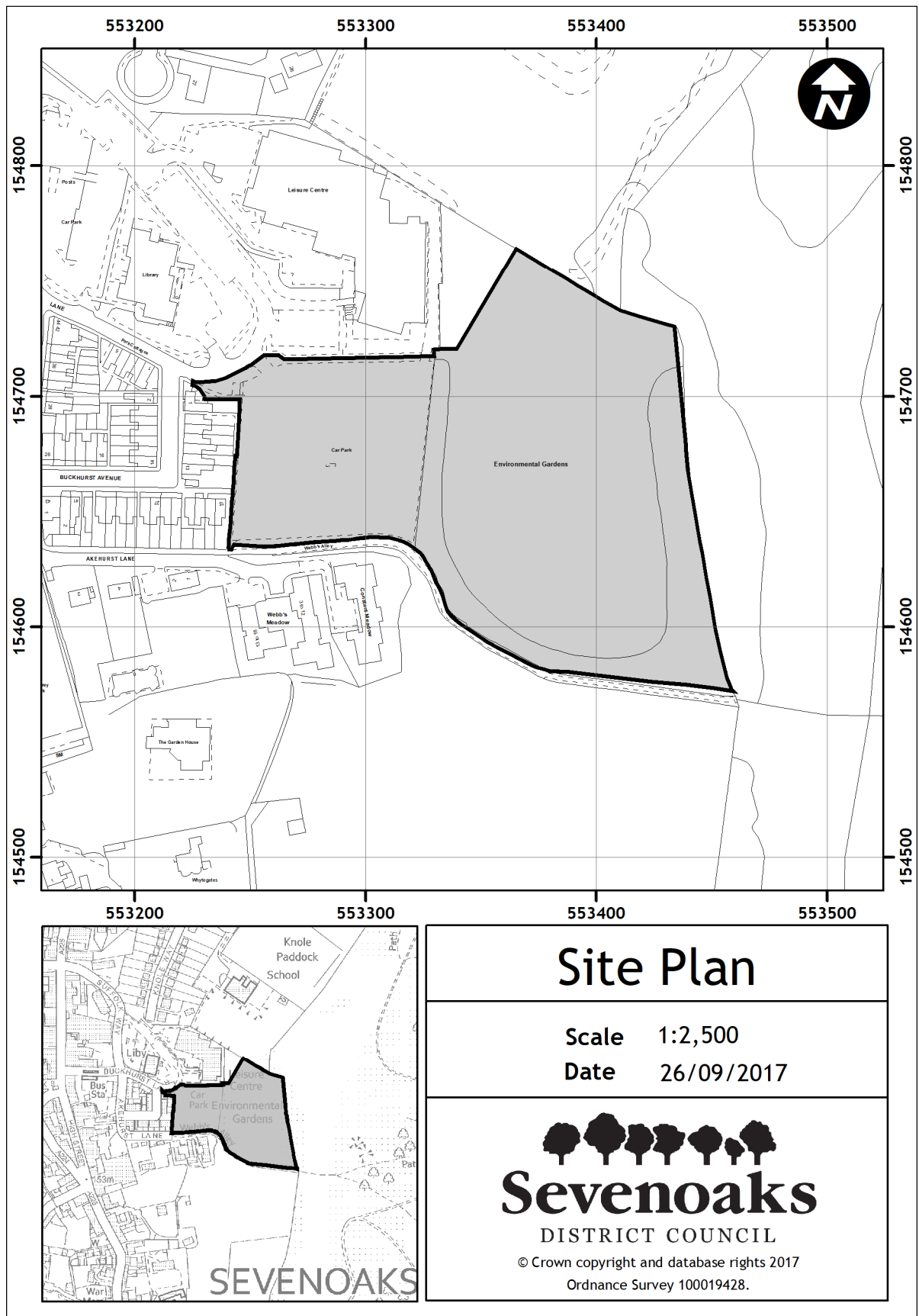
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OSOFBHBKM4S00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OSOFBHBKM4S00>



# Site Plan

Scale 1:2,500

Date 26/09/2017

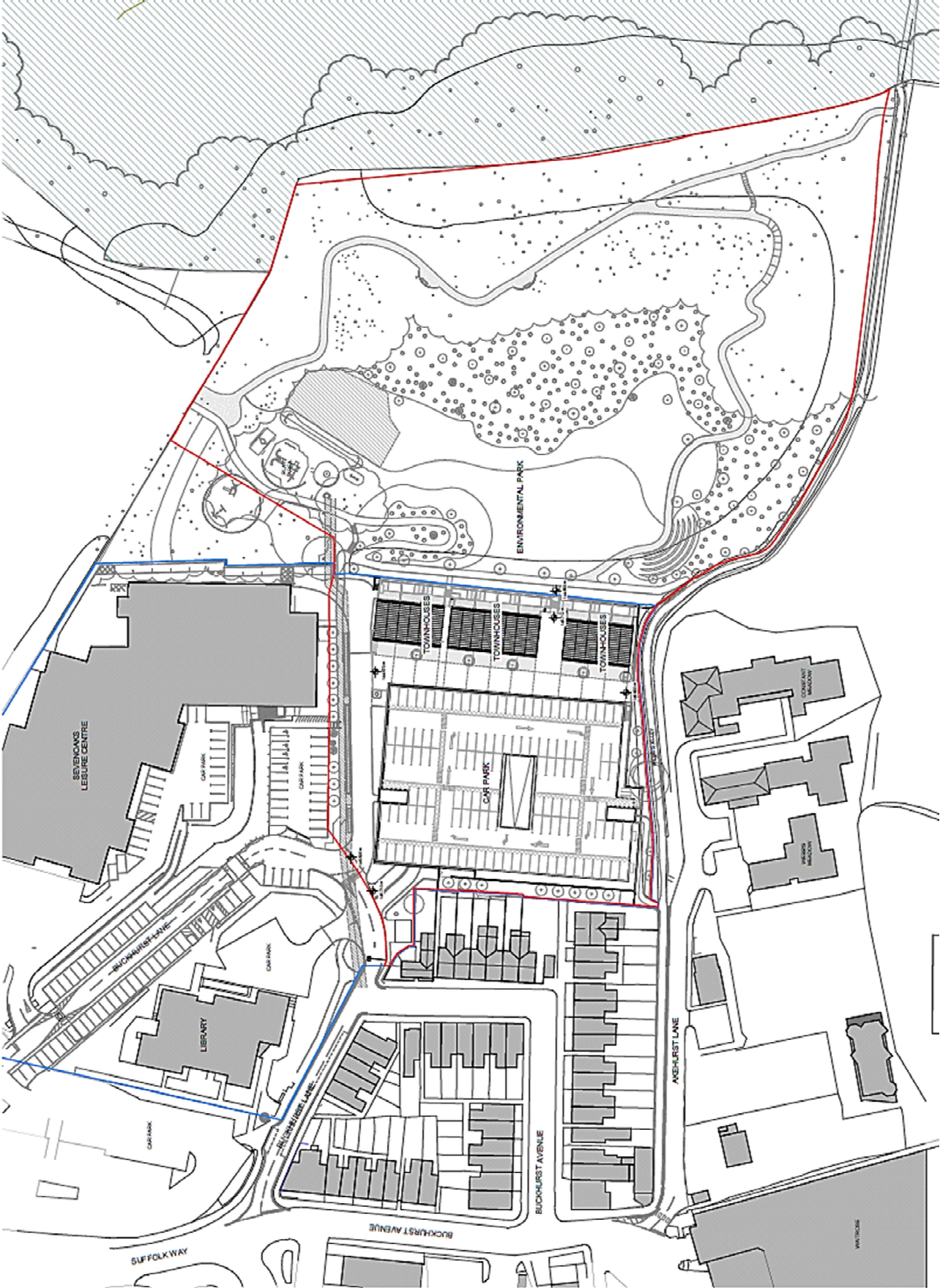


DISTRICT COUNCIL

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Ordnance Survey 100019428.



Block Plan



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4.4 - 17/02400/FUL

Revised expiry date 23 October 2017

Proposal: Change of use of land for long stay car parking for a period of up to 18 months from January 2018.

Location: Land South Of Vine Baptist Church, Park Lane, Sevenoaks, Kent TN13 3UP

Ward(s): Sevenoaks Eastern

**ITEM FOR DECISION**

This application is referred to the Development Control Committee for the reason that the District Council is the applicant for the submitted scheme.

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

1) This planning permission is granted for a temporary period up until 30th June 2019. By the date this permission expires, the temporary car park surfacing, asphalt vehicular access and associated works shall be removed, the site shall be restored in accordance with a scheme of restoration that has been submitted to and approved in writing by the local planning authority and the use of the site shall return to its former use.

To reflect the temporary nature of the development and in order to safeguard the longer term function of the land as allocated open space, in accordance with policy GI2 of the Sevenoaks Allocations and Development Management Plan.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 10485-T-01 Rev.P3 and 10485-T-01 Rev.P3.

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

3) No development shall be carried out on the land until full details of the surfacing of the temporary car park have been submitted to and approved in writing by the local planning authority. The details shall include a method statement as to how the surfacing will be constructed, how the parking spaces will be marked out and how the surfacing would be inspected and maintained. The development shall be carried out in complete accordance with the approved details.

To prevent damage to the trees on site and adjacent to the site during the construction period and ensure their retention thereafter as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

4) No development shall be carried out on the land until full details of any necessary works to trees have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with

the approved details.

To prevent damage to the trees on site and adjacent to the site during the construction period and ensure their retention thereafter as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

5) No development shall be carried out on the land until full details of tree protection measures to be used during the installation of the temporary surfaces hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

To prevent damage to the mature trees on site and adjacent to it during the construction period and ensure their retention thereafter as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

6) The temporary car park use shall not commence until details of how the temporary car park will be managed have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

In the interest of highway safety as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan.

7) No lighting shall be installed on the site until details of lighting, including all appropriate lighting controls, has been submitted to and approved in writing by the local planning authority. Lighting shall then be installed in accordance with the approved details and removed when the temporary car park use ceases.

To safeguard the visual amenity of the area and the residential amenity of adjoining and nearby residential properties in accordance with policies EN1, EN2 and EN4 of the Allocations and Development Management Plan.

8) No signage shall be installed on the site until details of signage has been submitted to and approved in writing by the local planning authority. Signage shall then be installed in accordance with the approved details and removed when the temporary car park use ceases.

To safeguard the visual amenity of the area in accordance with policies EN1 and EN4 of the Allocations and Development Management Plan.

#### **Informatives**

1) The site forms part of an area of common land. The applicant should therefore ensure that they have the correct consents from the Secretary of State prior to commencing the laying of any surfacing on the site.

2) The applicant should seek the approval of Sevenoaks Town Council prior to

carrying out any works to the trees on or adjacent to the site.

**Note to applicant**

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

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

In this instance the applicant/agent:

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

**Description of site**

- 1 The application site is located at the north-west of the Vine Cricket Ground, to the east of Dartford Road and to the south of Park Lane. The site is formed of an irregular shaped piece of land with an existing access from Park Lane. Levels on the site rise gently from the road up to the cricket ground.
- 2 The application site is used as a car park when cricket matches and events take place on The Vine. There is a mature tree to the centre of the site.
- 3 The surrounding area is mixed with residential, commercial and recreational uses being found adjacent to and close to the site.

## Agenda Item 4.4

### Description of proposal

- 4 This application seeks permission for the temporary use of the land (for 18 months from January 2018) for the purposes of a car park. The temporary car park is intended to provide parking for 70 vehicles displaced whilst the proposed redevelopment of the Buckhurst 2 car park takes place.
- 5 Access to the proposed temporary car park would be provided at the north-west corner of the site, close to the junction between Park Lane, Vine Court Road and Dartford Road. The proposal intends to use the existing access to the land but widened to allow vehicles to enter and exit the site at the same time.
- 6 Works to facilitate the car park would be required in the form of an area of tarmac at the entrance, extending 14 metres into the site and the laying of a mesh matting type temporary surface over the existing area of grass. The mesh matting would the continued drainage of the site and for grass to grow through it. The details of the matting are to be agreed by way of a condition recommended above.
- 7 No ticket machines will be installed as the car park would only serve season ticket holders and limited signage is proposed to be erected.

### Constraints

- 8 The site lies within the built urban confines of Sevenoaks, The Vine Conservation Area, a Source Protection Zone, forms part of an open space allocation (namely the Vine Cricket Ground) and an area of Common Land.

### Policies

#### Sevenoaks Core Strategy

- 9 Policies -
  - LO1 - Distribution of Development
  - LO2 - Development in Sevenoaks Urban Area
  - SP1 - Design of New Development
  - SP11 - Biodiversity

#### Allocations and Development Management Plan

- 10 Policies -
  - SC1 - Presumption in Favour of Sustainable Development
  - EN1 - Design Principles
  - EN2 - Amenity Protection
  - EN4 - Heritage Assets
  - EN7 - Noise Pollution
  - GI2 - Loss of Open Space
  - T2 - Vehicle Parking

#### Other:

- 11 The Planning (Listed Buildings and Conservation Areas) Act 1990

- 12 The National Planning Policy Framework (NPPF)
- 13 The National Planning Practice Guidance (NPPG)
- 14 The Vine Conservation Area Appraisal

**Planning history**

- 15 No planning history exists that is relevant to this planning application.

**Consultations**

Sevenoaks Town Council - 16.08.17

- 16 ‘Sevenoaks Town Council unanimously recommended no comment on this proposal.’

County Highways Engineer - 11.09.17

- 17
  - No highway based objection to this proposal.
  - A number of highway related comments are given that may improve the highway elements of the proposed development relating to:
    - intensification of the use of the site;
    - the site access;
    - vehicle tracking and swept paths;
    - provision for pedestrians; and
    - enforcement.
  - Sought confirmation on how pedestrians would be directed away from the Park Lane and Vine Court Road junction, and details of the staggered duration of the permits, the enforcement strategy for the car parking and arrangements for parking on a Sunday.

County Highways Engineer further comments - 19.09.17

- 18 ‘I have looked at the response made by DHA Planning dated 19th September 2017 to the issues raised previously by my colleague Tom Harris and consider that they have been satisfactorily answered.

I can therefore confirm that I do not wish to raise any objection to this application on highway grounds.’

- 19 These comments were received following further information provided by the applicant relating to directing pedestrians to the town centre, the planned staggered arrival of users of the car park, the enforcement strategy for car parking and confirmation that the temporary car park will only operate Monday to Friday.

*Conservation Officer - 20.09.17*

- 20 ‘The car park will harm the setting of the Vine Conservation area and introduce an incongruous element into the otherwise open and recreational space. However, as the proposal is a temporary measure to accommodate

## Agenda Item 4.4

the need for car parking whilst Buckhurst 2 is developed and as such there is a defined public benefit there is no objection to a temporary permission. This would be subject to the Buckhurst 2 proposals receiving planning permission and the submission and approval of a statement outlining the making good works prior to use.'

Tree Officer - 25.08.17

- 21 'This site has a number of mature mixed species of tree growing along the western boundary. With an average stem diameter of 67 cm, their rooting areas (RPA) are expected to be within 8 metres from the main stems. The nearest parking bays to them are shown to be around 3 metres, which is well within the RPA's of these trees. The parking as shown can still be achieved as long as suitable ground protection is put in place. Such protection will need to protect the soil from erosion and avoid compaction. This will be specially required during the winter months when the soil is softer and more prone to being damaged. The proposed surface details will need to be agreed, I suggest that a condition for this purpose is attached to any consent provided. I also noted that there are low branches overhanging the nearest proposed bays. Pruning will be required to raise the canopies. Details of this work could again be conditioned. STC (Sevenoaks Town Council) may need to be made aware of the need to prune as owners of the trees.
- 22 The centrally located tree is an Ailanthus. With a stem diameter of 32 cm the expected RPA would need to be at least 3.8 metres. Again there are low branches that would need to be pruned to allow the flow of traffic.
- 23 I am also [keen to know] how once the ground surface has been agreed and installed over the site as to how the shown bays on drawing number 10485-T-01 are to be marked. There is also a proposal to install Asphalt at the entrance off of Park Lane. As this is within the RPA of trees, I would like to see how this is to be constructed whilst the tree roots are preserved. Again this could be conditioned.'

Environmental Health Officer - 04.10.17

- 24 'I have reviewed the submissions for this application and am satisfied that due to its intended use for long stay parking on a temporary basis whilst other nearby long stay parking is developed to increase capacity, that no significant impact will arise from the proposed use.
- 25 I therefore have no adverse comments or objections in respect of this application.'

### Representations

- 26 We sent notification letters to the owner/occupier of 76 nearby properties. A site notice was also displayed at the site and an advert was placed in the local press.
- 27 In response to this, 54 letters of objection have been received raising the following matters:

- Impact on the current use of the site;
- Highways safety for vehicles and pedestrians;
- Impact on the character and appearance of the area including the conservation area;
- Impact on residential amenity;
- The potential for parking on land outside of the application site;
- Emergency access;
- Temporary nature of the proposal;
- A lack of alternative sites and parking arrangements;
- Impact on trees;
- Loss and damage to property;
- Level of consultation;
- Impact on the use of the open space;
- Surface water drainage;
- The need for associated development (signage, ticket machines, etc.);
- Ground erosion;
- Impact on the view across the site;
- Impact of pollution;
- No requirement for a 24 hour car park;
- Lack of a formal transport assessment;
- Lack of a tree survey;
- The possible use by travellers; (officer comment - this is not a material planning consideration in this application.)
- The long term irreparable impact on the site;
- Setting a precedent;
- Impact on the setting of nearby listed buildings;
- Impact on the common land;
- Errors and conflicting information in the submission; and
- Contamination of the site.

### **Chief Planning Officer's appraisal**

28 The principle issues for consideration are:

- The principle of the development;
- The potential impact on the character and appearance of the area;
- The potential impact on highways safety;
- The potential impact on residential amenities;
- The potential impact on the setting of nearby listed buildings;
- The potential impact on trees;
- The potential for ground contamination.

29 Other issues include those matters not dealt with above and referred to by the representations received.

30 Of particular relevant to this application is the following guidance:

Presumption in favour of sustainable development:

## Agenda Item 4.4

- 31 Para 14 of the NPPF confirms that there is a presumption in favour of sustainable development and that development that accords with the development plan should be approved unless material considerations indicate otherwise. (See paras 11, 12, 13 of NPPF.)
- 32 Para 14 of the NPPF (and footnote 9) also advises that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless there are specific policies in the NPPF that indicate that development should be restricted. This applies to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

### Principal issues

The principle of the development:

- 33 The site forms part of an allocated open space, that being the Vine Cricket Ground.
- 34 Policy GI2 states that the change of use or redevelopment of Green Infrastructure, Open Space, Sport or Recreation sites within the urban confines of towns and villages, as defined on the policies map, and redundant school playing fields will not be permitted unless the applicant demonstrates that:
- the open space is surplus to requirements; and that there is no need for an appropriate alternative community, sports or recreational use, or
  - the loss will be mitigated by equivalent replacement provision (in terms of quality, quantity and accessibility) or
  - the development is for alternative sports/recreational use.
- 35 The proposal would result in the temporary loss of a section of the allocated open space, with the vast majority of the cricket ground being retained as open space during the time the site is developed for parking.
- 36 The open space is not surplus to requirements, no replacement open space is proposed to be available during the temporary period and the development is not for an alternative sports/recreational use.
- 37 This part of the site is already used for parking when cricket matches are played, which is generally at the weekend between May and September, and when events take place on the cricket ground, and also by members of the public entering and leaving the cricket ground. Otherwise the site is left open.
- 38 The proposed temporary car park use would provide parking for some of those vehicles displaced from the Buckhurst 2 car park during the course of the site's redevelopment. The Buckhurst 2 car park currently provides 285 parking spaces.



- 39 The 70 spaces provided on the site would therefore contribute to the continued parking for permit holders within the town centre. These spaces would combine with the 107 spaces available on the Morewood Close site, recently approved under 17/01699/CONVAR for a temporary period until 31 December 2018.
- 40 It is also the intention to provide 40 spaces on an existing area of temporary car parking at the rugby club on Plymouth Drive, which will form part of a separate planning application in due course. Finally, the remaining car park users will be found spaces on the street in suitable locations as close to the town centre as possible.
- 41 It is therefore the case that sites within the town and close to it, that are appropriate and deliverable, have been considered and are being utilised, including this site.
- 42 The proposed temporary car park is therefore vital in the wider context of the redevelopment of the Buckhurst 2 car park, which will provide parking to meet the long term demands within Sevenoaks.
- 43 In addition, the use of the application site is proposed for a temporary period only and the site will be returned to its current state following the completion of the car park use.
- 44 For these reasons, I would accept that the principle of the development is acceptable in this instance. The development is not wholly in accordance with policy GI2 of the ADMP. However, there are appropriate planning reasons to justify this temporary proposal.

The potential impact on the character and appearance of the conservation area and the area generally:

- 45 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 46 Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.
- 47 Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 48 Paragraph 134 of the NPPF follows this up by stating that where a development proposal 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.

## Agenda Item 4.4

- 49 The NPPF states that the Government ‘attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.’ (para. 56)
- 50 Policy SP1 of the Core Strategy states that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated.
- 51 Policy EN1 of the ADMP states that the form of proposed development should respond to the scale, height, materials and site coverage of the area. This policy also states that the layout of proposed development should respect the topography and character of the site and the surrounding area.
- 52 Policy EN4 of the ADMP states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.
- 53 The Conservation Area Appraisal for the Vine describes the open and spacious feeling of the cricket ground and surrounding roads. This is reinforced by the number of mature trees within the area that have had room to develop without construction. The trees around the Vine Restaurant (formerly the Vine Tavern) and Baptist Church are particularly important in defining the boundary of the Conservation Area and framing the important views northwards to the Downs. Cricket on The Vine is historically important and is a crucial part of the character of this part of the conservation area.
- 54 The site currently comprises an open area of well maintained grass that is bounded by low timber post and rail fencing and some mature trees along the eastern and western boundaries. The site is used for parking when events take place on the cricket ground including when cricket matches are held. Between the months of May to September cricket matches are played regularly on Friday, Saturday and Sunday.
- 55 Clearly the use of the site for a more intensive parking use would harm the open character of the conservation area since cars would be parked on the site more regularly. Due to the lie of the land, the levels of the site fall away from the cricket ground down to the adjacent roads, views out towards the Downs would not be interrupted. It is important to note that this temporary proposal will have no impact on the use of The Vine for cricket with all trees retained on the site.
- 56 The harm identified would be less than substantial harm under the NPPF assessment of harm to a heritage asset.
- 57 The physical development of the site is proposed to be kept to a minimum with an area of tarmac to be laid at the entrance and a mesh system laid across the required areas of the remaining site. There would be no machines installed on site since the car park would be for permit holders only, no boundary treatment is proposed to be erected. Some limited signage would be required to indicate the use by permit holders only.
- 58 Our Conservation Officer has commented on the scheme acknowledging the harm to the conservation area but also acknowledging the public benefits

that are associated with proposal namely the need to accommodate car parking whilst Buckhurst 2 is developed.

- 59 As noted above, paragraph 134 of the NPPF states that where a development proposal 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. In this instance it is the case that the less than substantial harm identified can be outweighed by the public benefits that arise from this temporary proposal, which helps facilitate development of the Buckhurst 2 car park, which in turn will contribute towards the provision of more long term parking spaces in the town.
- 60 I am also satisfied that the proposal would not have a detrimental impact on the visual amenity of the local area given the location, close to the centre of the town.
- 61 Therefore, this temporary car park would be acceptable in the conservation area since the less than substantial harm identified can be outweighed by public benefits. The proposal would also preserve the general character and appearance of the area. This is in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, policy SP1 of the Core Strategy and policies EN1 and EN4 of the ADMP.

Impact on highways safety and parking provision:

- 62 Policy T2 of the ADMP states that vehicle parking provision should be made in accordance with advice by Kent County Council as Local Highway Authority.
- 63 Policy EN1 of the ADMP requires that proposed development should ensure the satisfactory means of access for vehicles and pedestrians.
- 64 The County Highways Engineer has no objection to the proposed temporary car park, based upon the information contained within the application submitted and the submission of further information by the applicant.
- 65 This includes information relating to directing pedestrians to the town centre, the planned staggered arrival of users of the car park, the enforcement strategy for car parking and confirmation that the temporary car park will only operate Monday to Friday, with the car park returning to the control of the Town Council on Saturdays and Sundays.
- 66 It is not planned to secure the site between Sunday evening and Monday morning. Any vehicle parked on the temporary car park on a Monday morning would receive a parking ticket if the vehicle is not one registered by a permit with us. The proposed signage for the site will clearly indicate this and so parking at this time would be at the risk of the owner.
- 67 The Highways Engineer considers the widening and intensification of the existing access is acceptable in terms of highways safety, taking account of both vehicle and pedestrian movements and the adjacent junctions. Since the car park is providing a general function rather than a specific land use

## Agenda Item 4.4

- 68 Whilst the site would not be as open as it is currently when cars are parked on it more frequently, it would still be possible for members of the public to pass through the site on foot. This means that the open space of the cricket ground could still be reached during the course of the site being used.
- 69 The parking within the site would be controlled by our Parking Team. Any parking that takes place outside of the application site area would be subject to the existing controls that apply to the area.
- 70 The matter of access to the cricket ground by emergency services has been raised by one of the representations received. There is at least one further access to the cricket ground, provided off Holly Bush Lane to the south, where emergency vehicles could access the site. The cricket ground is also large enough for the air ambulance to land on, whilst an event is taking place on it, if required.
- 71 I would therefore conclude that the development would ensure the satisfactory means of access for vehicles and pedestrians, and would provide sufficient vehicle parking. This would comply with policies T2 and EN1 of the ADMP.

The potential impact on residential amenities:

- 72 Paragraph 17 of the NPPF identifies a set of core land-use planning principles that should underpin decision-taking. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 73 Policy EN2 of the 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.
- 74 Policy EN7 of the ADMP states that proposals which meet the following criteria will be permitted:
- a) development would not have an unacceptable impact when considered against the indoor and outdoor acoustic environment including existing and future occupiers of the development and the amenities of existing and future occupants of nearby properties; and
  - b) development would not result in unacceptable noise levels from existing noise sources that cannot be adequately mitigated.
- 75 The temporary car park would be artificially raised from existing levels through the introduction of the temporary surfacing. However, this increase in levels would not be significant and so no overlooking, visual intrusion or unacceptable loss of privacy would occur to nearby properties. Further to this no loss of daylight or sunlight would result from the temporary development.
- 76 Clearly there would be additional vehicle movements on the site but being adjacent to Dartford Road, a busy road through the town, I do not believe that the development would not result in a harmful level of noise, vibration,

activity and vehicle movements to the occupiers of adjacent and nearby residential properties.

- 77 This is a view shared by our Environmental Health Officer who has raised no objection to the proposal.
- 78 I am therefore of the view that the development would preserve the existing amenities of existing and future occupants of nearby properties. This is in accordance with the NPPF and policies EN2 and EN7 of the ADMP.

The potential impact on the setting of nearby listed buildings:

- 79 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses.
- 80 Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 81 Paragraph 134 of the NPPF follows this up by stating that where a development proposal 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.
- 82 Policy EN4 of the ADMP states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.
- 83 A number of listed buildings are found within the local area. These include 1-5 Pound Lane 55 metres to the west, 1 and 3 Park Lane 75 metres to the east and the War Memorial 60 metres to the south-west. However, the vast majority of these are separated from the site by other properties (5-11 Park Lane to the east) or existing open spaces (the cricket ground and the area to the front of the Vine Restaurant).
- 84 Given the proposed relationship between the temporary car park site and various listed buildings I conclude that there would be no harm to the setting of the listed buildings.
- 85 I am therefore satisfied that the development would be in compliance with the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and policy EN4 of the ADMP.

The potential impact on trees:

- 86 The NPPF states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland (para. 118).

## Agenda Item 4.4

- 87 No trees protected by tree preservation orders are found on the site or adjacent to it. However, the mature tree located in the centre of the site and those surrounding the site are protected because the site is within a conservation area.
- 88 Our Tree Officer has commented on the content of the proposals and he is supportive of the application. This includes the laying of surfacing close to the existing trees and the need to carry out some tree works. This is subject to a number of conditions, which have been included in the recommendation above and include details of the temporary surfacing and how it will be laid, details of any necessary works to trees and details of tree protection measures.
- 89 Given this is the case, I would conclude that the development would not result in the loss of aged or veteran trees and is in accordance with the NPPF.

The potential for ground contamination:

- 90 Our Environmental Health Officer has assessed the proposal and has concluded that the temporary use would be acceptable in terms of potential ground contamination. This is a view I concur with.
- 91 I am therefore satisfied that the proposed temporary car park use would not lead to the detrimental contamination of the land.

### Other issues

Matters raised by representations received:

- 92 The loss and/or damage to property is not a material consideration to a planning application.
- 93 It is intended that the permeable nature of the surface to be laid for the temporary car park will ensure that surface water drainage and ground erosion would not be significantly affected by the proposed use.
- 94 A planning condition requiring a scheme of works to return the site to its existing state has been imposed above in the recommended conditions so that any damage done to the site would be repaired.
- 95 The proposed temporary use of the site would not set a precedent since each planning application is assessed on its own merits.
- 96 The fact that the land is common land does not prevent the local planning authority granting planning permission for the proposed development. It will be necessary, however, for the applicant to gain the consent from the Planning Inspectorate on behalf of the Secretary of State for Environment, Food and Rural Affairs before any works on the site can commence. This matter has been raised with the applicant and an informative has been recommended above.
- 97 I am satisfied that the information in the submission is sufficient to make a rounded and informed planning decision on the application.

**Conclusion**

98 The proposed temporary car park would be acceptable in terms of all of the matters raised above. Consequently the proposal is in accordance with the development plan and therefore the officer's recommendation is to approve.

**Background papers**

Site and block plan.

Contact Officer(s): Sean Mitchell Extension: 7349

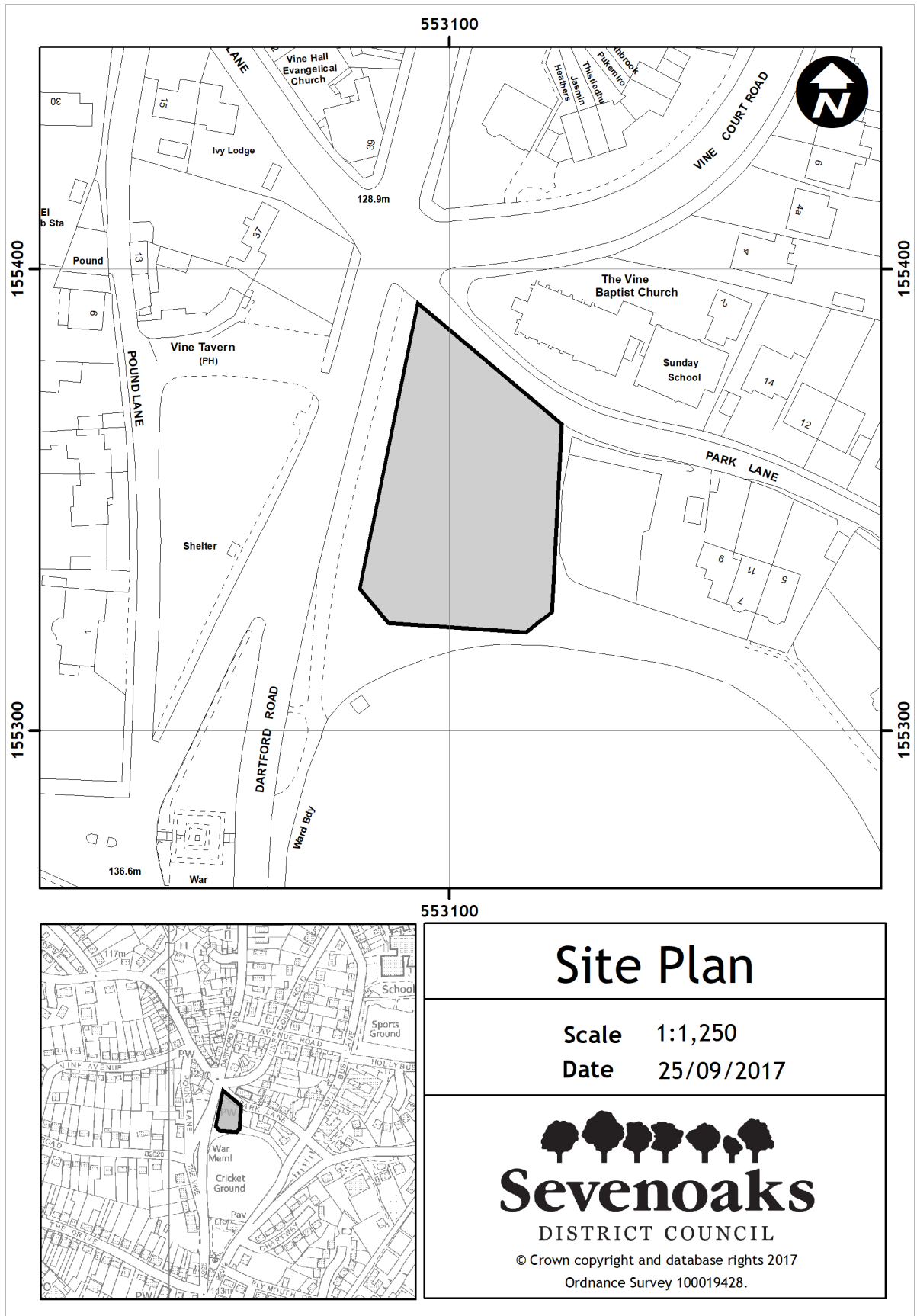
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OTPGKXBKIW700>

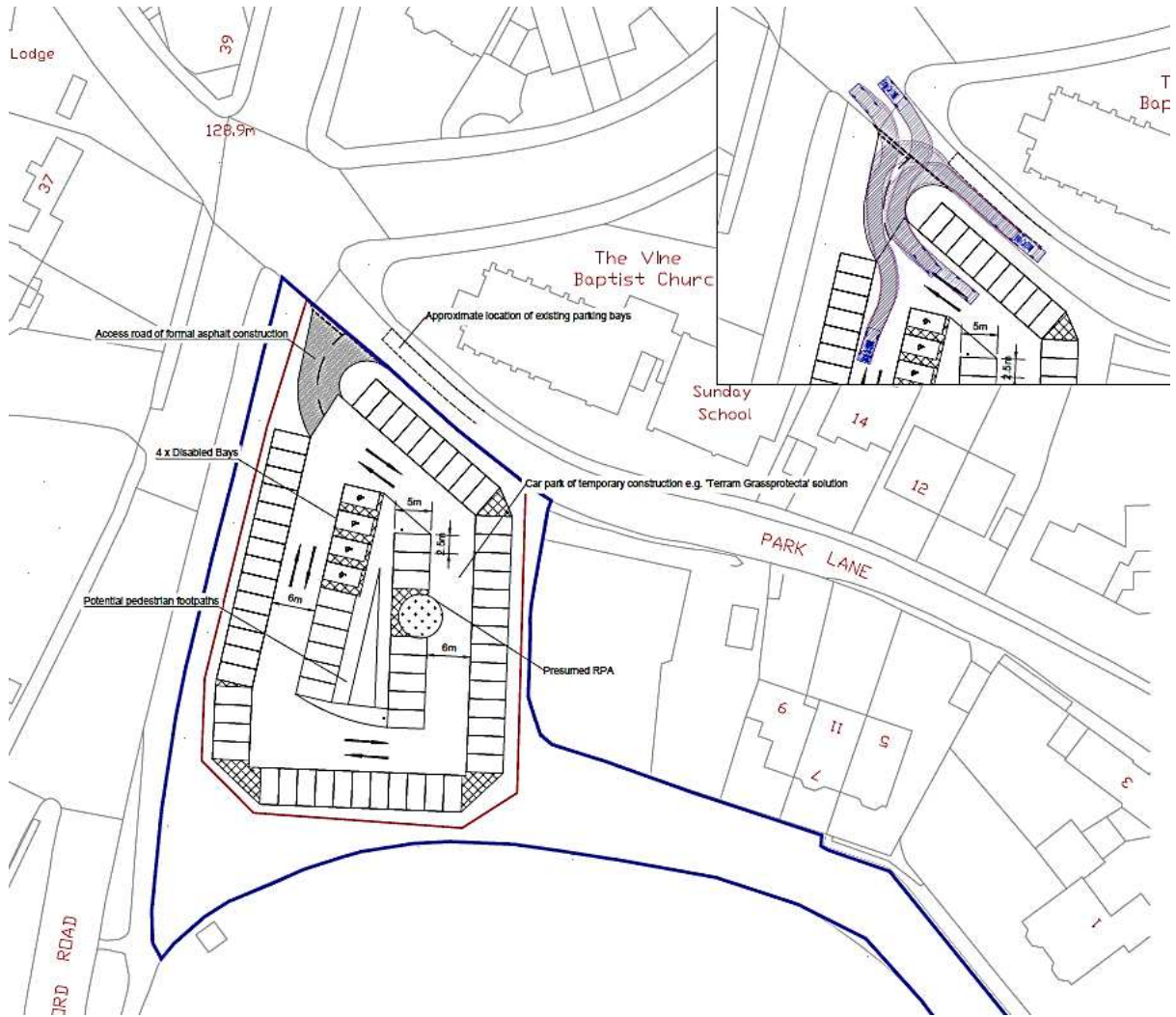
Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OTPGKXBKIW700>





Block Plan



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4.5 - 16/02931/FUL Revised expiry date 29 September 2017

Proposal: Construction of a new 4/5 bedroom detached chalet bungalow with integral garage.

Location: Land South Of 162, Hever Avenue, West Kingsdown, Kent TN15 6DU

Ward(s): Fawkham & West Kingsdown

**ITEM FOR DECISION**

This application is referred to the Development Control Committee as the Council is both the applicant and the landowner of the application site.

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

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

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 5335-PD-01/B; 02, Acoustic Assessment (by Able Acoustics, dated August 2016), Reptile Survey Report (dated 21 April 2016 / Ref. 2016/02/09), Preliminary Ecological Appraisal (dated 20 October 2015 / Ref. 2015/10/03), Arboricultural Method Statement (dated 22 October 2015), Tree Protection Plan, Design and Access Statement.

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 dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. 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 Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

4) Notwithstanding the details shown on the hereby approved plans a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details: a) soft plantings, including trees, grass and turf areas, shrub and herbaceous areas; their location, species (use of native species where possible) and size; b) enclosures: including types, dimensions and treatments of boundaries (including a more appropriate

boundary treatment to the front of the approved dwellings), walls, fences, pedestrian and vehicular gates, screen walls, barriers, rails, retaining walls and location, species and size of hedges; c) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, steps and if applicable synthetic surfaces; and d) any other landscaping feature(s) forming part of the scheme. All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

To enhance the visual appearance of the area as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

5) No development shall be carried out on the land until full details of appropriate measures to enhance the biodiversity and nature conservation value of the site have been submitted to and approved in writing by the Local Planning Authority. The details may include, but not be limited to the recommendations set out in section 4.10 of the Preliminary Ecological Appraisal (dated 20 October 2015 / Ref. 2015/10/03). No development shall take place other than in accordance with the approved details prior to the first occupation of the development.

In order to enhance the biodiversity value of the site in accordance with policy SP11 of the Core Strategy, policies EN1 and GI1 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

6) Prior to the commencement of development, full details of the noise mitigation measures set out in section 6.5.1 of the hereby approved Acoustic Assessment (by Able Acoustics, dated August 2016), including details of a mechanical ventilation system, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved details prior to the first occupation of the dwelling and the noise mitigation measures shall be retained and maintained as such thereafter.

To ensure the provision of adequate residential amenities for future occupiers in accordance with paragraph 123 of the National Planning Policy Framework and policies EN2 and EN7 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and

that without this safeguard planning permission should not be granted.

7) Before the first occupation of the development hereby permitted, the car parking and turning areas shown on the approved drawing 5335-PD-01/B shall be provided and shall be kept available for the parking of cars at all times.

In the interest of highway safety as supported by policies EN1 and T2 of the Sevenoaks Allocations and Development Management Plan.

8) No development shall be carried out on the land until details for the provision of an electric vehicle charging point for the dwelling has been submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging point shall be installed in accordance with the details so approved prior to the first occupation of the dwelling hereby approved and retained and maintained as such thereafter.

In order to mitigate and adapt to climate change in accordance with policies EN1 and T3 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

9) The first floor level windows in the side (north and south) elevations of the dwelling shall be obscure glazed and fixed shut below 1.7m from finished floor level and shall be retained and maintained as such thereafter.

In order to safeguard the residential amenities of surrounding occupiers in accordance with policy EN2 of the Sevenoaks Allocations and Development Management Plan.

10) Prior to the commencement of any development on the site, full details regarding the protection of the protected Oak tree to the front of the site and trees located immediately adjacent to the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved. The details shall include :a) Details of the no-dig construction method for the hereby approved access and driveway and timetable for implementation; b) Details of the utility routes, method for installation and timetable for implementation; c) Details of the specification and position of fencing or other measures to create a 'retained tree protected area' for the protection of retained trees from damage before or during the course of development and a timetable for implementation; d) Details of the location and extent of any area on the land to be used during the construction period for storage (including materials, plant and machinery) and/or for siting any temporary ancillary structures, such as a site office. The development shall be carried out in accordance with the details so approved.

To secure the retention and long term health of existing trees as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

11) Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority before the first occupation of the

development. Despite any development order, outside lighting shall only be provided in accordance with the approved details.

To mitigate the impact of development on nature conservation and to preserve the visual appearance of the area as supported by policy SP11 of the Core Strategy (2011), policies EN1 and GI1 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

12) No development shall be carried out on the land until a detailed method statement setting out a precautionary mitigation approach in relation to the potential presence of dormice on the site has been submitted to and approved in writing by the Local Planning Authority. The mitigation strategy shall be implemented in accordance with the details so approved.

In order to enhance the protect and enhance the biodiversity value of the site in accordance with policy SP11 of the Core Strategy, policies EN1 and GI1 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

13) The development shall be implemented in accordance with the recommendations for mitigation contained in the hereby approved Preliminary Ecological Appraisal (dated 20 October 2015 / Ref. 2015/10/03).

In order to enhance the protect and enhance the biodiversity value of the site in accordance with policy SP11 of the Core Strategy, policies EN1 and GI1 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no development within the curtilage of the dwelling house permitted by Classes A, B or C of Part 1 of Schedule 2 of the 2015 Order (as amended), shall be carried out or made to the dwelling without the grant of a further planning permission by the Local Planning Authority.

In order to safeguard the residential amenities of surrounding occupiers in accordance with policy EN2 of the Sevenoaks Allocations and Development Management 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.

2) It appears that the proposal involves works that affect the highway and / or its verge. Before commencing such works, you must obtain the separate consent of the Highway Authority. Please contact Kent Highway Services, Network Operations on 01474 544068.

**Note to applicant**

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

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

In this instance the applicant/agent:

- 1) Was encouraged to seek professional advice.

**Description of proposal**

- 1 Construction of a new 4/5 bedroom detached chalet bungalow with integral garage.

**Background**

- 2 This planning application was originally granted planning permission on 09/12/2016 (following the decision of the Development Control Committee on 08/12/2016). After the grant of planning permission the Council was made aware of the existence of windows in the side elevation of 162 Hever Avenue. Because Officers (and therefore Members) were unaware of the full circumstances of the case when determining the application, the planning permission was subsequently revoked and the planning application was

## Agenda Item 4.5

remitted back to the local planning authority for decision. A daylight and sunlight assessment in relation to the impact of the new dwelling on 162 Hever Avenue has been submitted. The application has been subject to further consultation and the planning assessment is set out below.

### Description of site

- 3 The application site is rectangular in shape and comprises approximately 0.0962ha of relatively flat land located on the east side of Hever Avenue. The site is located within the built confines of West Kingsdown. The north (side) boundary is shared with 162 Hever Avenue and the south (side) boundary is shared with a 3 metre wide tract of land which serves as an access to an area of woodland behind the site and the rear of neighbouring properties beyond. The other side of the access is bound by 156 Hever Avenue. The site is partially enclosed to the front by a post and rail fence. As existing the site comprises several mature trees (one of which is subject to a Tree Preservation Order) and scrub. The site and adjacent woodland is owned by Sevenoaks District Council.

### Constraints

- 4 Urban confines of West Kingsdown  
5 Tree Preservation Order (TPO/15/10/SDC)

### Policies

#### Allocations and Development Management Plan

- 6 Policies:
- EN1 - Design Principles,
  - EN2 - Amenity Protection
  - EN6 - Outdoor Lighting
  - EN7 - Noise Pollution
  - GI2 - Loss of Open Space
  - SC1 - Presumption in Favour of Sustainable Development
  - T2 - Vehicle Parking
  - T3 - Provision of Electrical Vehicle Charging Points
  - LT3 - Brands Hatch

#### Sevenoaks Core Strategy

- 7 Policies:
- LO1 - Distribution of Development -
  - LO7 - Development in Rural Settlements
  - SP1 - Design of New Development and Conservation
  - SP2 - Sustainable Development
  - SP3 - Provision of Affordable Housing
  - SP5 - Housing Size and Type
  - SP7 - Density of Housing Development
  - SP10 - Green Infrastructure, Open Space, Sport and Recreation Provision
  - SP11 - Biodiversity



Other

8 National Planning Policy Framework

9 Planning Policy Guidance

**Planning history**

10 SE/15/02798/FUL: Erection of a new detached chalet bungalow with integral garage and associated works. WITHDRAWN 22.04.2016

SE/86/00815/HIST: Development of District Council land after disposal. Outline application. Erection of detached house. Withdrawn.

**Consultations**

West Kingsdown Parish Council:

11 Objection: 'The Parish Council objects to the proposal on the grounds that it is contrary to Policy WK6 of the Saved Policies of the Sevenoaks District Local Plan (or its successor). In view of the site's close proximity to Brands Hatch, even if the proposed dwelling was triple glazed and insulated, the occupants would still be precluded from sitting in their garden due to the level of noise.'

12 Further comments:

'1) Members are concerned that the proposal would detract from the light levels currently enjoyed by the residents of 162 Hever Avenue.

2) The Parish Council have been advised that both 156 and 162 Hever Avenue have been underpinned. Therefore Members are concerned that the removal of large trees could result in heave that would cause further damage to the neighbouring properties as well as harm to the proposed dwelling.

3) The loss of mature landscape trees would detract from the visual amenity of the area.

4) Members would express concern that although the access track has been widened for most of the way, it is still less than 3m at the entrance from Hever Avenue and at the rear where the boundary deviates around a mature oak tree.

5) The location plan is inaccurate as it includes land at the rear of 162 and 164 Hever Avenue that is owned by the residents of those properties.

6) Should SDC be mindful to grant permission in this instance then the Parish Council would wish it to contain a condition requiring protection of the tree and roots of the oak at the front of the site.'

KCC Ecology: (Summary)

13 Advise sufficient information has been provided. No reptiles recorded and satisfied that reptiles likely to be absent from site, therefore no mitigation

## Agenda Item 4.5

required. Potential for dormice to be present, therefore recommend a detailed method statement relating to a precautionary mitigation approach be secured by condition. Trees on site have low potential for roosting bats, therefore recommend that precautionary mitigation implemented if trees felled and any external lighting adheres to the Bat Conservation Trust's Bats and Lighting in the UK guidance. Recommend details of ecological enhancements be secured by condition.

Natural England: (Summary)

13 Statutory nature conservation sites - no objection.

Protected species - recommend application of Standing Advice.

Biodiversity enhancement - recommend consideration to enhancement measures.

SDC Tree Officer:

14 'Prior to this application becoming valid, I was made aware that this land may be disposed of by SDC. My inspection of the site has identified a number of mature trees growing upon it. It is also very overgrown with garden waste dumped upon it at varying locations. Two mature Oak trees are located within the proposed build space and will need to be removed to accommodate the proposed new dwelling. The third mature Oak tree located adjacent to the frontage highway has been afforded protection by TPO 10 2015. I decided not to protect the aforementioned Oak trees as they are less aesthetically pleasing with poorer form. Being set back as they are they are also less visible than the frontage Oak. I am also aware of the closer proximity of these two Oaks to both 156 and 162 Hever Avenue.

15 With regards to this proposal and the aforementioned in mind. I feel that there is sufficient space for the proposed dwelling to be constructed. The frontage Oak would need to be protected for the duration of the works and such detail would need to be provided either up front or as a condition. The proposal to create a hard landscaped drive would need to be carried out by using a no dig construction method. Unfortunately due to the amount of overgrown vegetation and dumped garden waste near to the Oak tree at the front. I was unable to ascertain the correct ground levels for the no dig construction for the drive to be based upon. This level would link directly to the level of the highway. The level of the land is slightly higher than the highway and as such I need to be sure that a no dig operation can be accommodated. Clarification of this aspect would need to be up front as part of the application and not dealt with by way of condition. Other conditions that would need to accompany any consent would be landscaping proposals and tree pruning details.

16 I have since ascertained that the frontage levels from the paved area into the site are acceptable as far as creating a no dig driveway into the site. It has also been made clear that no pruning to the protected Oak tree is proposed. Details of the hard landscaping inclusive of the no dig construction for the driveway needs to be conditioned. Soft landscaping should also be conditioned. All utility roots and method of insertion should also be conditioned.'

SDC Environmental Health Officer:

- 17 'I had extensive consultation with the acoustic consultant prior to the acoustic assessment being undertaken, also measurements were taken during noisier events at the circuit. I am therefore satisfied that the design and acoustic protection of both internal and external areas are the best that could reasonably be expected to be achieved. However, it is clear that during some track use the upper guideline value of 55 dB LAeq,T will be exceeded in outdoor amenity areas. As all reasonable attenuation methods for the outdoor amenity space were considered and found to be unable to achieve the desired upper guideline value we can refer to the design criteria for external noise in section 7.7.3.2 of BS 8233:2014 allowing development in higher noise areas if the property is designed to achieve the lowest practicable levels in the external amenity spaces. The levels used for the evaluation were not the absolute measured values but enhanced levels to take account of the potential intrusiveness of the perceived level, this is a very high bar that has been met for the internal space of the property and used to ensure that if noise track activity is taking place residents will be well protected from intrusive noise within the dwelling. I therefore have no adverse comments regarding this application.'

Environment Agency:

- 18 No comments.

Thames Water: (Summary)

- 19 Advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

### Representations

- 20 Notification letters were sent to the occupiers of 7 properties surrounding the site. Site notice and press notice displayed. The statutory consultation period ended on 08.09.2017.
- 21 2 objections received raising the following concerns:
- Loss of daylight and sunlight (assessment submitted);
  - Overshadowing and loss of outlook;
  - Overlooking and loss of privacy;
  - Layout and density;
  - Noise;
  - Highway safety;
  - Ground stability;
  - Loss of mature trees;
  - Concerns regarding adequacy of tree protection measures;
  - Breach of Human Rights;
  - Conflict of interest;
  - Disruption to power/telephone connections and sewers;
  - Right of Way to woodland needs to be retained;
  - Proposed gate would reduce width and restrict use of right of way;
  - Concerns regarding bias of submitted Open Space Assessment;

## Agenda Item 4.5

- Request recommendations of submitted Ecological Appraisal are secured;
- Loss of footpath bisecting site.

### Chief Planning Officer's appraisal

- 22 The main issues requiring assessment relate to the principle of development in this location, including the acceptability of any loss of open space, design and impact on the street scene, impact on trees and ecology, impact on neighbouring amenities (particularly in respect of daylight and sunlight), proposed standard of accommodation for future occupiers (particularly in respect of noise) and CIL (Community Infrastructure Levy).

#### Principle of development

- 23 The NPPF has a general presumption in favour of sustainable development, and amongst other things encourages the delivery of homes of a high quality design and a good standard of amenity for all. Whilst the NPPF places an emphasis on development of previously developed land, it does not preclude other land, including garden land, from being developed for residential use, provided such development is in suitable locations and relates well to its surroundings.
- 24 At a local level, policies L01 and L07 of the Core Strategy requires development to be focussed within the built confines of existing settlements and identifies West Kingsdown as a settlement suitable for small scale infilling and redevelopment where appropriate taking account of the limited range of service and facilities available.

#### Loss of open space

- 25 Paragraph 74 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
  - The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a sustainable location; or
  - The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.
- 26 Policy SP10 of the Core Strategy states that a Green Infrastructure Network will be developed of accessible multi-functional green space, primarily based on maintaining and linking existing areas of open space. Open space, sport and recreation facilities, including indoor sports facilities of value to the local community will be retained. Development may exceptionally be allowed where replacement provision of at least equivalent value to the local community is provided. For the purposes of policy SP10 open space is defined as including 'amenity open space, parks and formal gardens, natural

and semi-natural open space, children's play areas, outdoor sports facilities, churchyards and allotments'.

- 27 Policy GI2 of the ADMP relates to the loss of open space and states that the change of use or redevelopment of Green Infrastructure, Open Space, Sport or Recreation sites within the urban confines of towns and villages will not be permitted unless the applicant demonstrates that:
- The open space is surplus to requirements and that there is no need for an appropriate alternative community, sports or recreational use, or
  - The loss will be mitigated by equivalent replacement provision (in terms of quality, quantity and accessibility) or
  - The development is for alternative sports/recreational use.
- 28 There should be no significant adverse impact on the character of the local environment and any potential loss of biodiversity interests should be mitigated.
- 29 Paragraph 6.19 of the ADMP states that open space can be amenity space and 'includes both public and private spaces and covers any open space which contributes to the character of the locality and is important to the local community'.
- 30 Appendix 9 of the ADMP sets out the schedule of Open Space Allocations in the District (over 0.2ha in area). There are three areas of allocated open space within West Kingsdown (Hever Avenue Recreation Ground and Western Amenity Green Space and Millfield Amenity Green Space). By reason of its size the application site is not allocated Open Space. Notwithstanding this, local residents are known to use the land and in particular a strip adjacent to the southern boundary which provides pedestrian access to the woodland at the rear. Although the application site is currently overgrown and poorly maintained I am satisfied that it constitutes open space for the purposes of policies SP10 and GI2.
- 31 The application is accompanied by an Open Space Assessment which amongst other things cites the Sevenoaks Open Space, Sport and Recreation Study (2009). This study surveyed all types of open space across the District and was used as an evidence base in the preparation of the ADMP. Of relevance to this application are the findings in relation to natural and semi-natural green space and amenity green space. The study identified 170 natural and semi-natural sites, of which 81 are located in the north of the District and 223 amenity green spaces encompassing an area of 81ha. Whilst the study identified no future need for either natural or semi-natural or amenity green spaces in the north of the District it did identify a shortfall of parks and gardens. For the purposes of the study, parks and gardens are defined as urban parks, formal gardens and country parks that provide opportunities for informal recreation and community events. I concur with the findings of the assessment that the application site would be too small to be appropriate for such a use and that the loss of 0.1ha of existing poor quality open space would not result in a deficiency of open space in this area thereby satisfying the first criterion of policies SP10 and GI2.

## Agenda Item 4.5

- 32 The Sevenoaks Open Space, Sport and Recreation Study recommends a focus on accessibility and quality improvements to existing sites rather than new provision. The development includes the retention and enhancement of a dedicated public access to the woodland at the rear of the site (principally through the formal delineation of the land) and in this regard would comply with the recommendations of the Sevenoaks Open Space, Sport and Recreation Study.
- 33 In summary the development would result in the loss of existing open space; however it has been identified that it is surplus to requirements and by reason of its limited size and poor quality does not make any positive contribution to open space in the area. Hever Avenue and the surrounding area is predominantly residential in character. The erection of a detached dwelling would reflect the general pattern of development in the area and is acceptable in land use terms provided the scheme complies with all other relevant development plan policies.

### Design and impact on the street scene

- 34 Paragraph 56 of the NPPF states that the Government attaches great importance to the design of the built environment; ‘Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people’. Policies SP1 and L07 of the Core Strategy states that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated. Policy EN1 of the ADMP state that the form of proposed 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.
- 35 Policy SP7 of the Core Strategy is relevant to density and states that all new housing will be developed at a density consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. Subject to this overriding consideration new residential development will be expected to achieve a density of 30 dwellings per hectare. Without prejudice to an assessment of the development against relevant design policies the proposal would equate to a density of approximately 10dph (dwellings per hectare) and would not represent overdevelopment of the land.
- 36 The application site is located within a ribbon of predominantly detached dwellings fronting Hever Avenue. The prevailing character of the road is of closely spaced bungalows and chalet bungalows (with accommodation in the roof) of differing architectural styles and materials. The majority of dwellings are located within similar sized plots and set back from the road behind verdant front gardens and off-street parking. There are a number of mature trees within the area that contribute to a pleasant sylvan character. The application site is comparable in terms of size and shape with other plots in the road and the erection of a detached dwelling in this infill location would be consistent with the general character of the area.

- 37 The proposed dwelling would be set back in excess of 13 metres from the back edge of the pavement such that the single storey front building line would be aligned with that of 162 Hever Avenue to the north and stepped back towards the front building line of 156 Hever Avenue to the south. The rear building line would extend approximately 2.2 metres beyond the rear of 162 Hever Avenue and align with the rear building line of 156 Hever Avenue. The dwelling would be located 1 metre from the north boundary of the site and 1.2 metres from the southern boundary adjacent to the woodland access. The development would allow for the retention of the protected tree and a generous area of soft landscaping to the front. In this respect the proposed layout and site coverage would be consistent with the established character of Hever Avenue.
- 38 Although described as a chalet-bungalow, the bulk of the proposed dwelling would comprise two-storeys. First floor accommodation would be provided within the purpose built roof space and incorporate front and rear dormer windows. In terms of height, the proposed dwelling would be equivalent to the height of 156 Hever Avenue and marginally higher than the adjacent dwelling, 162 Hever Avenue. However by reason of the set back and hipped roof design this height differential would not be prominent in the street scene.
- 39 The east side of Hever Avenue is characterised by detached dwellings, including chalet bungalows with dormer windows. Whilst the buildings are modestly scaled as viewed from the street, many have been significantly extended at the rear, including at roof level. In this context the incorporation of a single storey gabled projection to the front and a larger two-storey gabled extension to the rear is in keeping with the general scale and massing of surrounding development.
- 40 In terms of detailed design and materials the dwelling would incorporate traditional fenestration with brick elevations and feature gables clad in plain tile hanging. The design and materials would reflect the architectural styles and use of materials in surrounding buildings and help integrate the development into its setting.
- 41 In summary the proposals would result in a sympathetic development that would contribute to the local character of the area consistent with national and local planning policy and guidance.

#### Neighbouring amenities

- 42 Paragraph 17 of the NPPF identifies a set of core land use planning principles that should underpin decision making. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Policy EN2 of the ADMP requires that any development should not have an adverse impact on the amenities of neighbours and also ensures a satisfactory environment for future occupants.
- 43 The proposed dwelling would be located over 5 metres north of the side elevation of 156 Hever Avenue and separated by the retained woodland access. By reason of the orientation and separation distance, the proposed

## Agenda Item 4.5

dwelling would have no harmful impact on the daylight or outlook from the windows in the side elevation of 156 (the ground floor windows of this property are obscure glazed). It is recommended that a condition be imposed to ensure the non-habitable and secondary windows in the first floor flank elevation of the proposed dwelling be obscure glazed (and fixed shut) to protect the privacy of neighbouring occupiers.

- 44 The proposed dwelling would be located approximately 1 metre from the boundary of 162 Hever Avenue to the north. The side wall of 162 is set back from the shared boundary by approximately 1 metre. There is a 'covered way' built on the side of 162 Hever Avenue comprising a glazed roof. There are three windows in the ground floor side elevation of the dwelling and within the covered way. Building control records confirm that these were installed in 2015. The windows face directly onto the 2 metres high boundary wall (at 1 metre distance) and are not visible from the application site. They serve a habitable dining room which at the time of the site visit was open to a small living room at the rear and has glazed doors to a larger living room at the front. A first floor window facing the application site was installed in 2016 and serves non-habitable attic space.
- 45 A daylight and sunlight report has been submitted on behalf of the applicant in support of the application (herein referred to as the 'applicant's report'). A daylight and sunlight report has also been submitted on behalf of the occupier of 162 Hever Avenue (herein referred to as the 'resident's report'). Both reports make an assessment of daylight and sunlight impacts against the Building Research Establishment (BRE) Guide "Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice" 2011 (2nd edition) which contains the relevant and most up to date methodology.
- Daylight
- 46 The most common measure of assessing daylight is with the vertical sky component (VSC) test which has been applied in both reports. The resident's report is limited to an assessment of a single window in the side elevation only and on the basis of a subdivided room layout (i.e. the dining room in isolation). This is not consistent with the existing open plan layout. The report identifies an 86% reduction in VSC (against a benchmark 20% permissible reduction target in the BRE guide). The applicant's report also identifies a significant reduction of VSC to the three 'secondary' windows in the side elevation. This report however acknowledges that the reduction is notional because VSC is based on unobstructed sky and the effected windows receive borrowed light through the glazed roof of the covered way. It is also necessary to recognise that the dining room would retain adequate light from its primary windows, including a window to the rear which would retain a VSC of 32.74% against a benchmark VSC of 27%.
- 47 The daylight distribution and average daylight factor (ADF) tests are also relevant. The resident's report identifies a proposed reduction in daylight distribution of 84% and a retained ADF of 0.25%. The applicant's report takes a more holistic view and demonstrates that the dining room would retain an overall adequate level of daylight. According to this report reductions in daylight distribution between the existing and proposed scenario would be limited to 2% (against a benchmark loss not exceeding



20%) in compliance with the BRE guidance. The dining room would retain an ADF of 1.8% (above the minimum target value of 1.5% identified in the BRE guide).

- 48 In the context of 162 Hever Avenue being located next to undeveloped land it is also necessary to consider whether the three windows in the side elevation take more than an equitable share of daylight (i.e. whether they unduly prejudice an appropriate quantum of equivalent development). The BRE guide refers to the concept of 'mirror development' whereby it necessary to consider the potential for a proportional development on a neighbouring site. The proposed development would be located a similar distance to the boundary as 162 and would in my view be proportionate to its neighbour.
- 49 Taking all of the above into account, including the technical results, I consider that the actual daylight impacts can be more readily assessed by considering the impact on all windows and the existing open plan layout (as per the applicant's report) and not one window in isolation and a notional subdivided layout (as per the resident's report). For these reasons I am more persuaded by the conclusions of the applicant's report and am satisfied that the loss of daylight resulting from the proposed development would not result in unacceptable harm to the residential amenity of 162 Hever Avenue and would not be contrary to policy EN2 of the ADMP.
- Sunlight
- 50 Turning to sunlight, the proposed development would result in an inevitable reduction in sunlight availability to the three secondary windows located within the covered way at 162 Hever Avenue. The resident's report identifies an 80% reduction. However, the applicant's report identifies that the open plan room as a whole would experience a minimal reduction on the basis that the primary windows providing sunlight to the room would retain near double Annual Probable Sunlight Hours (APSHs) and triple winter hours above the target level set out in the BRE guide.
- 51 In conclusion I am of the view that although the development would result in a loss of daylight and sunlight to the three windows in the side elevation, the fact that they are secondary windows served by borrowed light from the covered way and the fact they serve an open plan space means that the property would retain adequate daylight and sunlight in accordance with relevant policy and guidance.
- Other impacts
- 52 It is also necessary to consider whether the development would result in any other harm to neighbouring amenity. The part of the proposed building adjacent to the boundary with 162 would project beyond the rear of this building by approximately 2.2 metres; however this part would be single storey with a pitch roof. It would be located approximately 1 metre beyond the boundary and would comply with the 45 degree daylight test set out in the Council's Residential Extensions SPD. The proposed two-storey rear projection would extend further beyond the rear of 162 Hever Avenue however by reason of its set back, would also comply with the 45 degree

## Agenda Item 4.5

daylight test. No part of the development would result in an unacceptable loss of daylight. The development would not result in any loss of sunlight to habitable room windows. There is potential for some overshadowing of the adjacent garden although this would be limited by reason of the proposed siting and modest height of the dwelling.

- 53 Whilst the introduction of built form where none currently exists will inevitably be noticeable to the occupiers of 162 Hever Avenue, the form and design of the development, including the location of the greatest bulk approximately 6 metre from the shared boundary would ensure the development would not appear unacceptably intrusive or overbearing and would not be harmful to outlook. Nevertheless it is considered reasonable to remove permitted development rights relating to extensions that would allow for further extensions that could result in harm in the future.
- 54 The proposed dwelling would incorporate ground and first floor windows in the flank (side) elevation adjacent to 162. It is recommended that a condition be imposed to ensure the non-habitable and secondary windows in the first floor flank elevation of the proposed dwelling be obscure glazed (and fixed shut) to prevent views into the glazed roof of the covered way and thereby protect the privacy of neighbouring occupiers. By reason of the height of the roof light in the side roof of the rear extension no outward views that could compromise privacy would be permissible.
- 55 The development would also include a dormer window on the rear roof slope which would be located within approximately 3 metres of the boundary with 162. Hever Avenue is a residential road where many dwellings are closely spaced and as previously noted the resultant gap between the new and existing dwellings would not be out of character. The dormer window would be orientated to the rear garden and woodland beyond the application site and although some views of the rear garden of 162 would be available, these views would be towards the centre of the garden. By reason of the rear projection of the proposed dwelling relative to its neighbour, the part of the garden closest to the rear of 162 (defined in the Residential Extensions SPD as the private amenity area within a depth of 5 metres from the back of the property) would be screened by the building itself.
- 56 In coming to this conclusion I am mindful that the site is located within the built confines of West Kingsdown and it is not unusual in suburban settings, such as this, for some views of neighbours' gardens to be available from upper rooms. Taking all of the above into account I conclude that the development would not result in unacceptable harm to the living conditions of the occupants of surrounding buildings and that there would be no breaches of policy EN2 of the ADMP or the Residential Extensions SPD.

### Standard of accommodation

- 57 Policy EN2 of the ADMP requires that any development should ensure a satisfactory environment for future occupants. In terms of size, layout, daylight and outlook the proposed dwelling would provide an adequate living environment for future occupiers. The site is however located within approximately 150 metres of Brands Hatch motor racing circuit and has the potential to be affected by noise from motorsport events. Brands Hatch

holds events for both two and four wheeled vehicles across two operational race circuits known as the GP circuit and Indy circuit. The application site is located closest to the GP circuit.

- 58 Paragraph 123 of the NPPF is relevant and advises that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. The NPPF refers to The Noise Policy Statement for England (NPSE) which sets out the long term vision for government noise policy and aims to: ‘avoid significant adverse impacts on health and quality of life; mitigate and minimise adverse impacts on health and quality of life; and where possible, contribute to the improvement of health and quality of life’.
- 59 The NPSE identifies 3 tiers of Observed Effect Levels; No Observed Effect Level, Lowest Observed Effect Level and Significant Observed Adverse Effect Level. A Significant Observed Adverse Effect is defined in the NPSE as the level above which significant adverse effects on health and quality of life occur. The NPSE confirms it is not possible to have a single objective noise-based measure that defines a significant adverse effect level that is applicable to all sources of noise in all situations. Consequently, the significant adverse effect level is likely to be different for different noise sources, for different receptors and at different times.
- 60 The PPG advises that, in determining noise impact, decision-takers should take into account the acoustic environment and consider whether or not a significant adverse effect or an adverse effect is occurring or likely to occur and whether or not a good standard of amenity can be achieved.
- 61 At a local level, policy EN7 of the ADMP states that development will be permitted where it would not have an unacceptable impact when considered against the indoor and outdoor acoustic environment including existing and future occupiers of the development and the amenities of existing and future occupants of nearby properties; and where development would not result in unacceptable noise levels from existing noise sources that cannot be adequately mitigated. Similarly, policy EN2 of the ADMP requires the provision of adequate residential amenities for existing and future occupiers by ensuring that development is not located in areas where occupiers of the development would be subject to, amongst other criteria, excessive noise.
- 62 To assess the level and likely impact of motorsport noise affecting the site, a noise impact assessment has been submitted. Noise recordings were taken when the GP circuit was in use and the Environmental Health Officer is satisfied that the technical data represents a likely worst case noise scenario at the site.
- 63 The assessment identifies that subject to an appropriate glazing specification and installation of a mechanical ventilation system the dwelling would be capable of providing an internal living environment that complies with relevant standards as set out in British Standard BS8233: 2014. The provision of mechanical ventilation is commonly accepted as an appropriate means of achieving a satisfactory living environment when external noise conditions would preclude the opening of windows for natural

## Agenda Item 4.5

ventilation. In my view the achievable internal noise levels would be below the Lowest Observed Adverse Effect Level thereby satisfying the requirements of national and local planning policy and I concur with the Environmental Health Officer that future occupiers of the dwelling would have an acceptable standard of amenity.

- 64 Turning to the external amenity space, the WHO guidelines are relevant. Specifically the guidance states that “During the daytime, few people are seriously annoyed by activities with LAeq levels below 55 dB; or moderately annoyed with LAeq levels below 50 dB”. BS2833:2014 states that it is ‘desirable’ that the external noise does not exceed this level and acknowledges that whilst in some situations development should be designed to achieve the lowest practicable levels in external amenity spaces, they should not be prohibited.
- 65 It is important to note that BS8233: 2014 and WHO guidance on noise use a daytime 16 hour continuous equivalent noise level, that is if all the noise energy in the 16 hours between 07:00 hrs and 23:00 hrs were to be expressed as a continuous unchanging level and uses the expression LAeq,16hr. The purpose is to protect sensitive receptors (including residents) from harm through prolonged exposure to noise above levels that have been found to have adverse effects in some of the population.
- 66 The noise assessment concludes that measured external levels during non-event days are below the upper guideline limits set in the WHO guidelines; however on some event days would exceed these thresholds.
- 67 Paragraph 006 of the Noise section of the NPPG states that ‘If external amenity spaces are an intrinsic part of the overall design, the acoustic environment of those spaces should be considered so that they can be enjoyed as intended’. The proposed development comprises a 4/5 bedroom dwelling and includes a generous sized private rear garden which would include patio areas directly adjacent to the rear of the building. The patios would be capable of being accessed by full-width glazed doors on three elevations to provide direct access from a large kitchen/dining room and playroom/family room; the Design and Access Statement refers to a ‘patio area which seamlessly connects the main family living spaces with the garden’. In my view the garden forms an integral part of the development and the size and layout of the dwelling would be likely to appeal to families. For this reason I consider that providing an acceptable standard of external amenity space is necessary to enable the garden to be enjoyed as intended.
- 68 Whilst I am mindful that noise is a subjective term I consider that the highest recorded levels are loud and that this would constitute a Significant Observed Adverse Effect for the purposes of NPSE. The Noise Exposure Hierarchy in the NPPG states that this level of noise would be noticeable and disruptive and cause a material change in behaviour and/or attitude e.g. avoiding certain activities during periods of intrusion. The NPPG recommended response is to avoid such situations. Nevertheless in assessing noise impact it is also necessary to consider the nature and frequency of the noise. The noise from Brands Hatch is intermittent and of limited duration; the noisiest events at the circuit are restricted to 5 days in any calendar

year through the noise management plan for the venue and the circuit adjacent to this location is only used by race vehicles on 24 occasions in any year. On the vast majority of occasions when track activity would be heard in the garden of the proposed dwelling the 16hr LAeq will be below 55 dB.

- 69 Whilst I am mindful that it would not be possible to eliminate noise for future residents I am satisfied that taking all of the above into account, including the limited nature of the most significant noise impacts, the adverse effects on the quality of the external amenity space would not be unacceptable. In this respect the development would comply with policies EN2 and EN7 of the ADMP.

#### Highways and parking

- 70 Policy T2 of the ADMP requires that proposed development should ensure the satisfactory means of access for vehicles and provides parking facilities in accordance with the relevant standards. Policy T3 requires the provision of electric vehicle charging infrastructure.
- 71 Vehicular and pedestrian access to the site would be provided adjacent to the access to the woodland. Hever Avenue is subject to a 30mph speed limit and the site benefits from good visibility in both directions. The development would include the erection of setback access gates and ample turning space and does not raise any highway safety concerns in this regard. The parking standards as set out in the Kent Design Guide: Interim Guidance Note 3 require 2 spaces per 4-bed house. The proposals include the provision of at least 2 independently accessible off-street car parking spaces and a garage and would comply with policy T2 of the ADMP.
- 73 Policy T3 seek to ensure the provision of new charging facilities within new residential development for electric cars. This is secured by the imposition of an appropriate condition.

#### Trees and landscaping

- 74 Policy EN1 of the ADMP requires the layout of new development to respect the topography of the site and to retain important features including trees, hedgerows and shrubs. New landscaping and boundary treatment will be required in appropriate cases.
- 75 There are 3 notable oak trees on the site, the most prominent of which is located towards the front of the site and protected by a Tree Preservation Order. The proposals would necessitate the removal of two oak trees. At the time of serving the preservation order on the single oak at the front, the two other oak trees located towards the centre of the site were also assessed; however were found to be of inadequate aesthetic quality to warrant protection. The reasons for this relate in part to their less prominent location and contribution to the visual amenity of Hever Avenue and in part to their lesser quality and poorer form arising from pruning works. The pruning works were carried out in a response to a subsidence claim made to the owner, Sevenoaks District Council. Notwithstanding the objections received, I concur with the Tree Officer's view that the removal of the two unprotected oak trees would not detract from the wider visual amenity of the area and is considered acceptable.

## Agenda Item 4.5

- 76 The Tree Officer is satisfied that there is sufficient space for the proposed dwelling to be constructed and subject to the implementation of appropriate tree protection measures, for the duration of works, the protected tree is capable of being retained. Whilst the hard landscaped drive would be located within the Root Protection Area (RPA) of the protected tree, the Tree Officer is satisfied that by using a no dig construction method, the health and stability of the tree will not be compromised.
- 77 The mature trees to the front of 156 and 162 Hever Avenue adjacent to the site also need to be taken into account as parts of the proposed development would encroach into the RPA of these trees. Subject to implementation of a no dig construction method, the Tree Officer is satisfied that the trees on neighbouring land would also be adequately protected.
- 78 Subject to appropriate conditions to secure the above tree protection measures and details of quality soft and hard landscaping (including appropriate means of enclosure) the development would comply with policy EN1 of the ADMP.

### Biodiversity and ecology

- 79 Section 11 of the NPPF relates to conserving and enhancing the natural environment and includes discussion relating to biodiversity. Paragraph 118 explains that the planning system should protect and enhance valued landscapes, minimise impacts on biodiversity and provide net gains in biodiversity where possible. When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity and if significant harm resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. At a local level, policies SP11 of the Core Strategy and G11 of the ADMP state that the biodiversity of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity.
- 80 As existing the application site comprises mature trees and shrubs and shares its east boundary with an area of woodland. The application is accompanied by an Ecological Appraisal and Reptile Survey. KCC Ecologists are satisfied that sufficient information has been submitted.
- 81 The Ecological Appraisal identifies potential for Hazel Dormice to be present on site and it is therefore recommended that a detailed method statement requiring a precautionary mitigation approach be secured by condition. There is also potential for breeding birds and hedgehogs and a low potential for roosting bats. It is recommended that precautionary mitigation be implemented if trees are felled.
- 82 KCC Ecology recommended that any external lighting adheres to the Bat Conservation Trust's Bats and Lighting in the UK guidance; it is recommended this and details of wider ecological enhancements be secured by appropriate condition. On this basis I am satisfied that the proposed development would appropriately mitigate ecological impacts and provide

for net gains in biodiversity value consistent with relevant national and local planning policy and Natural England's Standing Advice.

#### Affordable housing

- 83 In relation to affordable housing, on 28 November 2014 the Government issued a Written Ministerial Statement that amended National Planning Practice Guidance (PPG) to restrict the circumstances where contributions for affordable housing should be sought. Under that guidance, other than in designated rural areas, contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1000sqm. This is a material consideration that should be taken into account when determining planning applications and must be weighed against Policy SP3 of the Core Strategy. It is noteworthy that the material consideration post dates the Core Strategy and was confirmed by the Court of Appeal in 2015 and thus afforded weight. Since the development size is below the threshold introduced in the Written Ministerial Statement a strict adherence to the edicts of Policy SP3 is unlikely to be substantiated at appeal as such a contribution to affordable housing would not therefore be sought on a development of this size.

#### Other issues

- 84 Concerns raised by the Parish Council regarding the stability of the land are not material to the planning application and would be subject to control under the relevant Building Regulations.
- 85 The proposals would by their nature preclude public access across the site itself, however in the absence of any evidence that such rights of way exist, I can afford this no weight. The proposals include the retention of the adjacent access to the woodland over which there are established rights of way, including for neighbouring occupiers. This access would be enhanced by the introduction of appropriate boundary treatment to the curtilage of the new dwelling. Whilst the installation of gates to the woodland access do not form part of this planning application, it is likely that they would constitute permitted development.
- 86 Notwithstanding that concerns relating to the potential interruption of television signals are rarely a material planning consideration, the modest scale of the development is such that this could be mitigated in the event that the development proceeds.
- 87 It is acknowledged that the grant of planning permission often has effects on local residents and in determining planning applications the local planning authority is required to balance the benefits of a development against the dis-benefits. Article 1 of the First Protocol states 'Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law'.
- 88 Whilst the grant of planning permission may result in some interference of the human rights of local residents, the Courts have held that some interference is permissible where it is in the public interest. In this instance

## Agenda Item 4.5

the public benefits of the development, including provision of a high quality dwelling, would outweigh the dis-benefits, including limited effects on local residents, in accordance with the due statutory process for considering relevant concerns.

- 89 The Council's role as local planning authority is separate from its other roles, including as landowner. Legislation dictates that local planning authorities are required to determine their Council's own planning applications without any conflict of interest.

### **Community Infrastructure Levy**

- 90 The application is accompanied by a CIL Additional Information Form and Assumption of Liability Form which identifies that the development would be CIL liable. There is no application for an Exemption or Relief.

### **Conclusion**

- 91 The principle of the development of the site is acceptable in land use terms. The development would be appropriate in terms of height, scale, form and design and would respect the character and appearance of the area. I have concluded that the development would not result in unacceptable impacts on neighbouring amenity and would provide for adequate parking and ecological mitigation and enhancement. I have found that the dwelling is capable of providing an adequate internal living environment and although the external amenity space would be subject to episodes of high noise impact this would not be harmful to the living conditions of future occupiers. There are no other issues that could not be addressed by appropriate condition.

**Recommendation: Grant planning permission subject to conditions**

### **Background Papers**

Site and Block Plans

Contact Officer: Matthew Durling Extension: 7448

**Richard Morris**  
Chief Planning Officer

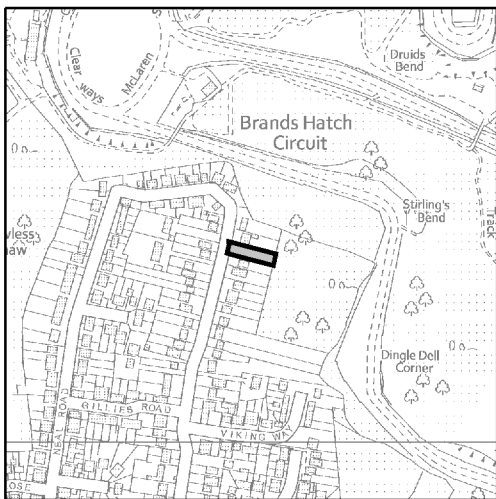
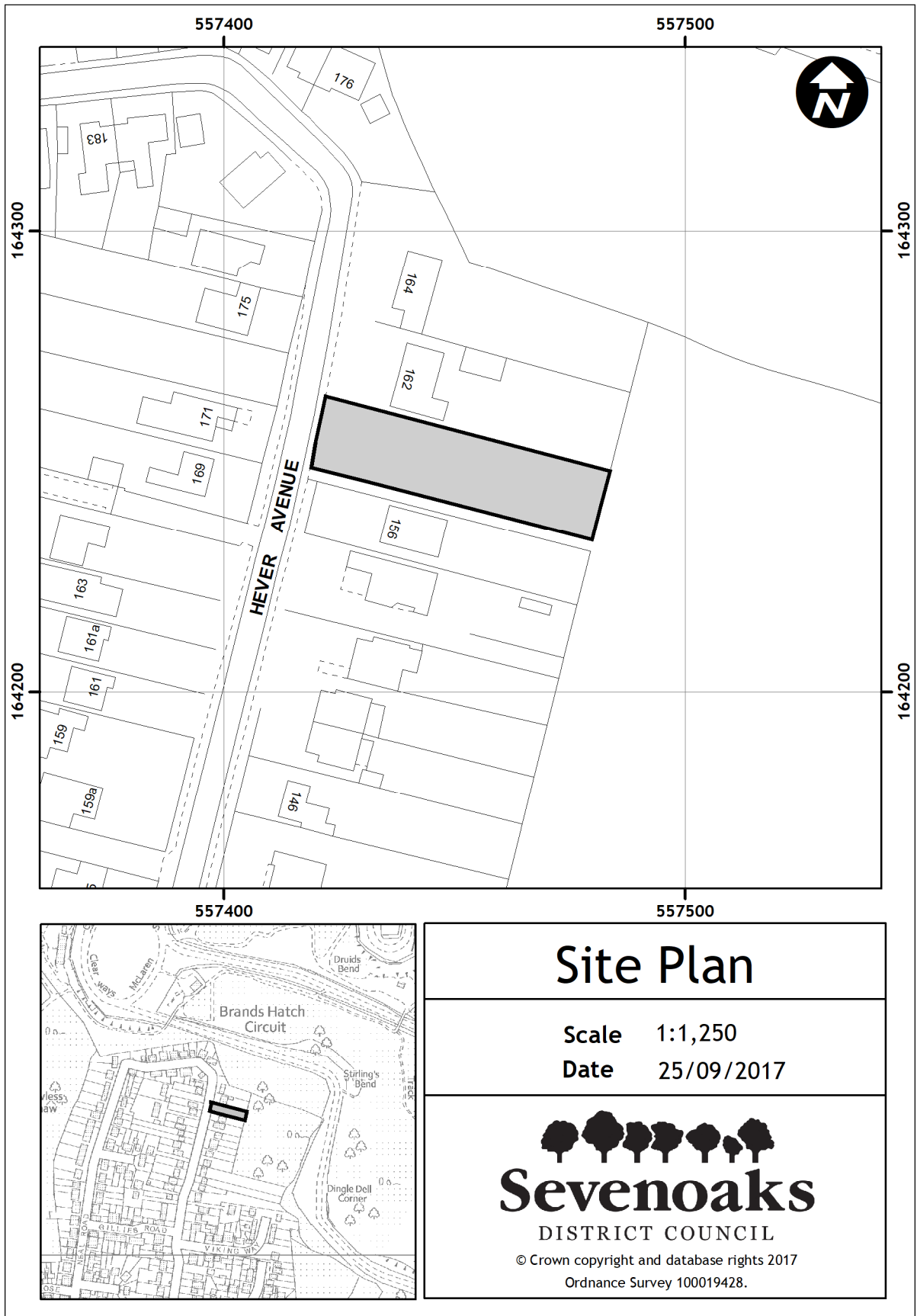


Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OE4CJUBKM3F00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OE4CJUBKM3F00>



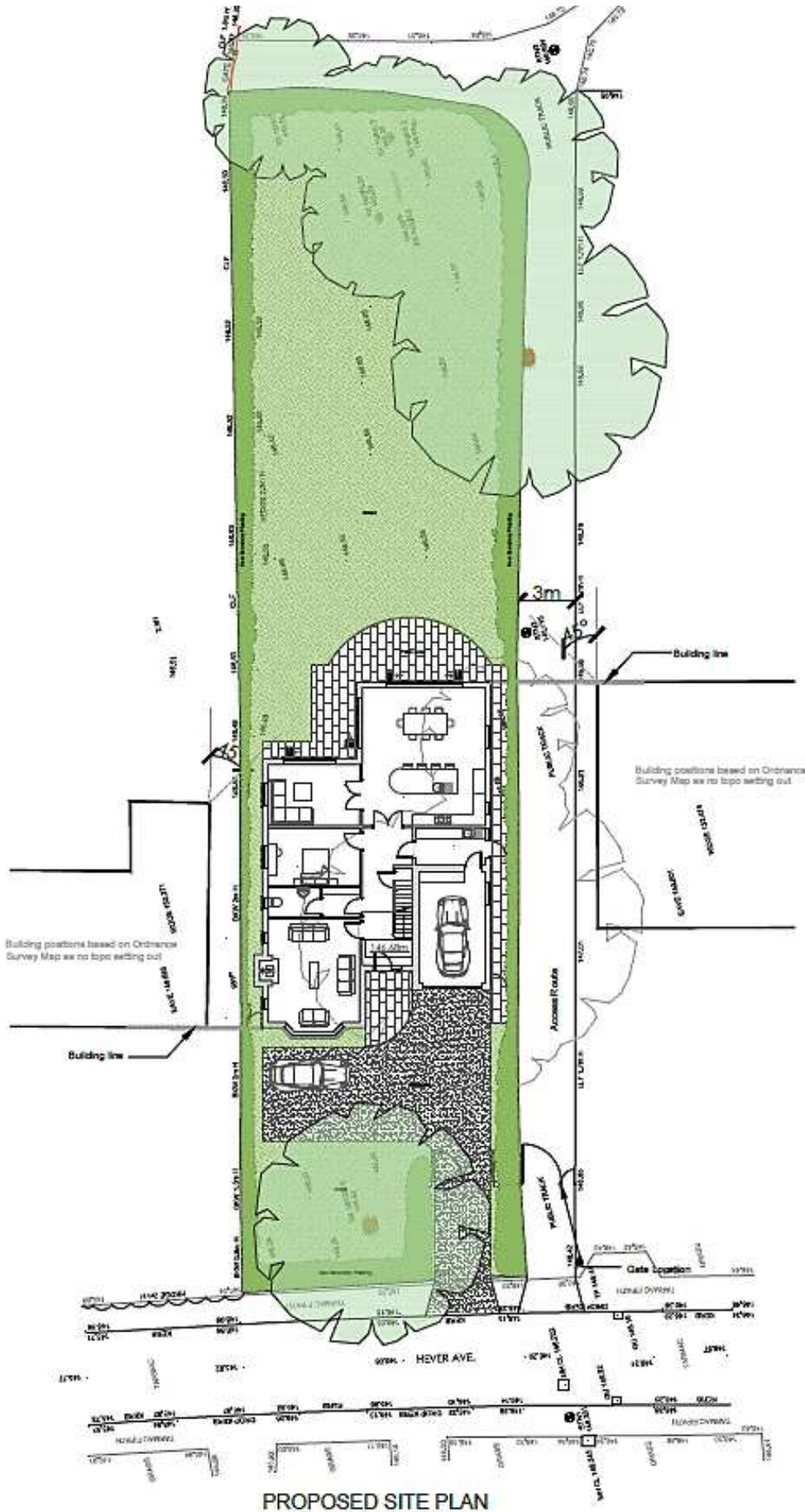
# Site Plan

Scale 1:1,250  
Date 25/09/2017



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Ordnance Survey 100019428.

Block Plan



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4.6 - 17/02769/LDCPR                      Date expired 30 October 2017

Proposal:    Extension to dropped kerb.

Location:    9 Stanhope Way, Sevenoaks, Kent TN13 2DZ

Ward(s):    Brasted, Chevening and Sundridge

**ITEM FOR DECISION**

This application is referred to Development Control Committee as the applicant is related to a member of staff.

**RECOMMENDATION:** That a Certificate of Lawful Development Proposed is GRANTED subject to the following reason:

The proposed extension of the dropped kerb would comply with Schedule 1, Part 2, Class B - 'means of access to a highway' of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

**Description of proposal**

1        Extension to existing dropped kerb.

**Description of site**

2        The application site relates to a two storey detached dwelling located within Stanhope Way. There are neighbouring properties located either side of the site, and to the rear and opposite. The property is located within the parish of Chevening.

**Constraints**

3        Area of Archaeological Potential

**Relevant planning history**

4        16/00418/HOUSE - Erection of a first floor rear infill extension - Granted.

**Background information**

5        This application is for a Lawful Development Certificate for proposed works, to determine whether those works are permitted development or whether planning permission is required.

6        No consultations are required for this type of application and there are no planning policies that are relevant. This is a test against legislation and in this case the legislation is the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (to be referred to as 'the Order').

## Agenda Item 4.6

- 7 If the proposed works comply with the requirements of the Order, then we are obliged to confirm that the works would be permitted development, and grant a Lawful Development Certificate.
- 8 If the proposed works would not comply with the requirements of the Order, we would confirm that the works require planning permission and refuse a Lawful Development Certificate.

### Chief Planning Officer's Appraisal

#### Appraisal

Whether the proposed use applied for is Lawful

- 9 The application is assessed under Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 10 We have checked the planning history, and there are no planning conditions removing permitted development rights in relation to the proposed development.
- 11 The proposed extension to the dropped kerb will be assessed under the criteria in Part 2, Class B - 'The formation, laying out and construction of a means of access to a highway.'

Part 2 Minor Operations Class B states:

The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part).

- 12 The extension to the existing drop kerb would be located along Stanhope Way, which is not a trunk road or a classified road.
- 13 The existing hard standing forming the driveway has been implemented in accordance with the criteria of Class F of Part 1 of the General Permitted Development Order. The works would therefore be in connection with development permitted by another class within the relevant legislation.
- 14 The proposed works would therefore comply with Part 2 Class B of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended), and is permitted development.

#### Conclusion

- 15 The proposed extension of the dropped kerb would comply with Part 2 minor operations Class B - 'means of access to a highway'.

**Background Papers**

Site and Block Plan

Contact Officer: Louise Cane Extension: 7390

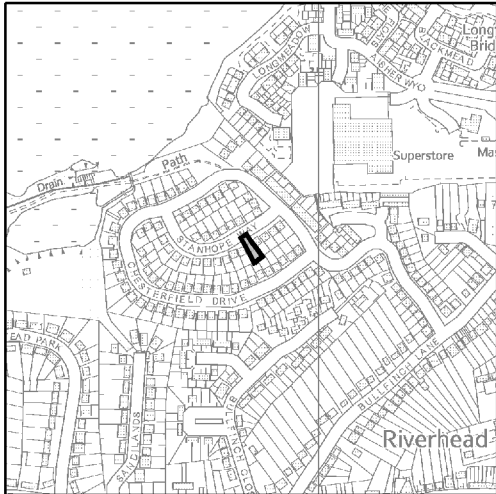
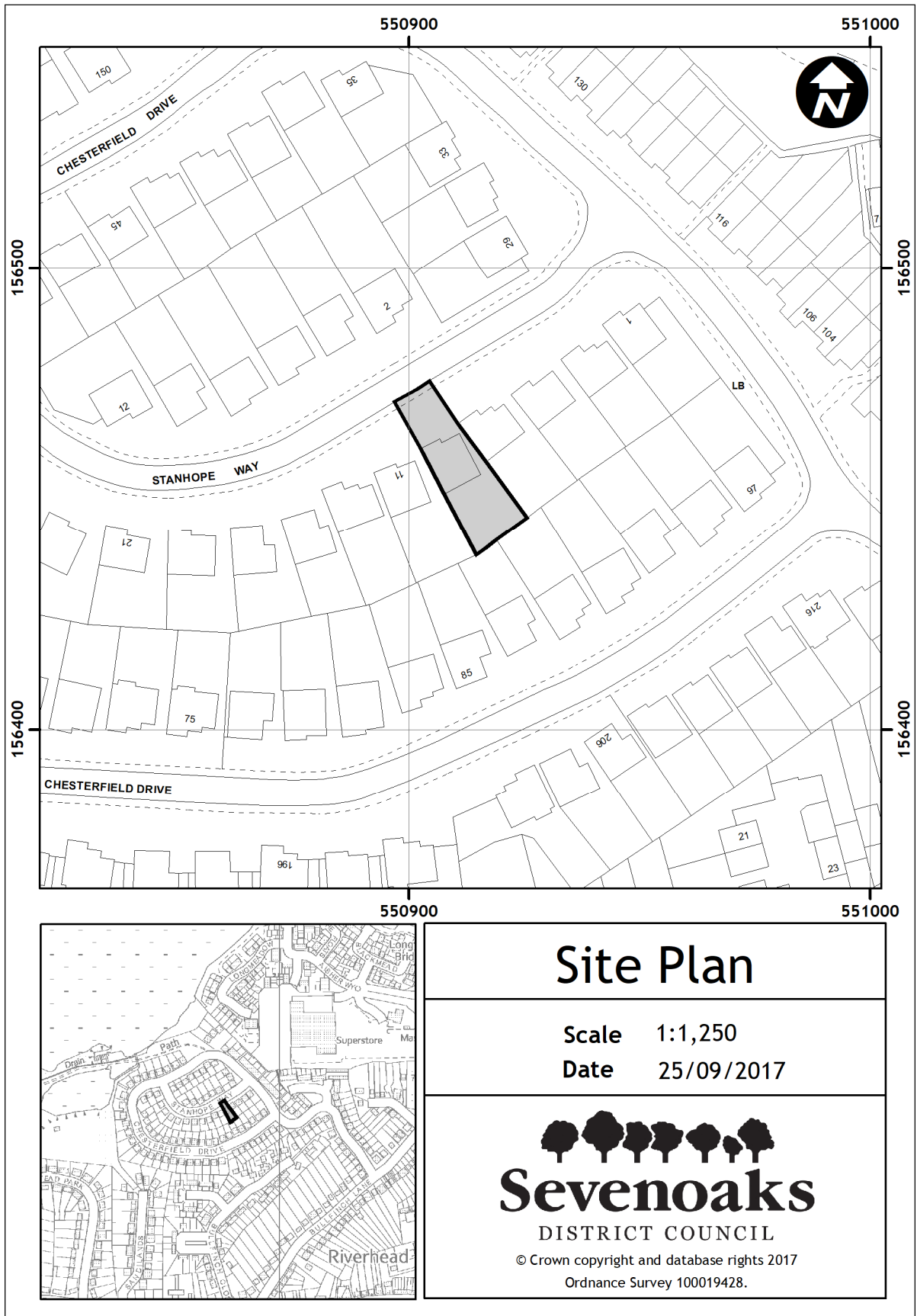
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OVJOC2BK0LO00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OVJOC2BK0LO00>



# Site Plan

Scale 1:1,250  
Date 25/09/2017

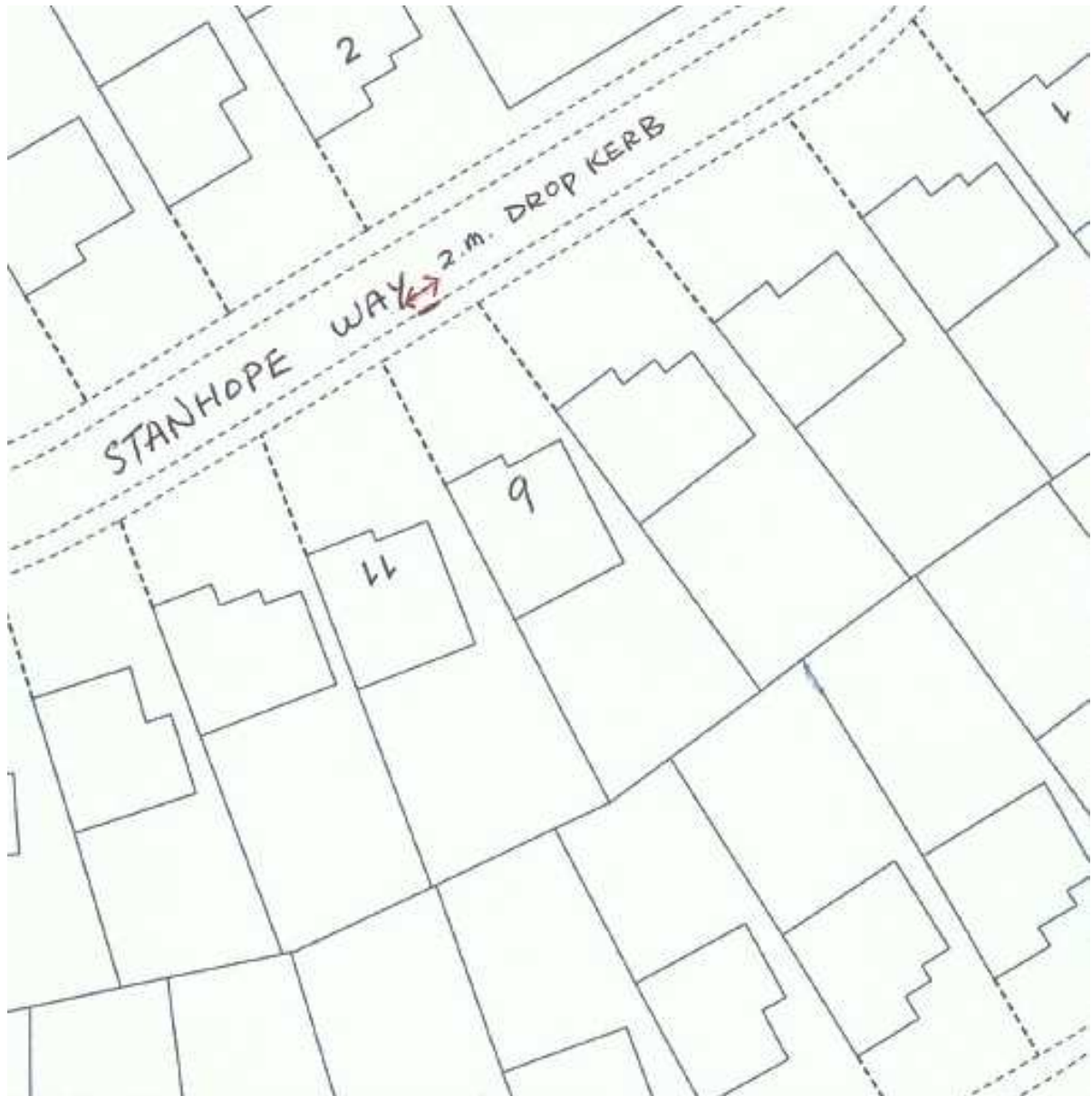


DISTRICT COUNCIL

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BLOCK PLAN



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Planning Application Information on Public Access - for applications coming to

DC Committee on Thursday 19 October 2017

**4.1 SE/17/02111/FUL Land at Salmans Farm, Salmans Lane, Penshurst**

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OSKPWKBKLPO00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OSKPWKBKLPO00>

**4.2 SE/17/02113/FUL Land at Salmans Farm, Salmans Lane, Penshurst**

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OSKPX3BKLP00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OSKPX3BKLP00>

**4.3 SE/17/02149/FUL Buckhurst 2 Car Park, Buckhurst Lane, Sevenoaks TN13 1JJ**

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OSOFBHBKM4S00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OSOFBHBKM4S00>

**4.4 SE/17/02400/FUL Land South of Vine Baptist Church, Park Lane, Sevenoaks**

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OTPGKXBKIW700>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OTPGKXBKIW700>

## Agenda Item

### **4.5 SE/16/02931/FUL Land South of 162, Hever Avenue, West Kingsdown TN15 6DU**

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OE4CJUBKM3F00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OE4CJUBKM3F00>

### **4.6 SE/17/02769/LDCPR 9 Stanhope Way, Sevenoaks TN13 2DZ**

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OVJOC2BK0LO00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OVJOC2BK0LO00>