

4.3 – SE/13/02200/FUL Date expired 16 September 2013

PROPOSAL: Change of use of redundant barn to residential 4 bedroom dwelling and granny annexe.

LOCATION: Land Adjacent To Holmesdale Hall, Park Gate Road, Orpington BR6 7PX

WARD(S): Crockenhill & Well Hill

ITEM FOR DECISION

This application has been called to Development Control Committee by the Chief Planning Officer, as the application is at variance with the views of the Crockenhill Parish Council. The Parish Council consider that the proposal is unacceptable as they consider that this is an unsuitable use of a barn, overdevelopment of the site, the design is unsuitable, increase traffic, noise and disturbance.

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

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

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

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

To ensure that the appearance of the development enhances the character and appearance of the area as supported by Policy EN1 of the Sevenoaks District Local Plan and policy SP1 of the Sevenoaks Core Strategy.

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

To ensure that openness of the Green Belt and the character and appearance of the landscape is protected.

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

To ensure that openness of the Green Belt and the character and appearance of the landscape is protected.

5) No development shall be carried out until a scheme of soft landscaping, including type and size of species has been submitted to the Council for approval in writing. The scheme shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection during the course of the development. The soft landscape works shall be carried out before the first

dwelling is occupied or in accordance with a programme of implementation agreed in writing with the Council. The landscape works shall be carried out in accordance with the approved details.

To ensure that the appearance of the development enhances the character and appearance of the area and the historic park and garden, as supported by Policy EN1 of the Sevenoaks District Local Plan and policy SP1 of the Sevenoaks Core Strategy.

6) 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 ensure that the appearance of the development enhances the character and appearance of the area and the historic park and garden, as supported by Policy EN1 of the Sevenoaks District Local Plan and policy SP1 of the Sevenoaks Core Strategy.

7) The development shall achieve a BREEAM rating of very good. Evidence shall be provided to the Local Authority -
i) Prior to the commencement of development, of how it is intended the development will achieve a BREEAM rating of very good or an alternative as agreed in writing by the Local Planning Authority; and
ii) Prior to the occupation of the development, a final certificate showing that the development has achieved a BREEAM rating of very good or alternative as agreed in writing by the Local Planning Authority.

In the interests of environmental sustainability and reducing the risk of climate change as supported in policy SP2 of the Sevenoaks Core Strategy.

8) No development shall be carried out until a scheme of hard landscaping (which includes surfacing details), have been submitted to and approved in writing by the Council. The development shall be carried out in accordance with the approved details. The hard landscaping works shall be carried out before the dwelling hereby permitted is occupied or in accordance with a programme of implementation agreed in writing with the Council. The landscaping works shall be carried out in accordance with the approved details.

To ensure that the appearance of the development enhances the character and appearance of the area as supported by Policy EN1 of the Sevenoaks District Local Plan and policy SP1 of the Sevenoaks Core Strategy.

9) No development shall be carried out until full details of all existing and proposed means of enclosure have been submitted to the Council for written approval. These details shall include a plan indicating the positions, design and materials of all means of enclosure. The development shall be carried out in accordance with the approved details. No other means of enclosure other than those shown on the approved plans shall be erected within the curtilage of the dwelling hereby approved, despite the provisions of any Development Order.

To ensure that the appearance of the development enhances the character and appearance of the area and has no adverse impact on the historic park and garden as supported by Policy EN1 of the Sevenoaks District Local Plan and policy SP1 of the Sevenoaks Core Strategy.

10) Details of any outside lighting shall be submitted to and approved in writing by the Council before the development commences. Despite any development order, outside lighting shall only be provided in accordance with the approved details.

To ensure that the appearance of the development enhances the character and appearance of the area as supported by Policy EN1 of the Sevenoaks District Local Plan and policy SP1 of the Sevenoaks Core Strategy.

11) The annex building hereby permitted shall not be occupied at any time other than for the purposes ancillary to the residential use of the dwelling hereby permitted.

To prevent over development of the site, to maintain the character of the area, in accordance with Policy EN1 of the Sevenoaks District Local Plan and Policy SP1 of the Sevenoaks Core Strategy.

12) The development hereby permitted shall be carried out in accordance with the following approved plans: 1471/1,1471/2, 1471/3, 1471/4

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

13) 1. Before commencement of the development hereby approved (including any demolition works), a contaminated land assessment, including a site investigation and remediation methodology (if necessary) shall be submitted to and approved by the Local Planning Authority. If during the works contamination is encountered, which has not previously been identified, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, agreed and approved in writing by, the Local Planning Authority. The remediation shall be implemented and completed as approved. Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of:

- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
- b) Details of any post-remedial 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.
- c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

To prevent harm to human health in accordance with the advice and guidance in the NPPF.

14) No development shall take place until a scheme detailing measures for the enhancement of biodiversity on the site, including bats, has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be in place prior to the first occupation of the dwelling and shall thereafter be retained.

To provide opportunities to conserve and enhance biodiversity on the site, in accordance with Policy SP11 of the Sevenoaks District Core Strategy.

Note to Applicant

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

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

In this instance the applicant/agent:

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

Description of Proposal

- 1 This application seeks permission for the change of use of redundant barn to a residential 4 bedroom dwelling and granny annexe.
- 2 It is proposed that the main element of the dwelling would be located in the rendered section of the building. The accommodation within this element would comprise a living room, study, dining room/kitchen and 4 bedrooms. It is proposed that the annex would be formed within the existing timber building to the North West.
- 3 In addition to this, it is also proposed to utilise the existing stable building as a garage for the proposed unit.
- 4 The applicants have advised that the granny annexe will be part of the whole of the internal accommodation formed by the barn conversion but with separate kitchen and bathroom facilities. The annexe will be linked to the main accommodation by an internal corridor and the whole of the barn conversion served by a single supply in terms of gas, water and electricity and if necessary an internal check meter will be installed to record costs applicable to the Granny Unit.
- 5 A garden area is proposed to the south east of the building.

- 6 Access to the site would be via an unmade track, which is accessed off Park Gate Road.
- 7 A public footpath runs along the unmade track.
- 8 Planning permission was granted under application SE/12/01100/FUL, to change the use of a redundant barn and stables to veterinary hospital.

Description of Site

- 9 The application site relates to a site known as Holmesdale Hall, which is located at the end of a long private driveway leading from the end of Parkgate Road. The building, which is the subject of this application, is located adjacent to the private driveway.
- 10 This building consists of former seven bay concrete framed structure approximately 32 metres long and 9 metres wide (that has been altered with new rendered walls) , plus a small flat roof store. There is a smaller office/storage building attached to this building which is within the application site and a former stable block. There is also a stable building to the southeast. Located near to this building is a large twin-span steel framed Dutch barn, which is outside of the application site.
- 11 The redundant barn and stables that are the subject of this change of use application are located just outside the boundary of the Lullingstone Castle grade II listed historic park and garden. The closest part of this historic park and garden is the historic boundary of the 18th century landscaped park, which was never planted as part of the formal scheme of that time. However, the green boundary to it does still form part of the rural character of the parkland.
- 12 The site is located within the Green Belt and Area of Outstanding Natural Beauty.

Constraints

- 13 AONB
- 14 Metropolitan Green Belt
- 15 Adjacent to a historic park and garden

Policies

Sevenoaks District Local Plan

- 16 Policies– EN1, GB3A, EN26, EN17B

Sevenoaks Core Strategy

- 17 Policies – LO8, SP1

Other

- 18 NPPF

Planning History

- 19 Previously this site has formed part of Park Gate Farm. Some of the history also relates to parts of Holmesdale Hall which are not in this application site. The history below relates to the current application site only.
- 20 TH/5/71/707 - Planning permission granted in 1971 for use of land and stables as riding school.
- SE/03/02619/FUL - Change of Use from barn to office accommodation. Refused 09/02/2004
- SE/06/01989/FUL - Change of use of redundant barn to a therapy and healing centre (Class D1) while retaining part of the building as a farm/equine office and store. Refused 17/01/2007
- SE/07/02080/FUL - Change of use of redundant barn to therapy and healing centre (class D1) while retaining part of the building as a farm office and store (Resubmission of SE/06/01989/FUL). REFUSE 30/08/2007 but Appeal allowed. *This is important as this permission established the principle of the conversion.*
- 12/01100/FUL - Change of use of redundant barn and stables to veterinary hospital. GRANT 19/07/2012.
- 12/03345/FUL- Change of use of redundant barn and stables to veterinary hospital (D1) and including occasional overnight accommodation for veterinary nurses during treatment. With extension to south-eastern elevation, the corner of the north-western and north-eastern elevation, and main public entrance porch to south-western elevation. REFUSE 28/03/2013.

Consultations

The Conservation Officer has advised the following:-

- 21 The redundant barn and stables that are the subject of this change of use application are located just outside the boundary of the Lullingstone Castle grade II listed historic park and garden. The closest part of this HPG is the historic boundary of the 18th century landscaped park, which was never planted as part of the formal scheme of that time. However, the green boundary to it does still form part of the rural character of the parkland.
- 22 I had commented on a previous application to convert the buildings into offices, and raised no objection in principle. The main issue from my point of view is impact on the setting of the heritage assets. In this case, the domestication of the buildings is a small concern. The previous application had proposed cladding the rendered part with weatherboarding, which would have been an improvement, but this isn't proposed here. Also, a number of new windows will need to be introduced. The window design, as can be ascertained from the scale of plans submitted, is simple, but my suggestion would be to, where floor plans permit, enlarging some for a less domestic appearance (in height, for instance). The second concern would be the treatment of the curtilage, and no landscaping plan appears to have been submitted. Boundary treatments in particular are important in order to retain the rural character, in particular at the contiguous boundary with the historic park and garden. My view is that these details should be submitted at this stage rather than by condition.

Conclusion: No objection in principle to the change of use subject to reconsideration of the fenestration to avoid a domestic appearance, and submission of a landscaping plan.

KCC Highways have made the following comments:-

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

Environmental Health have provided the following comments:-

- 24 I refer to the above mentioned planning application. I wish to make the following Environmental Health observations in relation to the proposal:

- 25 1. Before commencement of the development hereby approved (including any demolition works), a contaminated land assessment, including a site investigation and remediation methodology (if necessary) shall be submitted to and approved by the Local Planning Authority.

- 26 If during the works contamination is encountered, which has not previously been identified, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, agreed and approved in writing by, the Local Planning Authority. The remediation shall be implemented and completed as approved.

- 27 Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.

b) Details of any post-remedial 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.

c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: To prevent harm to human health

KCC Ecology have provided the following comments:-

- 28 Thank you for the opportunity to comment on this application. We have the following response to make:

- 29 Under the Natural Environment and Rural Communities Act (2006), "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". In order to comply with this 'Biodiversity Duty', planning decisions must ensure

that they adequately consider the potential ecological impacts of a proposed development.

- 30 The National Planning Policy Framework states that "the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and delivering net gains in biodiversity where possible."
- 31 Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System states that 'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision.'
- 32 Natural England has published Standing Advice on protected species and Ancient Woodland. When determining an application for development that is covered by the Standing Advice, Local Planning Authorities must take into account the Standing Advice. The Standing Advice is a material consideration in the determination of applications in the same way as a letter received from Natural England following consultation.
- 33 We commented on this site in April 2013 as part of planning application SE/12/01100/FUL.
- 34 An ecological survey was submitted in support of that application and the survey identified that the rear of the site had potential to support reptiles but the rest of the site had limited potential to be suitable for protected or notable species.
- 35 As a result of reviewing the submitted design and access statement for this planning application we are aware that this area will not be directly impacted by the proposed development and they are proposing to retain it as a wildlife area.
- 36 As the area will not be lost as a result of the development we are satisfied no additional information needs to be provided prior to determination of the planning application.

Bats

- 37 The survey submitted for planning application SE/12/01100/FUL identified that there is suitable foraging and commuting habitat for bats within the site. If any external lighting is proposed we advise that the Bat Conservation Trust's Bats and Lighting in the UK guidance is adhered to in the lighting design (see end of this note for a summary of key requirements).

Bats and Lighting in the UK

- 38 Bat Conservation Trust and Institution of Lighting Engineers

Summary of requirements

The two most important features of street and security lighting with respect to bats are:

1. The UV component. Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas.

2. Restriction of the area illuminated. Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas illuminated. The aim is to maintain dark commuting corridors for foraging and commuting bats. Bats avoid well lit areas, and these create barriers for flying bats between roosting and feeding areas.

UV characteristics:

Low

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

High

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

Variable

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

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

Security and domestic external lighting. The above recommendations concerning UV output and direction apply. In addition:

Lighting should illuminate only ground floor areas. Light should not leak upwards to illuminate first floor and higher levels.

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

Movement or similar sensors must be used. They must be carefully installed and aimed, to reduce the amount of time a light is on each night.

Light must illuminate only the immediate area required, by using as sharp a downward angle as possible. Light must not be directed at or close to bat roost access points or flight paths from the roost. A shield or hood can be used to control or restrict the area to be lit. Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife. Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.

Natural England have provided the following comments:-

39 The Wildlife and Countryside Act 1981 (as amended)

The Conservation of Habitats and Species Regulations 2010 (as amended)

The National Park and Access to the Countryside Act 1949

Natural England's comments in relation to this application are provided in the following sections.

50 Statutory nature conservation sites – no objection

This application is in close proximity to the Lullingstone Park Site of Special Scientific Interest (SSSI).

Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

51 Protected landscapes – no comments

This application falls within the Kent Downs AONB. Natural England has no comments to make on this proposal as we do not believe that this development is likely to adversely affect the purpose of the Kent Downs AONB

Given the location of the development, your Authority should seek the view of the AONB partnership prior to determining this planning application, as they may have more detailed comments to make on the location, nature or design of this development.

52 Protected species

Bats and great crested newts

It is noted that a survey for European Protected Species has been undertaken in support of this proposal. Natural England does not object to the proposed development. On the basis of the information available to us, our advice is that the proposed development would be unlikely to affect bats and great crested newts.

For clarity, this advice is based on the information currently available to us and is subject to any material changes in circumstances, including changes to the proposals or further information on the impacts to protected species.

The advice we are giving at the present time relates only to whether, in view of the consultation materials presently before us (including with reference to any proposed mitigation measures), the proposal is likely to be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range (*i.e.* the 'Favourable Conservation Status' test). We have not considered whether the proposal satisfies the three licensing tests or whether a

licence would be issued for this proposal. This advice is based on the information currently available to us and is subject to any material changes in circumstances, including changes to the proposals or further information on the protected species.

We have not assessed the survey for badgers, barn owls and breeding birds¹, water voles, white-clawed crayfish or widespread reptiles. These are all species protected by domestic legislation and you should use our protected species standing advice to assess the adequacy of any surveys, the impacts that may result and the appropriateness of any mitigation measures.

53 Local wildlife sites

If the proposal site is on or adjacent to a local wildlife site, eg Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site, and the importance of this in relation to development plan policies, before it determines the application.

54 Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.

55 Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

KCC Public Rights of way Officer has advised the following:-

- 56 Thank you for your letter dated 29th July 2013 with regard to the above application Public Rights of Way Footpath SD206 is the only access route in from the end of the public carriageway of Park Gate Road. I do not anticipate that it will be affected by the development. I enclose a copy of the Public Rights of Way network map showing the line of this path for your information. The applicant may

have private vehicle access rights along this footpath; the public only has the right to use it on foot. As per my comments on the previous applications on 6th June and 29th July 2012 I have no objection to the proposal in principle particularly, as noted, that the level of vehicular traffic is likely to reduce as a consequence of the change of use from a former riding stables. However, the applicant should be made aware that the liability of the County Council in terms of the maintenance of the public footpath extends only to passage along the path for pedestrians and does not include any liability for the passage of private vehicles. In addition, the applicant may be responsible for repairing any damage to the surface of the path caused by the passage of vehicles that renders the condition of the path unsafe or inconvenient for use by pedestrians.

- 57 There are no details on landscaping or curtilage boundaries in the application and I would ask that this is made a matter for conditions. There must be no encroachment on the width of track currently available for the public to use. Any planting adjacent to the track would need to be set back at least a metre from the existing edge so that any plants could be kept trimmed back from the path and not encroach onto its width.
- 58 Contractors' vehicles must not be parked on the track obstructing the right of way. Signage should be erected to notify drivers that the public has a right of way on foot and to keep down their speed. 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.
- 59 Should any temporary closures be required to ensure public safety then this office will deal on the basis that:
- The applicant pays for the administration costs
 - The duration of the closure is kept to a minimum
 - Alternative routes will be provided for the duration of the closure.
 - A minimum of six weeks notice is required to process any applications for temporary closures.
- 60 This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials, constructor's vehicles or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

The Kent Garden Trust have advised the following:-

They have no comment to make on the application.

- 61 No comments have been received from:-
- Archaeological Officer
 - The Garden Society

- Kent Wildlife Trust

Parish / Town Council

62 Objection and reasons:

It is considered unsuitable re-use of a redundant barn.

Would provide creeping development if approved - there is currently permission for the existing house to be demolished and replaced so why is an additional residential building required? It is also noted that the whole area of Holmesdale Hall is up for sale and divided into 10 different plots.

The current proposal looks larger than the original dwelling on this land and is totally out of proportion. The proposal is to increase the number of windows considerable and is not in keeping with the surrounding area. Residential use could increase traffic, noise, disturbance and increase paraphernalia associated with residential dwellings.

This building is clearly visible from the public footpath that runs alongside.

There is an additional large barn alongside which is not shown on the plans. There is concern that this would form the next residential application.

Representations

63 1 anonymous letter has been received in connection with the proposal. The main issues raised include the following:-

- Modifications that have been made to the building.
- Impact of AONB
- The proposal represents a piecemeal form of development

Chief Planning Officer's Appraisal

64 Due to the nature of the scheme and the site constraints, the following are considered to be the determining issues:-

- Impact on the Green Belt
- Impact on character and appearance of the area/AONB
- Impact on the amenities of adjacent properties
- Parking/Access
- Impact on the historic park and garden
- Impact on protected wildlife, SNCI and SSSI
- Contamination Issues
- Public Right of Way Issues
- Affordable housing contribution

Impact on the Green Belt

- 65 National planning policy guidance relating to the Green Belt is set out in paragraph 80 of the NPPF. The Government attaches great importance to Green Belts. 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 document states that there is a general presumption against inappropriate development, where the openness of the countryside/landscape would be adversely affected. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 66 The NPPF states that certain other forms of development are also 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. These include:-
- 67 The re-use of buildings provided that they are of permanent and substantial construction.
- 68 In addition to the policy advice in the NPPF, the advice and guidance from relevant policies in the local plan (which are compliant with the NPPF), should also be considered in respect of this proposal.
- 69 Policy GB3A of the Local Plan is relevant and states that the Council will permit the re-use of buildings within the Green Belt providing the proposal complies with the following criteria:
- The proposed new use will not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land within it;
 - The building is of permanent and substantial construction and is capable of conversion without major or complete re-construction; and
 - The form, bulk and general design of the buildings are in keeping with their surroundings and respect local building styles and materials.
- 70 It is considered that policy GB3A is broadly consistent with the NPPF and therefore needs to be taken into consideration under this application.

The proposed new use will not have a materially greater impact than the present use on the openness of the Green Belt

- 71 The first criterion is whether the new use would have a materially greater impact than the use of the present building.
- 72 As already stated, the building is already on the site and therefore in this respect it is considered that the actual conversion of the building will have no greater impact on the openness of the site.
- 73 With a proposal of this nature the main impact on the Green Belt is from the residential use itself, which includes the parking areas and residential paraphernalia from the use itself from the domestication of the site.

- 74 As stated above one aspect of a scheme like this is the impact from the creation of a residential curtilage. In some cases, it is considered that a curtilage could harm the open character of the land due to the maintenance of the land which would result in a change in its character to a more manicured environment (which is considered to be harmful to the open character of the land) and the associated residential paraphernalia which results from a residential use of this nature (such as tables and chairs, washing lines, play equipment – which the council would have no control over). It is considered that the use of planning conditions would control some of the harm in terms of restricting outbuildings/hard standings/fencing etc. but would not satisfactorily control the harm in terms of how the site is used and the domestication of the site.
- 75 In this case, however, the curtilage of the site follows an established field boundary and is immediately adjacent to the building. In view of the shape of this curtilage and its location, the proposed garden area (to be used in connection with this application) is considered to be acceptable from a visual perspective. In addition to this, the front of the site is already hard surfaced and views of this area, are largely contained by existing buildings (subject to this application) and by the steel barn and stable block to the west. Parking is proposed within the front of the site, which is considered to be acceptable in terms of the impact on the openness of the site.

The second element to consider is whether the building is of permanent and substantial construction.

- 76 Although a structural statement has not been submitted under this application to verify that the building is of permanent and substantial construction, the building has already been given permission to convert under application, 07/02080 (on appeal) and for the latest application, 12/01100/FUL to change the use of redundant barn and stables to a therapy centre and then to veterinary hospital. The structural survey submitted confirmed that the building was capable of being converted. In this respect the proposal is considered to comply with this element of the policy.

The form, bulk and general design of the buildings are in keeping with their surroundings and respect local building styles and materials.

- 77 The final element of the policy GB3A of the Sevenoaks District Local Plan is that the form, bulk and general design of the buildings should be in keeping with their surroundings and respect local building styles and materials. The form, bulk and general design of the buildings are in keeping with their surroundings and respect local building styles and materials.
- 78 The proposed external changes to the existing barn are considered to be acceptable and are considered not to adversely undermine the integrity of the existing agricultural building.
- 79 The proposed conversion is therefore considered to comply with the advice and guidance in the NPPF and policy GB3A from the Sevenoaks District Local Plan. In this respect the proposed development is considered to be appropriate development in the Green Belt.

Impact on streetscene/AONB

- 80 The Countryside and Rights of Way Act 2000 states that the Local Planning Authority should conserve and enhance Areas of Outstanding Natural Beauty. Designating an Area of Outstanding Natural Beauty protects its distinctive character and natural beauty and can include human settlement and development.
- 81 The application site is located in a highly sensitive area within the AONB. Paragraph 11 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty. It states that the primary purpose of these designations is to conserve and enhance the natural beauty of the landscape. LO8 from the Sevenoaks Council Core Strategy, also recognise the importance of the visual quality of the landscape and do not support development, which would adversely affect the natural beauty of the area.
- 82 In principle there is no objection raised to the alterations proposed to the external appearance of the building to facilitate the conversion, these include the new windows, doors and rooflights. The development as proposed is therefore considered to be sensitive to the character and appearance of the area and no objection is raised to its appearance. To ensure that the proposal would have no adverse impact on the character and appearance of the area, it is considered that conditions in respect of fencing, use of materials and the removal of permitted development rights would be appropriate.
- 83 The proposal therefore is considered to comply with the above aforementioned policies.

Impact on neighbouring amenity

- 84 Policy EN1 of the Sevenoaks District Local Plan requires that any proposed development should not have an adverse impact on the privacy of neighbouring properties and also ensures a satisfactory environment for future occupants.
- 85 The nearest residential property is Holmesdale Hall, which is located approximately 40 metres to the east of the application property. This distance is considered to be sufficient to have no material impact on the living conditions of this property.
- 86 The proposal is considered to have no adverse impact on any adjacent property.

Parking and highways safety

- 87 Policy EN1 of the Sevenoaks District Local Plan requires that proposed development should ensure the satisfactory means of access for vehicles and provide parking facilities. Policy VP1 of the Sevenoaks District Local Plan requires that vehicle parking provision in new developments should be made in accordance with adopted vehicle parking standards.
- 88 KCC highways have advised that having considered the development proposals and the effect on the highway network, that they raise no objection on behalf of the local highway authority.

89 As stated above, the site already has a large hardstanding area at the front, which would accommodate the parking from the proposal and in addition to this a garage area to the south east. It is therefore considered that the proposal is acceptable in terms of parking provision and highways safety.

Impact on the Historic Park and Garden

90 The NPPF states that states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

91 The NPPF also 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.

92 Policy SP1 of the Sevenoaks District Core Strategy states "the districts heritage assets and their settings, including listed buildings, conservation areas, archaeological remains, ancient monuments, historic parks and gardens, historic buildings landscapes and outstanding views will be protected and enhanced"

93 Policy EN26 from the Sevenoaks Core Strategy states, that the Proposals Map identifies a number of historic parks and gardens and the Local Planning Authority will protect these sites and their settings from intrusive development.

94 The redundant barn and stables, subject of this change of use application, are located just outside the boundary of the Lullingstone Castle grade II listed historic park and garden. The closest part of this Historic Park and Garden is the historic boundary of the 18th century landscaped park, which was never planted as part of the formal scheme of that time. However, the green boundary to it does still form part of the rural character of the parkland.

95 The main issue in terms of this proposal is the impact on the setting of the heritage asset. In this case, the Conservation Officer has advised that no objection is raised to the conversion/domestication of the building in general terms. The main issue in terms of the heritage asset is how the boundary of the site is delineated, to enable the rural character of the area to be maintained (as it would form a continuous boundary with the historic park and garden). Although this is considered to be an important issue, it is however considered that the

boundary treatment and the landscaping details should be submitted via a condition to ensure the rural appearance of the area is adequately maintained and the historical asset adequately safeguarded.

Impact on protected wildlife and the Site of Nature Conservation Interest

- 96 The National Planning Policy Framework states "the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible."
- 97 The NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:
- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
 - proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;
 - development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
 - opportunities to incorporate biodiversity in and around developments should be encouraged;
 - 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, unless the need for, and benefits of, the development in that location clearly outweigh the loss.
- 98 Policy EN17B of the Local Plan states that within SNCIs 'In other areas of nature conservation interest, including SNCIs and LNRs, development will not be permitted if it is likely to cause a loss of wildlife habitats and other features of nature conservation interest, unless it can be shown that the need for the development overrides the particular interest and no suitable alternative site is available. Where harm arises adequate compensation or mitigation will be required.
- 99 This application is in close proximity to the Lullingstone Park Site of Special Scientific Interest (SSSI).
- 100 Natural England have however advised that they are satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, and will not damage or destroy the interest features for which the site has been notified.

- 101 The proposed development is to be located 120 metres to the north of a Site of Nature Conservation Interest (SNCI). KCC Ecology has advised that they commented on this site in April 2013 as part of planning application SE/12/O1100/FUL. An ecological survey was submitted in support of this specific application and the survey identified that the rear of the site had potential to support reptiles but the rest of the site had limited potential to be suitable for protected or notable species. In view of this previous document and as a result of reviewing the submitted design and access statement for this planning application they are satisfied that the area will not be directly impacted by the proposed development as they are proposing to retain it as a wildlife area.
- 102 In view of the fact that none of the consultees has raised any objection to the proposal on conservation and wildlife grounds, I consider that the proposal would have no adverse impact on the protected wildlife and to the adjacent SNCI, with the addition of relevant conditions to seek that lighting is controlled and biodiversity improvements are sought.

Contamination Issues

- 103 The NPPF states to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
- 104 Environmental Health has advised that they would seek a condition to be imposed regarding contamination, should the proposal be approved. In view of their comments, it is considered to be necessary that a condition is imposed of this nature.

Public Right of Way

- 105 The Public Rights of Way Footpath SD206, runs along the unmade access to the site and is accessed off the public carriageway of Park Gate Road.
- 106 As the Public Rights of Way Officer has raised no objection, the proposal is considered to have no adverse impact.

Affordable Housing Contribution

- 107 Policy SP3 of the Core Strategy additionally indicates that the Council will expect the provision of affordable housing in all types of residential development. In the case of development that result in the net increase of less than five units 'a financial contribution based on the equivalent of 10% affordable housing will be required towards improving affordable provision off-site'. The Council's Affordable Housing SPD gives some guidance on the calculation and delivery of the necessary contribution which would be applicable.
- 108 The applicants have had the property (once completed) valued at £450,000. An independent valuation report has been submitted with the application by Langford Rae Van Bergen (Estate Agents) to support this. In view of the valuation,

the applicants have agreed to pay the affordable housing figure of £20,076, which is in accordance with the working formula.

- 109 Providing that the 106 agreement is acceptable as drafted the proposal would comply policy SP3 of the Sevenoaks District Local Plan.
- 110 Paragraph 4.4 of the Affordable Housing SPD states that
- 111 The requirement for affordable housing will be applied to the conversion and change of use of any building, whether or not it is already in residential use, where that change results in a net increase in the number of units. The policy will not however be applied to:
- residential accommodation which is to be used as incidental to the main dwelling i.e. staff accommodation/granny annexe, and whose independent occupancy is restricted by condition
- 112 Although the annex has the facilities required for independent living, the annex will be connected to the main dwelling through a doorway. In view of this, it is considered that the proposal would be ancillary to the main dwelling use. To ensure that the dwelling does not however become an independent unit, a condition is suggested to ensure that it would remain incidental to the main use. As it has been demonstrated that use would be ancillary, a separate affordable housing contribution for the annex element is not required in accordance with the SPD for affordable housing.

Conclusion

- 113 In conclusion the proposed development is considered to be appropriate development in the Green Belt.
- 114 There is considered to be no adverse neighbour impact, highway implications, no adverse impact on the historic park and garden and no adverse on protected wildlife.
- 115 Providing that the 106 agreement is acceptable, the proposal is also considered to be in accordance with policy SP3 of the Sevenoaks Core Strategy.

Background Papers

Site and Block plans

Contact Officer(s): Vicky Swift Extension: 7448

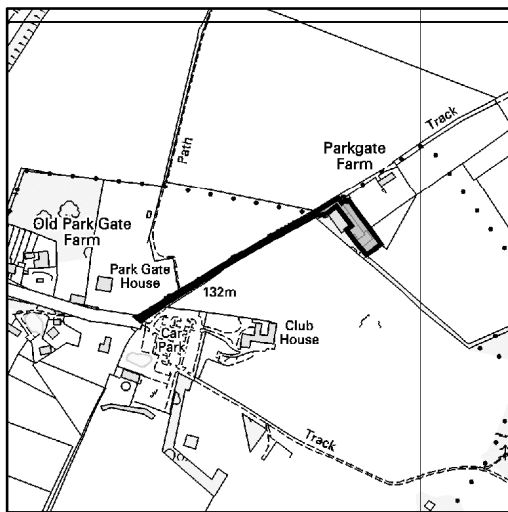
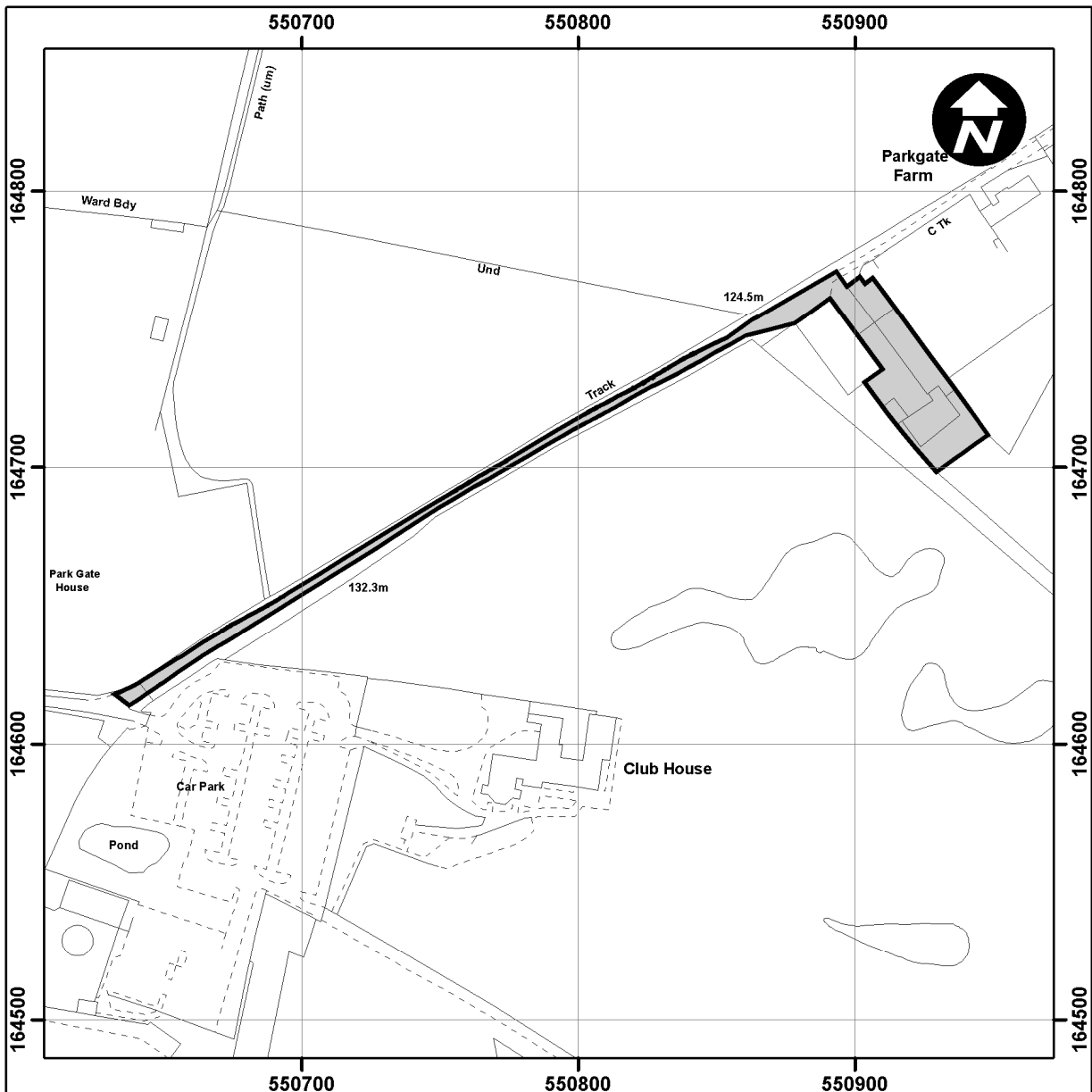
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MQDTF9BK0FZ00>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MQDTF9BK0FZ00>



Site Plan

Scale 1:2,500

Date 21/10/2013



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Sevenoaks District Council, 100019428, 2013.

Block Plan

