

4.1 - SE/16/03186/FUL Revised expiry date 27 January 2017

PROPOSAL: Proposed chapel, maintenance store, access, car parking and associated landscaping.

LOCATION: Watercrofts Wood, Old London Road, Badgers Mount, Kent

WARD(S): Halstead, Knockholt & Badgers Mount

#### ITEM FOR DECISION

The application is referred to Development Control Committee by Councillor Grint on the grounds that the proposals are considered to have a greater impact on the openness of the Green Belt than the approved scheme.

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 permission hereby granted shall only be exercised in conjunction with the permission for use of the land as a cemetery in accordance with SE/93/01575/FUL as amplified by SE/08/02894/LDCEX.

This permission is granted specifically in relation to the special circumstances surrounding the use of the site in this Green Belt location as supported by Government advice in the form of the National Planning Policy Framework.

3) No development shall be carried out on the land until full details of the materials, including the colour of any render finish, type of stone and any timber boarding, to be used in the construction of the external surface of the chapel hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials. The maintenance building shall not be constructed other than in accordance with the details indicated on drawing 3917\_PL\_07.

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) Before any equipment, machinery or materials are brought on to the land for the purposes of the development, the means of protection for any retained tree as indicated on the Tree Protection Plan 55139-05 shall be undertaken in accordance with the details set out in the Landscape Planning Ltd. Arboricultural

Assessment Report. In this condition a "retained tree" means an existing tree which is to be retained in accordance with the plan referred to above. Also: A) The means of protection shall be maintained until all equipment, machinery and surplus materials have been removed from the land. B) Within a retained tree protected area, unless strictly in accordance with details set out in the report referred to above; -Levels shall not be raised or lowered in relation to the existing ground level; -No roots shall be cut, trenches cut, or soil removed; -No buildings, roads, or other engineering operations shall be constructed or carried out; -No fires shall be lit; -No vehicles shall be driven or parked over the area; -No materials or equipment shall be stored.

To prevent damage to the trees during the construction period and secure their retention afterwards 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) Notwithstanding any indication on the drawings to the contrary, no trees in the vicinity of the northern car park as omitted from the proposals as approved (specifically T6, T7, TG13 and TG10) shall be removed without the prior approval in writing of the Council. Furthermore, once development has begun to be carried out on the land no retained tree or hedging within the site as indicated on the approved Tree Protection Plan 55139-05 as being retained shall be cut down, up-rooted, topped, lopped or destroyed, nor shall any hedge within the site be cut down or grubbed out, without the prior approval in writing of the Council.

To safeguard the character the area supported by EN1 of the Sevenoaks Allocations and Development Management Plan.

6) No development shall commence until a landscaping scheme for the site based on the indicative landscaping proposals illustrated on drawing 3917\_PL01 have been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include the following details: a) trees and shrubs to be retained; b) soft plantings, grass and turf areas, trees, shrub and herbaceous areas; their location, species (use of native species where possible) and size; c) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, steps and if applicable synthetic surfaces; and d) any other landscaping feature(s) forming part of the scheme. e) incorporation of ecological enhancements as recommended in the Landscape Planning Ltd. Preliminary Ecological Appraisal. All landscaping and ecological enhancements 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 safeguard the visual appearance of the area and the ecological interests of the

site as supported by EN1 of the Sevenoaks Allocations and Development Management Plan and policy SP11 of the Council's Core Strategy. 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) No development shall take place until details of a precautionary mitigation methodology regarding the impact on dormice and any timescale for implementation as necessary has been submitted to the District Planning Authority for approval in writing. Any necessary mitigation shall be undertaken in accordance with the approved details within the agreed timescale.

In the interests of the impact on protected species as supported by Government advice in the form of the National Planning Policy Framework, policy SP11 of the Council's Core Strategy. 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.

8) No development shall take place until an updated badger survey has been undertaken and any potential impact from the proposals considered. Details of the results of the survey and any proposed mitigation and timetable for implementation as necessary shall be submitted to the District Planning Authority for approval in writing. Any necessary mitigation shall be undertaken in accordance with the approved details within the agreed timescale.

In the interests of the impact on protected species as supported by Government advice in the form of the National Planning Policy Framework, policy SP11 of the Council's Core Strategy. 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) No development shall take place until a "lighting design strategy for biodiversity" for the site has been submitted to and approved in writing by the local planning authority. The lighting strategy shall: a) Identify those areas/features on site that are particularly sensitive for badgers and bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory; b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory. No external lighting shall be installed on the building or within the site other than in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the approved details.

In the interests of the impact on protected species as supported by Government advice in the form of the National Planning Policy Framework, policy SP11 of the Council's Core Strategy. 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.

10) No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless in accordance with details which shall first have been submitted to and approved in writing by the District Planning Authority. Such details to include confirmation that no birds will be harmed and/or that there are protective measures in place to protect nesting birds.

In the interests of the ecology of the site as supported by Government advice in the form of the National Planning Policy Framework, policy SP11 of the Council's Core Strategy. 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) Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Japanese knotweed on site. The measures shall be carried out strictly in accordance with the approved scheme.

In the interests of the ecology of the site as supported by Government advice in the form of the National Planning Policy Framework, policy SP11 of the Council's Core Strategy. 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 commence until a Construction Management Plan providing details of parking for construction operatives, parking, unloading and turning space for delivery vehicles has been submitted to and approved by the District Planning Authority. The approved statement shall be adhered to throughout the construction period.

In the interests of convenient access and highway safety as supported by policies EN1 and T1 of the 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.

13) The 2.4m by 120m sightline indicated on drawing 3917\_PL\_04 shall be provided and maintained in accordance with the approved drawing and there shall at no time be any obstructions over 1m above the carriageway within the splays.

In the interests of convenient access and highway safety as supported by policies EN1 and T1 of the Allocations and Development Management Plan.

14) Prior to occupation of the development details of the size, design and materials of the bin storage to the rear of the maintenance shed shall be submitted to the District Planning Authority for approval in writing.

To ensure the provision satisfactory design and appearance of the refuse stores as supported by policy EN1 of the Allocations and Development Management Plan.

15) The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in

writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

In the interest of Security, Crime Prevention and Community Safety as supported by the National Planning Policy Framework and Policy EN1 of the 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.

16) For the avoidance of doubt the information to which this decision relates is as follows: Willow Planning Ltd. Planning Statement, DHA Architects Design and Access Statement, Landscape Planning Ltd. Preliminary Ecological Assessment and Arboricultural Assessment both dated September 2016 and Reptile Precautionary Method Statement dated November 2016 and drawing nos.: 3917\_PL01J, 02N, 03, 04, 06J and 07D.

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

### **Informatives**

1) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

### **Note to Applicant**

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

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

outcome,

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

In this instance the applicant/agent:

- 1) The applicant was provided the opportunity to submit amendments to the scheme/address issues.
- 2) Was updated on the progress of the planning application.

### Description of Proposal

- 1 This application proposes a new chapel and maintenance store on the flat parcel of land upon which there is already permission for a chapel, together with vehicular access, adjacent car parking and associated landscaping. The proposals would involve the removal of a small number of trees.
- 2 The proposed chapel would be sited roughly centrally within the open flat clearing. The main body of the building would be rectangular in form, orientated along a north-south axis. There would be a smaller projecting wing to the front (north-eastern corner) and extending centrally from the west elevation. The chapel would be of modern design, incorporating a mono-pitched sloping, sedum (natural green) roof containing several centrally located rooflights. The “wings” would be lower level, but of similar design. There would be a projecting canopy to the front (north) to provide a covered entrance. The interior would contain the chapel itself, together with entrance/waiting areas, toilets and an associated office.
- 3 Materials would comprise principally a plain white render finish with a small element of natural stone. Windows would be limited would comprise charcoal grey aluminium framed windows.
- 4 Also proposed to the south of the chapel is a relatively small “Woodmans” shed (total 35m<sup>2</sup> in area), which would comprise timber boarding under a dark red tile roof.
- 5 The existing driveway would also be extended to provide a narrow, looping, block paved, vehicular access to the front (north) of the proposed chapel. It is also proposed to extend the driveway to the south to provide a further grasscrete parking area for 36 vehicles, with grassed overflow area beyond.

Extensive new soft landscaping, including tree planting, is proposed adjacent to the entrance drive, parking areas and to the north-east of the entrance drive.

- 6 As originally submitted the application also sought to propose to provide a relatively small grasscrete overflow parking area for 14 vehicles to the north of the main access. However, the proposals have been amended to omit this element of the proposals.
- 7 The proposals originally sought the removal of 7 trees. However, as a result of the omission of the car parking area, the proposals seek only the removal of 1 grade B tree and a further 3 trees (classified as “U”) because of their poor condition, rather than by necessity. The planting of approximately 50 new trees is indicated on the proposed site plan, to be located largely to the east of the new chapel, and either side of the access road, with extensive planting the east of the access drive and north-east of the chapel.
- 8 The proposals also include the access drive, a low level brick wall set slightly back from the road frontage, with a low set of timber gates on entry into the site and a further set of more formal, 2m high black painted metal gates with brick piers set approximately 20m into the site.

#### **Description of Site**

- 9 The wider site is located to the north-east of Badgers Mount, with the boundary to the east formed by London Road and the boundary to the north-west formed by Watercroft Road. It occupies a relatively rural location.
- 10 The site as a whole has a total area of some 12 hectares, although this application site relates only to a small portion of the wider area (very approximately 0.7ha). The larger part of the site comprises dense ancient woodland (roughly western 2/3<sup>rd</sup>s), the remaining portion to the south-east is more open though with some self-sown trees. It also has a wooded perimeter. The ancient woodland to the west is also subject to a Woodland Tree Preservation Order. The land generally rises steeply from south-east to north-west towards Watercroft Road. The site has access to London Road and Knockholt rail station is located approximately 750m to the north. To the south the site lies adjacent to open fields.
- 11 The site to which this application relates comprises the access drive, an area of land extending beyond to the west, a small area immediately to the northern side of the existing (hard core) drive and a larger, open area to the north-west. The latter comprises an existing flat area of cleared land, which is open but surrounded by established trees. This particular area is the same as that upon which a chapel has previously been approved. The access drive to the chapel has been formed, but not finished and is partly overgrown.

#### **Constraints**

- 12 Metropolitan Green Belt
- 13 Tree Preservation Orders/Area of Ancient Woodland
- 14 Biodiversity Opportunity Area

## **Policies**

### *Core Strategy (CS):*

15 Policies - L01, L08, SP1, SP2, SP11

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

16 Policies EN1, EN2, EN5, T1,

### *Other:*

17 Sevenoaks Countryside Assessment

18 National Planning Policy (NPPF)

## **Planning History**

19 93/01575/OUT: Erection of chapel and provision of car park with new vehicular access. Refused but ALLOWED at appeal 10.5.1995.

93/01576/FUL: Use of land as a cemetery with new vehicular access. Refused but ALLOWED at appeal 10.5.1995.

94/00377/OUT: Erection of crematorium, chapel and provision of car park together with ancillary facilities and new vehicular access. Refused 1.6.1994.

97/01988/REM: Details of siting, design and external appearance pursuant to Condition 1 of SE/93/01575. Refused but ALLOWED at appeal 28.10.1998.

97/02070/FUL: Erection of woodman's store and maintenance shed.

03/02138/FUL: Retention of permission for erection of woodman's storage/maintenance shed. Granted 5.12.2003.

03/02139/FUL: Erection of chapel & provision of car park and cesspool. Granted 5.12.2003.

08/02894/LDCEX: Lawful Development Certificate for existing use - to establish that planning permission 93/01576 (Use of land as cemetery with new access) was implemented. Granted 10.11.2009.

10/00079/FUL: Erection of a chapel and maintenance shed, car park and ancillary facilities. Granted 30.4.2010. (Details subsequently approved).

14/02003/FUL; Erection of chapel/crematorium, provision of ancillary car park and erection of a woodman's shed. Refused 10.6.15.

15/01235/LDCPR: Erection of entrance walls and timber gates (900mm-1000mm). Erection of separate entrance gates and piers no higher than 2000mm. Granted 10.6.15.

15/01244/LDCEX: To establish that planning permission SE/10/00079/FUL (Erection of a chapel and maintenance shed, car park and ancillary facilities. Refused but ALLOWED at appeal 9.5.16.

**Consultations:**

*Parish / Town Council*

- 20 “The Parish Council strongly objects to this planning application. The proposed development is within the Green Belt and in ancient woodland which is acknowledged by the applicant. It is noted that considerable damage has already been carried out on the site. Council has concerns that the area originally earmarked for the burials have already been extended
- 21 Any increase in floor space and bulk of the Chapel and parking facilities would have a detrimental impact on the green belt
- 22 Many of the trees have TPOs; there is a diversity of flora and fauna, and underground springs. The applicant has not provided any special circumstances which outweigh losing these important assets.
- 23 Policy L08 of the Core Strategy states that: the extent of the Green Belt should be maintained. The countryside should be conserved and the distinctive features that contribute to the special character of its landscape and its biodiversity of its landscape will be protected and enhanced where possible. This is also mentioned in the Kent Downs Area of Outstanding Natural Beauty Management Plan 2014 - 2019.
- 24 The Parish Council is also concerned that there will be a considerable increase of traffic movements on already busy roads.”

*Council’s Arboricultural Officer:*

- 25 “I do not have any objections to this proposal as it appears to show minor changes to what appears to have already been consented to. I have based these views upon the detail upon drawing number 3917\_PL06 and the outline of the stated previously approved chapel drawings and as such assume this to be correct.
- 26 I also refer you to drawing number 3917\_PL\_02 which shows in the legend a blue line and a red line. The blue line is shown as being the use of a cemetery as the 1993 permission. This blue line is shown as being around the whole site. It is not my view that the whole site is to be used as a cemetery, please ensure that this is corrected as necessary. Should consent be given to this application I suggest that a landscaping condition be attached.”
- 27 *Officer comment: The blue line represents other land within the ownership of the applicant. It does not relate or confirm to the use of the land it encloses. However, it does enable the Council to attach conditions to the land identified.*

*SDC Environmental Heath:*

28 I have no adverse comments or observations in respect of this application.

*Kent Highways (In summary):*

29 Note that the current application is a variation to the previously approved scheme, with amendments to the location of the parking and an increase of available spaces. There is unlikely to be any increase in traffic movements from the previously consented scheme. Therefore no objection is raised. Several conditions are suggested.

*KCC Ecology (In summary):*

30 The development is located within the ancient woodland and the applicant needs to demonstrate the development will not result in deterioration of the area of retained woodland.

31 With regard to the impact on reptiles, further information was requested addressing the area of reptile habitat which would be lost, along with the creation of compensatory habitat.

*Woodland Trust (In summary):*

32 Object on the basis of the loss and damage to the ancient semi-natural woodland. They are particularly concerned about the intensification of use of the site, noise and light pollution and impact on ecology.

*Natural England (In summary):*

33 No objection in terms of impact on statutory nature conservation sites. It is noted that the site is close to an Area of Outstanding Natural Beauty.

*Environment Agency (In summary):*

34 No objection.

*Kent Police (In summary):*

35 The design of the chapel should have regard to Crime Prevention Through Environmental Design and the Kent Design Initiative - Design For Crime Prevention document dated April 2013 and the developers attention is drawn to various documents and a condition is recommended.

**Representations:**

36 A letter has been received from a local resident objecting on the grounds of traffic generation and loss of trees and wildlife habitat.

## Chief Planning Officer's Appraisal

### Principle issues

- Principle of Development
- Impact on Green Belt
- Impact on Ancient Woodland
- Impact on landscape
- Impact on ecology
- Other matters

### *Background:*

- 37 There are several applications listed above which are material consideration of significant weight in the consideration of the current application. There are several which relate to the use of the wider site as a cemetery, however, the present application does not relate to the whole site, only a portion within the centre. In summary, the most relevant applications to this one are as follows:
- 38 Planning permission was originally allowed at appeal for a chapel, car park and access and separately for use of land as a cemetery with new vehicular access in 1995 (Ref: SE/93/01575/OUT & SE/15/01576/FUL).
- 39 In 2009 a Lawful Development Certificate established the use of the (wider) site *including the creation of the access* (Ref: SE/08/02894/LDCEX).
- 40 Planning permission was then granted for the erection of a chapel, maintenance shed, car park and ancillary facilities in 2010 (Ref: SE/10/00079/FUL) with the relevant details subsequently discharged. In 2015 a Lawful Development Certificate was allowed at appeal confirming that this permission for the chapel (and works associated) had been lawfully implemented (Ref: SE/15/01244/LDCEX). In 2015 a Lawful Development Certificate was granted for the erection of walls, and 2 sets of entrance gates (Ref: SE.15/01235/LDCPR).
- 41 In summary, planning permission for a chapel, maintenance shed and parking has been implemented and whilst not complete (foundations of the maintenance building only), will remain extant. The vehicular access has the benefit of permission. This is already in situ, but without a finished surface. The details of the entrance walls, gates and piers now proposed are the same as those which benefit from a recent grant of a Lawful Development Certificate, which have already been largely constructed.
- 42 The above are material considerations which should be afforded significant weight in the determination of the current application. Essentially permission has already been granted for the proposals, but in a different format, particularly with regard to the chapel and associated parking. The present application essentially seeks to formalise the various elements relating to the chapel, maintenance store, car parking and access drove and entrance under a single permission.

- 43 It is therefore necessary to consider the present proposals in light of the planning history. Thus the report below will intend to focus on the implications of the present proposals and consider whether they would be materially harmful when considered in light of the extant permissions.

*Presumption in favour of sustainable development:*

- 44 Para 14 of the NPPF 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 paras 11, 12, 13 of NPPF).
- 45 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.

*Principle of Development in Green Belt and impact on openness:*

- 46 Current Government advice, in the form of the National Planning Policy Framework, supports the protection of the Green Belts and seeks to restrict development.
- 47 Paragraph 79 of the NPPF states that “The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.” Paragraph 89 states that a LPA should regard the construction of new buildings as inappropriate in Green Belt. However, exceptions to this include the provision of appropriate facilities for...cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
- 48 Setting the issue of the use of the wider site to one side, as that does not form part of the current application, the principle of the vehicular access, chapel, maintenance store and associated car parking within the Green Belt has been established. The entrance walls and gates are already largely constructed under permitted development and the vehicular access has the benefit of planning permission. In light of this, I consider a refusal of these elements of the proposals would be unsustainable.
- 49 The key consideration is whether the chapel, maintenance store and car parking arrangements now proposed would result in greater harm to the openness of the Green Belt than that approved.
- 50 The approved chapel is located slightly further to the south-east of the siting presently proposed. This places it slightly under the canopy of trees to the immediate east. As approved there is extensive parking to the north and west. This also extends beyond the existing clearing into the adjacent woodland. The footprint to the proposed chapel would largely overlap that approved, but be set more centrally within the existing clearing, further from the trees. The access point into the clearing would lie slightly further

south of that approved, which would also limit encroachment into the ancient woodland.

- 51 The approved chapel would have a floor area of approximately 220m<sup>2</sup>. It takes the form of a traditional rectangular design with a main chapel and lower subservient entrance porch and stores to the front with offices, changing rooms and toilets to the rear. The building would have a main ridge level at 6.7m with the lower elements 5.7m to ridge, with a main eaves level estimated at just over 3m high.
- 52 The proposed chapel would have a floor area of approximately 246m<sup>2</sup>, representing an increase in floor area of 11.8%. The design takes a much more contemporary approach with essentially the main bulk of building in a rectangular form with 2 smaller scale modest projections. Not including the 2 projections, the main body of the building would be of reduced depth and width compared to that approved. The main roof is designed as a continuous monopitch slope from the rear to front (south to north). Thus the height to the rear would be 6.3m, sloping down to an eaves level of 3.6m at the front. The “wings” would reflect a similar design approach, with a maximum height of just over 4m.
- 53 Though it is difficult to provide a clear comparison between the existing and proposed chapel in terms of overall bulk and volume, I do not consider the proposed building would be significantly larger than that approved.
- 54 Whilst the proposed building would have a different design form and footprint arrangement with the wings extending out from the main body of the building, which accounts for the increase in floorspace, the proposed height would be considerably lower. Indeed the peak of the proposed roof would be some 0.4m lower than the approved ridge level (6% lower) with the lowest point of the sloping roof some 3.1m lower than the approved ridge level (46% lower). In my view this would balance any modest increase in floorspace provided within the proposed “wings”. I note the proposals include a covered canopy entrance which would comprise a flat roof supported by columns. However, it would be entirely open to 3 sides. Thus, on balance, I do not consider this element would add significantly to the visual bulk or mass to the building. In summary, I consider the increase in floorspace above that already approved would be largely off-set by the reduced height of the proposed building. Consequently, I consider the overall impact of the proposed building would be comparable to the approved scheme in terms of the impact on the openness of the Green Belt.
- 55 As an aside, I am also mindful that in granting the original permission for a chapel on the site (at appeal) the Inspector concluded that such a facility was essential in connection with the use of the land and thus appropriate in the Green Belt. However, no limit appears to have been set on the total floorspace that was considered appropriate and I do not consider the 11.8% increase now proposed to represent a significant departure in floor area over that previously considered appropriate.
- 56 I consider the provision of a maintenance shed of the scale proposed to be appropriate in terms of meeting the requirements of maintaining the land and note that though its siting would be slightly different to that approved,

the size of this modest, single storey, timber clad structure, would remain as approved.

- 57 The other issue is the provision of open car parking spaces in the form of an extension to the main entrance drive. In this regard the NPPF states that engineering operations 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. As the parking would be incidental to the use of the site which itself is considered appropriate, I consider the second test to be met. The key is whether the parking would preserve the openness of the Green Belt. In this regard they would take the form of open spaces located on a strip of grassland following the alignment of the power cables overhead. The parking spaces would not involve built development above the ground and would not in itself adversely impact the openness of the Green Belt. Furthermore, the use of this space would be a transient one. The parking area would be relatively limited in area, with the overflow beyond comprising a grass area. I therefore consider this element of the proposals to represent appropriate development.
- 58 In light of the above, in view of the particular circumstances, it is my conclusion that the proposals would not have a materially greater impact on the openness of the Green Belt than the extant scheme and would thus represent appropriate development within the Green Belt.

*Layout and design and impact on character of area/landscape:*

- 59 The NPPF at para 17 recognises that planning should take account of the character of different areas, recognise the countryside's intrinsic character and beauty and contribute to conserving and enhancing the natural environment.
- 60 Policy SP1 of the Core Strategy is clear that new development should be designed to a high quality and respond to the distinctive local character of the area in which it is situated. Outside settlements priority will be given to the protection of the countryside (Policy L08) and any distinctive features that contribute to the special character of the landscape and its biodiversity will be protected and enhanced where possible.
- 61 Policy L08 advises that the countryside will be conserved and the distinctive features that contribute to the special character of its landscape and its biodiversity will be protected and enhanced where possible.
- 62 Policy EN5 of the ADMP relates to Landscape. The policy states that the highest level of protection shall be given to the protection of the landscape and scenic beauty in AONBs. Development proposals will be permitted where they conserve the landscape and secure enhancements.
- 63 Whilst developments should respond to local character and context, paragraph 60 of the NPPF states that "Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiate through unsubstantiated requirements to conform to certain development forms or styles."

- 64 The design approach taken for the chapel is clearly a contemporary one. However, the site is a very contained one which is extremely well screened from views outside its immediate context, let alone outside the site. The building would not be seen in the context of other buildings.
- 65 In my view, the proposed building would have only a very limited visual impact outside the confines of the site. The fact that the building would have a lower height than that approved would also be beneficial in this regard. Furthermore, the siting now proposed would have the advantage of securing the retention of more trees than extant scheme. Furthermore, considerable enhancement planting is proposed. In my view, the impact on the wider landscape would be very modest indeed.
- 66 Clearly the parking area would be more exposed, as it would be set on an area of relatively open grassland outside the clearing within which the building would be contained. However, the parking area would be set at ground level and finished in a grasscrete surface. This area is off-set from the access drive and views from the entrance and this area would not be readily visible from the street. From longer views across London Road from higher ground the site would be well screened by dense tree cover along the eastern boundary of the site. Again further enhancement planting is proposed to soften and screen this element of the proposals. In any event, it is likely that this element of the site would only be apparent when in use, which because of its transient nature would have only limited impact.
- 67 I therefore consider the proposals would have an acceptable impact in terms of design, layout and impact on the visual amenities of the locality and landscape in general.

*Impact on trees/ancient woodland:*

- 68 National Planning Policy Framework, paragraph 118, 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, unless the need for, and benefits of, the development in that location clearly outweigh the loss."
- 69 This woodland is identified as Ancient Woodland which is woodland that has had a continuous woodland cover since at least 1600AD and has only been cleared for underwood or timber production. The importance of these woodlands is not just related to the trees themselves, but also that they have had a long time to acquire species and to form flora and fauna communities, and that their soils have remained largely undisturbed. As at 1994 it was estimated that approximately 10% of the county area was made up of both ancient and secondary woodland.
- 70 The woodland is also protected by a Tree Preservation Order.
- 71 As detailed above the NPPF recognises the importance of the countryside's differing intrinsic character and beauty and seeks to ensure that planning contributes to conserving and enhancing the natural environment. Policy SP11 seeks to ensure no net loss of biodiversity.

- 72 The omission of the parking area to the north of the drive would limit further encroachment into the ancient woodland and associated loss of trees. The parking proposed on the grassland would not result in any loss of trees and is sited just outside the ancient woodland.
- 73 The present proposals would result in the direct loss of one Class B (Sweet Chestnut) tree and loss of 3 others because of their poor condition. The extant permission will result in the loss of some 15 trees (of varying sizes) including the Sweet Chestnut identified above. Whilst the loss of any healthy trees is undesirable, the present proposals would clearly have far less impact than that already approved. On this basis the Council's Arboricultural Officer supports the proposals. The proposed planting scheme indicates the provision of approximately 50 new trees.
- 74 In summary, the present proposals would have less impact on the adjacent woodland than the approved scheme and I consider this benefit to weight in favour of the proposals.

*Ecology:*

- 75 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.
- 76 Policy SP11 seeks to conserve the biodiversity of the district and seek opportunities for enhancement to ensure no net loss of biodiversity.
- 77 The County Ecologist originally raised concerns to the impact on the ancient woodland as well as concerns relating to the impact on reptiles. However, following clarification and the submission of additional information a further response has been received stating that the reptile report alleviates any concerns they had with regard to the impact on reptiles and stating that taking into consideration the previous planning applications, they agree that the current plans will have less impact on the ancient woodland than that which already has permission.
- 78 With regard to the impact on badgers, although inactive at time of survey, a sett was identified that would be affected by the proposals. It is recommended that an updated survey along with any mitigation should be secured by condition. The site also provides suitable habitat for dormouse and it is suggested that a precautionary mitigation methodology be secured by condition. Furthermore, there is trees on site which have been highlighted as having a bat roost potential and thus all hedgerows and trees to be retained should be protected during construction in line with the submitted Arboricultural report. There should also be a "lighting design strategy for biodiversity" which should identify areas particularly sensitive for badgers and bats and show how any lighting will be controlled to protect

these species. Work should also take into account the need to protect breeding birds. Details should also be submitted detailed the control and removal of Japanese Knotweed on the site. There should also be ecological enhancements provided on site.

- 79 In light of the above, several conditions are recommended by the County Ecologist. I consider it would be reasonable to attach these in the event that permission were to be granted. In light of the above, I consider the proposals would benefit the ecology of the site and thus consider them acceptable in this regard.

#### **Other issues**

- 80 With regard to the impact on residential amenity, 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.
- 81 Policy T1 of the ADMP states that new developments will be required to mitigate any adverse travel impacts, including on congestions and safety, environmental impact, such as noise and tranquillity, pollution and impact on amenity and health.
- 82 The nearest neighbours in any direction are set approximately 200m from the application site and would be well screened by established foliage. Thus, the direct impact from the physical works would be very limited indeed.
- 83 Though the proposed use would have implications for traffic visiting the site, the proposals do not differ significantly from the approved use and consequently the Highway Authority consider there is unlikely to be any increase in traffic movements from the previously consented scheme.
- 84 In the circumstances, bearing in mind the authorised use of the site, I consider the impact on highway conditions and the related noise and disturbance to local residents because of traffic movements would not be materially different to that approved.

#### **Conclusion**

- 85 In light of the above, I consider the proposals represent appropriate development within the Green Belt. They also represent an acceptable layout and design. I consider the revised siting of the chapel building would be beneficial in terms of the impact on the ancient woodland and also related to this, the ecology of the site. Neither the proposed building or the parking areas would be harmful to the visual amenities of the locality or the landscape in general. Furthermore, bearing in mind the history of the site,

the proposals would not have a significant impact on highway conditions or the amenities of neighbouring residents.

- 86 I therefore consider the proposals to be policy compliant and to represent an acceptable form of development.

## **Background Papers**

Site and Block Plan

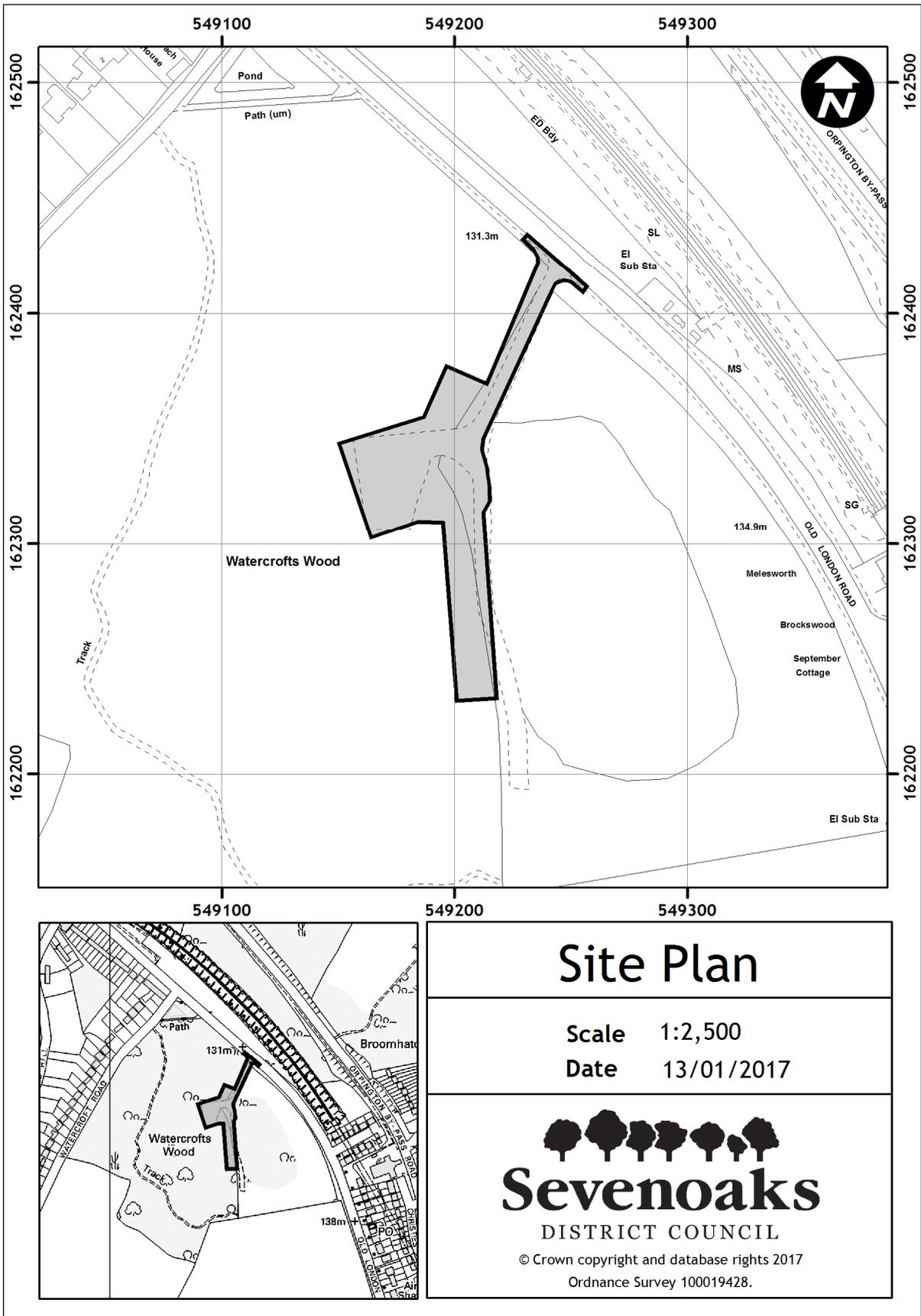
Contact Officer(s): Mr J Sperryn Extension: 7179

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

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OFAXV0BKJFF00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OFAXV0BKJFF00>



# Site Plan

Scale 1:2,500

Date 13/01/2017



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