

4.1 SE/11/02258/FUL Date expired 8 May 2012

PROPOSAL: Erection of Six Affordable Dwellings with associated access and landscaping works as amended by revised plans and documents received on 13.03.12.

LOCATION: Land SW of Forge Garage, High Street, Penshurst TN11 8BU

WARD(S): Penshurst, Fordcombe & Chiddingstone

**ITEM FOR DECISION:**

This application has been reported to Development Control Committee at the discretion of the Community & Planning Services Director due to the significant public interest and contentious nature of the proposed development. Councillor Cooke also considers the application should be refer to DC Committee for these reasons.

**RECOMMENDATION A)** That planning permission be GRANTED subject to the applicant entering into a Section 106 Agreement for the provision of affordable housing and highway improvements and 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 details of the materials to be used in the construction of the external surfaces of the dwellings 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 Conservation Area and Area of Outstanding Natural Beauty as supported by Policy EN1 and EN23 of the Sevenoaks District Local Plan.

3) The development hereby permitted shall be carried out in accordance with the following approved plans: 1201/12/3, 1201/11/1, 1201/12/14, 1201/12/13, 1027627/15 Rev E, 1027627/20 Rev B, 1027627/13 Rev K, 1027627/14 Rev E and 1027627/17 Rev C.

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

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

To safeguard the character and appearance of the conservation area as supported by EN23 of the Sevenoaks District Local Plan.

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

To safeguard the character and appearance of the conservation area as supported by EN23 of the Sevenoaks District Local Plan.

6) No development shall be carried out on the land until details of the hereby approved outbuildings have been submitted to and approved in writing by the Council. The development shall be carried out using the approved details.

To ensure that the appearance of the development enhances the character and appearance of the local area as supported by Policy EN1 and EN23 of the Sevenoaks District Local Plan.

7) The development hereby permitted shall not be used or occupied until the 2.4 x 50 metre visibility splays are to be provided and maintained at all times; i.e. a driver waiting to enter the High Street and 2.4 metres from the stop line, should be able to see vehicles approaching at 50 metres distance to left and right, and no obstruction higher than one metre to be permitted on the highway verge within the splays. (Note that the one metre height is to be measured relative to a point on the centre line of the new access road and 2.4 metres from the stop line mentioned above; this point may be lower than the verge.). Thereafter the visibility splays shall be maintained free from obstruction at all times.

In the interest of highway safety.

8) No development shall be carried out on the land until a scheme for the relocation of the telephone box has been submitted to and approved in writing by the Council and the Highways Authority, unless subsequently agreed with the Highway Authority that technical difficulty or other issue raised by the owner of the phone box or other utility company makes this impractical. The development shall be carried out using the approved details and the relocation of the telephone box implemented prior to development commencing upon the site.

To improve inter-visibility between drivers of vehicles about to enter the High Street from the new development and from Forge Garage

9) No development shall take place until details of the layout and construction of the access road has been submitted to and approved by the Council. The details shall include the connection to the High Street, gradients, surfacing materials and road markings.

In the interest of highway safety.

10) No development shall take place until details of the layout and construction of areas for the parking of cars including garage spaces and means of access have been submitted to and approved in writing by the Council. The parking areas approved shall be provided and kept available for parking in connection with the use hereby permitted at all times.

In the interest of highway safety.

11) No development shall be carried out on the land until details of the boundary treatment has been submitted to and approved in writing by the Council. The development shall be carried out using the approved details.

To ensure that the appearance of the development is in harmony with the existing

character of the local area as supported by Policy EN1 of the Sevenoaks District Local Plan.

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

To safeguard the rural character of the area.

13) The surface water drainage strategy should be as outlined in the FRA and addendums (most recent addendum dated 7 March 2012).

The access road and car parking area should be constructed with permeable paving (with a minimum depth of porous sub base of 300mm) and a cut off trench at the western site boundary.

The surface water discharge to the adjacent ordinary watercourse should be limited to a rate of 1.5 l/s (Appendix A, Drawing No. 5164/02 C, 'Proposed surface water flood drain').

In addition a surface water management plan should be implemented to ensure that the scheme is effective year round for the lifetime of the development.

The surface water drainage scheme should also take into account exceedance events to ensure that surface water runoff is safely routed away from the dwellings.

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

14) Finished floor levels are set no lower than 30.9 m above Ordnance Datum (AOD) as detailed in the 7 March 2012 Addendum (page 1).

To reduce the risk of flooding to the proposed development and future occupants.

15) There should be no lowering of ground levels where the existing site level is less than 30.75m AOD. Note existing ground levels on Drawing 1027627/20 B ('Site plan and existing levels').

To reduce the risk of flooding to the proposed development and future occupants by ensuring that site levels will be above the modelled 100 year plus climate change flood level.

16) No development shall be carried out on the land until full details of soft landscape works have been submitted to and approved in writing by the Council. Those details shall include: -planting plans (identifying existing planting, plants to be retained and new planting); -written specifications (including cultivation and other operations associated with plant and grass establishment); -schedules of new plants (noting species, size of stock at time of planting and proposed number/densities where appropriate); and -a programme of implementation.

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

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

18) No development shall be carried out on the land until a Construction Management Plan has been submitted and approved in writing by the Council. The plan should include the provision of on site parking and loading, and wheel washing facilities. The development shall be carried out in accordance with the approved plan.

In the interests of highway safety and visual amenity as supported by policy EN1 of the Sevenoaks District Local Plan.

19) No development shall take place until details of further mitigation measures as detailed in the Thomson Ecology reports dated July 2011 and October 2011 have been submitted and approved in writing by the Council. All mitigation measures set out in these reports shall be carried out in full compliance and any building works would take place taking into account the presence of protected species and including all enhancements proposed. The development shall be carried out in accordance with the approved statement.

To ensure the long term retention of protected species on the site as supported by the National Planning Policy Framework.

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

To avoid overload of any existing drainage systems and to meet sustainability and environmental objectives.

21) The first floor window(s) in the side elevation(s) shall be obscure glazed at all times.

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

22) The development shall achieve a Code for Sustainable homes minimum rating of Level 3. Evidence shall be provided to the Local Authority -

i) Prior to the commencement of development, of how it is intended the development will achieve a Code for Sustainable Homes Design Certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority; and

ii) Prior to the occupation of the development, that the development has achieved a Code for Sustainable Homes post construction certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority. Achievement of the Code levels and BREEAM standards must include at least a 10% reduction in the total carbon emissions through the on-site installation and implementation of decentralised, renewable or low carbon energy sources. In the interests of environmental sustainability and reducing the risk of climate change as supported by the National Planning Policy Framework, policies

CC2 & CC4 of the South East Regional Plan and policy SP2 of the Sevenoaks District Core Strategy.

23) There should be no ground raising within the floodplain of the Medway/Eden rivers, as indicated on Drawing 1027627/20 B ('Site plan and existing levels).

To prevent the loss of flood storage which may otherwise increase the flood risk to the surrounding land.

In determining this application, the Local Planning Authority has had regard to the following Development Plan Policies:

The South East Plan 2009 - Policies SP5, CC1, CC2, CC4, H3, H5, NRM4, NRM5, C3, BE5, BE6

Sevenoaks District Local Plan - Policies EN1, EN23, T9, VP1

Sevenoaks District Core Strategy 2011 - Policies L01, L08, SP1, SP2, SP4, SP7, SP11

The following is a summary of the main reasons for the decision:

The development would provide affordable housing to most local needs in a local area.

The scale, location and design of the development would respect the context of the site and Conservation Area and Area of Outstanding Natural Beauty the visual amenities of the locality.

The development would respect the setting of the Listed Building.

The development would preserve the special character and appearance of the Conservation Area.

The traffic movements generated by the development can be accommodated without detriment to highway safety.

The development is considered to be appropriate development within the Metropolitan Green Belt.

**RECOMMENDATION B)** In the event the applicant does not enter into a Section 106 legal agreement within 28 days of the date of this Development Control Committee, that planning permission be REFUSED for the following reason:

- 1) The application fails to make an appropriate provision for affordable housing contrary to the requirement of Policy SP3 of the Sevenoaks Core Strategy.
- 2) The application fails to secure adequate highway safety in relation to the absence for suitable provision of road markings and a Traffic Regulation Order.

#### Description of Proposal

- 1 The application seeks to erect 6 x 2 bedroom dwellings on the site. The dwellings would be two storeys high and split into two blocks of three, arranged side by side with a gap of 2.5 metres between the two blocks. The dwellings would be built and occupied as local needs housing units.

- 2 The blocks would be set back from Forge Garage, with a parking area providing 14 spaces to the front of the dwellings. A separation distance of 11.5 metres would exist between the dwelling attached to the rear of Forge Garage and the flank wall of the nearest unit. A strip of land providing access to the field to the rear of the site would be accommodated in this gap.
- 3 The dwellings have been designed with a ridge height of 9 metres above ground level, and each block contains a gable feature projection to the front. The dwellings would be constructed in brick at ground floor level with decorative tile hanging in bands at first floor level, and a clay tiled roof. Each block would measure approximately 17.2 metres in length and 8 metres in depth.
- 4 Access to the site would be via a new entrance onto the High Street. Existing boundary hedging by the proposed access would be removed and a new hedge planted behind the highways visibility line alongside the access. An existing telephone box in the corner of the site and adjacent to Forge Garage would be relocated slightly further into the site.

#### Description of Site

- 5 The site consists of a grass field on the edge of Penshurst village, known as Forge Field. The site and Penshurst village itself falls wholly within the Metropolitan Green Belt and the High Weald Area of Outstanding Natural Beauty. In addition the site and surroundings fall within the Penshurst Conservation Area.
- 6 The site slopes downhill from the High Street in a southerly direction. It is bounded on the road frontage by a hedgerow. Access into the site is currently via a field gate from the car park at Forge Garage.
- 7 The site is located next to Forge Garage which, as the name suggests, was formerly a forge, then a garage, and is now partly a village shop. A dwelling is attached to the rear of the property. Forge Garage is a Grade II listed building. Penshurst primary school is located opposite the site, and slightly further to the west is Star House, a Grade II\* listed building.

#### Constraints

- 8 Metropolitan Green Belt
- 9 Within the High Weald Area of Outstanding Natural Beauty
- 10 Conservation Area
- 11 Adjacent to listed buildings

#### Policies

##### *South East Plan*

- 12 Policies - SP5, CC1, CC2, CC4, H3, H5, NRM4, NRM5, C3, BE5, BE6

##### *Sevenoaks District Local Plan*

- 13 Policies - EN1, EN23, T9, VP1

*Sevenoaks Core Strategy –*

14 Policies - L01, L08, SP1, SP2, SP4, SP7, SP11

*Other*

15 The National Planning Policy Framework

16 The Penshurst Conservation Area Appraisal

17 The High Weald AONB Management Plan (2<sup>nd</sup> Edition adopted 2009)

Planning History

18 None

Consultations

*Penshurst Parish Council*

19 Original comments - Support - with conditions as follows:

20 The proposed s106 agreement must be applied allocating units to local people.

21 The quantity of parking to be reviewed as there are insufficient spaces.

22 Kent Highways should review the traffic management issues, especially related to roadside parking at the primary school arrival and departure times, and parking restrictions be considered.

23 Officers should check the depth of the foundations in relation to the adjacent Flood Level.

24 *Further comments* (dated 04/04/12) After discussion at the PC Meeting held on Monday evening we would provide the following response to the recent revision:

1) The timescale given for public consultation has been limited, complaints have also been received from parishioners regarding lack of access to documentation on SDC's website.

2) The PC have been made aware of an application being submitted by Easter by the Becket Trust for an affordable housing project and would ask what impact this will have on the current WKHA project in Forge Field.

3) The VIA documentation has been discussed by members of the PC together with the latest report from the AONB representative. There appears to be a number of discrepancies in the two reports submitted by AONB, we give a couple of examples:

- a complaint now exists regarding the roof line, it must be noted that the buildings are considerably lower to eye line than before the revision when no comment was made
- fencing rather than hedging has been suggested, the field is currently hedged as are many of the surrounding 'irregular fields' and properties further along Fordcombe Road this comment is therefore inconsistent

- the complaint regarding the VIA made by Mr Shaw is confusing as the PC understands the methodology, sites for provision of photographic evidence etc was agreed with him prior to the process being undertaken as per guidelines.

4) Members were asked if they would have voted differently had the VIA document been available last November when the PC voted to support the application, no one has changed their mind.

5) The PC would ask what the situation is at present, does the current VIA stand, will further work be requested to the VIA or will a complete new document be required.

25 *Further comments* (dated 31/05/12) - Thank you for the revised VIA documentation provided, the PC have no further comment to make.

### *Kent Highways*

26 Original comments - I have no objection to the application on highway grounds, provided that:

1) The permission, if granted is subject to a condition that at the exit from the development, 2.4 x 50 metre visibility splays are to be provided and maintained at all times; i.e. a driver waiting to enter the High Street and 2.4 metres from the stop line, should be able to see vehicles approaching at 50 metres distance to left and right, and no obstruction higher than one metre to be permitted on the highway verge within the splays. (Note that the one metre height is to be measured relative to a point on the centre line of the new access road and 2.4 metres from the stop line mentioned above; this point may be lower than the verge.) Reason: highway safety.

2) The permission, if granted, is subject to a condition or agreement under which the Applicant will move the telephone box in accordance with details to be agreed with the Highway Authority, unless subsequently agreed with the Highway Authority that technical difficulty or other issue raised by the owner of the phone box or other utility company makes this impractical. Reason: to improve inter-visibility between drivers of vehicles about to enter the High Street from the new development and from Forge Garage;

3) The permission, if granted is subject to a condition that the access road into the development is built according to details to be agreed with the Highway Authority. Reason: to ensure acceptable connection with the High Street, to agree gradient, road markings etc, and in the interests of highway safety.

4) The applicant pays a contribution of £3000 to the Highway Authority by a section 106 agreement for the provision of yellow line waiting restrictions in the vicinity of the exit of the proposed development. The waiting restrictions would be subject to a Traffic Regulation Order and public consultation. Reason: highway safety.

5) Standard condition to prevent mud, grit, dust etc being brought onto the highway by vehicles leaving the site during construction. Reason: highway safety.

Informatives



1) It is unlikely that the access road into the proposed development would be adopted by the Highway Authority, with the possible exception of the entrance onto the High Street;

2.) The visitors / drop-off parking spaces adjacent property number 1 would benefit from minor changes to the kerbline to ease access and egress.

### *English Heritage*

27 Original Comments – Do not wish to offer any comments and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

28 Further comments (dated 02/04/12) – same comments as above

### *Conservation Officer*

29 Original Comments - The site is within the designated Penshurst Conservation Area and adjoins the listed Grade II Forge Garage. Nearby and overlooking the site, is another listed building Grade II\*, Star House. The latter dates from 1610 with 19<sup>th</sup> century additions and alterations. It is not a Victorian building, as stated in the DAS. There are a number of other listed buildings within the Conservation Area. Forge Garage was listed in February 2011 and one of the reasons given for designation is the 'Group value: with the Grade II\* listed Star House, and as part of a larger, historically significant ensemble of revival buildings in the centre of Penshurst.'

30 The Planning (Listed Buildings and Conservation Areas) Act 1990 requires, in section 72, that local planning authorities should pay special attention to the desirability of preserving or enhancing the character of appearance of that area. This is the context in which this application needs to be assessed.

31 Further, PPS5 Planning for the Historic Environment, in paragraph HE7.5 states that Local Planning Authorities 'should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. 'This includes considerations of scale, height, massing, alignment, materials and use.

32 The amount of land made available within the field is tightly constrained such that there is little scope for any alternative layout to that proposed. Other constraints such as flooding, and highway requirements with regard to the provision of the access, visibility splays needed and parking and turning provision have also governed the layout. The steep drop in levels from the road would at least allow the buildings to be set into the slope and have ridge heights no more than 2-2.3 metres above the ridge height of the main part of the Forge Garage.

33 Inevitably any development on this very open site at the edge of the village would be highly conspicuous and alter the appearance and outlook at the approach to the village and views within it. Every effort seems to have been made to achieve a high standard of design of the houses themselves by taking inspiration from existing buildings in the village the blocks would have steeply pitched tiled roofs, clay tile hanging, timber window frames, open eaves and projecting jetties, all features reflecting existing buildings in the village. The materials would of course be the subject of later samples.

- 34 The two blocks of houses would be set back from the road frontage to behind the 'building line' to Forge Garage, thus minimising the obstruction of longer views along the High Street on the approach from the south. Closer to the site itself, Forge Garage and Star House at about 90 metres apart, are currently totally inter visible (subject to the height of the roadside hedge). The proposed new houses would be interposed between the two, reducing this inter visibility and inevitably changing the setting of both listed buildings.
- 35 The gable end wall at the south-western end of unit 6 does commendably include windows at ground and first floor levels to provide an interesting elevation, as this will be that most visible on the approach from the Fordcombe direction. However, rear gardens, with fencing, sheds etc would inevitably be noticeable from the highway.
- 36 It cannot be said that the proposed development would enhance the Conservation Area as the site and views across it are not unattractive at present and the scheme is in no way addressing any building or feature acknowledged as detracting from character. I do not accept that there is 'poor definition to the village boundary' (page 29 of the Heritage Statement/Assessment of Significance) as the built-up area stops abruptly at Forge Garage and there are no other buildings on this side of the road for some distance. The Conservation Area Appraisal adopted in 2001, of course long before its listing, refers to the Garage as having 'a certain attractive charm especially when viewed from the western approach into the village.' This view would be irrevocably altered by this development.
- 37 In considering any new development within a Conservation Area, the objective must be to preserve or enhance the character and I believe that considerable efforts have been made in the design to accommodate this. However part of the present character of the Conservation Area and of the setting of listed buildings would be lost. Thus my view is that this proposed development would neither preserve nor enhance the character or appearance of the Conservation Area or preserve the setting of nearby listed buildings.
- 38 Should planning permission be granted, notwithstanding the above comments, crucial to integrating the development into the village and the landscape will be the boundary treatments proposed and the landscaping, including a new hedge behind the visibility splay line. From a conservation and visual point of view the proposed stock fencing (post and rail?) is appropriate. Picket fencing is proposed to individual front garden areas and the height and finish treatment of these will be important. It is imperative that a planning permission ensures that no other type of fencing is erected and prevents any future change, for example, to close boarded fencing in any position visible from the public highway. Potential views of the development from the public footpath on the other side of the valley should also be considered and protected by suitable landscaping requirements.
- 39 Further Comments (dated 30/04/12) - This revised layout includes, as its major element, the setting back of the housing blocks on the site. This would enable views from the western approach to the village of the listed Forge garage to be largely retained. Also the settings of the Forge garage and of the nearby listed Star House would be better protected. In order to achieve this, the parking for the development has had to be positioned at the front. Although this will inevitably be conspicuous, it at least would not be obstructive to views and, given the amount of on street parking in the village positioned in front of buildings, would not be

entirely out of character. The location is such that the development could not fail to alter the character of the village but every effort has been made to mitigate the impact. The proposed planting is rather urban and formal in its approach and should be adapted to suit the rural surrounding and AONB setting.

#### *SDC Housing Policy*

- 40 Original Comments - SDC Housing fully supports the proposed scheme which will provide 6 local needs homes and to this end, West Kent Housing Association's funding bid to the Homes & Communities Agency was also supported. The Section 106 Agreement will ensure the units remain available to meet local housing needs in perpetuity. The provision of local needs housing in the rural communities is a key objective of Sevenoaks District Council, as evidenced in the Council's Sustainable Communities Action Plan 2010 - 2013 and Housing Strategy.
- 41 Further comments (dated 15/03/12) – identical to those above

#### *Environment Agency*

- 42 Original Comments – We have no objection to the principle of the development at this location. However we do object due to the lack of detail with regard to the surface water drainage scheme and proposed ground and finished floor levels.
- 43 According to our flood modelling, the existing site is located outside the 100 year and 1000 year floodplain of the adjacent river Medway. In addition should the Leigh Barrier be raised by a metre, our fluvial modelling indicates that flood risk will not increase at the site (see attached plan and accompanying text).
- 44 Therefore according to government guidance on development and flood risk; Planning Policy Statement 25: Development and Flood Risk (PPS25 [www.communities.gov.uk](http://www.communities.gov.uk)), the site is considered to be in Flood Zone 1, where land is assessed as having a less than 1 in 1000 (<0.1%) annual probability of river or sea flooding in any year. PPS25 indicates (in Annex D, Tables D.1, D2 and D3) that although the proposed residential development is classed as a 'more vulnerable' usage, this type of development is appropriate in this flood zone.
- 45 The planning application has been submitted without any details with regard to the surface water drainage scheme at the site. We are concerned that the proposed ground lowering (as indicated on the two elevation drawings – 1027627/14 C and 1027627/15 C) may result in problematic drainage on the site. For example, the likelihood of groundwater flooding may increase on the site and there may be more surface water runoff from the High Street and adjacent land onto the site, as a result of the slope angle being increased on the site. In addition, at this stage we have not been provided with any proposed finished ground levels or finished floor levels. Therefore we are uncertain whether the proposed lowering of the site may increase the risk of fluvial flooding to the site.
- 46 We will maintain our objection to the planning application until we have been provided with the further information.
- 47 Further comments (dated 06/12/12) - Further to our previous letter, we have received further information from Monson Engineering in the form of an Addendum to the Flood Risk Assessment detailing the ground finished floor levels

(FFLs) and proposed cut-off trenches. We trust this information has also been submitted to yourselves.

- 48 Although we are satisfied with the FFLs, we are still concerned that the proposed ground lowering may result in problematic surface water drainage on the site. Therefore, we maintain our objection to this aspect of the application until it can be clearly demonstrated that the drainage scheme will work and will not increase the risk of surface water flooding to the site. We recommend that tests are carried out to establish the sites permeability and the depth to groundwater, and that this information is used to inform a more detailed surface water drainage scheme.
- 49 We understand that cut-off trenches are proposed to the north and west of the site. However based on the drawing of the proposed cut-off trenches (DWG No:5164/02A), we are uncertain as to whether the trenches will be designed purely for infiltration or whether they will be connected to the Medway and the permeable paved driveway. If infiltration is poor on the site, then an outfall to the Medway may be required and permission will need to be sought from the appropriate landowners.
- 50 We note that the FFLs for the dwellings will be 30.9 metres above Ordnance Datum (mAOD) for units 1-3 and 31.3m AOD for units 4-6. This indicates that the FFLs will range from 0.87 to 1.27 metres above the modelled 100 year flood level of 30.03m AOD (which includes an allowance for climate change). As such we are satisfied that there will be sufficient freeboard between the ground FFLs of the dwellings and the modelled 100 year flood level for the adjacent river Medway.
- 51 At this stage we have not been provided with a plan showing the proposed ground levels on the site. The Addendum and FRA indicate that ground levels will be lowered by approximately one metre on the site, with greater ground lowering nearer to the High Street. In the absence of a plan showing the proposed ground levels, we may require a condition of planning so that there is no lowering of ground levels where the existing site level is less than 30.75m AOD.
- 52 Further comments (dated 16/12/12) - Following our recommendation for drainage tests to be carried out on the site and a site visit, we are now satisfied with the results of the tests for groundwater and the revised surface water drainage scheme. We therefore remove our objection to the surface water drainage aspect of the proposed development.
- 53 However the removal of our objection is dependant on the imposition of the two conditions set out below.

#### Condition 1

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason - To prevent the increased risk of flooding, to improve and protect water quality, and ensure future maintenance of the surface water drainage system.

## Condition 2

The development hereby permitted shall not be commenced until such time as a scheme to ensure that there is no lowering of ground levels (where the existing site level is less than 30.75m AOD), has been submitted to, and approved in writing by, the local planning authority.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason - To reduce the risk of fluvial flooding to the proposed development and future occupants.

- 54 Technical Advice - Following our recommendation for drainage tests to be carried out on the site, Monson Engineering has now carried out soakage tests to establish whether surface water will be able to infiltrate into the ground. Some of the pits were excavated to a maximum of 2.6 metres in depth to determine whether groundwater would be intercepted as a result of the proposed lowering of ground levels. The deep pits did not intercept groundwater which demonstrates that groundwater flooding will not be an issue on this site despite the proposed ground lowering. However the soakage tests indicate that surface water drainage via infiltration into the ground will not be feasible. Therefore Monson Engineering has proposed that the surface water drainage scheme will comprise cut-off trenches to intercept any overland flow. These trenches will connect to a new outfall at the watercourse at the eastern boundary of the site. We understand that the owner of land to the east has agreed to allow the installation of a surface water pipe and outfall serving the cut-off trenches. Monson has proposed that the car park will comprise a porous sub-base which will connect to the new outlet pipe and outfall on the nearby watercourse. The discharge of surface water will be restricted to greenfield runoff rates (as noted in the Flood Risk Assessment by Monson).
- 55 The applicant should note that the land to the east of the site is located within the Upper Medway Internal Drainage District, who should be consulted with regard to the requirement for a Land Drainage Consent for the new surface water outfall to the watercourse.
- 56 Informative/advice to applicant - The watercourse immediately to the east of the site would be classed as an 'ordinary watercourse' and comes under the terms of the Land Drainage Act 1991, whereupon any culvert, diversion, weir dam or like obstruction to the flow of the watercourse requires the consent of the Upper Medway Internal Drainage Board, under the Land Drainage Act 1991. In absence of any agreement to the contrary, maintenance of the watercourse is the responsibility of the riparian owner. Application for consent should be made to the Upper Medway Internal Drainage Board (Tel: 01622 758345; [www.medwayidb.co.uk](http://www.medwayidb.co.uk); [enquiries@medwayidb.demon.co.uk](mailto:enquiries@medwayidb.demon.co.uk))
- 57 Further comments (dated 13/04/12) - We have no objection to the proposed development as submitted, subject to the imposition of the condition set out below.

Condition - The development permitted by this planning permission shall only be

carried out in accordance with the approved Flood Risk Assessment (FRA) by Monson Engineering Ltd and addendums, and the following mitigation measures detailed within the FRA:

1. The surface water drainage strategy should be as outlined in the FRA and addendums (most recent addendum dated 7 March 2012).

The access road and car parking area should be constructed with permeable paving (with a minimum depth of porous sub base of 300mm) and a cut off trench at the western site boundary.

The surface water discharge to the adjacent ordinary watercourse should be limited to a rate of 1.5 l/s (Appendix A, Drawing No. 5164/02 C, 'Proposed surface water flood drain').

In addition a surface water management plan should be implemented to ensure that the scheme is effective year round for the lifetime of the development.

The surface water drainage scheme should also take into account exceedance events to ensure that surface water runoff is safely routed away from the dwellings.

2. Finished floor levels are set no lower than 30.9 m above Ordnance Datum (AOD) as detailed in the 7 March 2012 Addendum (page 1).

3. There should be no lowering of ground levels where the existing site level is less than 30.75m AOD. Note existing ground levels on Drawing 1027627/20 B ('Site plan and existing levels').

4. There should be no ground raising within the floodplain of the Medway/Eden rivers, as indicated on Drawing 1027627/20 B ('Site plan and existing levels').

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To reduce the risk of flooding to the proposed development and future occupants.
- To reduce the risk of flooding to the proposed development and future occupants by ensuring that site levels will be above the modelled 100 year plus climate change flood level.
- To prevent the loss of flood storage which may otherwise increase the flood risk to the surrounding land.

#### High Weald AONB Unit

58 Original Comments - The development may affect the components of natural beauty identified by the High Weald AONB Management Plan 2004, specifically historic field boundaries (objective FH2). Historic maps clearly show the boundaries and pattern of the development site and the site is a surviving example of the historic pattern of small irregular fields that characterise the High Weald. The development will change the character of this field from undeveloped open countryside to a partially developed site, clearly impacting on the natural beauty of the landscape. The development is also likely to have local visual

impacts on views to and from the site and an assessment of these views (and impacts of the development on them) may be appropriate.

- 59 The development does not appear to support the conservation and enhancement of natural beauty for by instance supporting land management through the use of local wood fuel, other renewable sources, use of local materials or support the wider objectives for AONB management.
- 60 The design includes extensive hard engineering and surfacing with the most visually detrimental aspects (parking etc) in the most exposed position visually to the wider landscape and overall will have a sub-urbanizing effect to the detriment of the AONB.
- 61 Further Comments (dated 26/03/12) - The development may affect the components of natural beauty identified by the High Weald AONB Management Plan 2004, specifically historic field boundaries (objective FH2). Historic maps clearly show the boundaries and pattern of the development site and the site is a surviving example of the historic pattern of small irregular fields that characterise the High Weald. The development will change the character of this field from undeveloped open countryside to a partially developed site, clearly impacting on the natural beauty of the landscape.
- 62 In regard to the Landscape and Visual Impact Assessment, the Unit is disappointed that the study appears not to follow the Landscape Institute's standard methodology set out in GLVIA and it is therefore, in our opinion, incomplete.
- 63 Under the Landscape Institute guidelines it is clear that Landscape, and, Visual issues are separate but linked effects. Landscape impacts are effects on the physical environmental resource. Visual effects are interrelated effects on population, but significantly as stated by the guidance;
- "2.14. Landscape effects derive from changes in the physical landscape, which may give rise to changes in its character and how this is experienced. This may in turn affect the perceived value ascribed to the landscape."* para 2.14, p12 Guidelines for landscape and visual impact assessment, 2<sup>nd</sup> Edition 2002
- 64 This study does not make any assessment of the impacts on the physical landscape resource, the perceived value of the site or how the character of the site will be changed by the proposed development. In our view it is therefore, incomplete.
- 65 The visual assessment also appears to be superficial relying on a few photos of views, some from slightly impossible situations to conclude that as the site is not (apparently) visible, there is no impact. The cover picture of the assessment clearly shows that the site will obscure and be visible from the surrounding area. The assessment does not appear to account for the scale and mass of the buildings when situated within the landscape. Without a full landscape assessment such a conclusion can not be substantiated. The visual assessment alone is inadequate to understand the impacts and change.
- 66 The visual assessment appears to be little more than a series of photos taken from selected viewpoints. It is accepted that the site is not particularly visible from long distance views, although it may have helped if for instance photo 3 was not from behind a fence and black plastic, or if photo 5 didn't have a huge tree dead centre. Similarly photo 7 is obscured by a large tree stump, which happens to intersect the

site location. It would also be off assistance of the photomontages had indicated the site location and angle more clearly. For instance photo 6 – a critical view - appears to have the site on the far left, almost out of shot. It is hard to identify the site location in these views.

- 67 The conclusion in 6.1 is also flawed. It refers to the complex topography and ground, suggesting that this hides or obscures the views. In fact this location is a broad river valley with relatively open field systems, rising on gradually sloping ground. The site itself is located on one of these slopes and is very exposed to the river valley and higher ground. The location is neither complex nor obscured, and the higher ground open to the site increases the exposure of the site to the wider landscape. The conclusion does not include any scoring matrices of value or quality (that would be normally expected in such a study) or other indicators to support the process and overall assessment made.
- 68 In respect of the amended plans and site layout, the revised layout is supported as presenting a more traditional and softer facing to the wider landscape. However, the indicative hedgerow and landscaping planting is not appropriate, in that it presents a very formal, linear and artificial edge to the development. The character of the site as an open field could be better respected by accepting the intrusion and allowing the gardens and built form to merge into the field with a mixture of traditional fencing and irregular shaped tree and shrub planting. The planting alongside the Forge Garage will similarly obscure and box in the built form and create an artificial and sub urbanised feel. A simpler small fencing scheme may be more appropriate.
- 69 The proposal still includes an extensive area of hard standing and surfacing, now to the front elevation, which is out of character with the rural location and with the village itself. Greater thought to the design and layout of the parking, and the surfacing treatment may help to reduce the impact. I am assuming that parking standards have been applied, but 14 parking spaces for 6 houses seems excessive, and does not promote sustainable approaches to transport. The scale of the buildings is a concern, with the very large roofs forming a significant mass against the landscape and village-scape behind. The design idea to reflect the village vernacular is excellent but does itself generate a major impact.
- 70 Overall the design is still too complicated and ‘fussy’. In our view any impact or effects that the development may have on the wider landscape will not necessarily be solved by some local planting. Hiding a development is not a responsible approach to mitigating harm that arises as a result of the development. A more honest approach, might seek to celebrate the sites prominent position at the entrance to the village by promoting excellent design clearly marking the transition from open rural agricultural character rather than trying to disguise the development with planting.
- 71 We would also like to draw your attention to the missed opportunities for this development to support the conservation and enhancement of natural beauty for by instance supporting land management through the use of local materials in construction, use of renewable energy sources such as wood fuel or support for the wider objectives for AONB management.
- 72 Further Comments (dated 30/05/12) - The Unit continues to have concerns regarding the assessment of the impacts of the proposal on the local area of outstanding natural beauty. It is accepted that overall the development is likely to have lesser impacts on long distance views to and from the site. The submitted



Landscape and Visual Impact Assessment (LVIA) illustrates these long distance impacts, but does not adequately address the more immediate impacts.

- 73 The LVIA does not provide a thorough and complete assessment of the local views/visual impacts, and the impacts on the actual landscape itself (the physical landscape impacts as opposed to the visual impacts) both on the site and immediately adjacent to it. It is also not considered that the LVIA takes into account the unusual height, roof pitches and mass of the buildings, in the assessment of both the local and (potentially) medium views as well. The six houses in two blocks have unusually high roof lines creating a greater mass than would be normally expected of residential development, and this scale may represent a more significant impact. The LVIA is lacking in providing any indicative 'mock up' of the actual buildings in context.
- 74 In regard to the local impacts, it is considered that the development will have a significant visual impact on the immediate landscape below the site, across and to the flood plain, and on the village and approaches to the village. Even allowing for the siting to retain the exposure of the Forge garage, the scale and mass of the building will be the dominant feature on the approaches to the village (and this effect will be enhanced by the recent proposal to leave the gables un-landscaped). The development will present a strong visual impact from the lower river valley open landscape, extending the built form of the village into the current rural area, thus changing the experience of the village in its current landscape context. Overall this impact is considered to be significant at the local level.
- 75 Physically the development will have the effect of changing the character of the existing field from open rural agricultural use to that of relatively high density residential activity. The historic character and current use of the site will change and the historic boundary and area of the existing field will be altered and reduced proportionately. This will have the effect of the field losing its inherited character and qualities that identify it as part of the AONB. While the area of this change is relatively small, the impact is significant and represents the loss of major features or components of natural beauty identified by the High Weald AONB Management Plan. Overall accounting for scale, this is considered to be a moderate adverse impact on the AONB.
- 76 In regards to the siting, landscaping / planting and design it is considered that a planting scheme does not necessarily 'improve' the landscape setting. In the context of the character of the site as an open rural field, more landscaping and planting may alter and affect the area adversely rather than leaving the design and layout open. To retain the sites character, alternative approaches could be considered, for example, it may be that the site should be left open and exposed, rather than trying to soften it. Conserving and enhancing Natural Beauty is about how to retain or reinforce character and in this case, minimising change, by reference to the open field character, may be a more effective design approach.
- 77 The revisions to the landscaping scheme in the revised LVIA begin to reflect this approach, but need to do more than just leave a gap in the landscaping. Given the height of the building it is also of concern that the planting could be considered large enough to obscure buildings of this scale. Planting of this size and density could be a considerable impact in its own right on an otherwise open field character.

- 78 It is the historic and inherited character of the site that should inform decisions and judgements about the impacts and effects of the development on the location. The character of this site is an historic open field, part of a wider and larger pattern of small irregular fields, set within a shallow river valley, edging the flood plain. The impacts of the development have been assessed above in terms of how the development will change the experience and character of the site, in this context. This context also informs the design/layout and landscaping options. In the event of the development proceeding, that impact may be mitigated by making reference to the inherited character and retaining the open rural field character, maintaining openness and clear views.
- 79 Overall it is considered that the development will have a significant local visual impact and a moderate physical impact on the landscape itself, and will not in these terms conserve and enhance the AONB. If the development goes ahead, this level of harm will accrue to the AONB. Creative consideration of the design and landscaping, minimising the extent and level of planting, can help to moderate this impact by placing the development honestly within the landscape, and not by trying to hide and or obscure it by inappropriate and excessive landscaping and planting. The excellent work done on the physical design of the buildings themselves also deserves that recognition.
- 80 Further Comments: (15/06/2012): The comments re the roof lines relate to the elevations showing the steep pitch of the roofs and overall impression that the roofs are larger than normally found. I recognise that this is part of the design repeating the local estate style and is in keeping. Taking your measurements, then the mass may be moderated by the siting, but this is difficult for me to assess from the drawings etc available online and as printed out at small scale.
- 81 In essence, rather than change my comments I am happy for you to take these as observations that the scale may be an issue, and may affect the visual impacts of the development on local views, and that this needs to be considered.
- 82 In terms of the physical design, these comments do relate, as you say to the appearance, finish and overall style and general quality of the design. I was seeking to recognise the additional effort made in this respect notwithstanding the potential impact of the overall form of the development on the wider area.

### *Natural England*

- 83 Original Comments (summarised) – No objections raised
- 84 Further Comments (dated 21/03/12) - Natural England has previously commented on this proposal and made comments to the authority in our letter dated 01 November 2011. The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal. The proposal site is within High Weald Area of Outstanding Natural Beauty (AONB) and we recommend that you refer to the Management Plan to ensure the application is in accordance with this. You may also want to contact the relevant AONB Unit to ensure that consideration of this proposal takes into account any issues that may result from the landscape designation.
- 85 The proposed amendments to the original application relate largely to design, and are unlikely to have significantly different impacts on the natural environment than the original proposal.

86 Further comments (dated 21/05/12) – No further comments to make in addition to those above.

*Kent County Council Ecologist*

87 Original Comments – Thank you for the opportunity to comment on this application. We have the following response to make:

88 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 impacts of a proposed development on protected species.

89 Planning Policy Statement 9: Biodiversity and Geological Conservation states that “the aim of planning decisions should be to prevent harm to biodiversity”. 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.’ 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.

90 We have reviewed the ecological surveys and we are satisfied that the proposed development has minimal potential to impact protected species.

**Bats**

The survey identified that there are trees on the boundary of the site which have some potential to be suitable for roosting bats - however the proposed development will not be directly impacting the trees.

As detailed in paragraph 4.6.2 (Reptile and Bat Survey) if the plans changed and the development or the construction compound are proposed to be located within 20meters of the trees emergence surveys will be required.

Lighting can be detrimental to roosting, foraging and commuting bats. The following recommendations (from the Bat Conservation Trust) should be considered (where applicable) when designing the proposed lighting.

- Low-pressure sodium lamps or high-pressure sodium must be used instead of mercury OR metal halide lamps where glass glazing is preferred due to its UV filtration characteristics.
- Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each light to direct the light and reduce spillage.

- The times during which the lighting is on must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to the minimum to reduce the amount of 'lit time'.
- Lamps of greater than 2000 lumens (150 W) must not be used.
- Movement sensors must be used. They must be well installed and well aimed to reduce the amount of time a light is on each night.
- The light must be aimed to illuminate only the immediate area required by using as sharp a downward angle as possible. This lit area must avoid being directed at, or close to, any bats' 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. Avoid illuminating at a wider angle as this will be more disturbing to foraging and commuting bats as well as people and other wildlife.
- The lights on any upper levels must be directed downwards to avoid light spill and ecological impact.
- The lighting must not illuminate any bat bricks and boxes placed on the buildings or the trees in the grounds
- The Lighting must not illuminate any trees or buildings identified as potential roosts.

#### Enhancements

The key principles of PPS9 are not only to avoid, mitigate or compensate for harm to biodiversity but also to incorporate ways to enhance and restore it. Paragraph 4.5.4 (reptile and bat survey) has suggested enhancements which can be incorporated in to the site. These must be included in the proposed development site.

In addition consideration must be given to including bat bricks/tiles/tubes in to the new buildings, erection of bird boxes within the boundaries and the creation of a wild flower area.

- 91 Further comments (summarised) (dated 04/04/12) - We have reviewed the ecological surveys and we are satisfied that the proposed development has minimal potential to impact protected species. We require no additional information to be submitted.

#### Bats

The lighting must be designed to have minimal impact on any roosting, commuting and foraging bats. We also advise that the Bat Conservation Trust's *Bats and Lighting in the UK* guidance is adhered to in the lighting design (see end of this note for a summary of key requirements).

#### Enhancements

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

Paragraph 4.5.4 (reptile and bat survey) has suggested enhancements which can be incorporated in to the site. These must be included in the proposed development site.

In addition consideration must be given to including bat bricks/tiles/tubes in to the new buildings, erection of bird boxes within the boundaries and the creation of a wild flower area.

Further comments (dated 31/05/12) – our comments remain unchanged from the 4<sup>th</sup> April.

*Landscape Officer:*

92 None

### Representations

93 197 letters received in total from 98 contributors who object, 21 contributors who support and 5 contributors just commenting on the scheme. This total number of letters includes contributors would have written in more than once. In addition, a petition was received with 95 signatures in support of the application.

### *Objections*

- Building in this area is too intrusive of the character of this village
- The proposed dwellings are larger and more overbearing
- Dwellings will dominate the neighbouring and very important and prominent Grade II & Grade II\* Listed Buildings, namely Forge Garage, Star House (Grade II\*) & the Birches
- More hazardous to cross road especially for school children
- Houses will be built on a Flood Plain this area floods regularly
- Visually intrusive development
- Detrimental effect on the Conservation Area and AONB
- Important to keep the Conservation Area, AONB & Green Belt as they are designated
- Low cost housing built using low cost materials not appropriate in such a prominent village location
- Only visible open space in the village is this Forge Field site and should be kept
- Development sited on an unsighted bend opposite a Primary School
- This particular site is not appropriate for affordable housing to be situated
- Poorly thought out scheme
- Increased traffic in the village will be potentially hazardous
- Area already congested with school drop off/collection, development will only increase this congestion
- Totally inappropriate within the Green Belt
- New development will dominate the open view of the existing oak framed Forge building
- Dwellings will impact the area with their visual bulk, built form, they are substantial in terms of height, scale & mass
- Expansive area of hardstanding will be created to enable the site to accommodate on site residential parking
- Application contrary to advice in National Planning Policy Framework and former PPS5
- Unacceptable development in a setting as described in Peshurst Conservation Area Appraisal

- Another more suitable site should be found
- Cost of renting affordable housing is too high far better to build outside of the village to keep cost down
- No Visual Impact Assessment was submitted with application
- Destroy the ancient and historic hedgerow along the Fordcombe Road frontage
- Detrimental to PPG2 (now National Planning Policy Framework) inappropriate development in the green belt
- Not in line with policy EN23
- Contrary to all policies relating to the Conservation Area, AONB & Green Belt
- Perspective hedge sketch shows the hedge to stay but the development proposal drawing appendix C shows it to be removed.
- Revised plans submitted received March 2012 do nothing to make this *application acceptable*
- The Visual Impact Assessment is inadequate rushed and poorly thought through and ignores some viewpoints which will be most affected
- The 'Landscape and Visual Impact assessment' is biased
- The 'Landscape and Visual Impact assessment' fails to illustrate the impact of the development on the conservation area
- Brownfield site now become available, 'Becket's Field', therefore proposed Forge Field is an unnecessary development in the AONB.
- Residents feel that the Parish Council are not representing them fairly and the residents views are being over ridden
- Recent proposal suggested by Beckett Trust to for up to 9 units at the top of Glebelands is a more suitable site and will have less impact on the village

*In support:*

- Design and location of the houses are elegant and sensitive to the image of the village
- Benefit to the community
- Villages were created by evolving to need, this is a need
- Mixing affordable housing within the existing village is a positive step
- Development is in keeping with the area
- Will not be visually detrimental to the village
- Agree that Penshurst should have affordable housing
- Affordable housing within the village is so important to keep a community growing and for those on low income
- Scheme well considered & planned to be discreet by scale & position within the proposed location
- Design will enhance and compliment the village
- Close to local amenities Post office, store, school, doctors and public transport
- Village will adapt and grow to the new development
- Without development such as this more young people that grew up in Penshurst will have to leave the village due to the lack of appropriate housing
- Rural villages have to grow and adapt to be viable
- A local need for local people
- The amendments improve the proposal bringing everything more inline with the other existing properties and far less intrusive

## Group Manager - Planning Appraisal

### Principal Issues

- 94 This application seeks planning permission to erect 6 dwellings on land at Forge Field, Penshurst. The dwellings would be occupied as local needs affordable housing units.
- 95 The site and surrounding area is located within the Metropolitan Green Belt and Members will no doubt be aware that new house building within the Green Belt is normally resisted. However paragraph 54 of the NPPF does allow for local planning authorities to provide for local needs affordable housing through rural exception sites, and this need not be inappropriate within the Green Belt (Para. 89 of the NPPF).
- 96 Policy SP4 of the Sevenoaks Core Strategy sets out the specific local circumstances under which affordable housing proposals in rural areas will be considered, and states that such housing will only be developed to meet local needs identified through rural housing needs surveys.
- 97 In this respect, a Rural Housing Needs survey for the parish of Penshurst was undertaken in 2009 by a registered charity known as Action with Communities in Rural Kent. This survey was robustly carried out by a Rural Housing Enabler, who are supported by Local Authorities throughout Kent. This concluded that due to high property prices in the parish, a need for local affordable housing exists. The survey recommended that a need for approximately 5 affordable rented properties, consisting of a mix of 1 and 2 bed units, predominantly 2 beds, would meet the requirements of local people in housing need.
- 98 If such need has been established, Policy SP4 sets out criteria to be applied in identifying sites as follows –
- a) the local need identified through the rural needs survey cannot be met by any other means through the development of sites within the defined confines of a settlement within the parish or, where appropriate, in an adjacent parish.*
- 99 In this instance, it is recognised that the whole of Penshurst village falls within the Green Belt, and for the purposes of this policy it has no “defined confines” – i.e. the village is not excluded from the green belt. Similarly, Fordcombe, the other main settlement within the parish, has no defined confines and also falls wholly within the Green Belt – as in fact does the whole of the Parish. Penshurst also falls outside the rural settlements as set out by LO7 of the Sevenoaks Core Strategy, the village is essentially just washed over the green belt and there are no other confines or settlements within the parish.
- 100 Penshurst parish is flanked by Chiddingstone and Leigh parishes. These all fall wholly within the Green Belt other than Leigh village. However the defined Leigh village confines are small with tightly drawn boundaries and little room for development. In addition a local needs scheme for housing in Leigh has recently been built out. As such I do not consider it would be appropriate to seek to meet an identified need for Penshurst Parish in this location.
- b) the proposal is of a size and type suitable to meet the identified local need and will be available at an appropriate affordable cost commensurate with the results of the appraisal. The proposal is accompanied by a financial appraisal proving the scheme will meet the defined need. Schemes which propose an element of cross subsidy will not be acceptable.*

101 The scheme proposes 6 x 2 bed units. The Rural Needs Survey recommended that approximately 5 units be provided, and that these should be predominantly 2 bed units. Whilst the scheme does not provide a one bed unit as flagged up by the Rural Needs Survey, our Housing team fully supports this scheme and consider that this slightly different arrangement to be appropriate. As such, the proposal accords with the recommendations of the survey.

102 The financial information submitted with the application states that the properties would be available as affordable rented units, developed by the West Kent Housing Association together with grant funding secured from the Homes and Communities Agency. The terms of the HCA funding is that the rents for the units will be charged at 80% of market rental values for the area. The repayment of development costs to West Kent Housing would come from income generated across their stock of nearly 6000 dwellings, and not solely from the 6 units in question. The scheme does not propose an element of cross-subsidy (i.e. the development and sale of open market housing to help pay for the affordable housing). The scheme is fully supported by the Council's Housing Policy team who are satisfied that the resultant rents for these units would not be unaffordable.

*c) the proposed site is considered suitable for such purposes by virtue of its scale and is sited within or adjoining an existing village, is close to available services and public transport, and there are no overriding countryside, conservation, environmental, or highway impacts. The initial and subsequent occupancy of sites developed under this policy will be controlled through planning conditions and agreements as appropriate to ensure that the accommodation remains available in perpetuity to meet the purposes for which it was permitted.*

103 With regard to the first element of this policy, the proposal is small in scale at 6 dwellings, and the site is immediately adjacent to the existing village, which is the largest village in the Parish with a village shop, public houses, a primary school and a bus service, albeit limited.

104 The site contains a number of planning constraints, being within the Green Belt, Penshurst Conservation Area, adjacent to listed buildings, adjacent to the flood plain, and within the High Weald Area of Outstanding Natural Beauty. In addition, considerations relating to highways safety and neighbouring amenities need to be considered. The test under Policy SP4 is whether any such impacts are overriding. The following sections consider the various planning constraints and impacts relating to the site. Following these sections, I have set out my view as to whether any overriding impacts would arise from the proposal.

#### *Impact upon openness of Green Belt*

105 Whilst the very nature of a rural exceptions site allows the potential for some development to take place in the green belt, it is important to consider the impact of the specific siting of the development on the green belt, particularly in terms of openness.

106 The site is located immediately adjacent to the existing village and is flanked by built development to the north and east. The proposal would result in the loss of part of an undeveloped field and the development would be visible from the western approach into the village. As a result, there would be some loss of openness to the Green Belt arising from the development. However in such proposals for rural exceptions sites, which by their very nature would take place in



green belt locations in this District, some loss of openness would be almost inevitable. Given the location of the site adjacent to the existing village, with built form extending on the opposite side of the road from the site, I do not consider the impact on the openness of the green belt to be unacceptable.

*Impact upon character of village, including surrounding heritage assets*

- 107 The site is located on the main road leading through the village and within the Penshurst Conservation Area. The conservation area includes open fields surrounding the built form of the village, and the development would be sited on part of one such field. The Penshurst Conservation Area Appraisal states that the conservation area was primarily designated as an interesting example of a medieval village, tightly concentrated around the church and the great house, which is still evident. It also states that the 19<sup>th</sup> century developments are architecturally valuable and worthy of preservation.
- 108 The appraisal further states that the village displays a variety of architectural styles, but that there is a unity in detail and form that links buildings across the years, and that a variety in roof heights is a feature of the village. Forge garage, which lies adjacent to the site, is specifically referred to in the appraisal as being of expressive detailing and a well known feature in the village. Its distinctive vernacular appearance on the approach into the village from the west is recorded in the appraisal. In addition, the appraisal also highlights the existence of splendid views across the river valley to the south west towards Rogues Hill and the open countryside, and the views / vistas gained of and from Star House and The Birches, which are both listed buildings (Star House is Grade II\*). Members should also note that Forge Garage was Grade II listed in February 2011 on the basis of its architectural quality as a vernacular building, its symbolic former industrial purpose (as a forge), and its group value with Star House and other vernacular revival buildings in the village.
- 109 The NPPF states that heritage assets should be conserved in a manner appropriate to their significance, and 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. That significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting. The Council's Core Strategy Policy SP1 states that the District's heritage assets and settings will be protected and enhanced and states that account should be taken of guidance adopted by the Council in the form of Conservation Area Appraisals.
- 110 In this instance, the proposal would result in development across part of an existing open field within the conservation area. The purpose of the field being within the conservation area would appear to be as a setting to the village, preserving views into and out of the village from various locations as described in the Conservation Area Appraisal.
- 111 The application originally proposed to erect the dwellings adjacent to the flank wall of Forge Garage, which generated criticism from the Council's conservation officer due to the impact of the development on the setting of Forge Garage from the approach into Penshurst, and the loss of inter-visibility between Star House and Forge Garage. The scheme has since been amended to move the dwellings further back into the site. This would allow the flank wall of Forge Garage to be exposed, to largely retain this view on the approach into the village from the west,

as well as retaining inter-visibility between Star House and Forge Garage. In addition, the Conservation Officer considers that the setting of both Forge Garage and Star House would be better protected through the revision to the siting of the dwellings. Whilst the amended design would relocate car parking for the development to the front of the site, this would imitate frontage parking at Forge Garage, and would be unlikely to result in obstruction of views of Forge Garage. When approaching the site through the village from the east, the development would be largely obscured by existing buildings on the south side of the village. The grassed area to the front of the site which would be maintained as part of the development would, to a small degree, give the impression of an open grassed field on the approach to the site through the village.

- 112 The existing native hedgerow fronting onto the High Street is to be relocated or newly planted behind the visibility splay, which will ensure the hedgerow frontage is retained. Equally the parking spaces in front of the proposed dwellings will be sited by a further band of landscaping in the form of native hedging and trees to preserve the visual amenity of the local area.
- 113 The proposal would interrupt some views across the river valley towards Rogues Hill and surrounding countryside currently gained from the road and from properties at Forge Close and Kimberley Cottage, as well as the primary school. The conservation area appraisal refers to the existence of such views as the road leaves the village.
- 114 In terms of scale and design, the proposed dwellings would be of two storey scale and 9 metres in height, and this would be in accordance with the scale and height parameters of other buildings on the south side of the road. Although Forge Garage is lower in height than most other buildings, at 5.5 metres, the proposed dwellings would be set further into ground levels by approx. 2 metres, which reduces the perception of differences in height between the proposed units and Forge Garage. The dwellings would be constructed using a high level of detailing, with steep pitched roofs and chimney features and traditional coloured banded tile hanging, feature gable designs, and traditional open eaves and bargeboard detailing. These pick up on important detailing features that are evident on other buildings in the conservation area, and referred to in the Conservation Area Appraisal. I consider that the level of detailing and scale of the buildings would be in keeping with the built form of the village.
- 115 The Conservation Officer advises that the location of this site is such that the development could not fail to have some impact on the character of the village. I would conclude from the above that this impact relates particularly to the development of part of an open field that provides a setting to the village and to Forge Garage as a listed building, and a setting for views across the river valley. Equally the Conservation Officer advises that, effort has been made to mitigate this impact through setting the development back from Forge Garage. Taking the above into account, I would conclude that some harm to the character and appearance of the conservation area and to the setting of Forge Garage as a listed building would occur, but that such harm would be limited. The NPPF states that where a development proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal. In this instance the public benefits are the provision of much needed affordable housing for Penshurst parish.

- 116 The site and surrounding area is located within the High Weald Area of Outstanding Natural Beauty. The NPPF states that great weight should be given to conserving landscape and scenic beauty within AONB's, which have the highest status of protection in relation to landscape and scenic beauty. Policy LO8 of the Core Strategy states that the distinctive character of the Kent Downs and High Weald AONB and their settings will be conserved and enhanced.
- 117 The existing site is an undeveloped field, and any proposal to develop on land such as this will inevitably have an impact. The site is clearly evident on the western approach into Penshurst, in addition to views gained across the site from within the village itself.
- 118 The applicant has submitted a Landscape and Visual Impact Assessment (LVIA) as part of the application, which concludes that the site is not visible from the surrounding landscape due to topography and woodland cover, other than from a public footpath to the east of the River Medway where limited views are attained. The LVIA concludes there would be no impacts on the landscape or AONB in this respect. The LVIA also concludes that from the village itself, any impact will be very localised when viewed opposite the site. That the impact on the approaches to Penshurst, the village edge and local character will be low.
- 119 The Council has consulted the High Weald AONB unit on the proposed development, and these comments are set out in full earlier in this report. The AONB unit has raised concern over the content of the LVIA and specifically how the more immediate impacts of the development over shorter distances have been addressed, as well as impacts on the physical landscape itself (not just visual impacts). The AONB unit considers that the scale of the buildings, with unusually high roof lines, would create a greater mass than would normally be expected of residential development, creating a significant local visual impact and a moderate landscape impact resulting from the physical change in character on the site.
- 120 Dealing first with the content of the LVIA, whilst concern has been raised over the content of the document, the AONB unit has submitted its assessment of the likely impact of the development, and I would agree that the main impact arising would be a local visual impact and landscape impact as set out by the Unit.
- 121 However I do not agree with the AONB unit's view on the size of the dwellings proposed – which they refer to as consisting of unusually high roof lines creating a greater mass than would normally be expected of residential development. In my opinion, the dwellings at 9 metres in height fall within the parameters of standard ridge heights for two storey residential development, and are comparable in height to many other buildings in the village, including the dwellings at Keymer Court immediately to the east of Forge Garage, and the units opposite the site at Forge Close. As such, I consider the impact of the development on the landscape to be less than as stated by the AONB unit, as they reflect the style and design of buildings in the village. If the buildings had been designed with lower roof pitches and smaller roofs, they would have been out of keeping with the village. There is a balance here of between design of the built form respecting the character of the village and Conservation Area or the landscape character of the AONB with the roof form. I consider the weight towards the in character design of dwellings outweighs the landscape character in this instance.

- 122 From longer-range vantage points, having viewed the site from surrounding roads and public footpaths, the main viewpoint of the site is from a public footpath approximately 400 metres to the south east . The footpath looks down on the site and surrounding village from higher ground although such views clearly include surrounding buildings within the village, including buildings on the north side of the High Street and Fordcombe Road, which are positioned on higher land levels than the south side. Taking into account the scale and height of the dwellings proposed, I consider that the proposed units would visually integrate into the built village environment when viewed from the footpath, and that harm to the natural landscape from this viewpoint would be relatively small and limited.
- 123 In terms of shorter range impacts, I agree with the AONB unit that these immediate impacts would be much greater, as quite clearly the development would be visible along the approach to the village from the west and from viewpoints on the road immediately opposite the site. However I do not agree that the scale and mass of the buildings would create a significant dominant feature on the approach to the village, taking into account the drop in level from the approach road, the height of the buildings within the village, the set-back of the dwellings from Forge Garage, and importantly, the fact that the proposed development would be viewed not in isolation but against the backdrop of the existing village and associated built form. In my opinion, the proposal would undoubtedly have a localised impact on the appearance of the village and landscape. However, for the reasons set out above I consider such impact to be of limited harm to the landscape.

#### *Impact upon neighbouring amenities*

- 124 Whilst a number of properties on the north side of the road may face or gain views of the proposed dwellings, this would be a distance in excess of 40 metres, across a main road through Penshurst. In my opinion, given the distance involved, the proposal would not cause any undue harm to the living conditions of occupants of these properties.
- 125 The closest residential property would be the dwelling at Forge Garage, located to the rear of the building. It contains a number of windows in the flank elevation facing into the site. The proposed dwellings would be sited behind the rear building line of the dwelling at Forge Garage and as such these side facing windows would not be obscured. In addition, a separation gap of 11 metres would exist between Forge Garage and the flank wall of the existing property, with a 5 metre wide landscaped strip along the boundary. One window is proposed in the flank wall of the proposed dwellings which would serve a landing, and this can be conditioned to be of obscure glazing to prevent views into the garden of the existing dwelling.
- 126 Policy EN1 of the local plan states that developments should not cause harm to the amenities of existing neighbouring properties. I consider that, given the layout and distance between the existing dwelling at Forge Garage and the new dwellings, the living conditions of the existing property would not be unduly harmed.

#### *Impact upon highways safety*

- 127 The application seeks to install a new entrance onto the High Street and 14 spaces would be provided for the development. This would accord with the Kent

Highways Interim Guidance Notes for residential development which advises that for village environments, a minimum of 1.5 spaces per unit should be provided together with 0.2 visitor spaces per unit.

- 128 The new access would provide visibility splays in the region of 50 metres in both directions for vehicles existing the site, and this is to the satisfaction of Kent highways. The splays would necessitate the removal of part of a boundary hedge, although a new hedge would be replanted behind the splay.
- 129 As part of improvements to visibility at the proposed junction, Kent Highways require the existing phone box to be relocated slightly further back into the site. The applicant is in discussions with British Telecom to carry out this works and I consider that this can be suitably control via a planning condition.
- 130 Kent Highways also require a contribution of £3000 to be secured via a section 106 agreement for the provision of yellow line waiting restrictions in the vicinity of the exit of the proposed development. The applicant has agreed to fund this.
- 131 Objections have been raised regarding the siting of the access, the increase in traffic movements in this locality, particularly in close proximity to the school and potential for hazardous highway conditions. Members will be aware that KCC Highways have not raised an objection to the proposed development subject to the imposition of conditions and the applicant entering into a Section 106 Agreement to ensure that the development will not result in hazardous highway conditions.
- 132 Policy EN1 of the local plan states that new development should provide a satisfactory means of access for vehicles and appropriate parking facilities. Given the comments from Kent Highways, I am satisfied that acceptable access and parking provision would be made for the development. Whilst Policy T9 of the local plan normally precludes the construction of new accesses onto secondary routes, given the 30mph speed limit within the village which includes the application site, together with the comments from Kent Highways, I do not consider that the development would cause any harm to highways safety.

#### *Flooding*

- 133 The land on the south side of the High Street slopes down to the River Medway, the floodplain for which extends to around 5 metres from the rear of the application site, and some 20 metres from the rear of the proposed dwellings. The applicant has submitted a Flood Risk Assessment and the Environment Agency accepts that development of the site for housing is, in principle, acceptable.
- 134 Following further testing and the submission of further information, the Environment Agency is satisfied that the proposals for land remodelling would not cause any surface water flooding or drainage issues subject to the imposition of a number of conditions.

#### *Ecology*

- 135 The application includes an ecological desk study and phase 1 habitat survey which identifies the site as supporting dense scrub, grassland, species rich and species poor hedgerows with trees. Further survey work undertaken has

concluded that there were no reptiles found on site and that trees to the south east of the site have potential to support roosting bats. Mitigation measures are proposed which can be controlled by condition.

#### *Summing up of impacts using Policy SP4(c)*

- 136 From my assessment above, Members will note that I have identified some harm arising from the development to the landscape within the High Weald Area of Outstanding Natural Beauty, and to heritage assets namely the Penshurst Conservation Area and setting of Forge Garage as a Grade II listed building. However I have concluded that the degree of harm is limited. The policy test under SP4(c) is whether such harm is overriding – effectively whether such harm should be given greater weight than the benefit of providing the local needs affordable housing.
- 137 This is a balancing exercise, and given the limited harm I have identified, I have placed greater weight on the benefits of providing local needs affordable housing and would conclude that the limited harm is not overriding in this instance. On this basis, I would conclude that the proposal would accord with Policy SP4 of the Core Strategy and therefore is appropriate development.

#### *Alternative sites*

- 138 The location of a site to accommodate local needs housing within the Parish has been subject to extensive consideration, going back to 2009 when the Needs Survey was first published. A steering group was established at this time involving a number of stakeholders, including the Parish Council, Penshurst Estate and various departments within Sevenoaks District Council, together with the West Kent Housing Association and other groups and individuals, and a number of sites were put forward as possible locations for the development. These sites were considered, with the key issue being that they should be available and potentially suitable for development. Following this, a large number of sites were discounted on the basis that they were not available (i.e. the landowner didn't want to sell / develop), or that they were not suitable for development (for example, a large number of sites put forward were in isolated locations away from the villages of Penshurst and Fordcombe, and performed very poorly in terms of sustainability. This included sites put forward at a later date by the Keep Penshurst Green Group.
- 139 The outcome of this process, was that only one site emerged which appeared to be potentially available and without fundamental constraints (such as an isolated location), being the Forge Field site subject to this application. That is not to say that Forge Field is without any planning constraints or difficulties – as is evidenced in the content of my report above.
- 140 During the formal consideration of this application, the Council has received an application for an affordable housing scheme at Becketts Field in Penshurst. This scheme has currently been submitted for 9 additional dwellings, which in itself is well in excess of the identified need for local needs housing. In addition, the two schemes could not both be considered acceptable as in combination they would far exceed the defined local need. As such, the Becketts Field site would need to be considered as an “alternative” to Forge Field. The Becketts Field site was not put forward at an earlier date for consideration by the steering group, although part of the site (a garage block owned by West Kent Housing) was considered, but

discounted primarily on the basis that it could only accommodate a small number of units and would not meet the identified need. The application as submitted proposes to develop other land within Becketts Field, together with the garage site. This application was submitted in April and is currently under consideration. A number of objectors to the Forge Field development have pointed to the existence of this scheme as a better alternative to Forge Field – on the basis that Becketts Field is in a less sensitive location within an existing housing estate, outside of the conservation area and away from any listed buildings. It should be noted however that the site remains within the Green Belt and High Weald Area of Outstanding Natural Beauty.

- 141 I would also advise Members that the scheme at Becketts Field is still under consideration with a number of planning issues that remain unresolved at the time of writing this report, including the number of units proposed and deliverability of the scheme – and that a significant number of objections to development of this site have been received. At this stage it cannot be concluded that the development of Becketts Field will be found acceptable.
- 142 The existence of an alternative site is a material planning consideration but the weight given to this will normally depend on the facts and circumstances in each individual case. The key issue is normally whether a development on a particular site would cause harm and conflict with planning policies and under such circumstances whether other sites were available as a better alternative for the development without the same level of harm and conflict with planning policy. Such situations are more likely to arise where there is an identified need for a particular form of development (such as a Gypsy site) when development may need to be carried out on land that would not normally be permitted for development under planning policies. In such circumstances, the higher the level of harm and policy conflict then the more material the consideration of an alternative site becomes.
- 143 In this instance, Members will note that I have identified some harm arising from the development of the Forge Field site. However this harm is, in my opinion, limited. The main relevant policy consideration is SP4 of the Core Strategy, which states that in the development of local needs housing there should be no overriding countryside, conservation, environmental, or highway impacts. I have concluded that the limited harm identified would not be overriding, and that as such the development would accord with Policy SP4. In addition, whilst the first criteria of SP4 requires the consideration of sites within the defined settlement confines, I have concluded that there are no such sites currently available and that as such the site selection criteria under this policy has been considered.
- 144 Given my view that the development would accord with Policy SP4 of the Core Strategy and the status of the current Becketts Field planning application, I would attach limited weight to its existence as an alternative site as a material consideration in the determination of the Forge Field application.

## Conclusion

- 145 In light of the above considerations, I consider the proposed development acceptable subject to the completion of a Section 106 Agreement to secure affordable housing and highway improvements.

## Background Papers

Site Plan, Block Plan

Contact Officer(s):

Mr A Byrne Extension: 7225

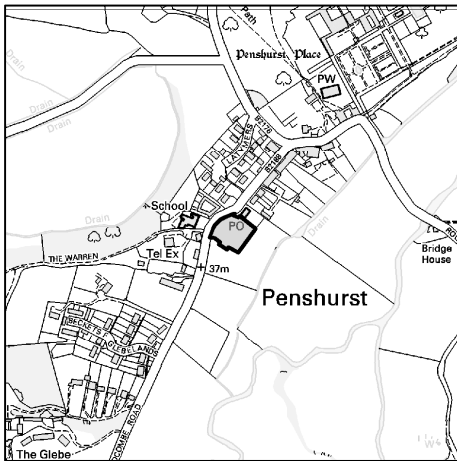
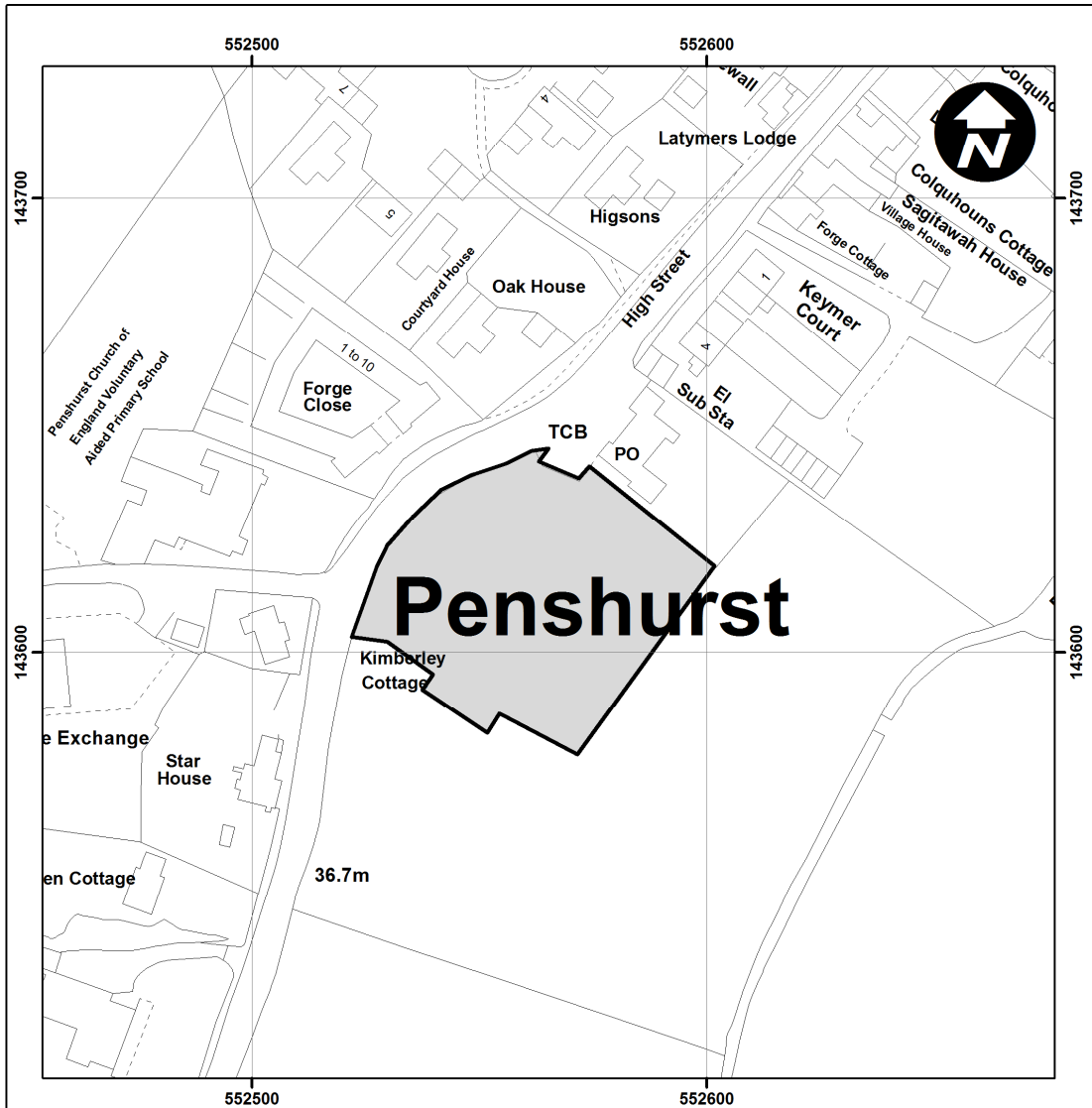
Link to application details:


<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LQOGUGBK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LQOGUGBK8V000>





|  |            |
|--|------------|
| <h1>Site Plan</h1>   |            |
| <b>Scale</b>   | 1:1,250    |
| <b>Date</b>  | 06.06.2012 |
|  <p><b>Sevenoaks</b><br/>DISTRICT COUNCIL</p>  |            |
| <small>This map is based upon the Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.<br/>Sevenoaks District Council, 100019428, 2012.</small> |            |

# BLOCK PLAN

