



**Late Observations Sheet
DEVELOPMENT MANAGEMENT COMMITTEE
22 June 2023 at 7.00 pm**

Late Observations

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DEVELOPMENT MANAGEMENT COMMITTEE

Thursday 22 June 2023

LATE OBSERVATION SHEET

4.1 23/00750/FUL - The Lodge, 1 Top Dartford Road, Hextable, Swanley Kent BR8 7SG

Additional representations received:

3 further letters of objection received outlining the following concerns:

- Concerns proposed residents will be a danger to children.
- Pressure to existing infrastructure.
- Lots of development in the area recently, village can't cope.

Officer comments

In relation to the comments regarding to pressures on existing infrastructure provision, it should not be forgotten that this Council is Community Infrastructure Levy charging authority and service providers can apply for additional monies for infrastructure provision.

Recommendation remain unchanged as per papers.

4.2 - 23/00901/HOUSE - Twin Oaks, 3 Kilnwood, Halstead, Kent TN14 7EW

It was noted from the committee site visit, that the single storey side extension that guttering has been installed to north east facing elevation. Further to this, it was noted that the new first floor rear facing window has also been obscured glazed - if members think that it is necessary, a condition to retain the obscure glazing could be appropriate if it alleviates concerns relating to loss of privacy issues.

In terms of rain water run-off cause by the flat roof element of the building, this aspect falls under the Building Regulations regime. As such, as this issue dealt by other legislative provisions, to seek further control by the way of imposing a condition of this nature to mitigate run-off drainage, would not meet the tests as cited in the NPPF. Paragraph 55 of the NPPF makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:

- necessary;
- relevant to planning;
- relevant to the development to be permitted;

Supplementary Information

- enforceable;
- precise; and
- reasonable in all other respects.

Upon considering the above, as the issue to do with run-off water is covered under another legislative provision, it would not meet the necessity test and be contrary to NPPF and National Planning Practice Guidance

Recommendation remain unchanged as per papers.

4.3 23/00767/FUL - The Tally Ho, Main Road, Knockholt Sevenoaks Kent TN14 7NT

Further comments from Knockholt Parish Council.

We wish to clarify and reinforce our previous comments on this application, particularly in response to the applicant's vituperative outburst against the Parish Council Comments, in which we presented our legitimate concerns.

- There has been recent clarification of the NPPF definition of 'original' as relating to a replacement dwelling in the Green Belt, sections 148 and 149 c) and 149 d) as a result of the High Court Hearing before His Honour Judge Jarman KC on 9th March 2023.
- The Judgement states in (point 16) 'In the NPPF the definition refers to 'a' building, and in (point 17) 'as it was originally built..... requires that what must be considered in those circumstances the baseline for measurement for evaluating proportionality is the first building as originally built and not any further extensions or additions.'

Our reference to the site's long planning history, back to a 1964 application for The Royal Oak under Tamplin's Brewery, and subsequent ones under The Tally Ho, confirm the clear demarcation of the red-lined 'curtilage' and the blue-lined 'land in possession' which we understand has remained unchanged (as confirmed by a previous owner.)

Officer Comments

In response to the Parish Council's comments it is expedient to provide further clarification on whether the proposed replacement dwelling - which has an increased floorspace of 45% over the dwelling it replaces - is acceptable in terms of local & national Green Belt policies.

The wording of paragraph 149(d) of the National Planning Policy Framework (NPPF) states: *"the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces"*.

The NPPF is national policy that underpins local development plan policies. The NPPF was first published in 2012 and has subsequent revisions. However, it is noted that the above wording remains unchanged since the 2012 version of the National Planning Policy Framework, which pre-dates the Sevenoaks Allocations and Development Management Plan (2015).

Local Planning Authorities are able to employ their own policies relating to Green Belt development, subject to further public scrutiny and examination by the Secretary of State. The Allocations and Development Management Plan was adopted by the Council in February 2015. In particular Policy GB4 of the ADMP allows for replacement dwellings and refers to **original dwelling** instead of 'original building', it is 'in date' and carries full weight.

Notwithstanding the above, Policy GB4(d) of the ADMP allows a 50% uplift in the floor area of the 'original dwelling and therefore the baseline for the original dwelling is that of the external floor area of the building post the change of use from a pub in 2018.

Taking into account of the above, and in consideration that policy GB4 does this propose is compliant with local plan policy.

In terms of the lawful residential use of the site, this was confirmed and established under the 2018 planning permission as a matter of fact. The boundaries of the site as shown on the submitted plans remain the same as the 2018 permission. Therefore the issues raised by the Parish Council in respect land ownership and the delineation of the boundaries of the site are not relevant in the consideration of this planning application, as the lawful planning unit remains unchanged.

Recommendation remain unchanged as per papers.

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