



**Late Observations Sheet
DEVELOPMENT CONTROL COMMITTEE
08 September 2016 at 7.00 pm**

Late Observations

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DEVELOPMENT CONTROL COMMITTEE

Thursday 8 September 2016

LATE OBSERVATION SHEET

4.1 - SE/15/03839/FUL - The Rock Inn, Hoath Corner, Chiddington Hoath, Kent, TN8 3BS

For information:

Paragraph 32 of the Officer's report should read as follows -

'The NPPF dictates that the construction of new buildings in the Green Belt is inappropriate, with a few exceptions. In this case the proposed development is one of the specified forms of development considered to be an exception. The Council is therefore satisfied that the proposed form of development would in principle be appropriate development in the Green Belt, *so long as the extension is not inappropriate to the size of the original building*. However, an assessment of the development against the other relevant paragraphs of the NPPF, policy LO1 of the Core Strategy and policy GB8 of the ADMP will be carried out in detail below.'

Members should note that there has been a print error in producing the agenda for the Committee meeting, which relates to pages 36 and 37 of the report. It is therefore the case that page 36 should appear the same as page 46 of the agenda, which is a site location plan of the Rock Inn, and page 37 should only appear once.

Conclusion:

Aside from the amendments to the Officer's report above, the overall conclusions and recommendation that Members resolve to defend the appeal against non-determination held within the main papers remains unchanged.

4.2 - SE/15/03840/LBCALT - The Rock Inn, Hoath Corner, Chiddington Hoath, Kent, TN8 3BS

For information:

The proposal results in harm to the listed building. For harm to be considered substantial harm it will often be the result of total loss of significance such as demolition of a building. This is not the case here, with a section of wall being lost without sufficient assessment of the significance of this wall.

Therefore, Officers have concluded that in this instance harm would be less than substantial.

Agenda Item

For less than substantial harm to be deemed acceptable the NPPF requires that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The main papers covered this matter in further detail.

In terms of the setting of the surrounding buildings and the proposed works, The Rock Inn sits within the historic settlement of Chiddingstone Hoath. The buildings within the immediate vicinity are also listed buildings and together have a group value which is identified in the respective listing descriptions. The grouping demonstrate the elements of a rural agricultural settlement including a small barn (latterly converted into residential), and a Wealden Hall House (now sub-divided) and a historic public house.

The relationship between the structures is informal and ad hoc although the barn now has a physical separation in the form of soft landscaping and fencing. The barn is still clearly visible, however, and still makes a positive contribution to the setting of the other buildings. The proposals are not considered to alter the hierarchy of the site because whilst the floor plan will increase, the design intent has been to minimise physical dominance within the group. Spoke Shave/Cherry Cottage retain the highest status within the group and the barn remains the lowest as a functional agricultural property.

The two storey side extension will be visible as you approach the site from the south and will obscure a small proportion of the barn. However, given the low status of the barn within the hierarchy of the site and the physical dominance already of The Rock the established relationship remains in tact. The increase in footprint is not considered to impact on the setting of Spoke Shave/Cherry Cottage.

The applicant has submitted further information in the form of photographs showing the exposure of two small sections of the walling that forms the infills to the section of original exterior wall proposed to be removed. However, as required by the NPPF, the applicant has failed to subsequently identify the significance of this fabric or justify the loss of this fabric.

Conclusion:

The overall conclusions and recommendation that Members resolve to defend the appeal against non-determination held within the main papers remains unchanged.

4.3 - SE/02102/LDCEX - Jubilee Cottage, 9 Egerton Avenue, Hextable, Kent BR8 7LG

No late Observations

4.4 - SE/16/01460/FUL - Land South West of 2 Salisbury Avenue, Swanley, Kent, BR8 8DG

It has been brought to the attention of the Local Planning Authority that access to the application site (within the defined red line boundary) is over land within the ownership of Highways England. Whilst the applicant has completed Certificate of Ownership B on the application form to confirm that the land is in shared ownership, Highways England has not been served the requisite notice.

It is established case law that where a Certificate of Ownership contains a factual as opposed to a fraudulent error then the Council is entitled to continue with determining the application. However there is a risk that the decision would be open to challenge and it is therefore considered prudent to require the applicant to serve notice of the application to Highways England as a relevant land owner.

It is therefore recommended that the officer recommendation be amended to defer a grant of planning permission until evidence of appropriate notice of the application being served in accordance with the requirements of Certificate of Ownership B is submitted to the Council.

Amend Recommendation:

That the Chief Planning Officer **be given delegated powers to Grant Planning Permission once the 21 day notice period to be served on Highways England has expired and no new matters arise** and subject to the conditions that are listed in the main papers. In the event that objections are raised by Highways England the application will be reported back to Development Control Committee.

Item 5.1 - SE/16/01857/WTPO - Pippin Cottage, The Green, Leigh, Kent TN11 8QJ

No late Observations

Item 5.2 - TPO No. 4 of 2016 - DRA Fort Halstead, Crow Drive, Halstead, Sevenoaks, Kent TN14 7BU

Late comments have been received from CBRE in further support of their objection to the serving of TPO 4 of 2016. The comments have stated that this order adds an unnecessary constraint to the future development of the site and suggests the redefining of the TPO area to omit the proposed development area which is very roughly central to the site. Whereas the current situation is not one that is felt to be a threat to the trees on site, it is the uncertain future of the site where there is a potential threat to tree retention. The earlier application to develop the Fort was looked at in great detail. It was considered that the balance of tree losses compared to the benefits of the development were acceptable. It is not thought that this view will alter should a full application be under consideration. The TPO should be confirmed in its current state to afford protection to trees should the site be sold off in part or as a whole concern. It will also protect trees from any future residents that may wish to remove trees.

Comments have also been received regarding the validity of the order in as much as it is a Woodland Order. My understanding is that there are no legal definitions of a woodland. TPO 4 shows this order as being a Woodland order which is bounded by a continuous black line to show its location as specified within Schedule 1 of the order. It is therefore considered to be lawful and correct.

The aforementioned additional comments provided by the objectors have been sent directly to Development Control Committee members in their entirety by the objectors.

Recommendation Remains Unchanged