



Sevenoaks
DISTRICT COUNCIL

Despatched: 20.06.12

DEVELOPMENT CONTROL COMMITTEE

28 June 2012 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks

AGENDA

Membership:

Chairman: Cllr. Mrs. Dawson

Vice-Chairman

Cllr. Williamson

Cllrs. Mrs. Ayres, Brookbank, Brown, Clark, Cooke, Davison, Dickins, Gaywood, Ms. Lowe, McGarvey, Orridge, Mrs. Parkin, Piper, Scholey, Miss. Thornton, Underwood and Walshe

Apologies for absence

1. **Declarations of Interest or Predetermination**
2. **Minutes** (Pages 1 - 20)
Minutes of the meeting of the Committee held on 24 May 2012.
3. **Declarations of Lobbying**
4. **Ruling by the Chairman regarding Urgent Matters**
5. **Planning Applications - Group Manager - Planning's Report**
 - 5.1. **SE/12/00444/FUL - Woodland Chase, Blackhall Lane, Sevenoaks TN15 OHU** (Pages 21 - 40)

The erection of a detached dwelling and double garage to the front of Woodland Chase to include new access to existing dwelling, as amended by revised plans received on 24.04.12.
 - 5.2. **SE/10/02625/OUT - Summerhill and Dawning House, Seal Hollow Road, Sevenoaks TN13 3SH** (Pages 41 - 64)

Outline application for Demolition of two detached dwellings and garaging facilities; erection of 4 detached dwellings, garages and associated works.

- 5.3. SE/12/00307/FUL - Sealcot, Seal Hollow Road, Sevenoaks TN13 3SH (Pages 65 - 76)
- Demolition of existing dwelling and associated development, and erection of replacement 1 x 2 storey detached dwelling with parking facilities and associated works.
- 5.4. SE/12/00893/FUL - Robertsons Nursery, Goldsel Road, Swanley, Kent (Pages 77 - 86)
- Retention of stable building, and land to accommodate horses in need of isolation
- 5.5. SE/12/00894/FUL - Robertsons Nursery, Goldsel Road, Swanley, Kent (Pages 87 - 98)
- Retention of mobile home & hardstanding & proposed utility building
- 5.6. SE/12/00803/FUL - The Old Wheelwrights, The Green, Brasted TN16 1JL (Pages 99 - 114)
- Demolition of existing buildings, and erection of detached two storey building for B1 purposes with 6 parking spaces, and one detached and two semi-detached dwellings with 6 parking places.
- 5.7. SE/12/00189/FUL - Aspen Lodge, College Road, Hextable Kent BR8 7LT (Pages 115 - 122)
- Retention of mobile home in its original location at Pembroke Business Centre
- 5.8. SE/12/01116/FUL - Scollops Farm, Yorks Hill, Ide Hill TN14 6LG (Pages 123 - 130)
- Amendments to previously approved appeal to include addition of bathroom window and proposed dormer windows within the north and south roof slopes, in lieu of the conservation range rooflights.

EXEMPT ITEMS

(At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.)

To assist in the speedy and efficient despatch of business, Members wishing to obtain factual information on items included on the Agenda are asked to enquire of the appropriate Director or Contact Officer named on a report prior to the day of the meeting.

Should you require a copy of this agenda or any of the reports listed on it in another format please do not hesitate to contact the Democratic Services Team as set out below.

If you wish to speak in support or against a planning application on this agenda, please call the Council's Contact Centre on 01732 227000

For any other queries concerning this agenda or the meeting please contact:
The Democratic Services Team (01732 227241)

Any Member who wishes to request the Chairman to agree a pre-meeting site inspection is asked to email democratic.services@sevenoaks.gov.uk or speak to a member of the Democratic Services Team on 01732 227350 by 5pm on Monday, 25 June 2012.

The Council's Constitution provides that a site inspection may be determined to be necessary if:

- i. Particular site factors are significant in terms of weight attached to them relative to other factors and it would be difficult to assess those factors without a Site Inspection.
- ii. The characteristics of the site need to be viewed on the ground in order to assess the broader impact of the proposal.
- iii. Objectors to and/or supporters of a proposal raise matters in respect of site characteristics, the importance of which can only reasonably be established by means of a Site Inspection.
- iv. The scale of the proposal is such that a Site Inspection is essential to enable Members to be fully familiar with all site-related matters of fact.
- v. There are very significant policy or precedent issues and where site-specific factors need to be carefully assessed.

When requesting a site inspection, the person making such a request must state under which of the above five criteria the inspection is requested and must also provide supporting justification.

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DEVELOPMENT CONTROL COMMITTEE

**Minutes of the meeting of the Development Control Committee held on 24 May 2012
commencing at 7.00 pm**

Present: Cllr. Mrs. Dawson (Chairman)

Cllr. Williamson (Vice-Chairman)

Cllrs. Mrs. Ayres, Brookbank, Clark, Davison, Dickins, Gaywood, Ms. Lowe, McGarvey, Orridge, Mrs. Parkin, Piper, Scholey, Miss. Thornton, Underwood and Walshe

Apologies for absence were received from Cllrs. Brown and Cooke

Cllrs. Ayres, Mrs. Cook, Mrs. Davison, Hogarth, Mrs. Purves and Miss. Stack were also present.

1. Minutes

Resolved: That the minutes of the meeting of the Development Control Committee held on 19 April 2012 be approved and signed by the Chairman as a correct record.

2. Declarations of Interest or Predetermination

Cllrs. Mrs. Dawson and Piper declared personal interests in items 5.1 – SE/12/00382/HOUSE - 61 St Johns Road, Sevenoaks TN13 3NB, 5.2 – SE/12/00467/FUL - Finchcocks, 5 Wildernesse Mount, Sevenoaks KENT TN13 3QS, 5.4 - SE/12/00444/FUL - Woodland Chase, Blackhall Lane, Sevenoaks TN15 0HU, 5.5 - SE/11/03230/FUL - Bucklers, The Coppice, Lower Bitchet, Bitchet Green TN1 0NB, 5.6 - SE/12/00274/HOUSE - Bucklands, Wildernesse Avenue, Sevenoaks TN15 0EA and 5.9 - SE/12/00795/ADV - Various Locations Within Sevenoaks Town & St Johns Ward, Sevenoaks as dual hatted members of both the District Council and Sevenoaks Town Council, which had already expressed views on the matter.

Cllr. Mrs. Dawson clarified that although she lived relatively close to the site of 5.1 – SE/12/00382/HOUSE - 61 St Johns Road, Sevenoaks TN13 3NB this was not close enough to have a personal interest in the matter.

Cllr. Hogarth declared a personal and prejudicial interest in item 5.5 - SE/11/03230/FUL - Bucklers, The Coppice, Lower Bitchet, Bitchet Green TN1 0NB. He did not speak on the matter.

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3. Declarations of Lobbying

All Members of the Committee, except Cllr. Williamson, declared that they had been lobbied in respect of item 5.2 – SE/12/00467/FUL - Finchcocks, 5 Wildernesse Mount, Sevenoaks KENT TN13 3QS.

Cllr. Miss. Thornton declared that she had discussed items 5.4 - SE/12/00444/FUL - Woodland Chase, Blackhall Lane, Sevenoaks TN15 0HU and 5.5 - SE/11/03230/FUL - Bucklers, The Coppice, Lower Bitchet, Bitchet Green TN1 0NB with objectors. She had also received an email regarding item 5.6 - SE/12/00274/HOUSE - Bucklands, Wildernesse Avenue, Sevenoaks TN15 0EA.

4. Ruling by the Chairman regarding Urgent Matters

The Chairman ruled that additional information received since the despatch of the agenda be considered at the meeting as a matter of urgency by reason of the special circumstances that decisions were required to be made without undue delay and on the basis of the most up to date information available.

5. Order of the Agenda

The Chairman indicated that, with the approval of Members, she would deal first with the tree preservation orders at items 6.01 and 6.02 as the Officer concerned was not involved in any other matters on the agenda.

Tree Preservation Orders

6. Objection to: TPO/19/2011 - Dryhill Farm, Dryhill Lane, Sundridge

The Committee was informed that the Order related to an Oak tree situated at Dryhill Farm, Sundridge. A request was received from a neighbour that the tree be protected but the owners object on the grounds that serving the order was unnecessary, they had no intention of removing or damaging the tree and that the request from the neighbour was intended to make life difficult for them.

The Officer had insufficient evidence to consider the dispute between the neighbours. An assessment of the tree's value in the landscape had been considered and the tree was found to be of value. It was for this reason alone that the Tree Preservation Order was served. The Officer estimated that the tree was between 40 and 50 years old.

Resolved: That the Tree Preservation Order No. 19 of 2011 be confirmed without amendments.

7. Objection to: TPO/03/2012 - 33 Bullfinch Lane, Riverhead

Officers advised that the Order related to a Beech tree situated at 33 Bullfinch Lane, Riverhead. The Order was served following concern that a neighbour would cut the tree back to the boundary. The neighbour has objected to the Order on the grounds that serving the order was unnecessary as overhanging branches had not previously been cutback and there was no current threat to the tree.

However, the Arboricultural and Landscape Officer considered that the tree could be clearly seen from the public footpath and main highway and that any unauthorised pruning works would be detrimental to the tree's appearance.

Resolved: That the Tree Preservation Order No. 3 of 2012 be confirmed without amendments.

Unreserved Planning Applications

There were no public speakers against the following items. Therefore, in accordance with Part 7 3.5(e) of the constitution, the following matters were considered en bloc:

8. SE/12/00795/ADV - Various Locations Within Sevenoaks Town & St Johns Ward, Sevenoaks

The report advised that the application was advertising consent for 4 building banners on the exterior of the Sevenoaks District Council offices, 10 flagpoles and flags on The Vine and 60 lamp-post banners located along St John's Hill, Dartford Road, Pembroke Road, London Road, Tubs Hill, St Botolphs Road and Hitchen Hatch Lane. The signs and banners would display the logos and graphics of the London Olympic Games 2012.

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

1) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007 in the interests of amenity and public safety.

2) No advertisement shall be sited or displayed so as to:-

a - endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military)

b - obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

c - hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007 in the interests of amenity and public safety.

3) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007 in the interests of amenity and public safety.

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4) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007 in the interests of amenity and public safety.

5) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007 in the interests of amenity and public safety.

6) All banners, flags and signs along with their associated masts and fixtures shall be fully removed and, where relevant, the land returned to its former condition, on or before 30th September 2012. This consent shall cease to have effect after this date.

In the interests of the visual amenities of the area in accordance with the Town and Country Planning (Control of Advertisements)(England) Regulations 3 and 14(7) 2007.

9. SE/12/00789/ADV - London Road, West Kingsdown, Kent

The report advised that the application was express advertisement consent for 12 banners which would be placed in pairs on lamp posts. The lamp posts would be a selection from 18 lamp posts identified along London Road, West Kingsdown on both sides of the road from Hever Road south to Kent Close.

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

1) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007 in the interests of amenity and public safety.

2) No advertisement shall be sited or displayed so as to:-

a - endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military)

b - obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

c - hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007 in the interests of amenity and public safety.

3) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007 in the interests of amenity and public safety.

4) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007 in the interests of amenity and public safety.

5) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

The banners shall be removed on or before 30 September 2012.

10. SE/12/01251/AGRNOT - Winkhurst Grainstore, Faulkners Hill Farm, Yorks Hill, Ide Hill TN14 6LG

The report advised that the application was for the erection of a general purpose storage building measuring 18m long by 10m wide with a ridge height of 7.4m and eaves height of 6m. The building would be based around a steel portal framed building with a concrete panelled plinth and consist of olive box profiled cladding with a cement fibre roof. The building would create approximately 180m² of additional floor space for general storage purposes.

Resolved: That Officers be given delegated powers to determine the notification following the consultation period expiring on 28 May 2012, the recommendation being that Prior Approval is not required.

Informatives

1) You are advised that under reference SE/09/01822 and this application, only one scheme can be permitted to ensure that you conform to Schedule Three, Part 6, Class A of the Town and Country Planning General Permitted Development Order 1995.

Reserved Planning Applications

The Committee considered the following planning applications:

11. SE/12/00382/HOUSE - 61 St Johns Road, Sevenoaks TN13 3NB

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The proposal was for the erection of a single storey front projection, a two storey side extension a single storey rear extension and an area of raised timber decking. Three parking spaces would be created to the front of the property.

Officers considered that the proposed extensions would preserve the character and appearance of the street scene although the street scene was generally mixed in appearance. Any potentially significant impact on the amenities of nearby dwellings could be satisfactorily mitigated by way of the conditions imposed.

The Committee was addressed by the following speakers:

Against the Application: -
For the Application: Mrs. McConochie
Parish Representative: Cllr. Hogarth
Local Member: -

The Chairman commented that she knew the area extremely well and believed most concerns to have been adequately addressed by the conditions, especially conditions 3 and 4 which protected the privacy of the neighbouring properties.

Other Members agreed that the street scene was already quite varied and that the proposal could add to the street scene.

It was MOVED by the Vice-Chairman and was duly seconded that the recommendation in the report to grant permission be adopted. The motion was put to the vote it was unanimously

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

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

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

2) The materials to be used in the construction of the development shall be those indicated on the approved plan submitted 10.02.12.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks District Local Plan.

3) No part of the roof of the single storey rear extension hereby approved shall be used as a balcony or terrace nor shall any access be formed to it, despite the provisions of any Development Order.

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

4) No development shall be carried out until details of a privacy screen to be erected along the northern edge of the rear decked area shall be submitted to and approved in writing by the Council. The privacy screen shall be erected in accordance with the approved details and retained thereafter.

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

5) The vehicle parking spaces shown on the approved Block Plan shall be provided and kept available for such use at all times and no permanent development shall be carried out on the land so shown or in such a position as to preclude vehicular access to the vehicle parking spaces.

To ensure a permanent retention of vehicle parking for the property as supported by policy EN1 of the Sevenoaks District Local Plan.

6) The development hereby permitted shall be carried out in accordance with the following approved plans: those plans submitted on 23.02.12 and 10.02.12.

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

Cllr. McGarvey did not participate in the debate or vote on the matter as he entered the room during the debate.

12. SE/12/00467/FUL - Finchcocks, 5 Wildernesse Mount, Sevenoaks KENT TN13 3QS

Officers advised that the proposal was to demolish the existing large detached property and replace it with two detached dwellings. Both replacement dwellings would have integral garages. The large existing plot would be split down the centre and the two dwellings would be staggered.

A previous application on the site had been refused by the Committee on 17 November 2011. The present application had a reduced massing, created a greater distance to the neighbours and more of the existing vegetation would be retained.

Officers considered that, on balance, the proposed replacement dwellings would not detract from the character and appearance of the street scene, or have a detrimental impact upon the amenities of the neighbouring properties. The proposal had addressed and overcome the previous reasons for refusal.

Members' attention was drawn to the tabled Late Observations sheet.

The Committee was addressed by the following speakers:

Against the Application:	Mr. Walkington
For the Application:	Ms. Tasker
Parish Representative:	Cllr. Hogarth
Local Member:	Cllr. Mrs. Purves

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In response to a question Officers informed Members that they should have some regard to the definition of previously developed land. Land would be previously developed if previously built on. A garden would not be considered previously developed except where there was the footprint of a previous development. In this case a substantial part of the footprint of the new dwellings was previously developed. The National Planning Policy Framework states that previously developed land is a priority for development but there was no policy to say that previously developed land should not be developed. Policy EN1 of the Sevenoaks District Local Plan would limit such development if it caused harm.

Members noted the width of the new plots would be 14.5m. The speaker against the application suggested that the width of plots on the other side of the road was about 15m.

Members commented that they considered the two sides of the road as distinct and this was supported by the Sevenoaks Residential Character Area Assessment which had been adopted since the site was last considered by the Committee. The proposal would be inappropriate as the plots would be too narrow and the bulk excessive. The development would consequently be out of keeping with the character of the area on the eastern side of the road.

It was MOVED by the Vice-Chairman and was duly seconded:

“That planning permission be REFUSED for the following reason:

The proposal would have an adverse impact on the street scene by reason of the excessive scale and extent of built development proposed on the site to the detriment of the distinctive character of the east side of Wildernesse Mount. The development would therefore be contrary to Policy EN1 of the Sevenoaks District Local Plan and Policy SP1 of the Core Strategy and contrary to the Sevenoaks Residential Character Area Assessment.”

The motion was put to the vote and there voted –

11 votes in favour of the motion

5 votes against the motion

Resolved: That planning permission be REFUSED for the following reason:

The proposal would have an adverse impact on the street scene by reason of the excessive scale and extent of built development proposed on the site to the detriment of the distinctive character of the east side of Wildernesse Mount. The development would therefore be contrary to Policy EN1 of the Sevenoaks District Local Plan and Policy SP1 of the Core Strategy and contrary to the Sevenoaks Residential Character Area Assessment.

13. SE/12/00379/VAR106 - East Wing Paddock, East Wing, Knotley Hall, Tonbridge Road, Chiddingstone Causeway, Kent TN11 8JH

The proposal was an application to modify a section 106 agreement to allow further fencing to divide the north western part of the paddock. When the land was converted from a school to residential land the section 106 agreement included a provision for the

application site to be maintained as open pasture land. The erection of fences required prior approval from the Council.

The proposed fencing would be 1.1m timber posts (sited 3.4m apart) with single wire and mesh. Two gates would be also be located along the southern boundary fence.

Officers considered that the proposed fencing would harm the open character and appearance of the land and would set an unwelcome precedent.

The Committee was addressed by the following speakers:

Against the Application: -
For the Application: Mr. Hayes
Parish Representative: -
Local Member: Cllr. Mrs. Cook

The applicant confirmed to the Committee that he intended to use the land to keep sheep and hens. Some Members of the committee noted that the fencing was therefore crucial for agricultural purposes.

Other Members of the Committee were concerned that if fencing were erected it could lead in future to the further division of the rest of the land into parcels.

It was MOVED by the Vice-Chairman and was duly seconded that the recommendation in the report, as amended by the Late Observations Sheet, to refuse the variation be adopted. The motion was put to the vote and there voted -

6 votes in favour of the motion

11 votes against the motion

The Chairman declared the motion to be LOST.

It was then MOVED and duly seconded:

“That variation of the section 106 agreement be GRANTED as the planning obligation continued to serve a purpose and would serve that purpose equally well if it had effect subject to the modifications specified in the application.”

The motion was put to the vote and there voted -

11 votes in favour of the motion

5 votes against the motion

Resolved: That variation of the section 106 agreement be GRANTED as the planning obligation continued to serve a purpose and would serve that purpose equally well if it had effect subject to the modifications specified in the application.

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14. SE/12/00444/FUL - Woodland Chase, Blackhall Lane, Sevenoaks TN15 0HU

The proposal sought planning permission to erect a detached dwelling and garage within the existing front garden to Woodland Chase. The site was within the built confines of Sevenoaks and an Area of Outstanding Natural Beauty and adjacent to the Wildernesse Conservation area.

Previously permission had been granted on appeal for the erection of five new dwellings and alterations to garaging to the three dwellings (Godwins, Brackens and Woodland Chase), however that permission had now lapsed.

Members' attention was drawn to the tabled Late Observations sheet.

The Committee was addressed by the following speakers:

Against the Application: Mr. Driessen

For the Application: Ms Tasker

Parish Representative: -

Local Member: Cllr. Hogarth

In response to a question Officers confirmed that since the appeal decision the definition of previously developed land had changed so that gardens would not fall into the definition. However the new rules did not preclude development on gardens if it did not harm the character of the area. The Inspector had decided that the lapsed permission would not have caused harm to the character of the area. The Inspector had not said the development was acceptable because the land was previously developed.

Members commented that the rear garden was relatively small considering the number of residents that would occupy the new dwelling and the size of other gardens in that road. Additionally they suggested that the proposed dwelling was excessive, bearing in mind the size of the plot. It was suggested that the dwelling would be too close to other properties, especially since an extension had been added to Godwins.

The Local Member, who sits on the Committee, added that, even though it was within the town confines, the area had a distinctive, general feeling of openness. She considered that the property would be too close to the road and out of keeping with the rest of the road. Officers explained that it would be 20m from the road.

Officers further advised that the permission granted on appeal, which included a dwelling on this site, had approved development in principal. Members had to consider whether circumstances had materially changed or whether the relevant policies had changed. Members should be aware that unless these arguments were relied on the Council could lose an appeal and face an order for costs from the other party.

It was MOVED by the Vice-Chairman and was duly seconded that the recommendation in the report, as amended by the Late Observations Sheet, to grant permission subject to conditions be adopted. The motion was put to the vote and there voted –

6 votes in favour of the motion

8 votes against the motion

The Chairman declared the motion to be LOST.

Following a question the Chairman confirmed that the application dwelling was smaller than that in the lapsed permission and that the size of the plot had not changed.

A Member stated that overdevelopment for the size of the plot was the view of most Members.

It was then MOVED and duly seconded:

“That the report be deferred to a future meeting of the Development Control Committee.”

The motion was put to the vote and there voted –

13 votes in favour of the motion

2 votes against the motion

Resolved: That the report be deferred to a future meeting of the Development Control Committee.

At 9.25 p.m. the Chairman adjourned the Committee for the convenience of Members and Officers. The meeting resumed at 9.38 p.m..

15. SE/11/03230/FUL - Bucklers, The Coppice, Lower Bitchet, Bitchet Green TN1 0NB

The proposal sought planning permission to erect a single storey dwelling as a replacement for an existing bungalow and outbuilding. The replacement dwelling would be a single storey building of contemporary design. It was roughly T shaped in footprint with flat roofs layered on top of one another.

The existing building was designated as a dwelling under a lawful development certificate and therefore benefited from permitted development rights. The applicant had submitted a fallback position that the existing dwelling could be extended from an existing floor area of 67 sqm to 291 sqm without planning permission, alongside a retained existing garage or outbuilding of 70 sqm. The proposal would cover a smaller footprint and would be lower than the fallback position.

Officers considered that the scheme was clearly contrary to development plan policies and advice contained within the NPPF. However the replacement dwelling was considered to be a better alternative than the fallback and as such very special circumstances existed to allow the proposal.

Members’ attention was drawn to the tabled Late Observations sheet.

The Committee was addressed by the following speakers:

Against the Application: Mr. Morgan

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For the Application: Mr. Osborne

Parish Representative: -

Local Member: -

In response to a question Officers confirmed that some of the trees to the south would be removed but a number were protected by Tree Protection Orders. The property would be well divorced from neighbours as it was between 70-80m to Greensleaves and was well screened.

Members noted that the design was very modern. Officers explained that the unconventional, flat roof design helped reduce the height of the proposal and so would be less noticeable from the road.

It was MOVED by the Vice-Chairman and was duly seconded that the recommendation in the report to grant permission, as amended by the Late Observations Sheet, be adopted. The motion was put to the vote and there voted –

6 votes in favour of the motion

5 votes against the motion

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

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

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

2) No development shall be carried out on the land until samples of the materials to be used in the construction of the external surfaces of the dwelling 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 is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks District Local Plan.

3) The development shall achieve a Code for Sustainable homes minimum rating of level 3, and shall 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. 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, including a 10% reduction in total carbon emissions, 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 and

has achieved a 10% reduction in total carbon emissions, or alternative as agreed in writing by the Local Planning Authority.

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

4) Before the use or occupation of the development hereby permitted, the car parking area shown on the approved plans shall be provided and shall be kept available for the parking of cars at all times.

To ensure a permanent retention of vehicle parking for the property as supported by Policy EN1 of the Sevenoaks District Local Plan.

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

To protect the character, functioning and openness of the Green Belt, and to prevent any further development that would erode the very special circumstances presented in this application. As supported by Policy H13 of the Sevenoaks District Local Plan and the National Planning Policy Framework.

6) No building or enclosure shall be erected within the curtilage of the dwelling hereby approved, despite the provisions of any Development Order.

To protect the character, functioning and openness of the Green Belt, and to prevent any further development that would erode the very special circumstances presented in this application. As supported by Policy H13 of the Sevenoaks District Local Plan and the National Planning Policy Framework.

7) Prior to first occupation of the dwelling hereby permitted, the boundaries of the site shall be physically defined by fencing or other treatment in accordance with a scheme that has been submitted to and approved in writing by the local planning authority.

To clarify the residential curtilage and to prevent encroachment into the surrounding countryside, in accordance with Policy LO8 of the Sevenoaks Core Strategy and the National Planning Policy Framework.

8) No development shall take place until details of tree protection measures for all trees and hedges shown for retention on the submitted plans have been submitted to and approved in writing by the Local Planning Authority. The details shall be designed in accordance with BS5837:2005 - Trees in Relation to Construction, and the approved protection measures shall be implemented in full prior to any development or demolition works taking place. The protective fencing shall remain in place for the duration of the construction and no works shall take place, no materials, plant or machinery shall be stored, and no fires shall be lit within the protected areas unless agreed otherwise in writing by the local planning authority.

To safeguard the visual amenities of the area, in accordance with Policies LO8 and SP1 of the Sevenoaks District Local Plan.

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9) No development shall be carried out on the land until full details of soft landscape works within the application site 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);-a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities); and-a programme of implementation. The development shall be carried out in accordance with the approved details. If within a period of 5 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 safeguard the visual amenities of the area, in accordance with Policies LO8 and SP1 of the Sevenoaks Core Strategy.

10) The off-site planting scheme as shown on the approved drawings shall be implemented in full prior to first occupation of the dwelling. If within a period of 5 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 accord with the terms of the application and to enhance the visual amenities of the area, in accordance with Policies LO8 and SP1 of the Sevenoaks Core Strategy.

11) The development hereby permitted shall be carried out in accordance with the following approved plans: 11032.01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11B, 12, 13, 14, 15, 16 and 17.

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

12) Within one month from first occupation or completion of the replacement dwelling hereby permitted (whichever is sooner), all existing buildings within the application site as shown on the submitted plans shall be demolished in their entirety and all resultant material shall be removed from the site.

Reason: To accord with the terms of the application and to control the extent of built form on site in order to protect the character, maintenance and functioning of the Metropolitan Green Belt, as supported by Policy H13 of the Sevenoaks District Local Plan and the National Planning Policy Framework.

16. SE/12/00274/HOUSE - Bucklands, Wildernesse Avenue, Sevenoaks TN15 0EA

The proposal sought the demolition of the existing porch and double garage and erection of a new porch, single storey rear extension, two storey front extension and replacement two storey link extension between the pool house to the main dwelling. The development was within the built confines of Sevenoaks and was named as contributing to the Wildernesse Conservation Area.

Officers considered that the development would respect the context of the site and would not have an unacceptable impact on the street scene and would preserve the special

character and appearance of the Conservation Area. The development would also not have an unacceptable impact on the residential amenities of nearby dwellings.

The Committee was addressed by the following speakers:

Against the Application: -
For the Application: Ms. Daniels
Parish Representative: Cllr. Hogarth
Local Member: -

At 10.27 p.m. it was MOVED by Cllr. Walshe and duly seconded that, in accordance with rule 16.1 of Part 2 of the Constitution, Members extend the meeting beyond 10.30 p.m. to enable the Committee to complete the business on the agenda.

The motion was put to the vote and there voted –

9 votes in favour of the motion

0 vote against the motion

Resolved: That the meeting be extended past 10.30 p.m. to enable the Committee to complete the business on the agenda.

The local Member, who sat on the Committee noted that the local residents' association had not submitted an objection to the proposal.

It was MOVED by the Vice-Chairman and was duly seconded that the recommendation in the report to grant permission be adopted. The motion was put to the vote and it was unanimously –

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

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

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

2) The materials to be used in the construction of the development shall be those indicated on the approved plan as detailed on the application form.

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

3) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan, Block Plan, Design and Access Statement, Drawing No's PL-101, PL-102, PL-200-206, PL-400, PL-401, received 01.02.12 and 07.02.12.

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

17. SE/12/00610/FUL - 46 South Park, Sevenoaks TN13 1EJ

The proposal was for the extension of the property side and rear to infill the gap between the building and no.44. This would result in two additional self-contained flats. The extension had been designed in a Victorian style to reflect the character of the original building and with a gable effect to reflect the others facing onto the junction of South Park and Argyle Road. The site was inside the Granville Road/Eardley Road Conservation Area.

Officers considered that the application overcame the concerns of scale and design which resulted in the refusal of an application on the site on 16 February 2012. It was acceptable in terms of the character and appearance of the conservation area, the impact of the development upon neighbouring properties and the availability of parking. However the proposal did not yet adequately provide for an affordable housing contribution.

The Committee was addressed by the following speakers:

- Against the Application: -
- For the Application: Mr. Thompson
- Parish Representative: Cllr. Hogarth
- Local Member: -

Members agreed there had been a significant improvement since the previous application on the site was referred to the Committee.

It was MOVED by the Vice-Chairman and was duly seconded that the recommendation in the report to grant permission be adopted. The motion was put to the vote and it was unanimously –

Resolved: RECOMMENDATION A: That planning permission be GRANTED subject to the following conditions and the receipt of an acceptable legal agreement, within 28 days of the date of this Committee, to provide a financial contribution towards off-site affordable housing provision:

- 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.

The application fails to make an appropriate provision for affordable housing contrary to the requirements of Policy SP3 of the Sevenoaks Core Strategy 2011.

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

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

3) 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 and trees, plants and trees to be retained and new planting);-a schedule of new plants and trees (noting species, size of stock at time of planting and proposed number/densities); and-a programme of implementation. Soft landscaping works shall be carried out in complete accordance with the approved details prior to the first occupation of any of the additional apartments hereby permitted or otherwise in accordance with the agreed programme of implementation. 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 safeguard the visual appearance of the area as supported by EN1 and EN23 of the Sevenoaks District Local Plan.

4) Prior to the commencement of the development, details of a scheme for the allocation of parking spaces, including details of marking up of the spaces as such, shall be submitted to and approved in writing by the Local Planning Authority. The spaces shall be completed and marked out in accordance with the approved details prior to the first occupation of any of the additional residential units hereby permitted and shall thereafter be maintained as such.

In the interests of highways safety and convenience in accordance with EN1 of the Sevenoaks Local Plan

5) Prior to the commencement of the development, details of secure bicycle storage for residents in the form of scaled plans and product information (as appropriate), shall be submitted to and approved in writing by the Local Planning Authority. Bicycle storage shall be made available prior to the first occupation of any of the additional residential units hereby approved and shall thereafter remain available for such use.

In the interests of sustainability in accordance with EN1 of the Sevenoaks Local Plan, SP1 of the Sevenoaks Core Strategy and the National Planning Policy Framework.

6) The development shall achieve a Code for Sustainable homes minimum rating of level 3. Prior to the first occupation of any of the additional residential units hereby approved, evidence shall be provided to the Local Authority Prior 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.

In the interests of environmental sustainability in accordance with SP2 of the Sevenoaks Core Strategy.

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7) Prior to the commencement of the development, details in the form of scaled plans and elevations shall be provided to show the appearance of the proposed bin store (shown on drawing no.1114 P06B). The bin store shall be provided in accordance with the approved details prior to the first occupation of any of the additional residential units hereby approved.

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

8) The ground floor bathroom window shown on the south-east elevation of the extension hereby approved shall be obscure glazed and non-opening, with the exception of any high level lights (above 1.7m above internal floor area).

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

9) No window(s), other than those shown on the approved plan(s), shall be installed in south-east facing flank elevation(s) of the development hereby approved, despite the provisions of any Development Order.

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

10) The development hereby permitted shall be carried out in accordance with the following approved plans: 1114 P101, P102, P103, P104B, P105B, P106B and P107B

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

11) No part(s) of the roof, other than the area marked 'BALC' on drawing no. P104B, shall be used as a balcony or terrace nor shall any access be formed to it, despite the provisions of any Development Order.

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

RECOMMENDATION B: In the event that the applicant does not enter into a Section 106 legal agreement within 28 days of the date of this 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.

18. SE/12/00571/LBCALT - 10 St Ediths Road, Kemsing TN15 6PT

The proposal was for listed building consent to replace all the existing windows at the property with white painted wood double glazed windows. The windows would not be like-for-like repair or replacement and the changes would alter the fabric and appearance of the existing Grade II listed building. The report advised that the listing for the property described the windows as nineteenth century and modern whilst the building itself was a Sixteenth Century timber-framed house.

Officers considered that clear and convincing justification, as required under the National Planning Policy Framework, for the alteration of all of the windows had not been demonstrated. It was felt that only four of the windows had sufficient justification to be replaced due to their condition.

The Committee was addressed by the following speakers:

Against the Application: -

For the Application: Mr. Monger

Parish Representative: -

Local Member: Cllr. Miss. Stack

In response to a question the Conservation Officer confirmed she had attended the site and poked the timbers to check their integrity.

Members noted the comments of the applicant that the majority of the windows would not fully close and a number of the windows looked acceptable because they had been temporarily maintained by woodfiller, putty and paint.

They were also concerned by the suggestion from the applicant that he would be unable to afford to replace all of the windows if he only had permission to replace them piecemeal. Members added that if carried out over an extended time then the replacement windows may be of varying styles.

It was suggested that if the windows were not adequately replaced then this could cause harm to the timber-framed building.

Officers reminded Members that there was a presumption in favour of conservation and that features from different ages, such as nineteenth century windows, can contribute to as part of the listing. Guidance suggested that, in such cases, the windows should be replaced only as and when necessary. The applicant had not provided evidence that all, or the majority, of the windows needed replacing.

It was MOVED by the Cllr. Davison and was duly seconded:

“That the item be deferred for the applicant to provide an independent survey on the condition of the windows in the property.”

The motion was put to the vote and there voted –

7 votes in favour of the motion

5 votes against the motion

Resolved: That the item be deferred for the applicant to provide an independent survey on the condition of the windows in the property.

THE MEETING WAS CONCLUDED AT 11.26 PM

CHAIRMAN

5.1 SE/12/00444/FUL Date expired 26 April 2012

PROPOSAL: The erection of a detached dwelling and double garage to the front of Woodland Chase to include new access to existing dwelling, as amended by revised plans received on 24/04/12.

LOCATION: Woodland Chase, Blackhall Lane, Sevenoaks TN15 0HU

WARD(S): Seal & Weald

ITEM FOR DECISION

This application was deferred at the May meeting of the Development Control Committee, following rejection of the recommendation to grant permission. Since the meeting the applicants have lodged an appeal on the grounds of non-determination. The Council still needs to decide how it would have determined the application so that it can respond to the appeal. The recommendation has been amended to reflect this appeal being lodged.

RECOMMENDATION: That had the Council been able to determine the application planning permission would have been GRANTED subject to the following conditions:-

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

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

2) No development shall be carried out on the land until samples of the materials to be used in the construction of the external surfaces of the buildings 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 is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks District Local Plan and Policy SP1 of the Sevenoaks Core Strategy.

3) No development shall take place until the tree protection measures specified in Section 10 of the Sylvanarb Arboricultural Report submitted with the application and dated 5th December 2011 have been fully implemented. All tree and general protection measures as specified in Sections 10.2 and 10.3 of the report shall be maintained for the duration of the development, unless agreed otherwise in writing by the Local Planning Authority.

To safeguard the visual appearance of the area as supported by Policy EN1 of the Sevenoaks District Local Plan and Policy SP1 of the Sevenoaks Core Strategy.

4) Notwithstanding the submitted plans and the Sylvanarb Arboricultural Report submitted with the application, a scheme for the retention and protection of the Scots

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Pine tree identified as T10 as part of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

To allow for the retention of a tree subject to a Tree Preservation Order, in the interest of the visual amenities of the area, in accordance with Policy EN1 of the Sevenoaks District Local Plan and policy SP1 of the Sevenoaks Core Strategy.

5) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. This shall include - details of fencing, gates or other boundary treatment, - planting plans, including trees and plants to be retained and details of new landscaping (including plant specifications and schedules). The plans shall include details of new planting on land to be retained with the existing dwelling at Woodland Chase, planting along the access point to be closed, planting up any gaps on the boundary with Godwins, and a detailed scheme of landscaping to be undertaken on land surrounding the new access drive - details of all hard surfacing. 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. The development shall be undertaken in accordance with the approved details prior to first occupation of the dwelling hereby permitted, or in accordance with a scheme of implementation agreed in writing by the Local Planning Authority.

To safeguard the visual appearance of the area as supported by Policy EN1 of the Sevenoaks District Local Plan and Policy SP1 of the Sevenoaks Core Strategy.

6) No development shall take place until a revised plan showing visibility splays to take into account the tangent of the road has been submitted to and approved in writing by the Local Planning Authority. The amended visibility splays shall be provided prior to first use of the access and maintained thereafter at all times.

In the interest of highway safety as supported by Policy EN1 of the Sevenoaks District Local Plan.

7) The pedestrian and vehicular accesses shown on the approved drawings shall be laid out and constructed concurrently with the carrying out of the development to which it relates and brought into use before the first occupation or use of the development.

In the interest of highway safety as supported by Policy EN1 of the Sevenoaks District Local Plan.

8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (As amended), no walls, gates or other means of enclosure shall be erected on the site frontage with Blackhall Lane, other than as may be approved under condition 5 of this permission.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks District Local Plan.

9) The development hereby permitted shall be carried out in accordance with the following approved plans: 110704/01A, 110704/02B, 110704/03B, 110704/04C,

110704/05C, 110704/06, 1959so01, 1959so02 and unnumbered site location plan received on 06/03/12

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

10) 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.

In the interests of environmental sustainability and reducing the risk of climate change as supported by Policy SP2 of the Sevenoaks Core Strategy

11) The existing vehicle access shall be closed upon first use of the new vehicle access hereby permitted.

In the interest of highway safety as supported by Policy EN1 of the Sevenoaks District Local Plan.

12) Prior to the commencement of development, measures to enhance biodiversity on the site shall be submitted to and approved in writing by the local planning authority. Such measures should include the use of bat bricks and tiles within the new buildings and/or bat boxes within the site. The approved details shall be installed prior to first occupation of the units and maintained as such thereafter

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

13) The developer shall afford access at all reasonable times to any archaeologist nominated by the Local Planning Authority and shall allow him/her to observe the excavations and record items of interest and finds. The developer shall inform the County Archaeologist of the start date of construction works on site not less than two weeks before the commencement of such works.

To ensure that features of archaeological interest are properly examined and recorded.

14) The side (north west) facing window to bedroom 2 shall be installed as a high level window with a minimum cill height of 1.7 metres above floor level, and shall be maintained as such thereafter.

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

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

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The South East Plan 2009 - Policies H4, BE4, BE6

Sevenoaks District Local Plan - Policies EN1, EN23

Sevenoaks District Core Strategy 2011 - Policies LO1, LO2, SP1, SP2, SP3, SP5, SP7, SP11

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

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

The site is within the built confines of the settlement where there is no objection to the principle of the proposed development.

The scale, location and design of the development would respect the context of the site and safeguard the visual amenities of the locality.

The scale, location and design of the development would preserve the character and appearance of the Area of Outstanding Natural Beauty.

Description of Proposal

- 1 This application seeks planning permission to erect a detached dwelling and garage within the existing front garden to Woodland Chase.
- 2 The new dwelling would be sited approximately 20 metres from the front boundary of the site. The dwelling would be arranged over three floors, with the top floor contained within the roofspace. The overall height of the dwelling is proposed at 8.75 metres. The footprint would measure approximately 19 metres in length and 7.3 metres in depth.
- 3 The dwelling would be sited approximately 8 metres from the side boundary with the neighbouring property at Godwins and approximately 19 metres from the flank wall of Godwins as recently extended. A minimum distance of 20 metres would be maintained between the proposed dwelling and the existing dwelling at Woodland Chase, and the proposed dwelling has been orientated to avoid direct overlooking towards this property.
- 4 The proposal also includes a detached double garage which would be 5.5 metres in height and sited between the proposed house and road frontage.
- 5 Access to the new dwelling would be via a new single entrance point from Blackhall Lane serving the existing dwelling, as well as a further new dwelling already approved to the rear of the site. The existing access point would be closed off.

Description of Site

- 6 Woodland Chase is a large 20th Century dwelling set within substantial landscaped grounds. It forms one of three residential properties, all of similar scale and plot size on the southern side of Blackhall Lane. The dwellings and their

immediate gardens all fall within the built confines of Sevenoaks, but a large part of the rear gardens are designated as Green Belt.

- 7 The property is sited adjacent to the Wildernesse Conservation Area, the boundary of which lies on the north side of Blackhall Lane.
- 8 The site also falls within the boundaries of the Kent Downs Area of Outstanding Natural Beauty. A number of trees on site are individually protected by a tree preservation order.
- 9 Whilst the site is currently occupied by one dwelling, planning permission exists (SE/11/01002) for a new dwelling to be erected to the rear of the existing dwelling.

Constraints

- 10 Area of Archaeological Potential
- 11 Area of Outstanding Natural Beauty
- 12 TPOs on individual trees within the site
- 13 The rear garden of Woodland Chase is partially within the Green Belt
- 14 Adjacent to Wildernesse Conservation Area

Policies

South East Plan

- 15 Policies – H4, BE4, BE6

Sevenoaks District Local Plan

- 16 Policies – EN1, EN23

Sevenoaks Core Strategy

- 17 Policies – LO1, LO2, SP1, SP2, SP3, SP5, SP7, SP11

Other

- 18 The National Planning Policy Framework

Planning History

- 19 SE/11/01002 – Erection of a detached dwelling to the rear of the existing dwelling at Woodland Chase - Approved

SE/10/02080 – Erection of a two storey extension to rear and two storey extension to side of house and connecting passage to garage – Approved

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SE/06/01442 – Erection of five new dwellings & alterations to garaging to the three dwellings (Godwins, Brackens and Woodland Chase) that will remain on the site – Refused. Allowed on appeal. (Attached Appendix 1)

SE/05/02635 - Two storey extension to rear & side of house utilisation of existing loft space and single storey link to garage - Approved

(Neighbouring Property) SE/10/02490 - Demolition of existing single storey building and erection of a part two storey and part single storey extension to Godwins and a triple garage. Erection of a detached dwelling and garage within the grounds of Godwins.

Consultations

Sevenoaks Town Council

- 20 Sevenoaks Town Council noted the Inspector's comments in allowing the appeal in 2007. Nonetheless the Town Council is concerned that the siting of the proposed dwelling is not in keeping with the surrounding area and would therefore recommend refusal.

SDC Tree Officer

- 21 This proposal shows the losses of a number of trees to accommodate the new build. Only one of these trees is protected under TPO 17 of 2004, which is the Pine tree currently located immediately north east of the existing garage. I cannot see a reason why this should be removed and suggest that it could be integrated into the proposed scheme. I was unable to take measurements from this tree due to the amount of Ivy upon its trunk. I suspect however that it will be within what should be the root protection zone of this tree. I therefore suggest that tree protection details should be provided. This should be applied to all trees shown to be retained as part of this scheme.
- 22 No details of landscaping have been supplied. I suggest that a detailed landscaping scheme is conditioned as part of any consent provided.

KCC Highways

- 23 It appears that there is a succession of applications here involving an evolution of replacement access details, namely with respect to visibility splays, access width and local widening at the access mouth to prevent backing up onto the highway. I confirm I have no objection to the proposal. Please advise the applicant however that closing the existing access and providing the new access proposals, will be subject to a Section 278 agreement with the highway authority.
- 24 It is considered that location of the speed limit and local street lighting may also require some adjustment with these proposals.

Thames Water

25 No objection

Representations

- 26 9 letters of objection received (including a number of letters/responses from the occupants of the neighbouring property)
- The previous appeal decision has now expired. It is not valid to use this appeal decision to allow a new dwelling
 - The current scheme bears no relation to the appeal scheme
 - The addition of a third property on the site would be out of keeping with the area
 - The plot is too small
 - The plot is surrounded by Green Belt, AONB and conservation area restrictions
 - The proposal is likely to devalue properties in the area
 - Loss of trees
 - The relationship between the proposed dwelling and Godwins is too close
 - The block plan does not include the extension built to Godwins
 - The proposal would affect the setting of Godwins as a local heritage asset
 - Loss of privacy to Godwins
 - Potential loss of boundary screening between the site and Godwins
 - The dwelling would be too close to the road and out of character
 - The consultation period should be extended
 - The proposal would represent overdevelopment of the plot
- 27 Councillor Hogarth has referred the application to committee on the following grounds - overdevelopment of the site (in view of the application to the rear as well), impact on the spacious, wooded residential character of the area, impact on the street scene (in view of the additional driveway).

Group Manager - Planning Appraisal

Principle of development

- 28 The site lies within the built confines of Sevenoaks and policies LO1 and LO2 of the Core Strategy seek to direct housing development to locations within the area suitable for housing development.
- 29 The site forms part of the garden to Woodland Chase and previous amendments to PPS3, which has now been superseded by the National Planning Policy Framework (NPPF) removed gardens from the definition of “previously developed land”. Whilst the NPPF places an emphasis on development of previously developed land, this does not preclude other land, such as gardens, from being developed, provided such development is in suitable locations and relates well to its surroundings. Paragraph 53 of the NPPF states that local planning authorities should consider setting out policies to resist the inappropriate development of rear gardens where this would cause harm to the local area. This is broadly consistent with Policies SP1 and SP7 of the Core Strategy which include criteria

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that development should not compromise or harm the distinctive character of an area. On this basis, the development of this site should not conflict with the aims of the NPPF provided that the development is not harmful to the character of the surrounding area.

Impact upon the character and appearance of the area, including the adjacent conservation area

- 30 Woodland Chase is a substantial residential plot, measuring around 65 metres in width and 270 metres in length. It is one of the larger residential plots in the surrounding area. The plot also benefits from significant tree and landscape cover, typical of residential plots in the local area. The effect of this is that the dwelling at Woodland Chase is only really visible from the access to the property in a glimpsed view from the road, as are many of the surrounding dwellings. This is a key component of the character of this part of Blackhall Lane, although properties further along the lane are more visually exposed.
- 31 As reported earlier, the site already benefits from planning permission for the erection of a dwelling to the rear of the existing dwelling. This dwelling would be set some 80 metres from the road frontage and accessed via a curved drive with intervening vegetation to screen the development. The permission for this scheme has not, to date, been implemented.
- 32 The new dwelling would be sited within the front garden of the existing property and is of slightly smaller proportions, height and scale than the existing dwelling. Much of the existing boundary vegetation would remain, with further new planting proposed to the front boundary where the existing access point will be closed. Whilst the dwelling would be sited much closer to Blackhall Lane than the existing property, a set back of some 20 metres would still be maintained and the new dwelling would follow a similar building line to the property at Godwins next door. Likewise, gaps in the region of 20 metres would be maintained to the existing dwelling at Woodland Chase and Godwins respectively.
- 33 Whilst the proposal would result in a degree of change, it is important to consider whether such change would be harmful to the established character of the area. The proposed dwelling would occupy a site of good proportions for modern housing development, with a density in the region of 7 dwellings per hectare, which is very low in comparison to the 40 dph target under Policy SP7 of the Core Strategy. Much of the existing landscaping on the boundary of the site would be retained. The development would, in my opinion, still portray a spacious and secluded character typical of the existing road.
- 34 In forming this opinion I have given significant weight to an appeal decision of 2007 for the erection of 5 additional dwellings on this site and the two neighbouring properties (Godwins and Brackens). A copy of the appeal decision and a site plan of the scheme is attached as an appendix to this report. Members will note the comments made by the Inspector in paragraphs 13-18 and the specific reference to the erection of a dwelling in the same location as now proposed (this site is referred to as plot 1 in the appeal decision). Whilst the appeal scheme was not implemented, the analysis made by the Inspector should still hold weight. The scale and proportions of the dwelling proposed on plot 1 were very similar to the current proposal.

- 35 It is accepted that the current scheme does differ to the appeal scheme insofar that it is an application for a single dwelling, and does not include the provision of an access road between the site and the dwelling at Woodland Chase. However the position of the access and the impact of the proposal from Blackhall Lane would remain very similar to the appeal scheme. It is also recognised that the dwelling at Godwins has been extended, although I consider the gap of 19 metres that would be maintained between these properties to be generous.
- 36 The tree officer has commented that one tree shown for removal is subject to a Tree Preservation Order. The tree in question is a Scots Pine and the tree officer is of the opinion that it could be retained as part of the scheme. This can be secured by condition. Otherwise, no objection is raised to the removal of selected (and unprotected) trees on the site.
- 37 The Wildernesse Conservation area boundary runs along Blackhall Lane, and regard should be given to the impact on the setting of this conservation area. Taking into account the position of the dwelling at 20 metres from the roadside, and the winding, vegetation-lined character of the road, I do not consider that it would adversely affect views of or the setting of the adjacent conservation area.
- 38 It is also noted that an application was made to English Heritage around 18 months ago to list the neighbouring dwelling at Godwins. English Heritage did not consider the building to be of such merit to warrant listing, but did consider that it had local interest. The NPPF allows for the impact of a development proposal on an “undesigned heritage asset” to be taken into account as part of a planning application. However given the distance maintained between the proposal and Godwins, together with the benefit of boundary screening, I do not consider that the proposal would have any harmful impact on the setting of Godwins.
- 39 The properties on the south side of Blackhall Lane (including the application site) fall within the Kent Downs Area of Outstanding Natural Beauty. However the site would be developed at a low density and would maintain a landscaped character through the retention of most existing landscaping and the addition of new trees. Taking this into account, I do not consider that the erection of an additional dwelling in this location would harm the wider landscape. This was also the view of the previous appeal inspector.
- 40 Taking the above factors into account, I consider that the low-density development as proposed would accord with Policy SP7 of the Core Strategy, as whilst it would not meet the standard 40dph policy target, it would not compromise the distinctive character of the surrounding area, which is the overriding consideration under this policy. The siting, scale and design of the proposal would relate well to the surrounding area, would not harm the setting of the adjacent conservation area and would not conflict with Policies EN1 or EN23 of the Local Plan, nor Policy SP1 of the Core Strategy. The proposal would not cause harm to the wider landscape setting of the AONB and as such would not conflict with Policy LO8 of the Core Strategy.

Impact upon neighbouring amenities

- 41 The closest properties to the proposed development would be the existing dwelling at Woodland Chase and the dwelling at Godwins.

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- 42 The flank wall of the proposed house would face towards the flank wall of Godwins, with a good degree of screening on the boundary. At a distance of 19 metres, I consider this separation between the flank walls to be significant, and sufficient to ensure that the proposed dwelling would not lead to any undue loss of light or outlook to the occupants of Godwins.
- 43 The existing occupants of Godwins have raised concern over the existence of a bedroom window in the side elevation facing their property. Whilst I consider that this would be screened by the boundary vegetation, the applicant has agreed to amend this window to a high level one, and to provide a further window in the front elevation of the building to serve this bedroom. In my opinion, whilst the proposed dwelling would bring residential development closer to the occupants of Godwins, the separation and screening between these properties would still be significant and well in excess of normal amenity standards.
- 44 The proposed dwelling has been sited to avoid directly facing the existing dwelling at Woodland Chase. Due to their orientation, a minimum distance of 20 metres would be maintained at the closest point between the two dwellings, although most of the proposed dwelling would be sited in excess of 21 metres from Woodland Chase. The layout of the proposed dwelling has been designed to avoid overlooking towards Woodland Chase, and the first floor windows proposed in the rear elevation are either secondary windows or non-habitable. The existing garage at Woodland Chase also limits any potential overlooking to a degree. New planting is proposed between the two dwellings and the scheme has clearly been designed with the support of the occupants of Woodland Chase, who own the application site. This relationship is almost identical to the one allowed on appeal and I consider this to be acceptable.
- 45 Policy EN1(3) of the local plan seeks to ensure that developments do not have an unacceptable impact upon neighbouring properties. For the reasons given above I consider that the proposal would accord with this policy criteria.

Impact upon highways safety

- 46 The new access has already been approved as part of the consent for the new dwelling to the rear of Woodland Chase. The proposal would result in further use of this access point by an additional dwelling. Kent Highways raise no objection to the additional traffic generated, nor to the capability of the access on highways safety grounds. As such, I consider that the proposal would not cause any highways safety issues, and would accord with Policy EN1(6) of the local plan.

Affordable Housing

- 47 Under Policy SP3 of the local plan, there is a requirement for all new housing development to contribute towards affordable housing provision within the District. In this instance, a financial contribution is required under the policy. The required contribution towards affordable housing has been calculated at £66,930, and the applicant has agreed to pay this figure. At the time of writing, the S106 agreement has not been completed although I should be in a position to update Members at Committee.

Other matters

- 48 Local residents have raised a number of issues regarding this application, most of which are covered earlier in the report. In response to the outstanding queries –
- The possible loss in value of neighbouring properties cannot be taken into consideration as part of the planning assessment.
 - A further neighbour consultation exercise has been undertaken to clarify some confusion over the notification process originally carried out.

Conclusion

- 49 For the reasons given above, I would conclude that the proposal would accord with development plan policies and as such I recommend that planning permission be granted, subject to completion of a S106 agreement to secure the required Affordable Housing contribution.

Background Papers

Site and Block Plans, Appeal Decision and relating plan

Contact Officer(s): Mr A Byrne Extension: 7225

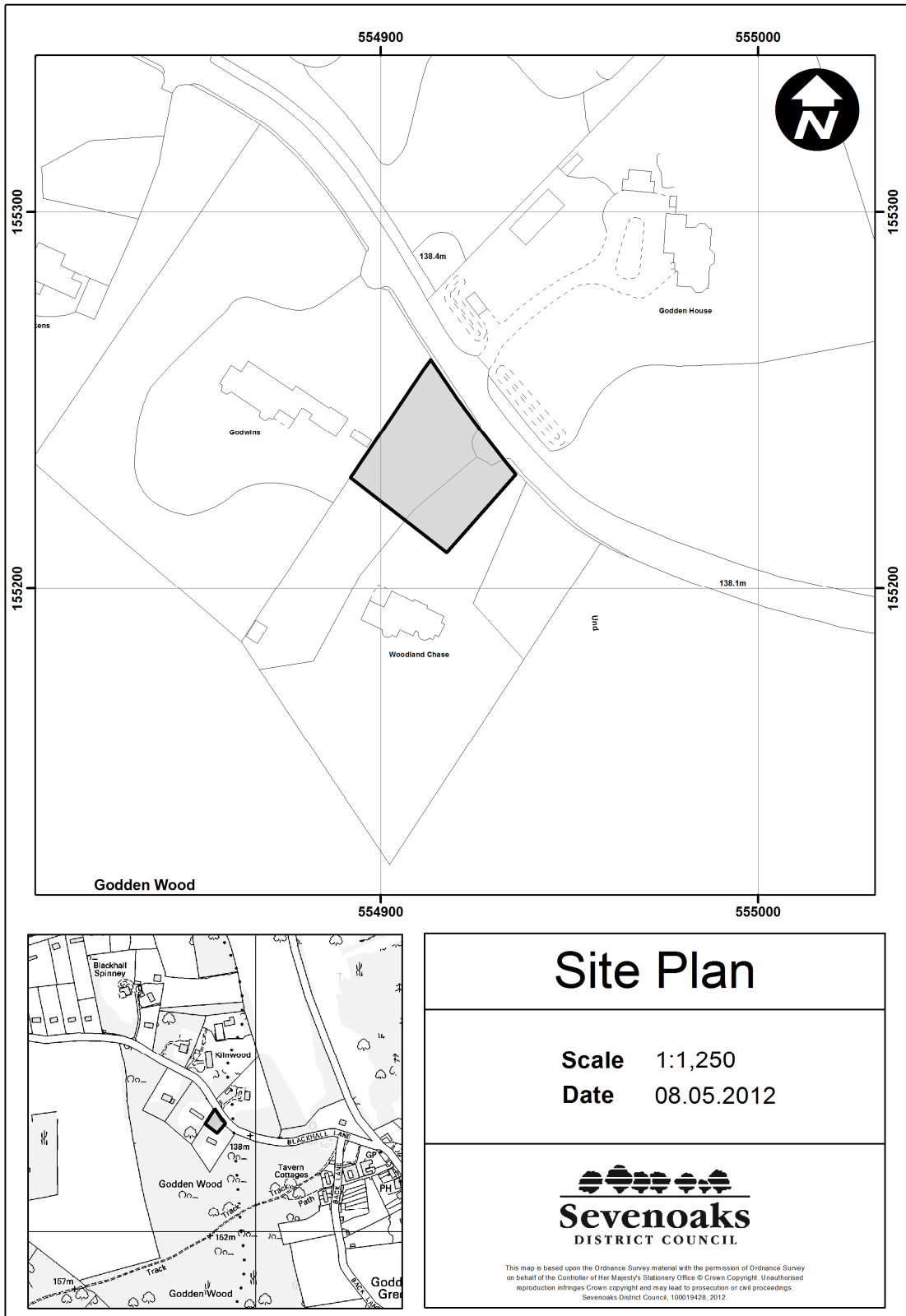
Kristen Paterson
Community and Planning Services Director

Link to application details:

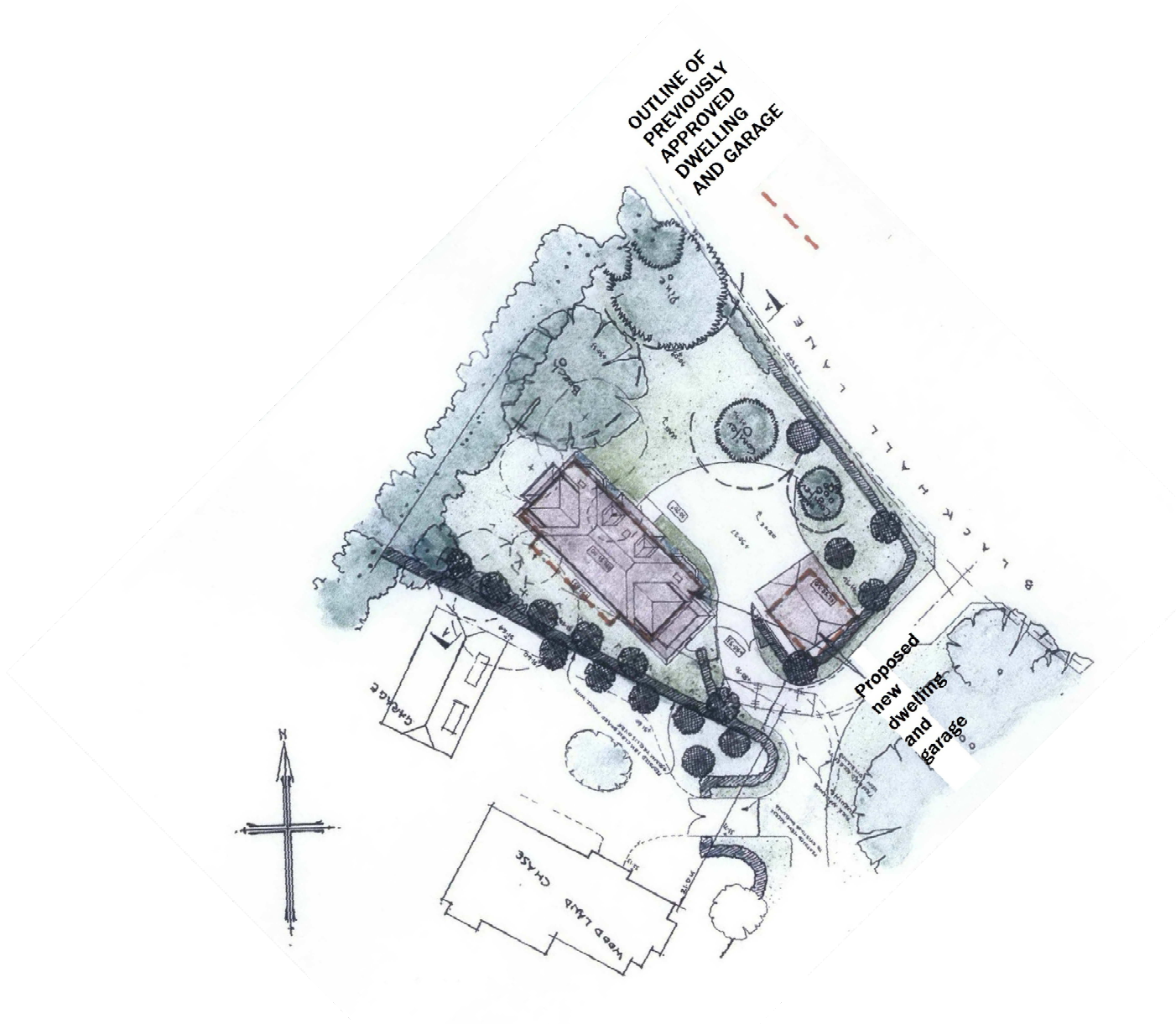
<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LZJCL9BK0CR00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LZJCL9BK0CR00>



PROPOSED PLAN





Appeal Decision

Inquiry held on 30 and 31 October 2007

Site visit made on 30 October 2007

by **M F Aldous** B.A (Hons), MRTPI, Dip Mgt

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
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Decision date:
29 November 2007

Appeal Ref: APP/G2245/A/06/2027674

'Brackens, 'Godwins' and 'Woodlands Chase' Blackhall Lane, Sevenoaks, Kent TN15 0HU.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Kentmere Homes Ltd against the decision of Sevenoaks District Council.
- The application Ref SE/06/01442/FUL, dated 1 June 2006, was refused by notice dated 11 August 2006.
- The development proposed is five new dwellings and alterations to garaging to the three dwellings that will remain on the site.

Summary of Decision: The appeal is allowed, and planning permission granted subject to conditions set out below in the Formal Decision.

Procedural Matter

1. The supplementary proof of evidence submitted by Mr Robinson included details of those local plan policies for which the Secretary of State had issued a 'saving' direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004. I have noted the status of these policies in my consideration of this appeal.

Main issue

2. I consider the main issue to be the effect of the proposal on the character and appearance of the surrounding area including the nearby conservation area, the open qualities of the Green Belt and the visual qualities of the Area of Outstanding Natural Beauty and Special Landscape Area.

Reasons

3. The appeal site consists of the curtilage of three substantial detached properties standing within extensive residential grounds on the southern side of Blackhall Lane. The site is mostly within the defined town area for planning policy purposes, but the location is semi-rural in nature. The site is also partly within the Metropolitan Green Belt, and is within an Area of Outstanding Natural Beauty (AONB) and a Special Landscape Area (SLA).
4. The site adjoins the extensive 'Wilderness Conservation Area' which is characterised in this area by large detached properties within substantial, well landscaped plots (although there is considerable variety in terms of both dwelling design and plot size).

5. The proposal before me seeks to retain the existing three dwellings, but to subdivide their curtilages in order to accommodate five additional detached properties. The three existing vehicular access points from Blackhall Lane would be replaced by two entrances, the one at the western end of the site would serve two dwellings, with the eastern access serving the other six houses.
6. The site contains protected trees and adjoins ancient woodland (TPO 17 of 2004). However, most if not all (there were dissenting views) of the protected trees would be retained under the proposal, and these would be supplemented by additional planting, including the blocking up of previous access points by new landscaping. There is no objection to the proposal by the Council in terms of tree loss.
7. The wealth and quality of the existing, mostly deciduous, tree cover is a special feature of the appeal site and its immediate surroundings. It plays a major part in contributing to the high visual qualities of the area. I am content from all that has been placed before me and as examined at the inquiry, that this quality would not be impaired by tree loss. Indeed, I consider that the scheme has been carefully designed to avoid such impact and to retain the many fine specimens which are a feature of the site.
8. In addition, I view the proposal as providing an opportunity for benefit via the positive and active management of the woodland to the south and west of the site, as proposed under the unilateral undertaking provided by the Appellant. Accordingly, I find no reason to resist the proposal in terms of impact on trees.
9. It is not disputed that the site represents previously developed land, mostly within the defined town boundary, where some form of residential redevelopment is broadly acceptable in planning policy terms. At the inquiry there was also widespread understanding of the need, expressed in national planning guidance, to accommodate much of our future housing needs by recycling previously developed land at a higher density, providing that such work is not undertaken in a visually harmful manner to the detriment of existing character and appearance.
10. It was also acknowledged that within Sevenoaks district, which is heavily constrained by the Green Belt, there is a particular emphasis for its future housing requirements to mostly emerge through the redevelopment of previously developed sites in order to avoid incursion into the high quality countryside which surrounds the urban areas.
11. My attention was drawn to a previous proposal for the redevelopment of the site by nine detached dwellings following the demolition of the existing properties (SE/04/00926). This application was refused, but my attention was drawn to the officers report which recommended approval of the proposal.
12. Whilst this previously dismissed proposal is, of course, a material consideration, I note that it differs very significantly from the proposal before me in many respects. I have considered the current proposal on its own merits which is the appropriate approach.
13. In terms of the character and appearance of the surrounding area including the adjacent conservation area, I accept that five additional dwellings at this

location would have an impact and would result in change. However change need not be harmful and should not be resisted for its own sake. In my view the proposed houses could be accommodated in the manner proposed quite discreetly given the amount of land available and the high degree of concealment provided by the extensive landscape setting. This would apply strikingly during summer months, and whilst there would be more opportunity to see the new dwellings during winter months when leaf cover reduces, the net result would still, in my view, be one of glimpses of parts of dwellings within a very well landscaped setting.

14. Whilst the resultant plot sizes to the existing houses would inevitably be reduced, the resultant curtilages would still be very generous by modern standards and not untypical of those found elsewhere in the vicinity, including parts of the adjacent conservation area.
15. In addition there is no substantive objection to the design of the proposed five additional houses. This has clearly drawn on local architectural influences and references and reflects the variety already apparent in the individual nature of other substantial family homes in the area. Neither would the scale or volume of the new houses be noticeably different from existing dwellings. Proposed ridge heights would also accord with those found in existing properties.
16. Most criticism in this context relates to the impact of the proposed dwellings on plots 1 and 7. These, and their associated garages, would be set further forward within the site, substantially closer to the road frontage than are the existing houses. However, they would be generally smaller than the other houses further into the site, well contained by landscaping and not readily visible from the proposed curving access roads which would limit views from Blackhall Lane.
17. In addition, I noted from my site visit that their proposed degree of set back from the road would be similar, or not appreciably different from, existing dwellings fronting Blackhall Lane a short distance to the west.
18. Indeed, their positioning reflects covenants on this theme which relate to properties within the conservation area, although there is of course no reason for this to represent an obligation applying to the appeal site. There is considerable variation in the positioning of houses in relation to the road frontage in the immediate area, and for the reasons outlined I do not accept that resistance to the proposal in these terms can be sustained.
19. Taking all these factors into consideration, I therefore conclude that in terms of impact upon the general character and appearance of the area the proposal is acceptable. It would also preserve the character and appearance of the adjacent conservation area. As such the proposal is consistent in these objectives with the content of national planning policy guidance, saved policy EN1 of the Sevenoaks Local Plan and policies QL1 and QL7 of the adopted Kent and Medway Structure Plan of 2006.
20. I turn my attention now to Green Belt considerations. As indicated above, part of the appeal site is within the Green Belt. However this relates to the rear portion of the back gardens to 'Brackens', 'Godwins' and 'Woodlands Chase' only. I noted from my site visit that the 'boundary line' between the Green

Belt and the town settlement area is an arbitrary one, and does not relate to any firm feature visible on the ground.

21. Notwithstanding this, the Council maintains that the proposal would impact harmfully upon the openness of the Green Belt. Openness is perhaps the prime quality of Green Belts and it right that the proposal be examined for harm in this context.
22. I accept that the rear elevations of proposed plots 3-5 would be quite close to the Green Belt boundary. However there would be no physical development within the designated area, and the use of this part of the site would remain unchanged i.e. as private garden space. Furthermore, this is a completely private area with no views from points within the public realm.
23. Any assessment of visual impact as required by PPG2 would therefore be entirely related to the view of these properties from their attendant private amenity space. As such I do not consider that the development could be adjudged to be either conspicuous from the Green Belt or visually detrimental by harming its openness. As such I have identified no contradiction of the requirements of PPG2.
24. The appeal site and the area to the south, west and east is included within an AONB and SLA. The fine landscape quality of this area cannot be denied and is worthy of protection. The appeal sites contribution to this local quality is in the form of large, low density houses glimpsed within a very mature landscaped setting containing mostly, but not exclusively, deciduous trees of individual and collective visual merit.
25. As indicated above, I have found that the proposed development can be accommodated comfortably and discreetly within the existing domestic land curtilage, without any tree loss. Indeed the proposal would be accompanied by additional selective planting and this can be controlled by condition. In addition, the proposal also introduces the notion of active landscape management as contained within the undertaking placed before me. This would, in particular benefit the ancient woodland surrounding the site on two sides. Woodland requires management if its visual and natural history value is to be maintained and safeguarded.
26. The new dwellings would have a limited visual impact from outside the site and would only be glimpsed from nearby public rights of way within their well treed setting, much as is currently the case. I do not consider that the higher residential density (although still very low by modern standards, and well below the normal range sought for residential development), would manifest itself by being visually prominent or changing the character of the site unduly.
27. I therefore conclude that the proposal would not prejudice the visual qualities of the AONB or SLA. As such I consider the proposal to be in accordance with the requirements of saved policies EN6 and EN7 of the local plan and policies EN4 and EN5 of the structure plan.

Other Matters

28. Several local residents objected to the proposal in terms of traffic generation and highway safety. It is clear that the proposal would increase traffic flow

along Blackhall Lane, but not appreciably so. There is no objection to the proposal in these terms by either the Council or the Highway Authority. These are telling considerations.

29. There is no evidence before me to substantiate the claim that the proposal would compromise highway safety. Whilst I have of course taken full account of local concerns on this theme, I note that the proposal would result in three existing vehicular access points being reduced to two, and also the repositioning of these two points to provide better forward visibility for motorists. The proposed reorganisation of vehicular access arrangements could therefore be argued to represent a highway improvement and I believe the Council shares this view.
30. This factor clearly balances any additional traffic flow generated by the development. Overall, there is no substantive justification for resistance to the proposal in these terms.

Conditions

31. I have considered possible planning conditions, as set out in the Statement of Common Ground and discussed at the inquiry, in the light of the requirements contained within Circular 11/95. Given the visual sensitivity of the appeal site and its surroundings, conditions relating to the materials of external construction, landscaping, tree protection (including via drainage arrangements) and the early provision of improved vehicular sight lines are desirable.
32. In addition, for similar reasons, other suggested conditions relating to the withdrawal of certain permitted development rights relating to the road frontage treatment and a restriction on any buildings or enclosures within the Green Belt part of the site will also be employed.
33. A condition relating to woodland management is unnecessary as this is effectively covered by the unilateral undertaking described above, which becomes active at the granting of planning permission.

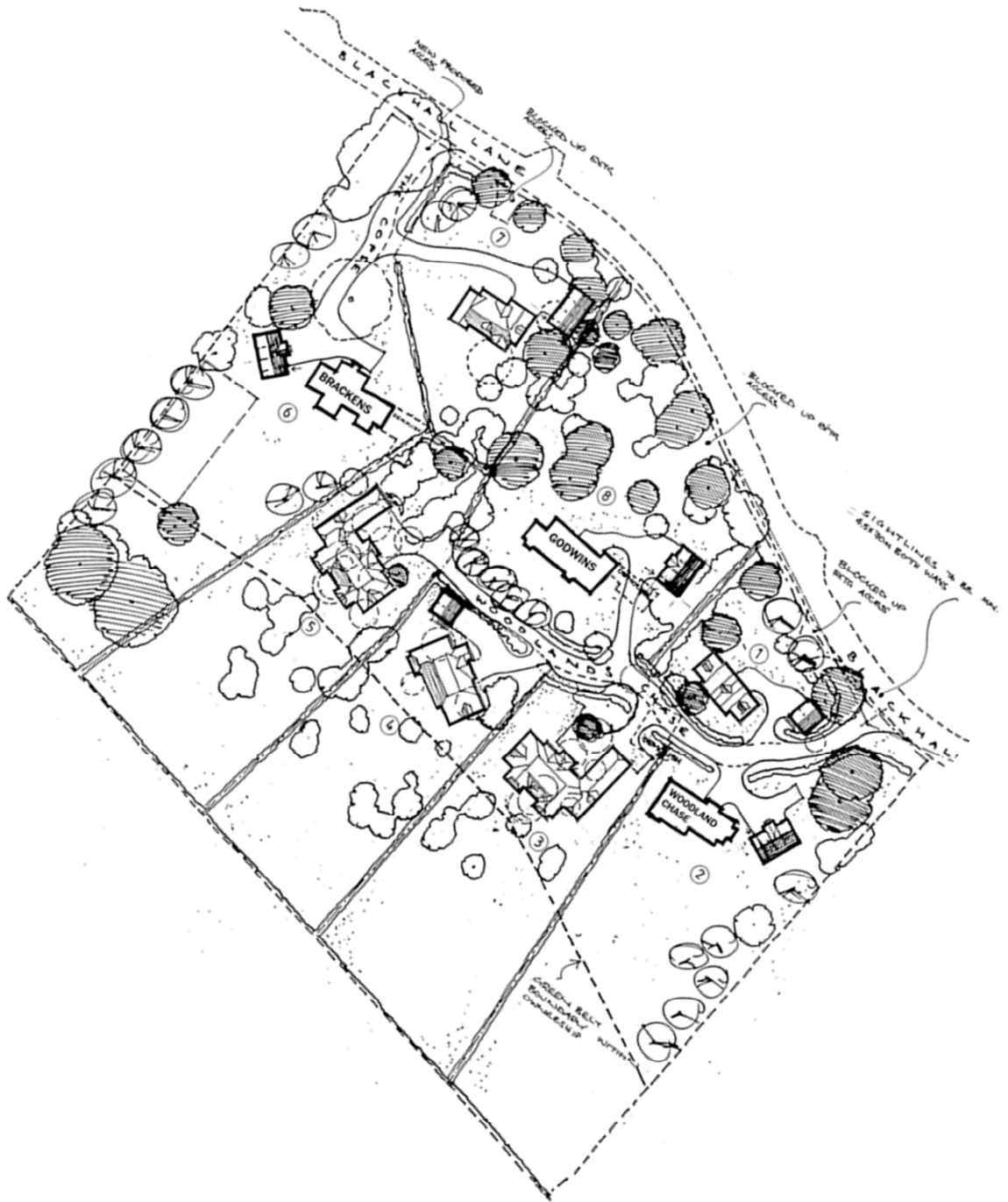
Formal Decision

34. I allow the appeal, and grant planning permission for five new dwellings and alterations to garaging to the three dwellings that will remain on the site at 'Brackens', 'Godwins' and 'Woodlands Chase', Blackhall Lane, Sevenoaks, Kent TN15 0HU in accordance with the terms of the application, Ref SE/06/01442/FUL, dated 1 June 2006, and the plans submitted with it, subject to the following conditions:
- 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
 - 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be undertaken in accordance with the approved details.

- 3) No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the local planning authority. This shall include details of fencing or other boundary treatment, planting plans, plant specifications and schedules, hard surfacing, an implementation programme and details of arrangements for the replacement of any tree or other plants which within five years of the completion of site works die, are removed or become seriously damaged or diseased. Development shall be undertaken in accordance with the approved details.
- 4) No development shall take place until a scheme for the protection of all trees and shrubs to be retained has been submitted to and approved in writing by the local planning authority. No development works shall commence until the protection measures have been put into effect and these shall be maintained for the duration of the development process in accordance with the approved details.
- 5) No development shall take place until a scheme for the disposal of foul and surface water has been submitted to and approved in writing by the local planning authority. The scheme shall show the routes of drainage runs in relation to retained trees and identify any special construction arrangements to avoid damage to such trees. Development shall be undertaken in accordance with the approved details.
- 6) No development shall take place until the sight lines shown on drawing no 1095/10 revision A have been provided. Thereafter such sight lines shall be retained and maintained at all times.
- 7) Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 Article 3 and Schedule 2 Part 1 Class E, no building or enclosure shall be erected within the area of Green Belt notated on drawing no 1095/10 revision A, without the prior written approval of the local planning authority.
- 8) Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 Article 3 and Schedule 2 Part 2 Class A, no walls, fences, gates or other means of enclosure shall be erected on the site frontage with Blackhall Lane without the prior written approval of the local planning authority.

Michael Aldous
INSPECTOR

APPENDIX 2 - PLAN RELATING TO APPEAL DECISION



5.2 - SE/10/02625/OUT Date expired 11 January 2011

PROPOSAL: Outline application for Demolition of two detached dwellings and garaging facilities; erection of 4 detached dwellings, garages and associated works. (Note - two dwellings on Dawning House land previously approved under appeal ref. APP/G2245/A/08/2084881/NWF dated 21.05.09). With some matters reserved. As amended by plans and information received 02.02.11.

LOCATION: Summerhill and Dawning House, Seal Hollow Road, Sevenoaks TN13 3SH

WARD(S): Sevenoaks Eastern

ITEM FOR DECISION

This application has been referred to the Development Control Committee at the discretion of the Community and Planning Services Director.

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

1) Details relating to the scale and appearance of the proposed buildings, and the landscaping of the site, (hereinafter called the "reserved matters"), shall be submitted to and approved in writing by the District Planning Authority before any development is commenced and the development shall be carried out as approved.

In Pursuance of section 92(2) of the Town and Country Planning Act 1990.

2) Application for approval of the reserved matters shall be made to the District Planning Authority before the expiration of three years from the date of this permission.

In Pursuance of section 92(2) of the Town and Country Planning Act 1990.

3) The development to which this permission relates must be begun before

-The expiration of three years from the date of this permission; or

-The expiration of two years from the final approval of the reserved matters whichever is the later.

In Pursuance of section 92(2) of the Town and Country Planning Act 1990.

4) The scale parameters of the buildings hereby permitted shall be a width of 12.93m and a depth of 13.10m for the two houses proposed for the Dawning House site, a maximum width of 11.24m and a maximum depth of 10.79m for the two dwellings proposed for the Summerhill site, and a ridge height of 7.84m for the four units as outlined within the accompanying Design & Access Statement and email submitted on the 2nd February 2011, except that details of slab level, floor levels and roof profile of the proposed dwellings are to be submitted to and approved in writing by the Council at the same time as submission of the first of the reserved matters and the development

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shall be carried out in accordance with these details.

To safeguard the appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

5) No development shall commence until a scheme for tree protection has been submitted to and approved in writing by the Council. The development shall be carried out in accordance with the approved scheme.

To prevent damage to the trees during the construction period and secure their retention afterwards as supported by Policy EN12B of the Sevenoaks District Local Plan.

6) No development shall be carried out on the land until samples of the materials to be used in the construction of the external surfaces of the 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 is in harmony with the existing character of the area as supported by the National Planning Policy Framework.

7) No development shall commence until details of visibility splays and the width, alignment and radii of the site entrance and access to Seal Hollow Road have been submitted to and approved in writing by the Council. The visibility splays, width alignment and radii of the site entrance and access to Seal Hollow Road shall be provided as approved before any development hereby permitted is commenced and thereafter maintained, with the approved visibility splays maintained free from obstruction at all times at a height not exceeding 0.9m above the level of the adjacent carriageway.

In the interest of highway safety as supported by policy EN1 of the Sevenoaks District Local Plan.

8) No development shall commence until a construction method statement to include the location of the site office, parking and turning areas, and a compound for storage, together with details of deliveries, control of large vehicle movements and the protection of property and highways and the provision of wheelwashing during the course of construction has been submitted to and approved in writing by the Council. The development shall be carried out using the approved statement.

In the interest of highway safety as supported by policy EN1 of the Sevenoaks District Local Plan.

9) No development shall be carried out until details of the location and extent of proposed hardstanding for parking and turning areas on each plot has been submitted to and approved in writing by the Council. The development shall be carried out using the approved details.

To ensure a permanent retention of vehicle parking and vehicle turning areas for the dwellings as supported by policy EN1 of the Sevenoaks District Local Plan.

10) No development shall be carried out until details of any proposed pruning or tidying within the protected wooded area to the front of the site has been submitted to and approved in writing by the Council.

To secure the retention of the trees and to safeguard their long-term health as supported

by Policy EN1 of the Sevenoaks District Local Plan.

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

To safeguard the amenities of the occupiers of properties adjacent to the site as supported by Policy EN1 of the Sevenoaks District Local Plan.

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

To safeguard the amenities of the occupiers of properties adjacent to the site as supported by Policy EN1 of the Sevenoaks District Local Plan.

13) 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 Code level 3 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 in the National Planning Policy Framework, policies CC2 & CC4 of the South East Regional Plan and policy SP2 of the Core Strategy.

14) No development shall take place on the land until the access road has been provided in accordance with the approved plan, drawing number 0946-PL123 Rev. C.

In the interest of highway safety as supported by policy EN1 of the Sevenoaks District Local Plan.

15) The development hereby permitted shall be carried out as an alternative to the permission granted at appeal under reference SE/08/01393/OUT but not in addition to it, so that one of the developments permitted may be implemented but not both, nor parts of both, developments.

To protect the amenities of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

16) The development hereby permitted shall be carried out in accordance with the following approved plans: DAWNSUM/01 Rev A, 0946-PL120, 121, 122, 123 Rev C and 124 Rev A.

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

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

The South East Plan 2009 - Policies CC1, CC4, CC6, H4, H5, T4 and LF

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Sevenoaks District Local Plan - Policies EN1 and VP1

Sevenoaks District Core Strategy 2011 - Policies LO2, SP1, SP2, SP3, SP5 and SP7

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

The site is within the built confines of the settlement where there is no objection to the principle of the proposed development.

The scale, location and design of the development would respect the context of the site and preserve the visual amenities of the locality.

The development would not have an unacceptable impact on the residential amenities of nearby dwellings.

Informatives

- 1) It appears that the proposal involves works that affect the highway and / or its verge. Before commencing such works, you must obtain the separate consent of the Highway Authority. Please contact Kent Highway Services, Network Operations on 01474 544068.
- 2) The applicant should be aware that it may be necessary for the entrances of the new dwellings to have a ramp installed up to them to comply with Building Regulations. If this is the case the applicant is encouraged to contact the planning department at the Council to check whether planning permission is required for the ramps.
- 3) With regard to water supply, this comes within the area covered by the South East Water Company. For your information the address to write to is - South East Water Company, 3 Church Road, Haywards Heath, West Sussex. RH16 3NY. Tel: 01444-448200.
- 4) With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- 5) The applicant is reminded of the need to obtain the appropriate consent(s) prior to commencing work that may affect land that is not in their ownership.

RECOMMENDATION B: In the event that the legal agreement is not completed within 28 days of the decision of the Development Control Committee, the application be REFUSED for the following reason:

The proposal would lead to a requirement to contribute towards affordable housing provision. In the absence of a completed Section 106 obligation to secure an appropriate level of affordable housing provision, the development would be contrary to policy SP3 of

the Sevenoaks District Council Core Strategy.

- 1 This application was considered by the Development Control Committee on 17th February 2011 when it resolved to grant planning permission subject to the receipt of a completed legal agreement. Negotiations in relation to the legal agreement have been on-going since the resolution of the grant and the legal agreement is now in an agreed format and the Affordable Housing contribution is sufficiently secured.
- 2 This report updates the previous report to the Development Control Committee in the light of developments since the resolution to grant planning permission and particularly as the proposal involves development in residential gardens. These developments include the Council's consent to judgement on the Serpentine Road planning application where the Council agreed that planning permission should be quashed as the Committee Report did not address the question posed by the new definition of previously developed land in the revised PPS3 and did not give consideration to whether the site comprised residential garden. The report also responds to the publication of the National Planning Policy Framework and representations received including legal representations from a neighbour who has instructed Thomas Eggar LLP and who raises concerns on the previous report's consideration of PPS3, the level of affordable housing contribution, ownership issues relating to the proposed driveway and the time period for consent. All of these comments are addressed in this report below.

Description of Proposal

- 3 The application seeks the demolition of the existing two houses and replacement with four detached units. The application is an outline submission with access and layout to be considered at this stage, whilst appearance, landscaping and scale are reserved matters. However, indicative plans have been submitted as well as a Design & Access Statement to confirm the size of the houses proposed, to indicate the appearance of the proposed dwellings and to give an idea of potential landscaping for the site.
- 4 The scaled parameters included within the design and access statement indicate a width of 12.93m and a depth of 13.10m for the two houses proposed for the Dawning House site and a maximum width of 11.24m and a maximum depth of 10.79m for the two dwellings proposed for Summerhill. The statement also indicates that the height of the four units would not exceed the height of the existing house on Summerhill which stands at a height of 7.84m.
- 5 The application proposes to use the existing access to the two houses, which also serves Salterns and Sealcot to the south of the application site. Alterations are proposed to the access on to Seal Hollow Road and along the driveway past Dawning House. These alterations include the proposed widening of the access on to Seal Hollow Road to almost 6m, which would allow the passing of vehicles entering and exiting the site, and the widening of the driveway to 3.7m to allow access for emergency and other service vehicles.
- 6 In terms of the proposed layout, the site as a whole would be divided into four plots, with the current boundary between Summerhill and Dawning House being shifted down towards the rear of Dawning House and a boundary line drawn roughly down the centre of the whole site. Both pairs of properties would possess

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a shared driveway along the front of both houses and all four units would be orientated to face towards Seal Hollow Road. Each house would be sited roughly centrally in each plot with generous spacing proposed between each dwelling and its respective front and rear boundaries. Generous gaps to flank boundaries are also proposed, with properties being a minimum of about 4m from outer boundaries and gaps of roughly 5.5m proposed between the dwellings.

- 7 The application follows a recent outline application that was approved at appeal, SE/08/01393/OUT. The application related solely to Dawning House to the front and the Inspector allowed permission for two units to be built on the site in May 2009. This application differs from the approved scheme in that the site has now incorporated Summerhill to the rear, the proposed dwellings on Dawning House have been reduced in size and have been pushed forward in their plots by about 4m.
- 8 Members will be aware that this application was determined by the Development Control Committee on 17th February 2011 when it resolved to grant planning permission subject to the receipt of a completed legal agreement. This legal agreement has taken some time to organise but the applicant is now in a position to complete a legal agreement, the content of which is also considered to be acceptable by officers.
- 9 Given that a time period of a year has passed since the application was previously considered by the Committee and the fact that the National Planning Policy Framework has now been published it is considered to be appropriate that the application be returned to the Development Control Committee so that the Members of the Committee can again consider the proposal in detail. There also exists the possible threat of a Judicial Review from interested parties on several grounds including the matter of previously developed land, the level of affordable housing contribution, the time period for any grant of outline consent and ownership of the access driveway.

Description of Site

- 10 The site currently contains two detached dwellings, situated one behind the other, and both sit back a significant distance from Seal Hollow Road. The site is located just to the north-west of the junction with Blackhall Lane and is one of a row of sites which faces those opposite that define the edge of the Wildernesse Estate.
- 11 Both dwellings are set within spacious plots that generally reflect the pattern of development of the handful of properties heading north from the site. The combined size of the plots is significantly greater than surrounding plots. The width and resulting size of these plots vary from between 30m to 18m in width. The majority of properties to the north of Summerhill and Dawning House are accessed from Wildernesse Mount and front onto this street scene context, not Seal Hollow Road. There is a mature and established tree and vegetation screen to Seal Hollow Road and the land generally rises up beyond this to meet Wildernesse Mount. Opposite these houses are much larger properties defining the western edge of the Wildernesse Estate. The level of landscaping is lessened and the majority of properties are clearly visible within the street scene context and generally follow an established building line set back from Seal Hollow Road.
- 12 There is a shared driveway access which runs to the south of Dawning House and Summerhill, which also serves Salterns and Sealcot. Hillborough Avenue further to

the south serves a range of properties to the west of the application site which visually step up the rising topography. The network of roadways of Hillborough Avenue, Wildernesse Mount and Seal Hollow Road provide a varying character of plot shapes, sizes and orientation surrounding Dawning House, many properties appear to sit in a tandem relationship to each other. There is variety in the size of property from single storey and split level properties at Sealcot and Thornwood, to more imposing three storey traditional properties of Hill House and Salterns.

- 13 The immediate neighbour to the north of both plots is Cleve. This is a generously proportioned detached two storey dwelling which generally sits on the same building line as Dawning House. This property appears to have a ridge height of roughly 8.5m and is sited approximately 11m from the shared boundary. To the south of Dawning House is Sealcot, a modest single storey property which is divided from the application site by the shared access track and approximately 5m separation to the boundary of the application site. To the south of Summerhill is Salterns, a large three storey semi-detached dwelling, which is again partly divided from the application site by the shared access drive and partly shares a boundary with the application site. Summerhill and Dawning House both have a height of approximately 7-8m.

Constraints

- 14 The site lies within the built confines of Sevenoaks and the wooded area to the front of Dawning House is covered by a Tree Preservation Order (TPO/10/28/SDC).

Policies

South East Plan 2009

- 15 Policies– CC1, CC4, CC6, H4, H5, T4 and LF1

Sevenoaks District Core Strategy 2011

- 16 Policies – LO2, SP1, SP2, SP3, SP5 and SP7

Sevenoaks District Local Plan 2000

- 17 Policies – EN1 and VP1

Other

- 18 The National Planning Policy Framework (NPPF)

The NPPF sets out the Government's planning policies and replaces previous Planning Policy Statements and Guidance including the definition of previously developed land. It is a material consideration in decisions on planning applications from the date of its publication (27th March 2012). The NPPF states that for 12 months from the date of publication decision makers can may continue to give full weight to relevant policies adopted since 2004 (this includes Core Strategy and South East Plan policies) and that in other cases due weight should be given to relevant policies in existing plans according to their consistency with the NPPF (this includes the Local Plan policies). It is acknowledged that it is the Government's intention to revoke the Regional Spatial Strategy but this document currently forms part of the development plan.

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The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking (para. 14). For decision-taking this means approving development proposals that accord with the development plan without delay and where the development plan is absent, silent or relevant policies out of date, granting of permission unless:-

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;
- specific policies in this framework indicate development should be restricted; or
- material considerations indicate otherwise.

19 Sevenoaks Residential Character Area Assessment Supplementary Planning Document (SPD) 2012

20 Affordable Housing Supplementary Planning Document (SPD) 2011

Planning History

21 SE/08/01393 - Outline planning application for the demolition of existing dwelling and erection of two detached dwellings with garaging and associated facilities. Appeal for non-determination allowed 21.05.09

22 SE/11/02916 - Application to extend the time limit of an extant planning permission approved under reference 08/01393/OUT - Demolition of existing dwelling and erection of two detached dwellings with garaging and associated facilities. Pending consideration

23 SE/12/01306 - Reserved matters Appearance, Landscaping & Scale pursuant to condition 1 of SE/08/01393/OUT approved at appeal ref. APP/G2245/A/08/2084881/NWF - Demolition of existing dwelling and erection of two detached dwellings with garaging and associated facilities. Pending consideration

Consultations

24 Members will note that two sets of responses have been received. This is due to the fact that the original consultation process was held when the application was initially received. This process commenced on the 8th October 2010 and expired on the 29th October 2010. Following the decision to return the application to the Development Control Committee a further period of consultation has taken place starting on the 3rd April 2012 and which expired on the 24th April 2012.

Original Consultation Responses (summary of the main points)

Parish / Town Council – 21.10.10

25 'Sevenoaks Town Council recommended refusal on the following grounds:

- The Town Council regards the 4 dwellings proposed on this site as overdevelopment.

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- The proposed density is inappropriate for the terrain and topography of the area and is detrimental to the character of the area
- The narrow access drive is not suitable for an increase in traffic that would result from the proposed development of the Summerhill site. In the Design & Access statement it suggests that the narrow access drive could be widened. In the appeal decision for Dawning House the Inspector said if widening had been necessary for Highway safety reasons he would have dismissed the appeal due to the effect on the character and appearance of the area
- There would be a detrimental effect on the residential amenities of neighbouring property
- Cleves, due to the overbearing effect of the proposed houses on such a steep hillside
- The revised PPS3 no longer treat private residential gardens and Brownfield land thus removing the pressure to develop such sites and has removed the minimum housing density target.'

Further comments – 02.12.10

26 'Sevenoaks Town Council noted the amendment but it reiterated its reasons for refusal on the following grounds:

- The Town Council regards the 4 dwellings proposed on this site as overdevelopment.
- The proposed density is inappropriate for the to rein in topography of the area and is detrimental to the character of the area
- A narrow access drive is not suitable for an increase in traffic that would result from the proposed development of the Summerhill site. In the design and access statement it suggests that the narrow access drive could be widened. In the appeal decision for the Dawning House the inspector said if widening had been necessary for Highway safety reasons he would have dismissed the appeal due to the effect on the character and appearance of the area
- It would be a detrimental effect on the residential amenities of neighbouring property Cleves, due to the overbearing effect of the proposed houses on such a steep hillside
- The revised PPS3 no longer treats private residential gardens as Brownfield land thus removing the pressure to develop such sites and has removed the minimum housing density target.'

Kent Highways Engineer – 17.11.10

27 'This is an outline application with access and layout to be determined. There is an extant permission granted at appeal for demolition of Dawning House and replacement with two units and therefore this application will result in a net increase of one additional unit to be served from the improved private driveway.

28 In considering the earlier appeal the Inspector stated 'I cannot conclude that the addition of the single dwelling would so change the use of the access as to result in significantly increased risk of crashes or traffic delays as set out in Structure Plan policy TP12 or would fail to ensure a satisfactory means of access for vehicles and pedestrians as required in Local Plan Policy EN1'

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- 29 In drawing to this conclusion the Inspector had noted with regards to the junction with the highway 'It appears to me that there is scope for improving the existing situation' and in my view the proposed improvements to the existing driveway at the junction with Seal Hollow Road are, subject to conditions listed below, in keeping with the expectations of the Inspector. In addition modest improvement to the width of the remainder of the driveway is also to be provided. This will improve access for emergency and other service vehicles and the proposals also include improved turning facilities for these larger vehicles, therefore in highway safety terms these measure represent an improvement on the existing situation.
- 30 However I would recommend revision to the proposed parking arrangements at some plots to provide 2 spaces per unit in addition to any garage spaces and I also consider that there may be scope to redesign some of the turning areas so as to reduce the extent of hard standing, should you consider that appropriate. It will also be necessary for the plans to show the full extent of proposed visibility splay to the north but these matters may be dealt with by condition.
- 31 In addition I would recommend conditions to secure the improvements to the access and also a construction method statement to include deliveries, parking and turning and wheel washing during the course of construction and informative INHI05 regarding works to the highway.'

Further comments – 15.12.10

- 32 'The revised turning area at plot 2 does not relate well to the parking spaces but my main comments suggested a condition so that parking and turning at a number of plots be re-examined.'

Tree Officer – 11.11.10

- 33 'The proposal to develop Summerhill will necessitate the loss of an amount of smaller trees and shrubs. The main areas of neighbouring mature trees and hedgerows should not need to be disturbed during the proposed construction process and can and should be retained as part of future landscaping for any consented to scheme.
- 34 I also note that although approved details of Dawning House are shown there appears to be subtle alterations. I refer to the proposed driveway shown to serve the two new dwellings. This is shown to be extended to include a turning area and additional drive. I have concerns that further hard landscaping will be to the detriment of the wooded area located along the frontage onto Seal Hollow Drive. I suggest that any extension of this hard landscaped area above and beyond what has already been given consent for should be resisted.'

Further comments –

- 35 'Since my previous comments I have been on site and met with the owner to discuss tree issues that the proposed development may have upon mainly frontage trees. Also since my previous comments, TPO 28/2010 has been served to ensure protection of the wooded linear area that runs parallel with Seal Hollow Road.
- 36 My on site meeting has revealed that the additional hard landscaped area shown for the turning area to Plot 2 will be acceptable as it is a relatively small area and its construction should not affect nearby trees.

- 37 I note and accept the landscaping as shown on the drawing supplied by Alchemy Landscapes as well as the detail supplied by Simon Jones Associates Ltd. With regards to on site tree protection, I could not locate any tree protection details for the aforementioned linear woodland strip along the Seal Hollow Road frontage. I would expect to see this area fenced off during any demolition and subsequent re-build. I would also like to see any proposals for pruning or tidying within it. It may also be appropriate to see additional tree planting taking place here. This would depend on what if any shrub or tree pruning may or may not be proposed.

Thames Water – 22.11.10

- 38 'No objection subject to imposition of informatives.'

Original Representations

- 39 Three letters of representation has been received in support of the application while eighteen letters of representation have been received that have highlighted the following concerns:

- Overdevelopment of the site;
- Loss of mature trees and planting;
- Impact on wildlife;
- Access driveway and hazardous highways safety;
- Garden grabbing;
- Character of the area;
- Inspectors decision relating to the widening of the access;
- Land ownership;
- Density;
- Overlooking and loss of privacy;
- Visual amenity;
- Noise, smells and disturbances from use;
- Layout;
- Parking provision;
- Access during construction;
- Drainage;
- Design; and
- Impact on the value of property and covenant issues.

Further Consultation Responses (summary of the main points)

Parish / Town Council – 19.04.12

- 40 'Sevenoaks Town Council recommended refusal on the following grounds:
- The Town Council regards the 4 dwellings proposed on this site as overdevelopment. The proposed density is inappropriate for the terrain and topography of the area and is detrimental to the character of the area.
 - The narrow access drive is not suitable for an increase in traffic that would result from the proposed development of the Summerhill site.
 - In the design and access statement it suggests that the narrow access drive could be widened, however in the appeal decision for Dawning House the inspector said if widening had been necessary for highway safety reasons he

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would have dismissed the appeal due to the effect on the character and appearance of the area.

- There would be a detrimental effect on the residential amenities of the neighbouring property, Cleve, due to the overbearing effect of the proposed houses on the Summerhill site at the top of a steep gradient.
- The revised PPS3 no longer treats private residential gardens as brownfield land thus removing the pressure to develop such sites, and has removed the minimum housing density target. The newly published National Planning Policy Framework gives strength to this in that it asks Local Planning Authorities to "resist inappropriate development of residential gardens".'

Kent Highways Engineer – 25.04.12

41 'Thank you for inviting me to comment on this application. It is noted from a site visit that the site slopes towards Seal Hollow Road. Provision will need to be made therefore within the site for the disposal of surface water so as to prevent its discharge onto the highway. It is considered that there would be considerable benefits in reversing the orientation of the properties at the front on the Dawning House site and creating a communal access arrangement for the following reasons. This would:-

- rationalise vehicle movements both for occupants, refuse collection and deliveries.
- reduce the amount of 'hard landscaping', road or driveway construction.
- shorten the length of continuous or 'parallel' driveway and thereby reduce the need for a wider driveway or intermediate passing bay.
- reduce concerns about the numbers of accesses merging near the junction with Seal Hollow road and thereby the potential for conflicts at this point.
- eliminate the hairpin left turn currently required for vehicles travelling north from the Dawning House site.

42 I appreciate that this is an outline planning application but it would be a necessary requirement for goods and refuse vehicles to enter and exit onto Seal Hollow Road in a forward gear. If the layout shown on Drawing No. 0946-PL123 is to be pursued therefore it will be necessary for a swept path analysis of all movements onto and off the Dawning House plots to be demonstrated.'

Further comments – 27.04.12

43 'I do not think that fundamentally I would wish to object to the scale of developments proposed. However the worst case scenario, as expressed by others, would be vehicles reversing out onto Seal Hollow Road and this must be avoided at all costs. Any planning approvals must be heavily caveated/conditioned that turning within sites needs to be demonstrated to the satisfaction of the Planning/Highway Authority. Details of (forward) visibility splays emerging from the site must also be demonstrated to our satisfaction.'

Further Representations Received

44 Two letters of representation have been received in support of the application while sixteen letters of representation have been received on behalf of 14 neighbours and interested parties that have highlighted the following concerns:

- Overdevelopment of the site;
- Loss of trees and planting;
- Impact on wildlife;
- Increase in traffic and traffic noise;
- Layout;
- Density;
- Overbearing;
- Out of keeping with the area;
- Parking provision;
- Access during construction;
- Highways safety;
- Visual amenity;
- Overlooking and loss of privacy;
- Design;
- Proposal to widen the driveway;
- Inspectors decision relating to the widening of the access;
- Garden grabbing;
- Affordable housing contribution;
- Land ownership and legal matters;
- The National Planning Policy Framework;
- Loss of light; and
- The setting of a precedent.

45 The sixteen letters of objection include two letters received from Thomas Eggar LLP instructed by a neighbour to the site and threatening judicial review as they consider that the Council have previously failed to address matters of previously developed land, the affordable housing contribution, the ownership of the access driveway and the time period for the approval of outline consent. These matters along with the matters raised within the other representations above will be covered as part of the assessment below.

Group Manager - Planning Appraisal

Principal Issues

46 The main issues in this case are the principle of the development, under which heading I consider the question of previously developed land, the potential impact on the character and appearance of the area, the potential impact on neighbouring amenity, the potential impact on highways safety, the potential impact on trees and sustainable development. Other issues include the Code for Sustainable Homes, the provision for affordable housing, drainage, impact on wildlife, impact on the value of property, legal matters and land ownership, and the time period for consent.

Principle of development

47 The site as a whole falls within the Sevenoaks Urban Area as defined by policy LO2 of the Core Strategy. This policy seeks to encourage residential development on a range of sites suitable for residential use within the urban area. In my view, the site is suitable for further residential development, given that it currently has a residential use, the plot is generous in size and is located close to the town centre. The proposal therefore complies with policy LO2 and the principle of the

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development of the site is one that the Council could potentially accept provided the scheme complies with all other relevant development plan policies.

- 48 In addition, the principle of the proposed development for the Dawning House plot is one that was accepted as part of the previous approval, SE/08/01393/OUT, which remains extant since the Council is currently considering an application for reserved matters relating to this previous consent.
- 49 Paragraph 53 of the NPPF states that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.
- 50 The NPPF also states that planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value (para. 111).
- 51 Annex 2 of the NPPF provides a definition for previously developed land stating that it is land 'which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.' This definition excludes, amongst other categories, 'land in built-up areas such as private residential gardens, parks, recreation grounds and allotments'.
- 52 The site comprises two detached dwellings and their respective private residential gardens. The fact that the site possesses two dwellings is not inconsistent with the exclusion from the definition of previously developed land in the NPPF. However, a significant amount of the proposed development would occur outside the footprint of the two houses, and the respective existing areas of hard standing, and would therefore be carried out mainly on the private residential gardens of the two properties.
- 53 In light of the revised definition of previously developed land, and given that the development of the site relies on the use of residential gardens, the site as a whole cannot be considered to be previously developed land.
- 54 However, this conclusion does not affect my overall conclusion on the acceptability of the development of the site for residential purposes as a matter of principle because the proposal comprises residential development on a suitable site within the urban area, in accordance with policy LO2, subject to the other considerations set out in the remainder of the report.

Impact on character and appearance of the area

- 55 The NPPF states that the Government 'attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.' (para. 56)
- 56 Policy EN1 of the Local Plan states that the form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. This policy also states that the design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard. It is therefore considered that this policy is broadly consistent with the NPPF.

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- 57 The Sevenoaks Residential Character Area Assessment SPD divides the site into two separate character areas since it is considered that the two properties share characteristics with different properties in the locality. The document identifies several locally distinctive positive features for the character area that Dawning House falls within including generally well screened plots from the road by being well set back behind hedged and treed front gardens and houses generally not built up to the property boundary resulting in landscaped space between buildings the area. The Summerhill plot falls within a character area which has locally distinctive positive features including individually designed mostly two storey detached houses, set back from the road with gaps between buildings.
- 58 The proposed outline application has provided the layout of the development as part of the application and this is indicated on the submitted block plan. In addition, the scale parameters of the proposed buildings are provided within the Design & Access Statement and indicative elevations show the possible design of the houses. These show that the dwellings proposed on the Dawning House site would have a maximum height of 9.6m and maximum widths and depths of roughly 13m. The height of the previously approved dwellings on this part of the site was raised as a concern both by the case officer and the Inspector in assessing the proposal. The Inspector saw the relationship with Cleve to the north as being particularly important and so imposed a condition on the approval requiring that slab levels and roof profiles be controlled. This is something that can again be achieved by way of condition on any grant of permission.
- 59 The two buildings proposed on the Summerhill site would have a maximum height of just under 9m, maximum widths of 11.24m and maximum depths of 10.79m. I therefore deem it to be appropriate to control the slab levels and roof profiles by way of condition, since these properties would sit at a slightly higher level than the two units to the front of the site.
- 60 The proposed siting and layout of the new dwellings would respect the existing pattern of development which fronts Seal Hollow Road, and which generally reflects a ribbon layout of built form. The position to the highway varies to the south and north of the site, but the proposed development would still maintain a sufficient level of separation to the highway, and between the front and rear of the four dwellings, to maintain the layout and pattern of development along Seal Hollow Road. As noted earlier there is variety in the pattern of built form around the site resulting from the network of roads to the west and the way that a number of sites wrap around the rear of each other affording a degree of tandem development within surrounding plots.
- 61 Accordingly, I do not concur with a number of representations that the increase of two additional units, one more than has been approved by the Inspector, would harm the visual spaciousness of this suburban area. The area is generally well developed with varying plot sizes, orientation and size of properties. The development plot is located within an established suburban sector of housing on the periphery of the town centre which has a varying character, depending on whether you approach from Blackhall Lane, from the town centre to the south or from the A25 and Hillingdon Avenue to the north.
- 62 As also noted, this site is the last within this row of properties which is accessed from Seal Hollow Road. Accordingly, the intensification of housing numbers here does not set a precedent for the other properties to the north, which all sit within

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the street scene context of Wildernesse Mount and would need to be considered against the visual appearance, layout and pattern of development in that area.

- 63 I consider the layout of the proposed dwellings on site, separation to neighbouring boundaries and between plots, along with the indicated scale parameters would maintain the existing scale, site coverage and density of built form within the surrounding area and would accord with the each policy requirement.
- 64 Landscaping is a reserved matter, however the submitted soft landscaping plan indicates planting would be retained along the frontage where the wooded area is now protected. The plan also shows that it would be possible to replace or reinforce the planting along to the southern flank boundary of the site adjacent to the proposed widened access drive.
- 65 However, the Inspector when assessing the recent appeal did not condition the retention of this boundary treatment along the driveway and the planting along this boundary remains unprotected, and can therefore be removed at any time. In addition to this, the scheme the Inspector considered involved significant widening of the driveway to the south of the Dawning House site. This proposal includes a small increase in the width of the driveway and the widening of the access onto Seal Hollow Road. The widening of the access was previously supported by the Inspector for the reason that there would be little need to remove existing planting in this part of the site.
- 66 The widening of the access drive with a soft appearance, which is proposed to be retained to the southern boundary, would result in no significant harm on the character and appearance of the area. Changes to the access onto Seal Hollow Road were previously encouraged by the Inspector and have been picked up as part of the detail of this application and are considered in the highways safety section below.
- 67 Finally, the overall existing site provides a density of 5 dwellings per hectare and the proposed scheme would result in a density of 10 dwellings per hectare. Given the character of the area, which is mainly characterised by low density (6 dwellings per hectare), large houses on large plots, the proposed dwellings would maintain a low density and would fit comfortably into the character of the area.
- 68 It is therefore considered that the proposed development for four dwellings would preserve the character and appearance of the area.

Impact on neighbouring amenity

- 69 Paragraph 17 of the NPPF identifies a set of core land-use planning principles that should underpin decision-taking. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 70 Policy EN1 of the Sevenoaks District Local Plan requires that any proposed development should not have an adverse impact on the amenities of neighbours and also ensures a satisfactory environment for future occupants.
- 71 Concern has been raised by the Town Council and the occupants of surrounding properties of the impact of the proposed development on their residential amenities. The issues raised in particular are over bearing effect, overlooking,

loss of privacy, and the impact of noise, smells and disturbances from the proposed dwellings.

- 72 The block plan submitted demonstrates that with the size of house proposed it would be possible to maintain sizable distances between the proposed houses and neighbouring properties, and indeed between the houses themselves. The rear wall of the southern plot on the Dawning House site would be 42m to the front of Salterns, the front wall of the northern plot on Summer Hill would be 37m from the rear of Cleves and the front wall of the southern plot on Summer Hill would be about 40m from the rear of Sealcot.
- 73 The flank wall of the southern plot on Dawning House would maintain a distance of about 10m to the flank of Sealcot, while the flank wall of the northern plot would maintain a distance of over 15m to the flank of Cleve. The southern plot on Summerhill would maintain a distance of separation of roughly 19m to the flank wall of Salterns, both plots would retain a distance of 27m to the flank of Oakridge to the west and the northern plot would maintain a gap of over 30m to Monksilver. Finally, the distance of separation between the front of the plots on Summerhill and the rear of those on Dawning House would be a minimum of almost 34m.
- 74 In addition to these distances of separation, the orientation of each house, the softening of the development by way of existing and proposed planting along shared boundaries and the fact that indicative plans show bathrooms at first floor level in flank elevations, that could be conditioned to be obscure glazed if required, means that no material over bearing effect, overlooking or loss of privacy would occur.
- 75 Noise, smells and disturbances from the proposed dwellings would be no greater than from any other property erected in this suburban area of Sevenoaks and so this is not an objection that I support.
- 76 It is therefore considered that the proposed development would preserve the amenities of the occupiers of adjoining properties.

Impact on highways safety

- 77 The NPPF states that decisions should take account of whether safe and suitable access to the site can be achieved for all people. (para. 32)
- 78 Policy EN1 of the Sevenoaks District Local Plan requires that proposed development should provide parking facilities and should ensure satisfactory means of access for vehicles. Policy VP1 of the Sevenoaks District Local Plan requires that vehicle parking provision in new developments should be made in accordance with adopted vehicle parking standards.
- 79 The proposal would mean utilising an existing access onto the highway and result in two additional units in use terms compared with the existing situation. The Highways Engineer previously advised that there is no objection to using the access for one additional unit, in addition to the extra unit allowed at appeal, subject to improvements to visibility and widening the access in keeping with the expectations of the Inspector. This is a point raised by the Highways Engineer again and can be secured through conditions requiring further details of these alterations.

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- 80 In addition, modest improvement to the width of the remainder of the driveway is proposed, which was originally welcomed by the Highways Engineer since this would improve access for emergency and other service vehicles. The proposals also include improved turning facilities for larger vehicles, therefore in highway safety terms these measures represent an improvement on the existing situation.
- 81 Revisions to the proposed on site parking arrangements were previously suggested by the Highways Engineer, as were revisions to the design of some of the turning areas so as to reduce the extent of hard standing. It would also be necessary for plans to demonstrate the full extent of proposed visibility splay to the north, but each of these matters may be dealt with by condition. In addition it is recommended that a condition to secure a construction method statement to include deliveries, parking and turning and wheel washing during the course of construction be requested.
- 82 The Inspector, in coming to his decision on the previous appeal, noted that the addition of a dwelling to the site would represent a significant increase in traffic use for the existing access. He also thought it “significant that the highway authority were satisfied with the adequacy of the access onto Seal Hollow Road subject to minor radii changes and improvements to visibility splays”. The proposal would result in a further additional unit using the access, however the Highways Engineer is again in support of the proposal on the proviso that alterations are made to the access to improve visibility, which can be secured by condition.
- 83 The most recent comments provided by the Highways Engineer refer to amendments to the scheme, which would affect both the layout and access of the proposed development. Since these are the two matters being considered as part of the application, and given that these are new comments on a scheme which was previously considered to be acceptable, it would be unreasonable to require the applicant to make significant changes to their proposal now.
- 84 However, the Highways Engineer goes on to state that they would raise no fundamental objection to the proposal subject to conditions relating to the turning of vehicles on site and visibility splays for the access on to Seal Hollow Road.
- 85 Therefore, subject to the conditions requested by both Highways Engineers being included on any approval, it is considered that the proposed development would preserve highways safety and provide sufficient off street parking.

Impact on trees

- 86 The NPPF states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland (para. 118).
- 87 The Council’s Tree Officer acknowledges that the development would necessitate the loss of some trees and shrubs, but that the main areas of neighbouring mature trees and hedgerows should not need to be disturbed during the proposed construction process and can and should be retained as part of future landscaping for any consented to scheme.

- 88 Landscaping is a reserved matter, however the Tree Officer has accepted the landscaping details shown. These details do not include tree protection, which can be requested by way of condition. A condition can also be incorporated in any approval requiring details of any proposals for pruning or tidying and additional planting within the wooded area to the front of the site.
- 89 Subject to these requested conditions being included on any approval, it is considered that the proposed development would not significantly impact upon protected trees.

Sustainable development

- 90 As already mentioned, the NPPF states that 'At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.' (para. 14)
- 91 In my opinion, the proposed scheme accords with the development plan, and I have explained this in detail above, there would be no adverse impacts in granting planning permission for the development and there is nothing within the content of the NPPF which indicates that development should be restricted.

Other Issues

Code for Sustainable Homes

- 92 Policy SP2 of the Core Strategy requires that new homes will be required to achieve at least Level 3 of the Code for Sustainable Homes. No information relating to this has been submitted by the applicant however it is possible for the achievement of Level 3 to be required by way of condition on any approval.

Affordable housing contributions

- 94 Policy SP3 of the Core Strategy requires that for residential developments of less than 5 units, which involve a net gain in the number of units, a financial contribution based on the equivalent of 10% affordable housing will be required towards improving affordable housing provision off-site. The Affordable Housing SPD allows applicants to consider issues of financial viability and demonstrate that the payment of the required contribution would impact the viability of the proposed development.
- 95 The applicant has considered the matter of financial viability and has provided a detailed, independent assessment of the situation with regards the total costs of the development when compared against the open market values of the proposed dwellings. This is in accordance with the guidance held within the Affordable Housing SPD.
- 96 In considering the content of the assessment it is evident that insufficient funds would remain, after all costs are taken into consideration, to provide the required contribution in this instance. The content of the assessment is comprehensive and officers are satisfied with the content of the document.
- 97 As a result of their assessment it has been concluded that an Affordable Housing contribution would make the development unviable. Therefore the Council considers that the applicant has demonstrated that genuine economic constraints

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exist in this instance. The owner has proposed to reduce their profit margin and provide an off site affordable housing contribution of £5000. In accordance with the SPD on Affordable Housing 2011, the Council has deemed this contribution to be acceptable in this case.

- 98 Representations have raised comparisons with other similar developments where applicants have agreed to pay the full Affordable Housing contribution required by SP3. However, each application is assessed on the individual circumstances and in these other cases the applicants did not produce evidence of issues of viability that demonstrated a contribution in accordance with the policy would render the scheme unviable.

Drainage

- 99 The issue of drainage has been raised following the inclusion on the previous scheme of a balancing pool. Since drainage is an issue covered by Building Regulations it is not considered necessary to also consider this issue as part of the planning application. Also, Thames Water has previously raised no objection to the proposal subject to the imposition of informatives on any approval.

Impact on wildlife

- 100 This is a suburban area, where wildlife exists, but no evidence of protected species inhabiting the area has been put forward by representations received, which have raised this issue. Therefore, the development can be carried out and existing wildlife can be retained since it is the applicant's intention to retain a good amount of existing soft landscaping on the site and also to improve this landscaping with additional planting. This existing and proposed planting would encourage wildlife to remain in the area.

Impact on the value of property

- 101 The issue relating to the potential impact the development would have on the value of existing properties is not considered material to the assessment of any planning application.

Legal matters and land ownership

- 102 Representations from a neighbour explain that the access drive is owned by them and the Council is aware that the access drive forms part of a boundary dispute between the neighbouring land owners. Such disputes are private issues and do not prevent planning permission from being granted on land outside the applicant's ownership. The inclusion of condition 14, relating to the timing of the proposed works to the access driveway, would ensure that development does not commence unless the widened access is provided.

Time period for consent

- 103 Circular 08/2005 'Guidance on Changes to the Development Control System' states that in relation to the time limit within which applications must be made for the approval of reserved matters, that this will normally be three years from the grant of outline permission, but an authority could choose to direct a longer or shorter period as appropriate. (para. 24)

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- 104 Appropriateness should be read in the context of Section 92 (6) Town and Country Planning Act 1990 which states that the authority should have regard to the provisions of the development plan and any other material considerations.
- 105 Therefore, whilst the Council has the discretion to allow shorter or longer periods for the submission of reserved matters, it must do so in light of the relevant material considerations.
- 106 There are currently no specific development plan policies which deal with the timing of development from the grant of planning permission.
- 107 In addition, in considering this matter, the Council has had regard to all responses and representations in relation to the applications and has also considered the requirement of the NPPF for local authorities to meet full requirements for housing.
- 108 The Council has consistently exceeded its housing targets and has a five year supply of housing land that meets the requirements of the NPPF. Therefore as there is no compelling reason to expedite housing delivery to meet need and in the absence of representations advanced as to why the standard 3 years is not appropriate in relation to the application, I see no reason why anything other than the standard 3 years should be considered as an appropriate timescale for the submission of reserved matters in this instance.

Access Issues

- 109 Policy EN1 of the Sevenoaks District Local Plan requires that proposed development provides appropriate facilities for those with disabilities. Elevational plans are indicative at this stage but the applicant can be notified by way of informative that if Building Regulations require ramps up to the front door of each proposed house that a further planning application may be required.

Conclusion

- 110 It is considered that the proposed dwellings would preserve the character and appearance of the area, neighbouring amenity and highways safety, would provide sufficient off street parking and would not significantly impact upon protected trees. Consequently the proposal is in accordance with the development plan and therefore the Officer's recommendation is to approve.

Background Papers

Site and Block Plans

Contact Officer(s): Mr M Holmes Extension: 7406

Kristen Paterson
Community and Planning Services Director

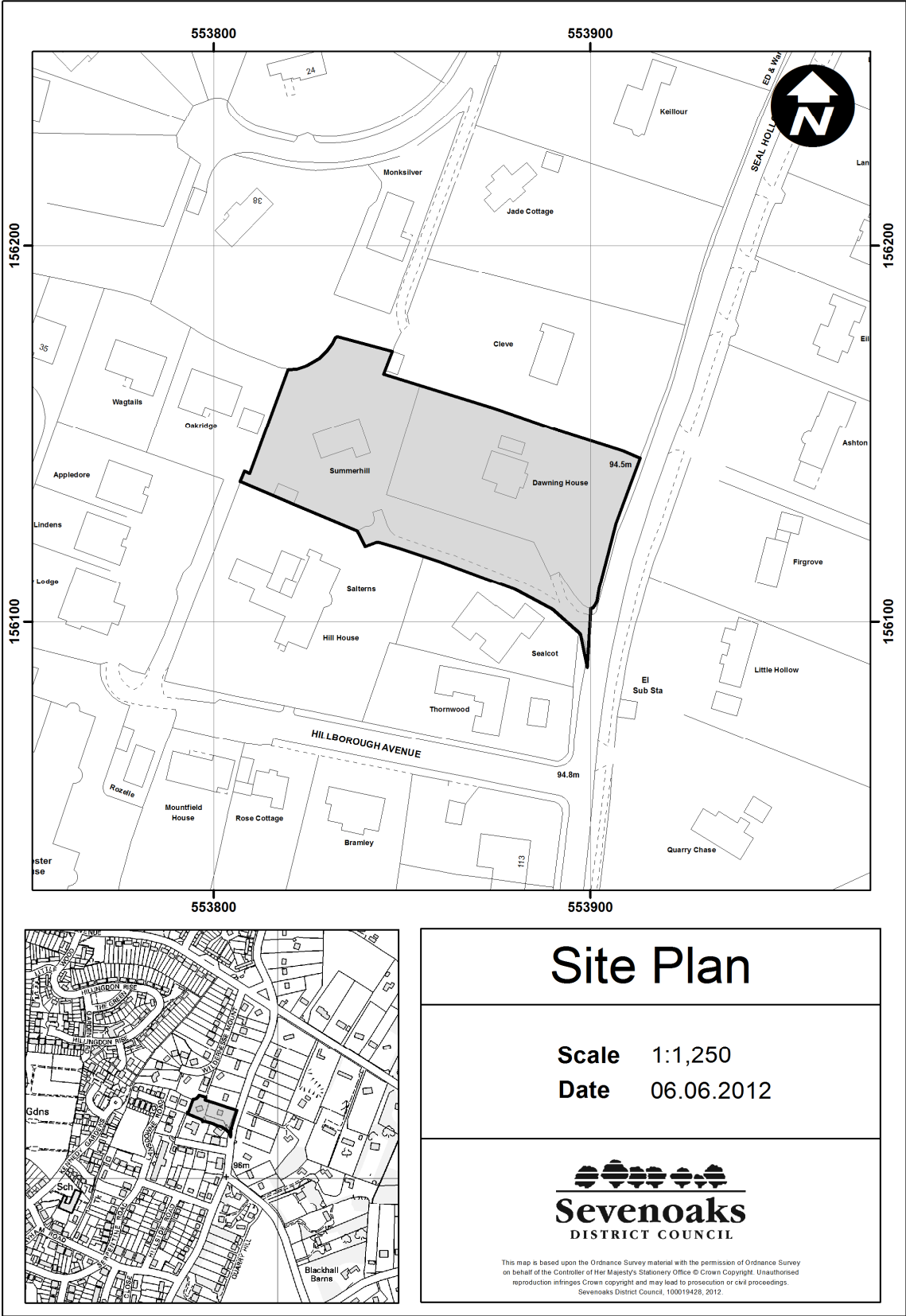
Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=L9E8SCBK8V000>

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Link to application documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=L9E8SCBK8V000>



Site Plan

Scale 1:1,250
 Date 06.06.2012



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5.3 SE/12/00307/FUL Date expired 4 April 2012

PROPOSAL: Demolition of existing dwelling and associated development, and erection of replacement 1 x 2 storey detached dwelling with parking facilities and associated works.

LOCATION: Sealcot, Seal Hollow Road, Sevenoaks TN13 3SH

WARD(S): Sevenoaks Eastern

ITEM FOR DECISION

This application has been referred to the Development Control Committee since the Officer's recommendation is at variance to the view of the Town Council and at the request of Councillor Purves who has concerns that the proposal could potentially have a detrimental impact upon neighbouring amenity and overdevelopment of the site.

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

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

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

2) The materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall be those included on the materials schedule submitted on 07.03.12.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks District Local Plan.

3) Notwithstanding the details submitted 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);-a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities); and-a programme of implementation.

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

4) Soft landscape works shall be carried out before first occupation of the dwelling. The landscape works shall be carried out in accordance with the approved details.

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

5) 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

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next planting season with others of similar size and species.

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

6) No development shall be carried out on the land until a plan indicating the positions, design and materials of all means of enclosure to be retained and erected has been submitted to and approved in writing by the Council.

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

7) The first floor windows in the northern and southern flank elevations of the dwelling shall be obscure glazed and non openable, apart from any top hung lights, at all times.

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

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

To safeguard the amenities of the occupiers of properties adjacent to the site as supported by Policy EN1 of the Sevenoaks District Local Plan.

9) No building, enclosure or swimming pool, 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 amenities of the occupiers of properties adjacent to the site as supported by Policy EN1 of the Sevenoaks District Local Plan.

10) Notwithstanding the information submitted no development shall take place until details of all the existing levels of the land, any proposed slab levels and any changes in levels have been submitted for approval. The development shall be carried out in accordance with the approved details.

To safeguard the amenities of the occupiers of properties adjacent to the site as supported by Policy EN1 of the Sevenoaks District Local Plan.

11) No development shall be carried out on the land until details relating to an intrusive investigation of the garden area to the rear of the property carried out by a suitably qualified environmental specialist has been submitted to and approved in writing by the Council. The development shall be carried out in accordance with any recommended remediation that should be undertaken prior to the occupation of the dwelling.

To avoid pollution as supported by The National Planning Policy Framework.

12) 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 Code level 3 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 in the National Planning Policy Framework, policies CC2 & CC4 of the South East Regional Plan and policy SP2 of the Core Strategy.

13) The development hereby permitted shall be carried out in accordance with the following approved plans: SEALC/1B, 2B, 3B, 4B, 5, 6, 7, 8, 9 and F1.

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

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

The South East Plan 2009 - Policies CC1, CC4, CC6, H4, H5, T4 and LF1

Sevenoaks District Local Plan - Policies EN1 and VP1

Sevenoaks District Core Strategy 2011 - Policies LO2, SP1, SP2, SP5 and SP7

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

The scale, location and design of the development would respect the context of the site and preserve the visual amenities of the locality.

Any potentially significant impacts on the amenities of nearby dwellings can be satisfactorily mitigated by way of the conditions imposed.

Informatives

1) The applicant should be aware that it may be necessary for the entrance of the new dwelling to have a ramp installed up to it to comply with Building Regulations. If this is the case the applicant is encouraged to contact the planning department at the Council to check whether planning permission is required for the ramp.

Description of Proposal

1 The application seeks the approval of the demolition of the existing bungalow and the erection of a two storey detached dwelling. The proposed house would be sited in a similar position to that of the existing bungalow but would be re-orientated to face more onto the plot frontage, whereas the bungalow currently faces a more south-easterly direction. The dwelling would be set about 14m back from the back edge of the highway.

2 The proposed house would be mainly square shaped in design with single storey and two storey front projections, and a two storey rear projection. The main house would have a pitched roof, hipped to the flanks, rising up to a flat roof section. The front projections would have gable ends, as would a dormer feature to the centre of the building at first floor level.

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- 3 The dwelling would have a height of 7.7m, a maximum width of about 15m and a maximum depth of about 16.5m.
- 4 The application proposes to use the existing access onto the site, which also serves Salterns, Dawning House and Summerhill to the north and west of the application site.
- 5 The application follows the grant of consent for a replacement dwelling approved in 2011, SE/11/00776/FUL. This application has been amended from the previous scheme in that the design of the frontage of the approved house has been altered, with a second two storey projection now proposed, and the rear section of the property has also be altered in that a larger two storey rear projection is now proposed. The height of the proposed dwelling has also increased by 0.7m as has the width of the building, however the depth of the building is similar to the house approved.

Description of Site

- 6 The site currently comprises a detached bungalow set a minimum of 10.5m back from the plot frontage. The site is located just to the north of the junction with Blackhall Lane and is one of a row of sites which faces those which define the edge of the Wildernesse Estate.
- 7 The bungalow is set within a plot similar in size and shape to that of Thornwood, the adjacent plot to the south, and other properties along Hillborough Avenue and Seal Hollow Road to the south. The majority of properties to the north of the site are accessed from Wildernesse Mount and front onto this street scene context rather than Seal Hollow Road. There is a mature and established tree and vegetation screen to Seal Hollow Road and the land generally rises up beyond this to meet Wildernesse Mount. Opposite these houses are much larger properties defining the western edge of the Wildernesse Estate. The level of landscaping is lessened with the majority of properties being clearly visible within the street scene context and generally follow an established building line set back from Seal Hollow Road.
- 8 There is a shared driveway access which runs between the application site and Dawning House, which also serves Salterns and Summerhill to the rear. Hillborough Avenue further to the south serves a range of properties to the west of the application site which visually step up the rising topography. The network of roadways of Hillborough Avenue, Wildernesse Mount and Seal Hollow Road provide a varying character of plot shapes, sizes and orientation surrounding Sealcot, many properties appear to sit in a tandem relationship to each other. There is variety in the size of property from single storey and split level properties at Sealcot and Thornwood, to more imposing three storey traditional properties of Hill House and Salterns.
- 9 The immediate neighbour to the south is Thornwood, which is a split level dwelling with a two storey central section and large single storey front and rear projections. This property has a flat roof with a height of about 6m and is sited approximately 2m from the shared boundary. To the north of Sealcot is Dawning House, a large two storey detached property which is divided from the application site by the shared access track and approximately 38m separation to the boundary of the application site. To the west of the plot is Salterns, a large three storey semi-

detached dwelling, which shares a boundary with the site treated with mature screening of trees.

- 10 The levels of the area are such that both Sealcot and Thornwood are slightly higher than the highway to the front, Sealcot is set slightly higher than Thornwood, and both Salterns and Dawning House are higher than Sealcot.

Constraints

- 11 The site lies within the built confines of Sevenoaks.

Policies

South East Plan

- 12 Policies - CC1, CC4, CC6, H4, H5, T4 and LF1

Sevenoaks District Core Strategy

- 13 Policies - LO2, SP1, SP2, SP5 and SP7

Sevenoaks District Local Plan

- 14 Policies - EN1 and VP1

Other

- 15 The National Planning Policy Framework (NPPF)
- 16 Sevenoaks Residential Character Area Assessment Supplementary Planning Document (SPD)

Planning History

- 17 SE/12/00308 - Erection of a new detached single car garage. Granted 18.04.12
- SE/11/00776 - Demolition of existing dwelling and associated development, erection of replacement 1 - 2 storey detached dwelling, with garaging and parking facilities; associated works. Granted 01.07.11

Consultations

Parish / Town Council – 01.03.12

- 18 ‘*Sevenoaks Town Council* noted that this proposal is higher and larger than the approved plan 11/00776 for which the Town Council recommended refusal.
- 19 *Sevenoaks Town Council* recommended refusal as the larger dwelling will have a dominating effect on Thornwood to the south, which has living room windows affected by the profile of the south elevation.’

Highways Engineer – 09.03.12

- 20 ‘I confirm I have no objection. I am aware of neighbouring proposals and the requirements for an improved drive and access in association with these

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(Summerhill and Dawning House - SE/10/02625/OUT). It would be preferable to approve this application subject to those enhancements or request that access is taken onto the shared drive, rather than utilising the existing oblique entrance immediately off Seal Hollow Road. It is understood however, that the proposal essentially comprises in terms of accommodation, an increase of one bedroom. It is not considered therefore that these preferences could be made a requirement of this application.'

Environmental Health Officer - 11.06.12

- 21 'As a substantial area of the back rear garden was used for numerous bonfires for several weeks I have a concern that this may have caused significant ground contamination. I therefore suggest that the application be conditioned to require the applicant to engage a suitably qualified environmental specialist to undertake an intrusive investigation of the garden area to the rear of the property and if contamination is found undertake any recommended remediation prior to the construction of the property. An alternative would be for the condition requiring the applicant to make a submission detailing how the potential remediation can be undertaken. If this is agreed by the district council then the works must be undertaken before the property can be occupied.'

Representations

- 22 Eleven letters of representation have been received, two in support of the application and nine raising objections to the proposal on the following grounds:
- Over development;
 - Removal of trees;
 - Impact on the character of the area;
 - Loss of light;
 - Loss of amenity;
 - Access;
 - Loss of privacy;
 - Overlooking;
 - Misrepresentation of neighbouring property; and
 - Enjoyment of neighbouring rear amenity area.

Group Manager - Planning Appraisal

Principal Issues

- 23 The main issues in this case are the principle of the development, the potential impact on the character and appearance of the street scene, the potential impact on neighbouring amenity and sustainable development. Other issues include the potential impact on highways safety and parking provision, the Code for Sustainable Homes, impact on trees and contamination.

Principle of development

- 24 The site falls within the Sevenoaks Urban Area as defined by policy LO2 of the Core Strategy. This policy seeks to encourage residential development on a range of sites suitable for residential use within the urban area. Since the site falls within the defined area and the proposal comprises the replacement of an

existing dwelling, the principle of the development is therefore one that the Council could potentially accept provided the proposal complies with all other relevant development plan policies.

Impact on character and appearance of the area –

- 25 The NPPF states that the Government ‘attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.’ (para. 56)
- 26 Policy EN1 of the Local Plan states that the form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. This policy also states that the design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard. This policy is therefore considered to be broadly consistent with the NPPF.
- 27 The Sevenoaks Residential Character Area Assessment SPD identifies several locally distinctive positive features for the area including individually designed mostly two storey detached houses, set back from the road with gaps between buildings, along with other features.
- 28 As stated above, the dwelling would have a height of 7.7m, a maximum width of 15m and a maximum depth of 16.5m. This height is comparable to properties in the locality, with Thornwood having a maximum height of about 6m and Dawning House having a height of roughly 7-8m. The ridge heights across the three sites would read well, since they would rise from south to north with the gently rising levels of the plots.
- 29 The proposed siting and layout of the new dwelling would respect the existing pattern of development which fronts Seal Hollow Road, and which generally reflects a ribbon layout of built form. The position to the highway varies in this part of the street, but the proposed development would maintain a separation to the highway greater than that of the existing bungalow. The proposed house would also possess a similar overall width and depth to the existing bungalow, and would therefore have a similar plot coverage and a similar separation from boundaries of the plot and neighbouring properties.
- 30 The proposed house would therefore maintain the layout and pattern of development along Seal Hollow Road. As noted earlier there is variety in the pattern of built form around the site resulting from the network of roads to the. Accordingly, I do not concur with comments made by representations received that the replacement dwelling would harm the character and appearance of the area, would be over development of the site or would impact upon the visual amenities of the area. The area is generally well developed with varying plot sizes, orientation and size of property.
- 31 I consider that the proposed dwelling would continue to maintain the existing scale, site coverage and density of built form within the surrounding area and would accord with the above policy requirements.

Impact on neighbouring amenity –

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- 32 Policy EN1 of the Sevenoaks District Local Plan requires that any proposed development should not have an adverse impact on the amenities of neighbours and also ensures a satisfactory environment for future occupants.
- 33 Concern has been raised by the Town Council and the occupants of surrounding properties of the impact of the proposed development on their residential amenities, particularly those who live at Thornwood to the south of the site. The issues raised are loss of light, loss of amenity, loss of privacy, overlooking and enjoyment of the neighbouring rear amenity area.
- 34 The block plan submitted demonstrates that with the size of house proposed it would be possible to maintain good distances between the proposed house and neighbouring properties. The house directly to the north of the site, Dawning House, would maintain a distance of about 25m to the flank of the proposed house and would be separated by the access drive, which serves Salterns and Summerhill. To the west of the site, Salterns, would maintain a distance of about 35m. Both properties would continue to be situated on higher levels than the proposed property. Conditions could be incorporated into any approval of consent to confirm slab levels and a soft landscaping scheme to ensure that the potential impact of the house would be kept to a minimum.
- 35 It is acknowledged that Thornwood would be the property most affected by the proposed house since the dwelling would stand adjacent to the northern boundary of Thornwood. It is also acknowledged that the plan showing the internal layout of Thornwood is slightly inaccurate since it was taken from plans submitted to the Council in 2001. Since this time alterations have been carried out to Thornwood which means that the openings along the northern flank of the property are incorrect.
- 36 The kitchen now possesses two high level windows, one of which is likely to be partially affected by a overshadowing from the proposed house. However, the second window would be mainly unaffected and these high level windows are north facing and therefore provide the kitchen with a limited amount of light currently. In addition to this, the family room possesses a large roof lantern which provides a significant amount of light to this open plan part of the house and would continue to do so.
- 37 The majority of ground floor habitable rooms within Thornwood have a southern aspect, as well as a northern aspect, out of the windows which exist in the property. The exception to this are the kitchen and dining area, which possess windows that only face in a northerly direction towards Sealcot. However, the windows in the kitchen are high level and so the only view is upwards. As well as this, the proposed house would be sited roughly 5m from the flank of Thornwood which would provide sufficient separation for the dwelling not to be overbearing or impact outlook from the northern windows in Thornwood.
- 38 Finally, the proposed house would possess a number of ground floor south facing secondary windows and one first floor window that would serve an en-suite bathroom. The ground floor arrangement is not an unusual relationship between adjoining properties. Thornwood may possess some primary windows that serve habitable rooms which face onto Sealcot. However, the flank windows in the proposed house would be secondary to those primary windows that face to the front and rear of the house. The bathroom window at first floor level could be

conditioned as part of any approval of consent requiring them to be obscure glazed and fixed shut to ensure that no overlooking or loss of privacy occurs.

- 39 Given the above, it is therefore considered that the proposed development would continue to preserve the amenities of the occupiers of adjoining properties.

Other Issues

Parking provision and highways safety –

- 40 Policy EN1 of the Sevenoaks District Local Plan requires that proposed development should provide parking facilities and should ensure satisfactory means of access for vehicles. Policy VP1 of the Sevenoaks District Local Plan requires that vehicle parking provision in new developments should be made in accordance with adopted vehicle parking standards.
- 41 The proposed layout of the development would continue to provide sufficient space for a number of vehicles to be parked to the front of the property. This would continue to be the case if the approved detached garage building was also built out. The proposal to provide a minimum of two on site parking spaces would therefore comply with current parking standards.
- 42 The proposal would also utilise the existing access onto Seal Hollow Road, the continued use of which would be entirely appropriate. Sufficient space would also be retained on site to provide turning to allow vehicles to exit the site in a forward gear.
- 43 It is therefore considered that the proposed scheme provides sufficient parking and would preserve highways safety.

Code for Sustainable Homes –

- 44 Policy SP2 of the Core Strategy requires that new homes will be required to achieve at least Level 3 of the Code for Sustainable Homes. No information relating to this has been submitted by the applicant however it is possible for the achievement of Level 3 to be required by way of condition on any approval.

Impact on trees –

- 45 The NPPF states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland (para. 118).
- 46 Several representations received highlight a concern regarding the amount of clearance of the site that has recently taken place. No tree on the site is protected in any way and so these works are generally acceptable in principle. However, the Council retains control over what future planting takes place on the site and it is also possible to ensure the retention of the planting along the frontage which is key to the character and appearance of the area.
- 47 It is therefore considered that, subject to further details relating to soft planting to take place on the site, the proposal would preserve the character and appearance of the area.

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Contamination –

- 48 The NPPF states that where a site is affected by contamination ‘responsibility for securing a safe development rests with the developer and/or landowner’ (para. 120).
- 49 As confirmed by the Environmental Health Officer a substantial area of the back rear garden was used for numerous bonfires for several weeks and as such he has a concern that this may have caused significant ground contamination.
- 50 It is therefore suggested that the application be conditioned to require either an investigation of the affected garden area or remediation works to remove the affected soil and replacement with a suitable material.
- 51 Subject to the inclusion of such a condition it is considered that the proposal would not result in contamination of the site to the detriment of health of the occupants of the proposed house.

Access Issues

- 52 Policy EN1 of the Sevenoaks District Local Plan requires that proposed development provides appropriate facilities for those with disabilities. The front elevation plan shows that the house would be accessed via a step up. The applicant can be notified by way of informative that if Building Regulations require a ramp up to the front door a further planning application may be required for these works.

Conclusion

- 53 It is considered that the proposed replacement house would continue to preserve the character and appearance of the area and neighbouring amenity. Consequently the proposal is in accordance with the development plan and therefore the Officer’s recommendation is to approve.

Background Papers

Site and Block plans

Contact Officer(s): Mr M Holmes Extension: 7406

Kristen Paterson

Community and Planning Services Director

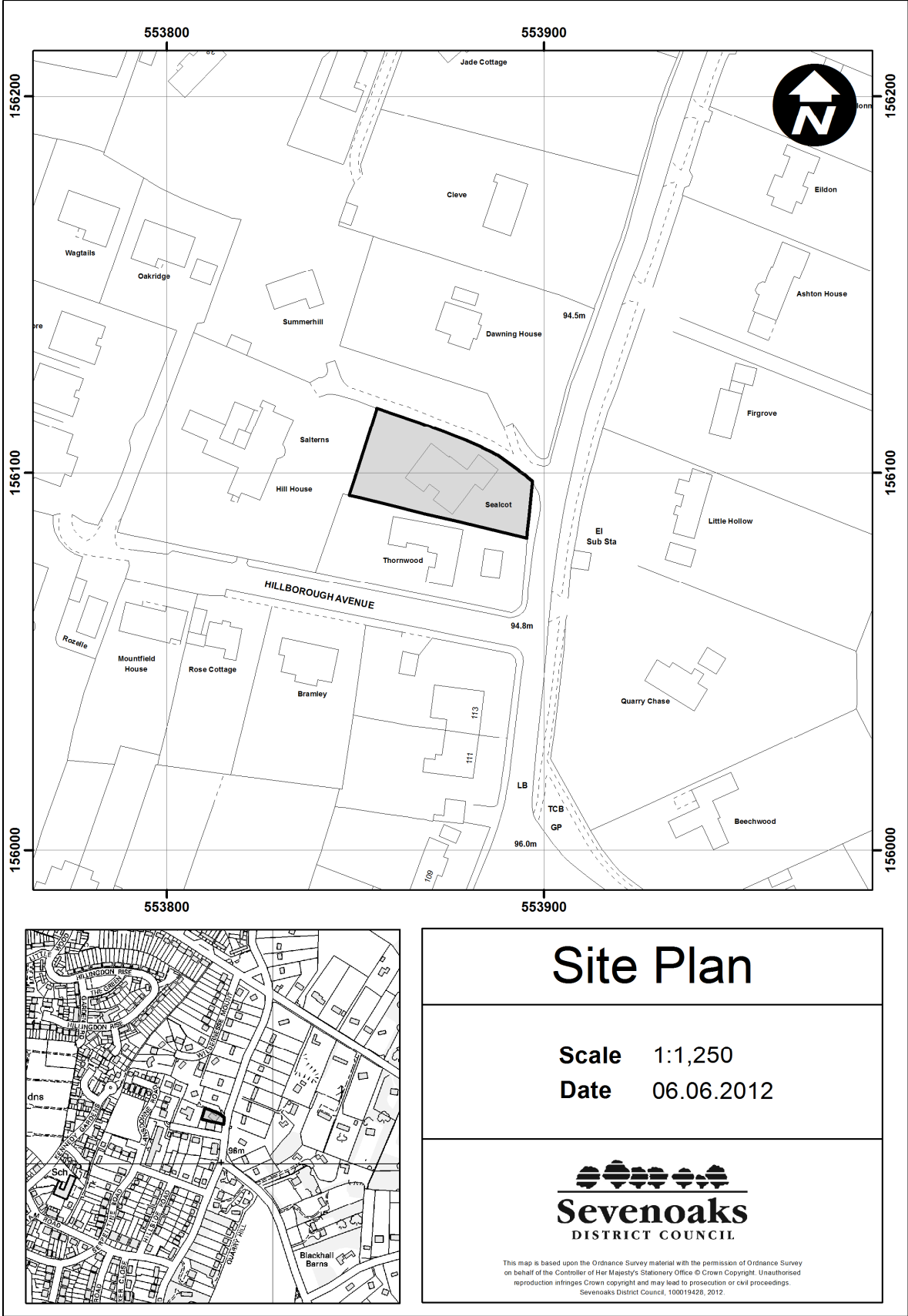
Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LYYP8UBK8V000>

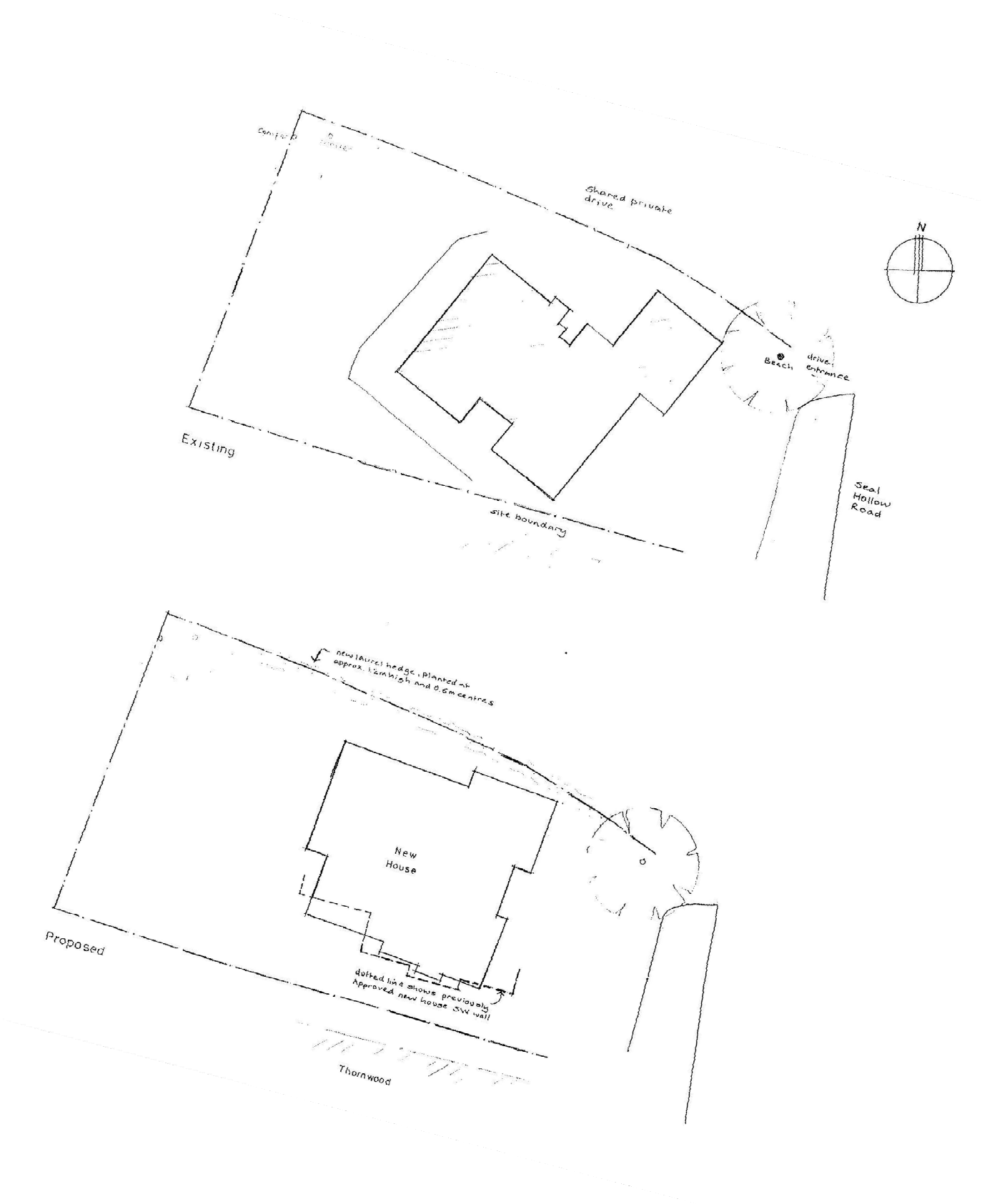
Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LYYP8UBK8V000>

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5.4 – SE/12/00893/FUL Date expired 29 May 2012

PROPOSAL: Retention of stable building, and land to accommodate horses in need of isolation

LOCATION: Robertsons Nursery, Goldsel Road, Swanley, Kent.

WARD(S): Crockenhill & Well Hill

ITEM FOR DECISION

The application is being reported to Development Control Committee at the discretion of the Community and Planning Services Director.

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

1) This planning permission is granted for a temporary period of three years only, from the date of this permission. By the date this permission expires, stables, structures, materials and equipment brought on to the land in connection with the use hereby approved, shall be removed and the site shall be restored to its previous condition, or restored in accordance with a scheme that has been submitted to and approved in writing by the Council.

Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm.

2) No commercial activities shall take place on the land, including the storage of materials, other than the keeping of horses in need for isolation. The use only enure the benefit of the applicants, Mr Albert Coates (Jnr) and Ms Amy Coates (nee Broomfield).

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

3) No external lighting shall be installed on the land until such details have been submitted to and approved by the Council. The installation of external lighting shall only be carried out in accordance with the approved details.

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

4) Within four months of the date of this permission a scheme for the storage and disposal of manure from the land shall be submitted to for its approval in writing by the Council. The approved scheme shall be implemented in full and thereafter maintained.

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

5) The development hereby permitted shall be carried out in accordance with the following approved plans: 1131/01 received on 03 April 2012

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

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

The South East Plan 2009 - Policies CC6, SP5, C4

Sevenoaks District Local Plan - Policies EN1, SR9

Sevenoaks District Core Strategy 2011 - Policies SP1, L08

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

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

Any potentially significant impacts on the amenities of nearby dwellings and the Green Belt can be satisfactorily mitigated by way of the conditions imposed.

Description of Proposal

- 1 The application seeks consent for the retention of timber stables for the housing of horses that are in need for isolation.
- 2 The stable building itself is not physically attached to the ground as it is on skids. The existing stable is mainly constructed from timber and is single storey in height. It approximately measures 7.3m x 3.2. The stables allows for two horses to be kept on site.

Description of Site

- 3 The site relates to a vacant section of land located on the south east side of Goldsel Road. The site is located to the north of Crockenhill and lies to the south west of Swanley. The main section of the site is broadly rectangular in shape with a narrow strip of land to the south west. The site slopes steeply down from an embankment from Goldsel Road and then gently slopes away in a south-easterly direction.
- 4 To the south west of the site lies the property of Mannings Bank and to the north west is the junction to Green Court Road. The site is located within the Metropolitan Green Belt.
- 5 The site has been partially cleared and levelled to assist in the location of the hardstanding for the mobile home and vehicular turning area. The site is partially screened from the road due to the topography of the area, however there is a break in the existing south eastern boundary which exposes part of site to and from an existing public right of way (SD186).

Constraints

- 6 Metropolitan Green Belt

Policies

South East Plan

7 Policies – CC6, SP5, C4

Sevenoaks District Local Plan

8 Policies – EN1, SR9

Core Strategy

9 Policies– SP1, LO8

Other

10 National Planning Policy Framework Paragraphs – 14, 87, 88, 89

Planning History

11 SE/12/00894 – Retention of stable building – Pending Consideration.

SE/08/02349 - Retention of mobile home & hardstanding & proposed utility building – Granted

SE/03/01765 - Proposed replacement bungalow after demolition of existing bungalow due to fire damage - Withdrawn

SE/94/00554 - Retention of new vehicular crossing and drive - Approved

Consultations

KCC Highways Officer

12 No objections raised

SDC Environmental Health Officer

13 No objection

KCC Ecology

14 No objections

Thames Water

15 No comment

Crockenhill Parish Council

16 Wishes the application to be refused on the following grounds:

- Is not intended for recreational uses;
- In breach of previous planning condition relating to commercial uses;
- Not considered as being essential facilities;
- Increased light pollution;

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- Would set a precedence to the creation of a full business use;
- There are no special circumstances that exist.

Representations

- 17 9 Neighbours in support of the application
- 18 8 Neighbours object for the following reasons:
- Out of character;
 - Possibility of transmission of infectious diseases;
 - Inappropriate development within the Green Belt;
 - Light pollution;
 - Increased traffic movement;
 - Running a commercial operation from the site.
- 19 2 letters from the applicant explaining why the stables are needed for the following reasons:
- The stables will only be used in exceptional circumstances, such as foaling or 2 week isolation period when extra care is required;
 - Not for isolating sick or diseased horses;
 - Isolating healthy horses from larger herds that may be potentially sick;
 - Stables sits on an existing hardstanding and is on skids;
 - Stables are used for temporary circumstances as outlined above;
 - No material increase in traffic movements.
- 20 1 letter from the applicant's vet in support of the application stating that the stables are required for foaling purposes and the provision of isolation facilities prior to Mr Coates exporting of horses to various parts of the world.

Considerations

- 21 The main considerations of this proposal are:
- Impact on character and appearance of the rural area and on the visual amenities of the Green Belt.
 - The impact on highway safety
 - The impact on surrounding residential amenities.

Green Belt

- 22 The application site is located within the Metropolitan Green Belt. The National Planning Policy Framework (NPPF) states that there is a general presumption against inappropriate development in the Green Belt. This includes material changes in the land use which do not maintain openness.
- 23 Paragraph 89 of the NPPF allows for the exception for the construction of new buildings within the Green Belt. It states that appropriate facilities for outdoor sport or recreation may be acceptable, appropriate development providing it preserves the openness of the Green Belt.
- 24 Local Plan Policy SR9 and Appendix 3 deals with horses and stabling in general. New stables for commercial purposes could be judged as appropriate development providing the facilities are suitable to their location without causing significant damage to the visual and physical quality of the area.
- 25 The stabling proposed is intended to be used for commercial purposes albeit on a small scale. The stables is considered not to not require planning permission, as it can be easily moved. However, due to conditions 4 & 5 of planning permission SE/08/02349, these conditions do not allow commercial activities to take place on the land or allow buildings or enclosures to be erected.
- 26 In respect of the impact of the stable upon the openness of the Green Belt, the stable is only single storey in height as such its the impact upon the wider openness of the Green Belt is somewhat limited. However is sited in a prominent location as it can be viewed from a nearby Pubic Right of Way (SD186). Notwithstanding the building is small scale and could be considered as being on a domestic scale rather than commercial.
- 27 This does not outweigh the presumption against inappropriate development, in order for inappropriate development to be permitted, very special circumstances need to be demonstrated which clearly outweigh the harm by reason of inappropriateness and any other harm in accordance with paragraph 87 of the NPPF that states:
- “As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”*
- 28 This will be considered after all other matters.

Impact on character and appearance of surrounding area

- 29 Policies CC6 of the South East Plan and EN1 of the Sevenoaks District Local Plan require that development respects and takes opportunities to enhance the character and distinctiveness of the locality. The form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard so that the distinctive character of villages is not damaged.
- 30 Policy SP1 of the Sevenoaks Core Strategy seeks for all new development to be of high quality and respond to the distinctive local character of the area. Policy LO8 of the Sevenoaks Core Strategy requires that the countryside should be

Agenda Item 5.4

conserved and the distinctive features that contribute to its character protected and enhanced.

- 31 The site is outside the built area of Crockenhill Village and was previously developed land that had been reclaimed by the environment. The policies of the development plan seek to maintain the character and appearance of the area.
- 32 In this instance there would be a visual impact from the actual development of the stable development has an impact upon on the wider landscape due to the introduction of the built form. It is considered that additional landscaping could take place to mitigate the harm however, it is not normally acceptable to require landscaping in relation to time limited permissions. On taking the above into account, I am satisfied that if a temporary planning permission were to be granted, the harm to the landscape is not so great to justify a refusal as it would be limited.
- 33 There is some harm in relation to Local Plan policy EN1 and South East Plan policies CC6, C4 and Core Strategy Policy LO8 but this harm must also be weighed against the other factors considered below.

Highway Safety and parking

- 34 Policy EN1 of the Sevenoaks District Local Plan requires that development should ensure satisfactory access for vehicles and pedestrians. The Kent Highway Authority has raised no objection to the existing access or its use based on Highway Safety. Furthermore, the site has been in existence for more than three years and has not presented itself as an issue in terms of trip generation and highway safety issues.
- 35 On considering the above, no objection can be raised in this regard despite the concerns raised by the Parish Council and third parties.

The impact on surrounding residential amenities.

- 36 Policy EN1 from the Sevenoaks District Local Plan states that the proposed development including any changes of use does should not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements.
- 37 As the site is separated by a small buffer zone of trees and scrubland to the southwestern part of the site. The clear separation distances between properties, it is considered that there would be no harmful loss of outlook and noise and disturbance to nearby residents. .
- 38 As such it is considered that the adjacent property would not detrimentally affected by this development in terms of loss of residential amenity. This proposal would accord to in part with Policy EN1 of the Local Plan.

Very Special Circumstances

- 39 In accordance with paragraph 87 of the NPPF it is necessary to consider whether very special circumstances exist that clearly outweigh the defined harm by reason of inappropriate development and any other harm identified.

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- 40 It must be noted that the current family on site fall under the definition of gypsy/travellers as stated in Annex A of the Planning Policy for Travellers. Their main source of income is primarily dealing with the importation/exportation and the breeding of horses.
- 41 As previously mentioned the size of the operation on-site is relatively low key and its only intended use is for the isolation of horses that need special care/attention and preparation for export. A full explanation to why the stable is required can be found in Appendix 7 of the applicant's planning statement. As the occurrence of the use of the stable is temporary and due to the fact the field shelter is not physically attached to the ground, the harm to the green belt would be limited. Further control by the authority of the use of the stables can be suitably controlled by imposition of conditions and any other further commercial development can still be restricted as well as further development.
- 42 Taking the applicant case into account, it is considered that the above circumstances can be considered as being special to override the limited harm it causes upon the Green Belt.

Other Issues

- 43 The objections raised by the Parish Council and third parties have been fully considered. It is contended that the applicants do have a special circumstances case for the reasons cited above. The highways officer has considered this proposal and has not raised an objection. Therefore, to raise an objection on the issues on highway grounds is not justified in this instance, when the use of the stables would be intermittent and not 24/7.
- 44 In terms of the issues raised by lighting this can be controlled by condition and again, it would only be used when required by the use of the stables so any harm would be limited.

Conclusion

- 45 For the above reasons it is considered that a temporary consent for 3 years is justified. This would be consistent with the approach adopted in the other case for the retention of the applicant's mobile home. Due to the special circumstances that have been advanced, due to the status of the applicant, their intended use of the stables and the fact its use would be temporary, it is considered that these circumstances are sufficient to outweigh the harm to the openness of the green belt and upon the wider area.
- 46 In the circumstances I would recommend that temporary time limit/personal permission is granted.

Background Papers

Site and Block Plans

Contact Officer(s):

Sean Mitchell Extension: 7349

Kristen Paterson

Community and Planning Services Director

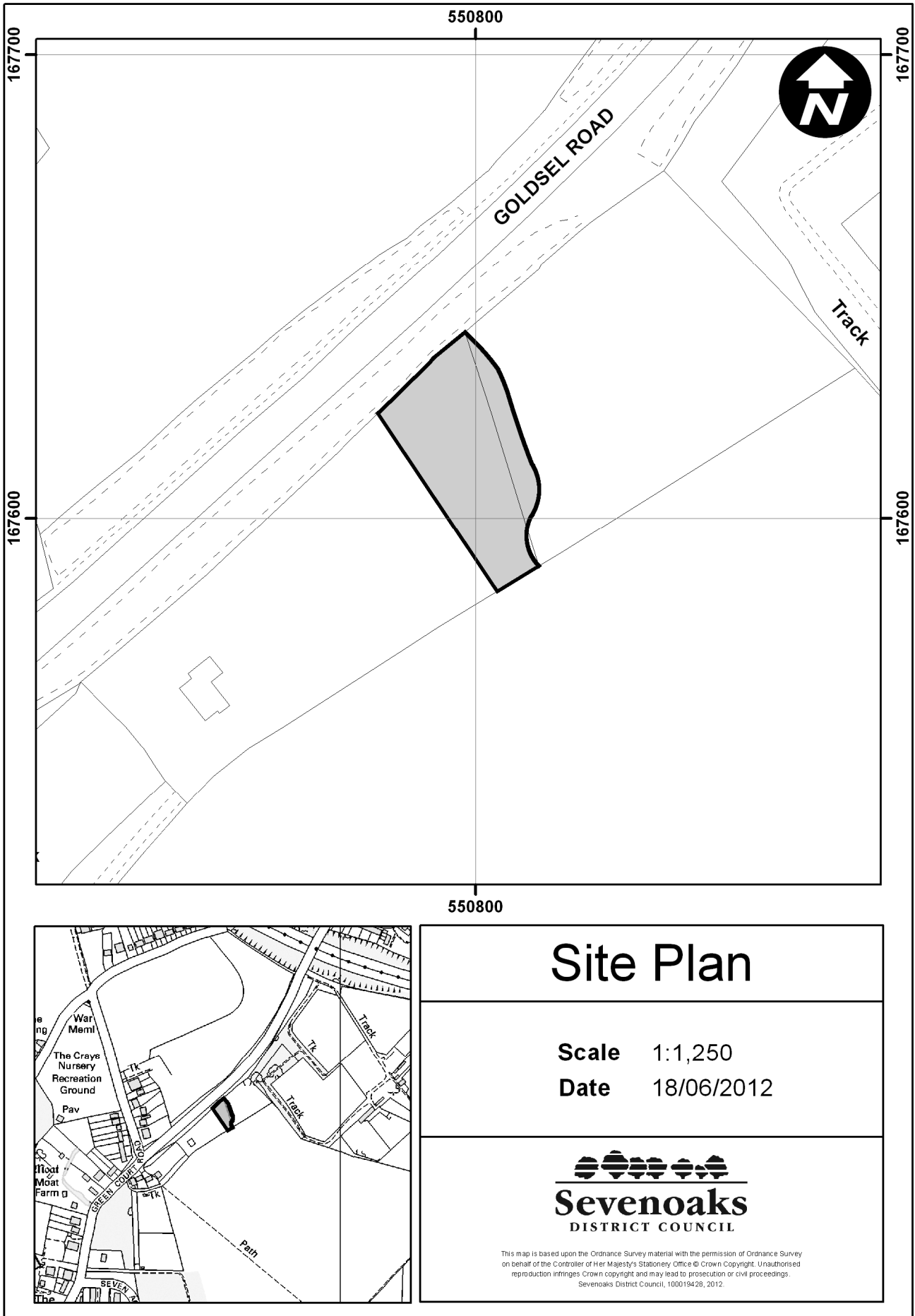
Agenda Item 5.4

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=M1WT0UBK0CR00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=M1WT0UBK0CR00>



Site Plan

Scale 1:1,250

Date 18/06/2012



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5.5 - SE/12/00894/FUL Date expired 28 June 2012

PROPOSAL: Retention of mobile home & hardstanding & proposed utility building.

LOCATION: Robertsons Nursery, Goldsel Road, Swanley KENT

WARD(S): Crockenhill & Well Hill

ITEM FOR DECISION

The application is being reported to Development Control Committee at the discretion of the Community and Planning Services Director.

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

1) This planning permission is granted for a temporary period of three years only, from the date of this permission. By the date this permission expires, all caravans, utility building, structures, hardstanding, materials and equipment brought on to the land in connection with the use hereby approved, shall be removed and the site shall be restored to its previous condition, or restored in accordance with a scheme that has been submitted to and approved in writing by the Council.

In order that any other proposal for the use of the land for a longer period is the subject of a separate application, to be determined on its merits, having regard to the harm to the Green Belt, the status of the Local Development Framework and the allocation of sites for Gypsies and Travellers.

2) The occupation of the site hereby permitted shall be carried on only by Mr Albert Coates (Jnr.) and Ms Amy Coates (nee Broomfield), whilst Mr Albert Coates (Jnr) is resident on the site and whilst he complies with the definition of gypsies and travellers set out in paragraph 1, Annex 1 of Planning Policy for Travellers March 2012. When the land ceases to be used by Mr Albert Coates (Jnr) or at the end of the expiry of temporary permission, whichever is the sooner, the use hereby permitted shall cease to all caravans, utility building, structures, hardstanding, materials and equipment brought on to the land associated with the use hereby permitted.

Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm.

3) The site shall not be occupied by any persons other than gypsies and travellers, as defined in paragraph 1, Annex 1 of Planning Policy for Travellers March 2012.

Given that the very special circumstances in this case which clearly outweigh the harm to the openness of the Green Belt and any other harm expressly relate to Mr Albert Coates (Jnr) and in accordance with Planning Policy For Travellers March 2012.

4) The residential use hereby permitted shall be restricted to the stationing of no more than 2 caravans at any time (of which no more than 1 shall be a static caravan or mobile home).

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Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm, in accordance with Policy EN1 of the Local Plan.

5) No commercial activities shall take place on the land, including the storage of materials, other than the keeping of horses in need for isolation. The use only ensure the benefit of the applicants, Mr Albert Coates (Jnr) and Ms Amy Coates (nee Broomfield).

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

6) No building, enclosure or temporary structures other than those shown on the approved Untitled plan block plan received on 03 May 2012 shall be erected or placed on the site.

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

7) The development hereby permitted shall be carried out in accordance with the following approved plans: RN, RN1 and RN2.

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

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

The South East Plan 2009 - Policies SP5, CC6, C4, H4

Sevenoaks District Local Plan - Policies EN1, EN4B, H9, H16, NR10

Sevenoaks District Core Strategy 2011 - Policies SP1, SP6, L08

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

The following very special circumstances exceptionally outweigh any harm by reason of inappropriateness and any additional harm to the Metropolitan Green Belt by reason of other factors: a) the applicants are considered to be Gypsies; b) there is a clear and immediate need for accommodation within Sevenoaks District and a backlog of unmet need as established by the Gypsy and Traveller Accommodation Assessment; and c) a temporary permission would not result in a permanent adverse impact on the openness and character of the Green Belt.

Description of Proposal

1 The application seeks consent for the retention of use of the land for a gypsy and traveller caravan site including the erection of an amenity building and other residential paraphernalia. The proposed scheme seeks the retention of the provision of one static mobile homes and with one amenity building. The applicants own the full extent of the triangular parcel of land.

Description of Site

2 The site relates to a vacant section of land located on the south east side of Goldsel Road. The site is located to the north of Crockenhill and lies to the south

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west of Swanley. The main section of the site is broadly rectangular in shape with a narrow strip of land to the south west. The site slopes steeply down from an embankment from Goldsel Road and then gently slopes away in a south-easterly direction.

- 3 To the south west of the site lies the property of Mannings Bank and to the north west is the junction to Green Court Road. The site is located within the Metropolitan Green Belt.
- 4 The site has been partially cleared and levelled to assist in the location of the hardstanding for the mobile home and vehicular turning area. The site is partially screened from the road due to the topography of the area, however there is a break in the existing south eastern boundary which exposes part of site to and from an existing public right of way (SD186).

Constraints

- 5 Metropolitan Green Belt

Policies

South East Plan

- 6 Policies – CC6, SP5, C4

Sevenoaks District Local Plan

- 7 Policy – EN1

Core Strategy

- 8 Policies– SP1, SP6, L08

Other

- 9 National Planning Policy Framework Paragraphs – 14, 87, 88, 89
- 10 Planning Policy for Traveller Sites, March 2012
- 11 Gypsy, Traveller and Travelling Show-person Accommodation Assessment, Sevenoaks Final Report 2012

Planning History

- 12 SE/94/00554 - Retention of new vehicular crossing and drive - Approved

SE/03/01765 -Proposed replacement bungalow after demolition of existing bungalow due to fire damage - Withdrawn

SE/08/02349 - Retention of mobile home & hardstanding & proposed utility building – Granted

SE/12/00894 – Retention of stable building – Pending Consideration

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Consultations

KCC Highways Officer

13 No objection raised

Environment Agency

14 No objection

KCC Gypsy Liaison Officer-

15 No comment

KCC Ecology –

16 No comment.

Crockenhill Parish Council

17 *“A temporary 3 year permission was originally granted purely on the basis of “very special circumstances” as it was acknowledged that the mobile and utility building would harm the openness of the Green Belt. A temporary permission was granted in the hope that decisions would have been taken by 2012 with regard to the provision of sites by SDC. However, this has been hampered by Government and the changing goal posts with regard to the required provisions. It would therefore seem appropriate to the parish council that future decisions should not be pre-empted and that a further temporary permission should be granted, along exactly the same lines as previously, in the hope that the planned decisions will be made by 2014.*

The application refers to past buildings but this use was abandoned and therefore is irrelevant. The buildings on this land are clearly visible, not only from the public footpath but from some aspects of the main road running alongside it and from Eynsford Road.

There is also concern that the proposed utility building is of brick construction which would seem inappropriate for a temporary building.

The parish council submitted a comprehensive objection to the proposal when it was first submitted 3 years ago and can see no reason to change its thoughts on this and would like all previous comments to be taken into account.

This application is purely for the mobile and utility building as the proposed stables has been dealt with separately and has not been considered as part of the application.”

Representations

18 11 neighbours in support of the application

11 neighbours object for the following reasons:

- inappropriate development within the Green Belt;

- no very special circumstances exist;
- erosion of the green wedge between Swanley and Crockenhill;
- running a commercial operation from the site.

Considerations

19 The main considerations of this proposal are:

- the status of the applicant in relation to the advice contained within Planning Circular 01/2006 – Planning for Gypsy and Traveller Caravan Sites;
- whether the development constitutes inappropriate development in the Green Belt and whether the proposal causes any other harm to the important attributes of the Green Belt. Should the scheme be considered to constitute inappropriate development it would be necessary to consider whether there are any very special circumstances or other material considerations that would justify a permission;
- impact on character and appearance of the rural area and on the visual amenities of the Green Belt;
- the impact on highway safety;
- the impact on surrounding residential amenities.

Status of applicant

20 Circular 01/06 has been replaced by Planning Policy For Travellers Sites defines Gypsies and Travellers as:

“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show-people or circus people travelling together as such.”

21 It has been accepted on all previous submissions that the family on-site comply with the definition of Gypsy status.

22 The family on site still travel away to the horse fairs throughout England and Ireland to maintain the family’s means of livelihood.

Green Belt

23 The application site is located within the Metropolitan Green Belt. The National Planning Policy Framework (NPPF) states that there is a general presumption against inappropriate development in the Green Belt. This includes material changes in the land use which do not maintain openness.

24 The use of the land for the stationing of mobile homes/caravans with associated works would, by its very nature, have a greater impact on the openness of the

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Green Belt. The development would result in a loss of openness, which is the most important attribute of the Green Belt. As such, and in accordance with paragraph 89 of the NPPF and paragraph 14 of the Planning Policy for Traveller Sites, the proposal constitutes inappropriate development. Inappropriate development is by definition harmful to the Green Belt.

- 25 In respect of the impact of the structures on the openness of the Green Belt, historically the site has had some element of hard standing. The existing mobile home, proposed utility building and other structures are low level structures/buildings in comparison to more permanent built form, and although domestic paraphernalia, such as television aerials, LPG tank adds to the urbanisation of the plot, the impact upon the wider openness of the Green Belt is somewhat limited by their low level appearance. Furthermore these structures and paraphernalia can easily be removed.
- 26 This does not outweigh the presumption against inappropriate development, in order for inappropriate development to be permitted, very special circumstances need to be demonstrated which clearly outweigh the harm by reason of inappropriateness and any other harm in accordance with paragraph 87 of the NPPF that states:

“As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”

This will be considered after all other matters.

Impact on character and appearance of surrounding area

- 27 Policies CC6 of the South East Plan and EN1 of the Sevenoaks District Local Plan require that development respects and takes opportunities to enhance the character and distinctiveness of the locality. The form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard so that the distinctive character of villages is not damaged.
- 28 Policy SP1 of the Sevenoaks Core Strategy seeks for all new development to be of high quality and respond to the distinctive local character of the area. Policy LO8 of the Sevenoaks Core Strategy requires that the countryside should be conserved and the distinctive features that contribute to its character protected and enhanced.
- 29 The site is outside the built area of Crockenhill Village and was previously developed land that had been reclaimed by the environment. The policies of the development plan seek to maintain the character and appearance of the area.
- 30 In this instance there would be a visual impact from the actual development of the mobile homes/caravans and associated paraphernalia. The site is partially screened by existing vegetation but there are gaps allowing views of the site and mobile home from nearby public footpaths. The proposal has an impact therefore on the wider landscape. However it is considered that additional landscaping could take place to mitigate the harm as the site is readily seen from public right

of way (SD186). However, it is not normally acceptable to require landscaping in relation to time limited permissions. On taking the above into account, I am satisfied that if a temporary planning permission were to be granted, the harm to the landscape is not so great to justify a refusal as it would be limited.

- 31 There is some harm in relation to Local Plan policy EN1 and South East Plan policies CC6, C4 and Core Strategy Policy LO8 but this harm must also be weighed against the other factors considered below.

Highway Safety and parking

- 32 Policy EN1 of the Sevenoaks District Local Plan requires that development should ensure satisfactory access for vehicles and pedestrians. The Kent Highway Authority has raised no objection to the existing access or its use based on Highway Safety. Furthermore, the site has been in existence for more than three years and has not presented itself as an issue in terms of trip generation and highway safety issues.
- 33 On considering the above, no objection can be raised in this regard despite the concerns raised by the Parish Council.

The impact on surrounding residential amenities.

- 34 Policy EN1 from the Sevenoaks District Local Plan states that the proposed development including any changes of use does should not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements.
- 35 As the site is separated by a small buffer zone of trees and scrubland to the south-western part of the site. The clear separation distances between properties, it is considered that there would be no harmful loss of outlook and noise and disturbance to nearby residents. .
- 36 As such it is considered that the adjacent property would not detrimentally affected by this development in terms of loss of residential amenity. This proposal would accord to in part with Policy EN1 of the Local Plan.

Very Special Circumstances

- 37 In accordance with paragraph 87 of the NPPF it is necessary to consider whether very special circumstances exist that clearly outweigh the defined harm by reason of inappropriate development and any other harm identified.
- 38 The applicant's agent recognises that the application amounts to inappropriate development in the Green Belt and has submitted the following considerations as a case of Very Special Circumstances
- unmet need for Gypsy sites in Sevenoaks;
 - absence of alternative provision in Kent as a whole;
 - the scope for temporary permissions under Planning Policy For Travellers;

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- no pitches available on larger gypsy sites;
 - circumstances remain unchanged since the 2009 permission.
- 39 Adopted national policy is set out in Planning Policy For Traveller Sites adopted March 2012. Paragraph 25 states that local authorities cannot demonstrate an up-to-date five year supply of deliverable sites; this should be a significant consideration when determining applications for the grant of temporary permission.
- 40 In August 2011, the Council commissioned a new Gypsy, Traveller and Travelling Show-person Accommodation Assessment to provide an update on the current need in the District and to consider how the issues in the emerging national policy on local and historic demand could be addressed. This has been completed. The assessment identifies the need for 44 pitches over the period 2012-2016 or 41 pitches, depending on whether the planning definition tests on travelling or reasons for not travelling are applied. The study is based on a survey of 86 resident households and engagement with key stakeholders, such as Kent County Council and SDC site managers.
- 41 Planning Policy for Traveller Sites requires each local authority to 'set pitch and plot' targets which address the likely permanent and transit site accommodation needs of travellers in the light of historical demand. It's also a vehicle to put in place a 5 year supply of deliverable gypsy and traveller sites to meet the need. The Council is currently considering the impact of these changes and allocate sites in response to the identified need through a future Development Plan Document.
- 42 Proposed allocations in a forthcoming DPD, which may include proposals to make temporary sites permanent, will need to take account of criteria in Policy SP6 of the Core Strategy and national policy, including paragraphs 11, 23 and 24 of 'Planning Policy for Traveller Sites'.
- 43 Paragraph 25 states that the lack of a 5 year supply of deliverable sites should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. Paragraph 28 provides that this applies until March 2013.
- 44 It is clear now that until additional sites are identified through a DPD, there is no realistic prospect that an alternative site will become available for the applicant /family.
- 45 The very special circumstances submitted, do not vary significantly in relation to the applicants circumstances from those considered by the Council in 2009. There is no real prospect of providing the families accommodation needs on an alternative site. At present, there are no available spaces on public sites and there is a long waiting list for vacant pitches at Barnfield Park, Ash and Polhill KCC sites. As such, removal of the family would likely result in unauthorised encampments elsewhere, cause significant hardship, disruption and nuisance to those who's land they may settle on and further harm to the environment.
- 46 In the medium to long term the Council has progressed with the adoption of its Core Strategy. There have been delays to preparing the DPD which have come about through the proposed abolition of the South East Plan, but there is a good

prospect of permanent sites being identified through the DPD process, to which the family could then seek to move.

- 47 I am satisfied that the personal circumstances of the applicant taken in conjunction with the guidance within Planning Policy for Traveller Sites regarding temporary consents, the lack of availability of current sites and the Council's policy position, justifies a further three year temporary period.
- 48 A permanent consent has been considered but at present, is not justified as this would be premature to the formal consideration process of allocating gypsy and traveller sites within the DPD.

Other Issues

- 49 The objections raised by the Parish Council and third parties have been fully considered for the reasons cited above. As previously mentioned, as the applicants have demonstrated very special circumstances in this instance, the harm caused to the openness of the Green Belt can be outweighed by the 'special' circumstances of the applicants. The highways officer has considered this proposal and has not raised an objection. Therefore, to raise an objection on the issues raised are not justified in this instance.

Conclusion

- 50 For the above reasons it is considered that a temporary consent for 3 years is justified. This would be consistent with the approach adopted in some other cases where the gypsy status of the applicant has been established. Conditions included shall restrict not only the time period of the consent but also the occupants on site and the numbers of caravans.

Recommendation

That a further temporary time limit is granted.

Background Papers

Site and Block Plans

Contact Officer(s): Sean Mitchell Extension: 7349

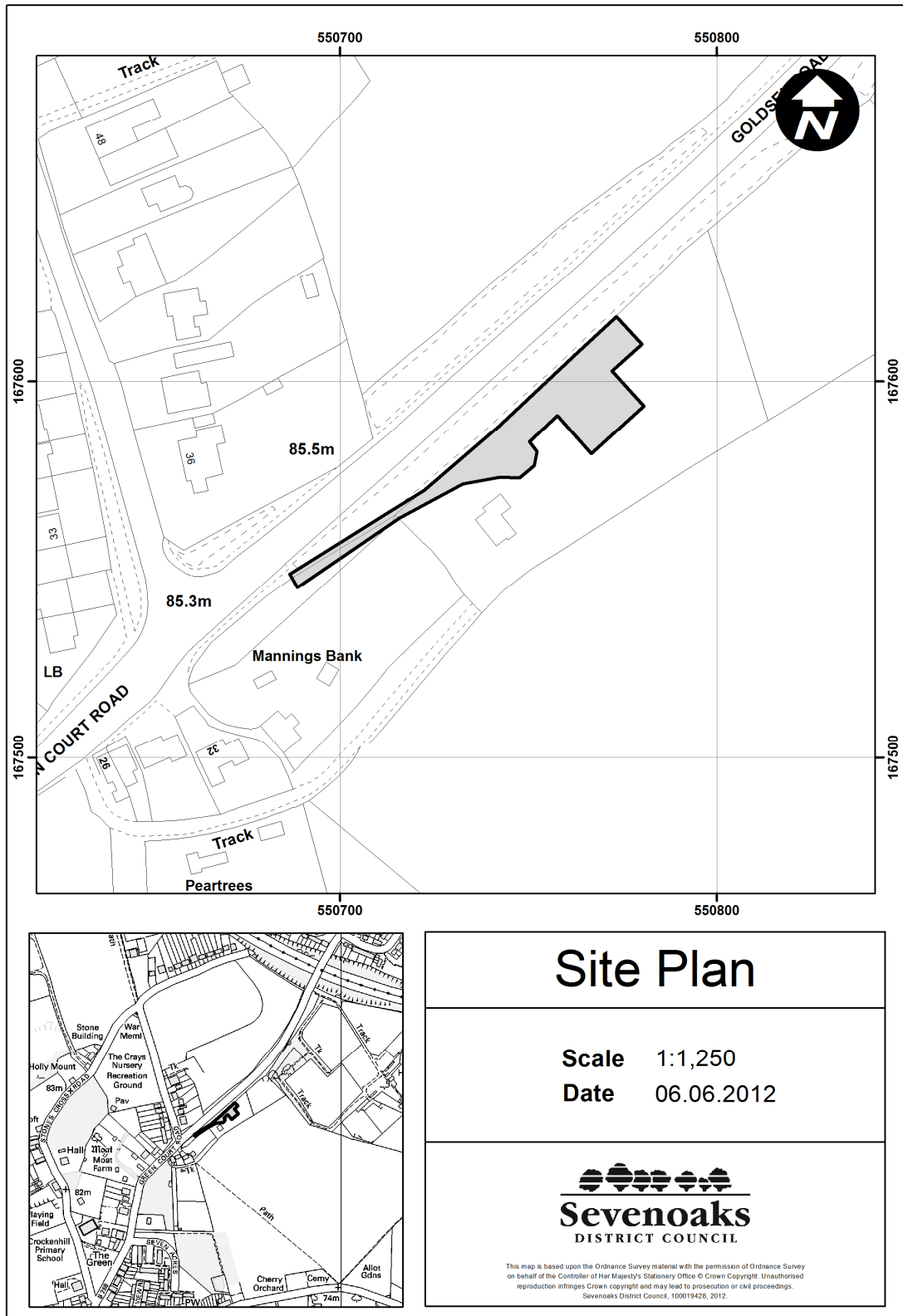
Kristen Paterson
Community and Planning Services Director

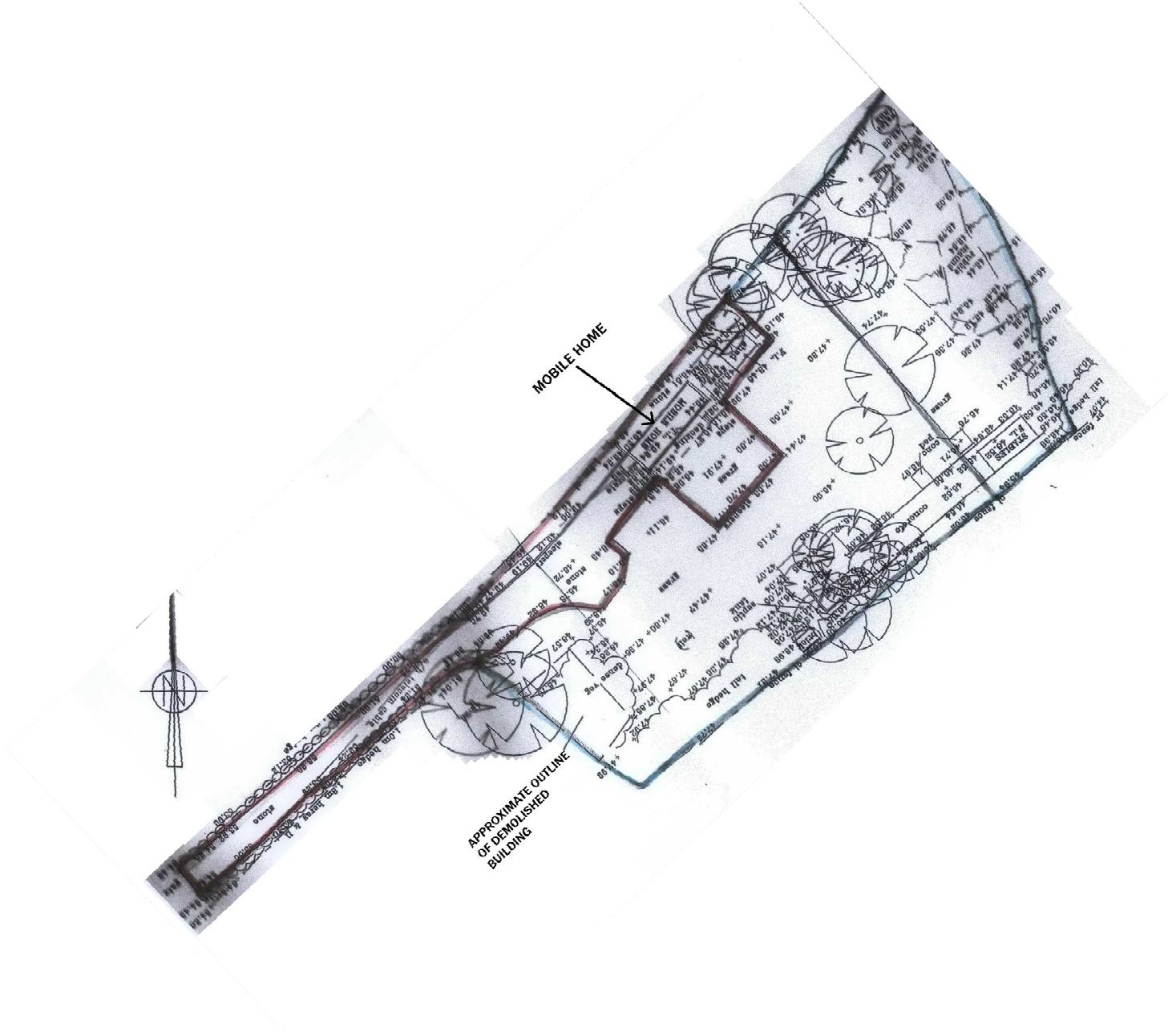
Link to application details:

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Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=M1WU8ZBKOCR00>





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5.6 SE/12/00803/FUL Date expired 18 May 2012

PROPOSAL: Demolition of existing buildings, and erection of detached two storey building for B1 purposes with 6 parking spaces, and one detached and two semi-detached dwellings with 6 parking places.

LOCATION: The Old Wheelwrights, The Green, Brasted TN16 1JL

WARD(S): Brasted, Chevening and Sundridge

ITEM FOR DECISION

This application has been referred to Development Control Committee by the Local Member in order to examine if the access and parking proposed is acceptable

RECOMMENDATION: That planning permission be REFUSED for the following reasons:-

The proposal would lead to a requirement to contribute towards affordable housing provision. In the absence of a completed Section 106 obligation or undertaking to secure an appropriate level of affordable housing provision, the development would be contrary to policy SP3 of the Sevenoaks District Council Core Strategy

Background

- 1 The current application has been submitted following an earlier submission which is presently the subject of an appeal against non-determination. The principle of re-development remains largely as previously proposed, though the layout has been amended, particularly with regard to the office block. The scale of the proposals has also been reduced. Further detail is provided below.

Description of Proposal

- 2 The proposals seek wholesale re-development of the site to provide a pair of semi-detached, 3 bed houses directly to the rear of Swaylands House, a detached 3 bed house and a small office block located on the northern portion of the site.
- 3 For the purposes of clarification, the proposed office building would be located at the rear (northern) portion of the site. It would be orientated along a north-south axis, sited approximately 2m from the northern boundary of the site. The building would face east onto a parking area for 6 cars with access from the Jewsons driveway. This building would be 5.2m to eaves, with the hipped roof above rising to 7.7m. Windows are proposed in the northern and eastern elevation, with ground floor windows in the west elevation adjacent to Plot 1. The materials are described as simple, including brick and vertical painted boarding.
- 4 To the east of the office block it is proposed to erect a single, 2 storey, 3 bedroom, detached house, with 2 parking spaces in front. This dwelling would be 5.2m high to eaves and 7.7m high to ridge of the pitched roof. To the rear (north) of this house would be a garden area, the eastern boundary of which would be formed by a 2m high brick wall. Set some 1.5m the far side of this would be the

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flank wall to the office block. The garden area would extend to the west of the house, adjacent to a neighbouring private garden.

- 5 Located roughly centrally within the southern portion of the site, with parking and turning in front, it is proposed to erect a pair of semi-detached, 2 storey, 3 bedroom houses, fronting westwards with gardens to the rear. These houses would be 4.4m to eaves and 7.35m to ridge. The houses would have a fully hipped roof form. Four parking spaces are proposed to the south of the houses.
- 6 The houses are also described as being constructed using simple materials to include brick and tile hanging.
- 7 For convenience, I provide a list below of the main differences to the recently refused scheme:

Semi-detached houses

- Total floor area reduced by 74m².
- Depth reduced.
- Fully hipped roof with no accommodation in roof (previously 3 storeys of accommodation).
- Ridge 1m lower than refused scheme (1.75m lower than as originally submitted on first application).
- Eaves approximately 0.8m lower & first floor served by dormers.
- Smaller chimneys & reduced pallet of materials.
- Section shows ridge level marginally lower than adjacent Listed Building fronting The Green.
- Houses set comfortably within plot with gardens.

Detached House

- House re-sited slightly to north-east of site/plot.
- Marginally reduced in size (approx. 11m², mostly in width).
- Ridge lowered approximately 1m.
- Reduced overall scale, house sits centrally within its plot surrounded by gardens.

Office

- Building rotated 90°.
- Now minimum 2m from rear (northern) boundary for 5m end portion of building only.
- Conifer planting to be retained.
- Reduction in total floor area by nearly 30m².
- Basically narrower building, very marginally longer.
- Ridge dropped by 1.4m with significant reduction in overall roof bulk.
- Improved design, less glazing.
- Better office layout.
- No overlooking of residential properties.
- Greater separation from Plot 1 (detached house).

Description of Site

- 8 The application site, which presently accommodates a large, vacant, former commercial building, together with a second building with attached lean-to and hardstanding, is located to the rear of Brasted Village Stores, the Grade II Listed Swaylands House and The Old Forge which front The Green. The site is level. There are 2 accesses to the site via the A25 High Street. One is a narrow driveway which passes between 4 and 5 and 6 and 7 The Green. It is proposed that this serve the residential element of the proposals. A second access takes the form of a spur off the driveway which leads to the Jewsons builders merchants. This runs directly to the east of The Hollies.
- 9 Directly to the north of the site is the Jewsons yard (and one of their large commercial warehouses). To the west is an area of private garden belonging to the properties fronting The Green.

Constraints

- Within built confines of Brasted
- Adjacent (immediately to the north) of the Brasted Conservation Area,
- Immediately adjacent to a number of listed buildings (particularly Swaylands House directly to the south of the site),
- Area of Outstanding Natural Beauty,
- Zone of Archaeological Potential,
- Flood Zone (2 and 3).

Policies

SE Plan

- 10 Policies - SP3, CC1, CC4, CC6, C3, C4, BE5, BE6, H3, H4, H5, NRM4, NRM10

Sevenoaks District Local Plan

- 11 Policies - EN1, EN23, EN25A, VP1, NR10, EP8, EP11A, NR2

Core Strategy

- 12 Policies - SP1, SP2, SP3, SP7, SP8, L01, L07, L08

Other

- 13 The recently adopted National Planning Policy Framework (NPPF) also provides guidance relevant to the proposals. However this document does not change the statutory status of the development plan as the starting point for decision making. Furthermore, whilst it introduces a presumption in favour of sustainable development this should not be the case where the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate development should be restricted. With regard to the conservation and enhancement of the historic environment, Section 12 in particular is relevant to the proposals.

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- 14 In summary, the Regional and Local Plan policies most relevant to the current appeal generally seek to ensure development is sustainable and is of high quality design which preserves the distinctive character of the local area. Development should protect and conserve historic character with nationally designated historic assets receiving the highest levels of protection.

Planning History

- 15 SE/11/01909/FUL: Demolition of existing buildings, and erection of detached two storey building for B1 purposes with 7 parking spaces, and one detached and two semi-detached dwellings with 6 parking places. Appeal against non-determination within the statutory time period pending.
- 16 In the event that the appeal had not been submitted the Council would have recommended refusal on the following grounds:
- The layout of the site and the siting, size and design of the office building would represent a cramped form development, which would also adversely impact the amenities of potential occupiers of the proposed dwellings and which would fail to provide a satisfactory working environment for potential occupiers of the premises.
 - The siting, size and design of the proposed semi-detached dwellings in particular would represent an unduly dominant and overbearing form of development which would adversely affect the setting of the adjacent Listed Buildings, particularly Swaylands and Swaylands House located immediately to the south, and the character and appearance of the locality and the adjacent Conservation Area.
 - The proposal would lead to a requirement to contribute towards affordable housing provision. In the absence of a completed Section 106 obligation to secure an appropriate level of affordable housing provision, the development would be contrary to policy SP3 of the Sevenoaks District Council Core Strategy.

Consultations

Brasted Parish Council

- We consider the bulk of the development to be excessive in the context of the conservation area and surrounding buildings,
- We consider the number of properties proposed is excessive on this site,
- We consider that not enough parking is provided and the arrangement of spaces is not satisfactory given the size of the houses,
- We consider that an office of this size will employ in excess of 6 people who will travel to the site by car as public transport is inadequate. This is reduced as one space is for disabled and there is no provision for visitors to the offices. Parking space in the locality is already limited.
- We understand that the access proposed is owned privately and without this being regularised this development would be impracticable,
- Despite confirmation of the right of access we are still concerned about the suitability and adequacy given the proximity of listed buildings nearby and access across the Green.

- We are concerned by the effect that increased use of this access road would have on the flow of traffic in the High Street. The position of the road already creates congestion with the current very limited use.

Environment Agency (In summary)

- 17 No objection subject to a condition relating to the development being carried out in accordance with the Flood Risk Assessment submitted (including height of finished floor levels) and a condition relating to contamination investigation and remediation.

Thames Water (In summary)

Waste Comments -

- 18 Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer.
- 19 Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

Water Comments -

- 20 On the basis of information provided, Thames Water would advise that with regard to water infrastructure we would not have any objection to the above planning application.
- 21 Thames Water recommend an informative be attached to this planning permission relating to water pressure. Thames

Conservation Officer See main report below.

Kent Highways See main report below.

Representations

- 22 Two letters have been received from local residents raising the following objections:
- Access to residential element is unsatisfactory and unsuitable for use by any vehicle larger than a car.
 - Noise and disturbance to houses adjacent to the vehicular access throughout day and night
 - Overdevelopment of site.
 - Proposals would dominate adjacent listed building.
 - Detached house would overlook private gardens.
 - Site is within a flood plain and will adversely affect flood run off.
- 23 A letter of support has also been received from a local resident.

Group Manager - Planning Appraisal

Principal Issues

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Principle of re-development for mixed use

- 24 As mentioned above, the recently introduced NPPF introduces a presumption in favour of sustainable development. The core planning principles include encouraging the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value and promoting mixed use developments, whilst achieving high quality design and conserving heritage assets.
- 25 Policy SP3 of the SE Plan states that the prime focus for development in the South East should be urban areas, in order to foster accessibility to employment, housing, retail and other services, and avoid unnecessary travel. It states that Local planning authorities will formulate policies to, amongst other things, concentrate development within or adjacent to the region's urban areas and ensure that developments in and around urban areas, including urban infill/intensification and new urban extensions are well designed and consistent with the principles of urban renaissance and sustainable development.
- 26 Policy LO1 of the adopted SD Core Strategy seeks to focus development within the built confines of existing settlements and lists the main urban areas. The smaller Service Villages are listed in Policy LO7.
- 27 LO7 relates to Development in Rural Settlements. The policy states that within the settlement confines of Brasted, redevelopment on a small scale only shall be permitted taking into account of limited scope for development to take place in an acceptable manner and the limited range of services and facilities available.
- 28 Policy SP1 states, amongst other things, that account should be taken of guidance adopted by the Council in the form of supplementary guidance including Conservation Area Appraisals. In areas where the local environment lacks positive features new development should contribute to an improvement in the quality of the environment.
- 29 This policy adds that the District's heritage assets including listed buildings, conservation areas, archaeological remains, ancient monuments, historic parks and gardens, historic buildings, landscapes and outstanding views will be protected and enhanced.
- 30 In summary, the site is located within the built confines and is a previously developed site. Thus there is a presumption in favour of development. It is also evident from the current state of the existing buildings, which are run-down, and their long term vacancy, which is supported by evidence regarding the past marketing of the building, that a fully commercial re-development of the site is unlikely to be viable.
- 31 Policy SP8 of the Core Strategy states that redevelopment for mixed use purposes may exceptionally be permitted where such development would facilitate the regeneration of the site to more effectively meet the needs of modern business. Whilst the proposals would result in a reduction of commercial floorspace on the site, in light of the evidence submitted regarding the long history of vacancy and difficulty attracting purchasers, the commercial floorspace proposed is considered to be acceptable. By definition, a light industrial (Class B1) type use should be compatible in within a residential area. No objection is raised in principle to the

introduction of a residential use of part of the site as part of a comprehensive redevelopment.

Layout, Size and design

- 32 As touched on above, one of the core planning principles of the NPPF includes always seeking to secure high quality design and good standard of amenity;
- 33 Policy H5 of the SE Plan also promotes the use of high quality design, stresses the need to make good use of land and encourage more sustainable patterns of development and services.
- 34 Policy SP1 of the Core Strategy states that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated.
- 35 Policy EN1 of the SDLP identifies a broad range of criteria to be applied in the consideration of planning applications. Criteria 1) states that the form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard. Criteria 2) states that the layout of the proposed development should respect the topography of the site, retain any important features including trees, hedgerows and shrubs.
- 36 Because of the significant footprint of the existing buildings, the proposals would actually reduce site coverage by some 86m², or approximately 25%. This is most apparent in the siting of the houses on Plots 2 and 3, which would be sited partly on the footprint of the main building, though the rear portion as proposed would be provided as open garden space. The counter to this is the increased height of the buildings. However, Plots 2 and 3 have been reduced slightly in depth with relatively low eaves and ridge levels. This represents a considerably reduced height and overall bulk since the original submission. These building would now, in my view, be far more modest in form and far more in scale with the surrounding built form. Plots 2 and 3 would be set a minimum 12m from the rear of Swaylands House (which fronts The Green). This would be the same distance as the existing building, but in my view, considerably reduced bulk and massing compared to the substantial bulk of the large 1½ storey form which presently fills the full depth of this part of the site (i.e. the proposed houses are slightly less than ½ the depth of the existing building). Hence I consider this relationship to be acceptable. Plots 2 and 3 would have sufficient private amenity space with 2 parking spaces for each unit.
- 37 The house on Plot 1 would be set within the north-western portion of the site. This house has been reduced in size, height and overall scale whilst retaining a genuine hipped roof (avoiding use of flat top sections). This house would be sited comfortably within its plot surrounded by gardens with forecourt parking for 2 vehicles in front.
- 38 Turning to the office building, this has been re-orientated compared to the refused scheme and would follow a north-south axis similar to the houses on Plots 2 and 3. However this block would have a relatively modest footprint and height. It would be set on the portion of the site furthest from the residential properties (fronting The Green) and adjacent to the large warehouse to the neighbouring

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Jewsons site. Parking is provided to the front (east) of the offices, with access from the east (Jewsons site entrance), which already serves the site. Six parking spaces are provided. The office block would be set some 2m from the northern boundary which would allow for the retention of the existing boundary screening.

- 39 In light of the above, though without doubt a neat fit on the site, I do not consider this at odds with the general character of the area and I do not consider the layout would represent a cramped overdevelopment of the site.
- 40 In terms of size, I consider the proposed houses to appear more “cottage” in scale, with modest height and overall bulk, particularly Plots 2 and 3. The Plot 1 house is slightly larger, but would sit reasonably comfortably within its own plot. Overall, I consider the houses would sit comfortably on site and reflect the wider context of the site adjacent to the conservation area and the scale of the neighbouring residential buildings.
- 41 The office building is more functional in design and its slightly greater height in terms of eaves and ridge reflects this. However, the ridge level would be akin to the house on Plot 1. Furthermore, this building would be set furthest from the residential properties fronting the Green and separated by the proposed houses. It would also be set within the context of the neighbouring warehouse located immediately to the north of the northern boundary. In the circumstances, I consider this building to be of an acceptable size and design and to sit reasonably comfortably within the site.

Impact on conservation area and listed buildings

- 42 Policy BE6 of the SE Plan relates to the management of the historic environment. It explains that when developing and implementing plans and strategies, local authorities and other bodies will adopt policies and support proposals which protect, conserve and, where appropriate, enhance the historic environment and the contribution it makes to local and regional distinctiveness and sense of place. The region's internationally and nationally designated historic assets should receive the highest level of protection.
- 43 Policy EN23 requires proposals for development or redevelopment within or affecting Conservation Areas to be of positive architectural benefit by paying special attention to the desirability of preserving or enhancing the character or appearance of the area and of its setting. The design of new buildings should reflect local character.
- 44 The relationship with the adjacent Conservation Area and Listed Buildings, particularly Swaylands House immediately to the south and nos. 4, 5 and 7 The Green, is a key consideration for the present proposals.
- 45 With regard to the wider visual impact on the street scene and the adjacent Conservation Area, whilst the impact from close quarters from The Green may not be readily apparent, the relationship between the proposed buildings and neighbouring Listed Buildings would be visible from other vantage points, for example on entrance to the adjoining builders merchants and also from the bridge on Rectory Lane, located approximately 80m to the north-west, which is considered to be an important “entry point” to the village and the Conservation Area. From the latter position, the present 1 ½ storey workshop building is conspicuous against the backdrop of the rear elevations of the cottages. For this

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reason, the previous scheme, because of the height and bulk of the proposed buildings, was considered to have an unacceptable impact.

- 46 However, I consider the present proposals to represent a significantly reduced scale of development. The Conservation Officer has examined the proposals and comments as follows:
- 47 “This site is close to the Brasted High Street Conservation Area, which adjoins to the south and west. It is also visible from an important vantage point to the north, at the entrance to the village by the bridge over the River Darent. There are also listed buildings nearby in The Green and Rectory Lane. My concern is primarily with the pair of cottages backing onto the listed properties in The Green. These have now been reduced in scale to an acceptable degree as regards conservation concerns, on the assumption that the elevation showing the relationship between existing and proposed accurately reflects the floor levels required to deal with flooding issues. Subject to this and to conditions relating to materials, which should be of a high quality, I have no objections.”
- 48 I can confirm that the proposed floor levels meet the relevant Environment Agency requirements and hence that the ridge level of the proposed houses on Plots 2 and 3 would be marginally below that of Swaylands House.
- 49 In the circumstances, I consider the relationship between the proposed buildings and the existing built form to reflect the sensitive context of the site and subject to suitable conditions consider the proposals to have an acceptable impact on the adjacent conservation area and the neighbouring listed buildings.

Highway Implications

- 50 Criteria 6) of SDLP policy EN1 states that the proposed development must ensure satisfactory means of access for vehicles and pedestrians and provides parking facilities in accordance with the Council’s approved standards. Criteria 10) states that the proposed development does not create unacceptable traffic conditions on the surrounding road network and is located to reduce where possible the need to travel.
- 51 It would appear that both vehicular accesses into the site are existing. The proposals would utilise the western access (via residential properties) for the residential proposals only, with the office development using the existing commercial access via Jewsons (and other commercial properties).
- 52 The Highway Authority has examined the proposals and comment as follows:
- 53 “This proposal would have no greater highway impact than the previous proposal to which no highway objection was raised and, indeed, a potential lesser impact as a result of the reduced floorspace and there are therefore no highway objections subject (as previously required) to an appropriate wheel wash facility being secured by condition on site for the duration of the construction works to prevent mud being transferred from the site to the public highway.
- 54 It is worth noting in respect of the office use that the KCC (SPG4) Parking Standard recommends a MAX of 9 spaces for this floor area but taking into consideration factors such as the location of the site in a local centre and

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potential impact of previous use, I would not feel justified in recommending an objection as a result of that maximum level being unachievable in this case.”

- 55 In light of the above and bearing in mind the potential re-use of the site for commercial purposes, I consider the present proposals would have an acceptable impact in highway terms.

Impact on Area of Outstanding Natural Beauty

- 56 The SE Plan policy C3 states that high priority will be given to conservation and enhancement of natural beauty in the region’s Areas of Outstanding Natural Beauty (AONBs) and planning decisions should have regard to their setting. Proposals for development should be considered in that context. Within AONBs the emphasis should be on small scale proposals that are sustainably located and designed.
- 57 The site is set within an urban context and clearly seen within the context of neighbouring built form. As such, I do not consider the proposals would significantly affect the character of this part of the Area of Outstanding natural Beauty.

Impact on residential amenity

- 58 Criteria 3) of policy EN1 of the SDLP states that the proposed development must not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements. Appendix 4 to H6B also states that proposals should not result in material loss of privacy, outlook, daylight or sunlight to habitable rooms or private amenity space of neighbouring properties, or have a detrimental visual impact or overbearing effect on neighbouring properties.
- 59 The key issues in terms of the impact on residential amenity, in my view, are whether the proposals would appear overbearing, result in overlooking and loss of privacy or undue noise and disturbance, including from vehicular activity.
- 60 The houses on Plots 2 and 3 have been designed to have main windows facing east and west. Though I have some concern regarding the potential for overlooking from the first floor windows of Plots 2 and 3 over the rear garden of no.6 The Green (which is located to the west of the house on Plot 1), bearing in mind the fact this garden is separated from the house and already overlooked by other neighbouring dwellings, it is not considered that a refusal could be sustained on these grounds. Furthermore, though the properties would overlook the rear gardens to properties to the east, these gardens are already overlooked by east facing windows in the flank of existing buildings. The proposals would move the buildings further from the boundary and increase the separation from these neighbouring properties and on balance, therefore, I do not consider the proposals would appear unduly overbearing or result in undue levels of overlooking.
- 61 The other main area for potential overlooking would be from the front of the house on Plot 1 towards the rear of the properties fronting the Green, particularly the rear of The Old Forge, which has large French windows at first floor level facing rearwards (north) over the site. These windows would directly face the house on Plot 1. However, there is already a clear view of these windows from the

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application site and they are relatively exposed to view. Furthermore, the distance between these windows and the Plot 1 house would be just 21m. This is the minimum distance recommended in the former Kent Design Guide as being acceptable. In the circumstances, bearing in mind the distance, though a somewhat uncomfortable relationship, I do not consider the degree overlooking would be so significantly greater than potentially exists as to warrant refusal on such grounds. The 2 storey flank the house on Plot 3 would be readily visible from the rear of Swaylands House, however, as mentioned above, compared to the existing situation, I do not consider the proposals would appear unduly overbearing. Indeed, I would also note that the occupier of Swaylands House, who also directly overlooks the site at close quarters, strongly supports the proposals as an improvement to the existing situation.

- 62 The office building is set away from the neighbouring residential properties and would be screened by intervening houses. I do not consider this element of the proposals would directly affect the amenities of the neighbouring occupiers.
- 63 With regard to the issue of noise and disturbance resulting from vehicular activity, I would note that some neighbouring occupiers have expressed concern that the right of way allowing passage of vehicles along the driveway past nos. 4 and 5 and 6 and 7 presently limits this to day time only, hence use from residential vehicles through out the night would result in additional noise and disturbance. The applicant, on the other hand, has written confirming that they have an unencumbered right of way. However the matter of legal passage over the access is a private matter for the applicants and adjacent owners to resolve. I would note that this access is to be restricted to the residential portion of the site only (with no potential for the office premises to utilise it). This would limit the use to the 3 dwellings.
- 64 In the circumstances, whilst I acknowledge that the relationship between the driveway and the existing houses is a sensitive one and is likely to result in some noise and disturbance, not least because of the close proximity between the two, this relationship appears to be a long-established one. Bearing in mind the use of the driveway would be limited to the residential part of the site, it is my view that the potential noise and disturbance specifically from night-time use of this access would be relatively limited. Thus, it is my conclusion that a refusal on the grounds of loss of amenity to the neighbouring occupiers would be difficult to sustain. I would add that the grant of permission would not override any other legal constraints over the use of this access, but would re-iterate that this remains a private matter.
- 65 In the particular circumstances, it is my view that the proposals would not have an unacceptably overbearing or unneighbourly impact and thus represents an acceptable form of development in this respect.

Flooding implications

- 66 The NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site-specific flood risk assessment.

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- 67 I would note that the proposals would result in a reduction in site coverage by buildings, which would represent a benefit in terms of the capacity of the flood plain.
- 68 A flood risk assessment has been submitted in support of the application and examined in detail by the Environment Agency. No objection is raised subject to a condition relating to finished floor levels. The plans submitted include details of floor level and confirm that this requirement can be met.
- 69 I therefore consider the proposals to be acceptable in this respect.

Affordable Housing

- 70 Section 6 of the NPPF is entitled “Delivering a wide choice of high quality homes”. At paragraph 50 it explains that where LPA’s have identified that affordable housing is needed, policies should be set for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock).
- 71 Policy SP3 of the Council’s Core Strategy is relevant to the proposals. In this instance the policy requires a financial contribution based on the equivalent of 10% affordable housing towards improving affordable housing provision off-site. The onus is on the appellant to ensure the requirements of this policy can be met. Though the appellant has confirmed they are agreeable to making a contribution, notwithstanding the fact that there is a standard template on the Council’s web-site, the relevant legal agreement has not been submitted to ensure compliance with this policy.
- 72 In light of the above, the lack of a contribution warrants refusal of the application. I would add that this also formed a reason for refusal on the previous submission, which is presently the subject of an outstanding appeal.

Other issues

- 73 The site is located within a Zone of Archaeological Potential. It is clear that the site has been largely developed already, though there may be some potential for archaeological evidence in the event of new and deeper foundations. I consider an appropriate condition could be attached to any permission to ensure further investigation.

Conclusion

- 74 In light of the above, it is my view that the scale of the proposed buildings is now appropriate to their sensitive context, adjacent to the Conservation Area and neighbouring Listed Buildings. I consider the layout to be acceptable, with sufficient space around the building to ensure that they would sit reasonably comfortably within the site. The office building would be located towards the north-eastern portion of the site and access via the Jewsons drive. The residential portion of the site would be served by the existing driveway to the west. I consider this would limit the potential noise and disturbance to neighbouring occupiers. Thus I conclude that the impact on the amenities of the neighbouring occupiers in terms of size, scale and noise and disturbance would, on balance, be acceptable.

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- 75 There are no Highway Authority objections to the proposals. It is considered that there is acceptable parking within the site and that the relevant standards are met and that the proposals would not have an adverse impact on highway conditions on the main highway.
- 76 Though within the flood plain, the Environment Agency raise no objection to the proposals subject to suitable conditions. That relating to the finished floor level can be complied with without raising the height of the buildings, particularly the houses on Plots 2 and 3.
- 77 In the above respects, I consider the proposals to represent an acceptable form of development and to address the objections advanced to the previous application.
- 78 However, the matter of an affordable housing contribution has not been satisfactorily resolved. Although the applicant has expressed willingness to contribute, no agreement has been submitted with the application and this matter remains outstanding. I would add that the matter of an affordable housing contribution has been policy prior to the submission of the application and indeed has formed a reason for refusal on the previous submission.
- 79 In the circumstances, I would recommend refusal on the grounds of the lack of any signed formal agreement to ensure an affordable housing contribution.

Background Papers

Site and Block plans

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

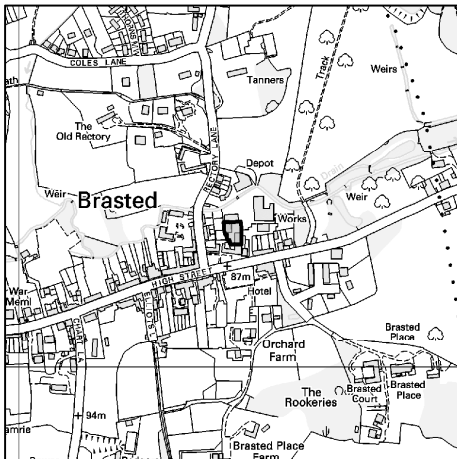
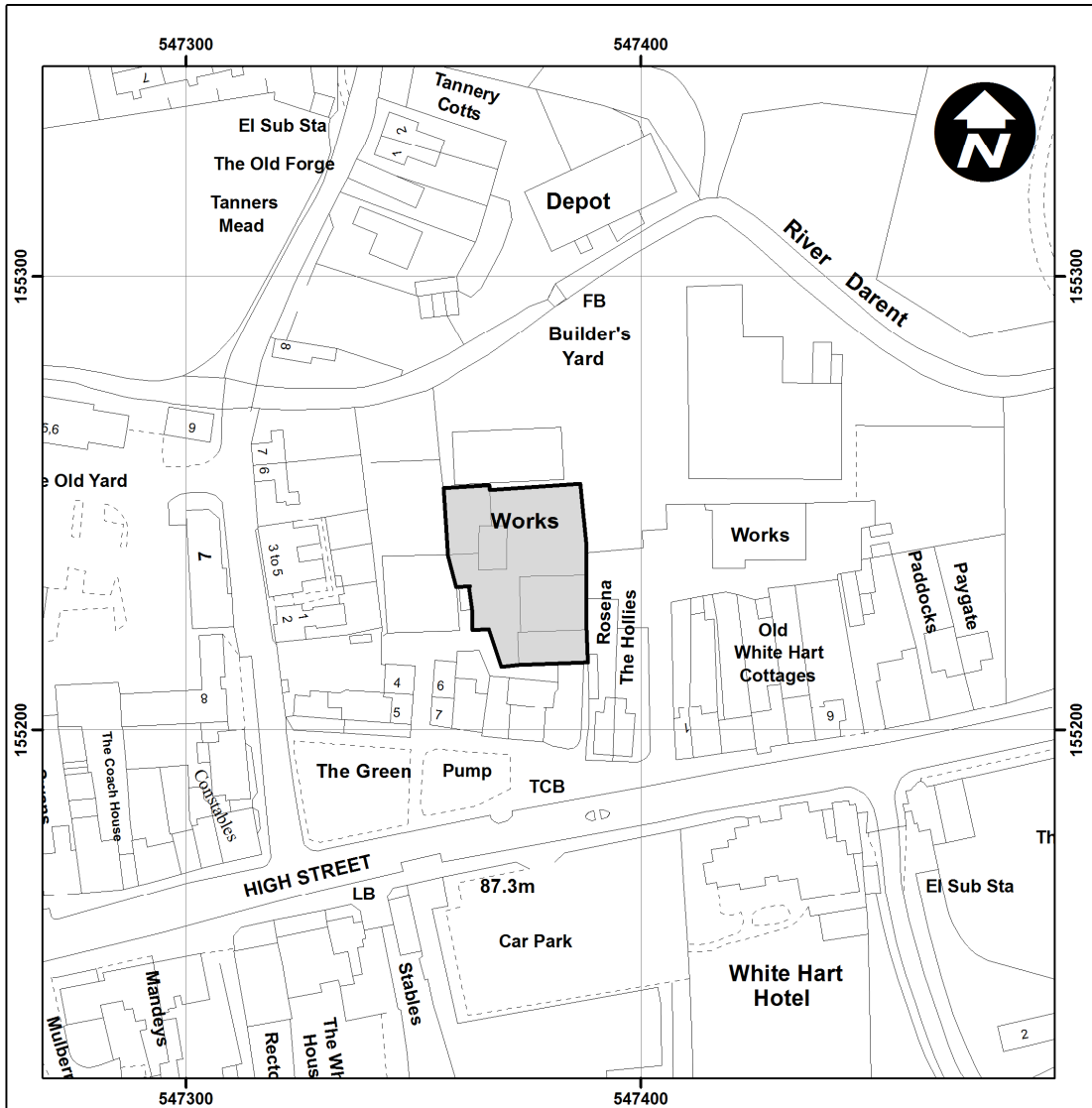
Kristen Paterson
Community and Planning Services Director

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=M1HJ8KBK0FZ00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=M1HJ8KBK0FZ00>



<h1>Site Plan</h1>	
Scale	1:1,250
Date	06.06.2012
 <p>Sevenoaks 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. Sevenoaks District Council, 100019428, 2012.</small>	

BLOCK PLAN



SITEPLAN

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5.7 SE/12/00189/FUL Date expired 17 May 2012

PROPOSAL: Retention of mobile home in its original location at
Pembroke Business Centre

LOCATION: Aspen Lodge, College Road, Hextable Kent BR8 7LT

WARD(S): Swanley White Oak

ITEM FOR DECISION

Referred to Development Control Committee by Councillor Sargeant due to concerns about the weight to be attached to the very special circumstances.

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

1) The development hereby permitted shall be carried out in accordance with the following approved plans: JE/24-04-2010/SWAN, SEVN/21-03-2012/PL

To protect the openness of the Green Belt and the character of the landscape as supported by the National Planning Policy Framework.

2) The use hereby permitted shall be carried out only by Ms Anne Ellis whilst she is resident on the site.

The personal circumstances of the Applicant and her occupation of the mobile home is considered to be a very special circumstance which outweighs the harm to the Green Belt by reason of inappropriateness, without which permission would not be granted.

3) Within 3 months of when the land ceases to be occupied by Ms Ellis, the use hereby permitted shall cease and the mobile home and work undertaken on the land in connection with the use shall be removed and the land restored to grassed open land where it has been developed by the siting of a mobile home.

To ensure compliance with policies that restrict development within the Green Belt, and the National Planning Policy Framework.

4) No more than one caravan as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site at any time.

To protect the openness of the Green Belt and the character of the landscape as supported by the National Planning Policy Framework

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

The South East Plan 2009 - Policy SP5

Sevenoaks District Local Plan - Policy EN1

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Sevenoaks District Core Strategy 2011 - Policy L08

National Planning Policy Framework

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

The following very special circumstances exceptionally outweigh any harm by reason of inappropriateness and any additional harm to the Metropolitan Green Belt by reason of other factors. The medical condition of the Applicant and the implications of moving house on her health. The imposition of a condition rendering the permission as personal.

Description of Proposal

- 1 Retention of mobile home in its original location at Pembroke Business Centre

Description of Site

- 2 The application site lays to the North of Pembroke House on College Road. It is accessed via the Pembroke Business Centre which lies within the application boundary.

Constraints

- 3 Metropolitan Green Belt

Policies

South East Plan

- 4 Policy – SP5

Sevenoaks District Local Plan

- 5 Policy - EN1

Sevenoaks Core Strategy

- 6 Policy – L08

Other

- 7 NPPF

Planning History

- 8 08/03414/FUL - Relocation of mobile home, known as 'Aspen Lodge', to site adjacent to mobile home, known as 'Ashleys'. Allowed at appeal.

Consultations

Parish / Town Council

- 9 Swanley Town Council has objected to the application as the site is within the Metropolitan Green Belt where strict planning policies apply.

Representations

- 10 1 email of support has been received from a local resident which states the Applicants health as grounds to allow retention of the mobile home.
- 11 2 objections have been received which raise the following points:
- 12 There is no need for a mobile home on the site.
- 13 Pembroke House was, and still could be a lovely property. Its use as a childrens home has resulted in increased litter and fires in the undergrowth in the park. The Applicant could rent out another home with the rental income from Pembroke House.
- 14 The mobile home is visible from Laydenhatch Lane and from the footpath running adjacent to Aspen Lodge.
- 15 The mobile home is not in keeping with the area

Group Manager - Planning Appraisal

- 16 A temporary planning permission was granted at appeal on 15/12/09 for retention of the mobile home. The Inspector found that the mobile home would be inappropriate and harmful to the openness of the Green Belt. He gave significant weight to the medical circumstances of the Applicant at the time but found that combined with the financial considerations, it did not clearly outweigh the substantial weight of harm to the Green Belt and therefore very special circumstances to justify the development in this regard did not exist. As such, permanent permission would be unacceptable. He considered however that a temporary permission to allow the Applicant time to find solutions to her security, financial and accommodation problems while avoiding immediate disruption which could be damaging to her psychological wellbeing and that of her son would sufficiently reduce the harm to the openness of the Green Belt and the purposes of including it within it so that the other considerations combined would outweigh the degree of harm to the Green Belt.
- 17 The two year permission lapsed on 15/12/2011 and therefore the mobile home that is in situ no longer benefits from planning permission.
- 18 Since the grant of this temporary planning permission at appeal, the Applicants health has deteriorated significantly. The Design and Access Statement advises that during the period of the temporary planning permission, the Applicant has suffered from 2 strokes which have left lasting damage. Evidence of this has been submitted in the form of 2 letters dated 20/9/2011 and 1/5/2012 from her GP, and 2 letters dated 3/3/2011 and 24/11/2011 from her Consultant Neurologist. These confirm her physical health. Her GP advises in the two letters that:

'[The] condition can become potentially dangerous to Mrs Ellis if she is subjected to stress which result in an abnormal elevation of her blood pressure...I would advise that these [housing] matters should be handled with the utmost sensitivity to avoid any potential exacerbation of Mrs Ellis serious medical condition.'

Agenda Item 5.7

'...she should endeavour to avoid any situation which would create significant stress and elevation of her blood pressure'.

- 19 Planning permission is now sought for the retention of the mobile home on a permanent basis owing to her medical condition.

Appropriateness in the Green Belt

- 20 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate within the Green Belt. The proposal does not fall within any of the categories of exceptions to this that are provided.
- 21 Core strategy LO8 states that the extent of the Green Belt will be maintained. The countryside will be conserved and the distinctive features that contribute to the special character of its landscape and its biodiversity will be protected and enhanced where possible. Paragraph 4.5.22 of the preamble explains that within the outside settlements, priority will be given to protection of the countryside. Development should cause no adverse impact on the character of the countryside or the openness of the Green Belt.
- 22 Policy SP5 of the SE Plan relates to Green Belts and states that the existing broad extent of Green Belts in the region is appropriate and will be retained and supported.
- 23 The mobile home is sited within an open area between Pembroke House and the Pembroke Business Centre. The openness of nearby land in the Green Belt has been affected significantly by a substantial amount of development but this only emphasises the importance of protecting the remaining open areas.
- 24 The location of the site is part of the countryside and the development would represent an encroachment into it. A further erosion of the already fragile part of the Green Belt would contribute to urban sprawl.
- 25 The development would be inappropriate and harmful to the openness of the Green Belt and the purposes of including land within it. It would therefore conflict with the aims of the NPPF, policy SP5 of the South East Plan and policy LO8 of the Core Strategy.
- 26 The 2009 appeal decision came to the same conclusion that the development was inappropriate and harmful to the openness of the Green belt.

Whether Harm Clearly Outweighed by Other Considerations

- 27 The NPPF states that very special circumstances will only exist where the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.
- 28 The letters from her GP and Consultant as detailed above explain that her physical condition is such that any act which would elevate her blood pressure should be avoided. Ordinarily, a health condition would not be a very special circumstance which would justify such inappropriate development within the Green Belt. The very special nature of this circumstance is not related to the

severity of her condition, but that as a result of the condition, the physical act of moving house and the associated stress and raised blood pressure could be potentially dangerous.

- 29 Further clarification has been sought on the nature of Mrs Ellis' medical condition and how it may change in the future. Her GP has confirmed that the condition is chronic. It will never improve and can only be managed. He also added that Mrs Ellis had a stroke previously and stress had been a large factor in causing it. He considered that there was a significant chance that if Mrs Ellis were put under additional stress, her condition would worsen and she would be at risk of another stroke.
- 30 The evidence submitted has been verified and is considered to be an extraordinary consideration and therefore significant weight should be attached to it.
- 31 This very special circumstance only applies for the duration of the Applicants occupation of the mobile home. Once she is no longer in occupation, the circumstance no longer exists. Therefore a personal permission related to occupation by the Applicant would take account of the very special circumstance while ensuring that the inappropriateness and harm to the Green Belt would be rectified.
- 32 Appropriate conditions could be attached to the permission to ensure that the mobile home and associated paraphernalia is removed, and the land restored to grassed open land upon cessation of the occupation.

Expediency of Enforcement Action

- 33 The stationing of the mobile home currently does not benefit from planning permission and therefore if permission were not granted for its retention, the Council could seek its removal. In the absence of planning permission for the mobile home, the Council would need to ensure that it was expedient to take enforcement action.
- 34 Paragraph 2.19 of Circular 10/97 – Enforcing Planning Control, states that
'the personal circumstances, including such matters as health, housing needs and welfare, of persons suspected of acting in breach of planning control must be taken into account when deciding whether to take enforcement action.'
- 35 Case law advises that if a defendant was genuinely incapacitated or genuinely incapable of complying with a notice, then this should be taken into account when considering prosecution and may be an appropriate defence.
- 36 If it were served, the Applicant would be genuinely incapable of complying with a notice. As such, within the considerations of case law and advice contained in Circular 10/97, it would not be expedient to take enforcement action against the breach.

Other Matters

- 37 Concern has been raised about parking on the site. The adjacent business centre which is included within the red line plan provides sufficient parking spaces which

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could be used in connection with the mobile home. A pedestrian gate leads from the parking area to the area of the mobile home.

- 38 In order to avoid any harm to the Green Belt's visual amenities or the areas character and appearance, the permission could be conditioned to restrict the use to one mobile home and to remove permitted development rights in respect of means of enclosure. The mobile home would not benefit from any permitted development rights attached to a dwellinghouse and so removal of these would not be necessary.

Conclusion

- 39 The potential physical harm to the Applicant by moving out of the mobile home, as verified by medical evidence, along with a personal planning permission for the duration of occupation by the Applicant is considered to be a very special circumstance which outweighs the harm to the Green Belt by reason of inappropriateness.
- 40 Therefore it is recommended that planning permission personal to the Applicant is granted

Background Papers

Site and Block plans

Contact Officer(s): Joanna Russell Extension: 7367

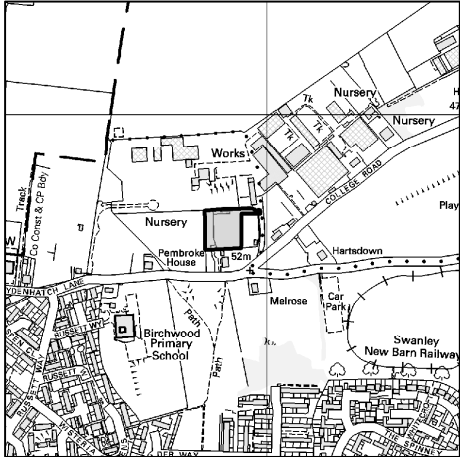
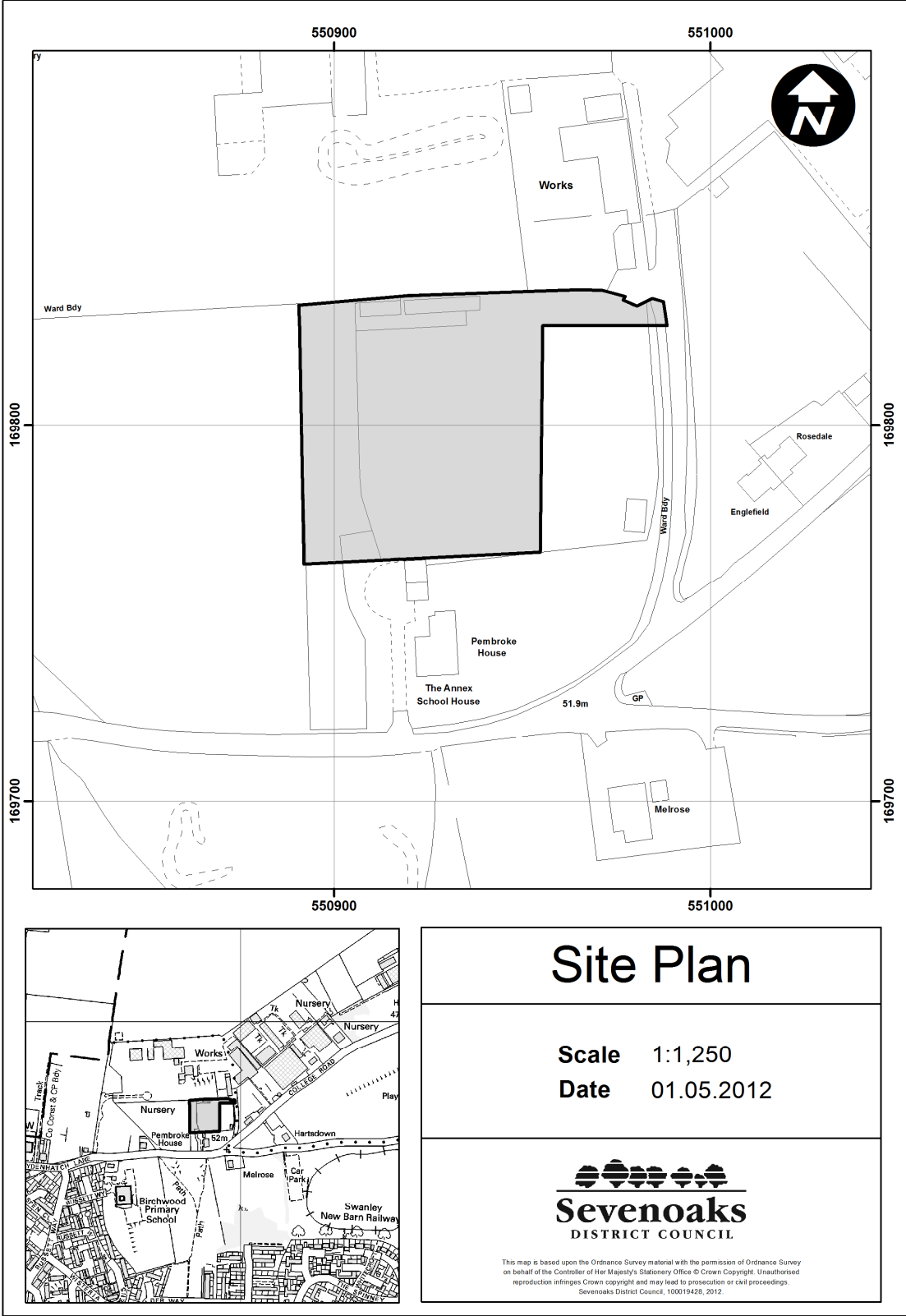
Kristen Paterson
Community and Planning Services Director

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LYB451BKOCR00>


Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LYB451BKOCR00>



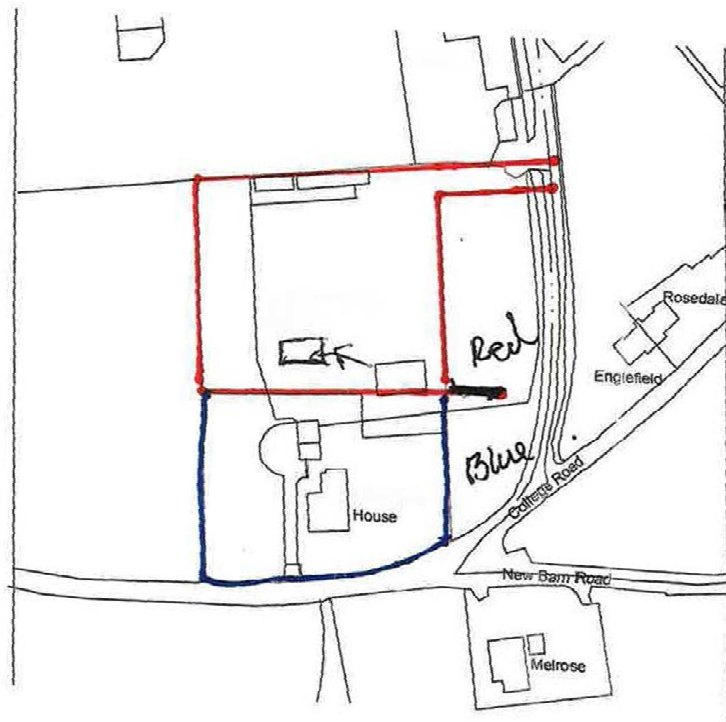
Site Plan

Scale 1:1,250
Date 01.05.2012



Sevenoaks
DISTRICT COUNCIL

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Sevenoaks District Council, 100019428, 2012.



5.8 – SE/12/01116/FUL Date expired 25 June 2012

PROPOSAL: Amendments to previously approved appeal APP/G2245/A/11/2152378 for '3 bedroom traditionally built agricultural worker's dwelling, in support of the farming enterprise of K I Lingham and Son, operated by the applicants', to include addition of bathroom window within the north elevation, and proposed dormer windows within the north and south roof slopes, in lieu of the conservation range rooflights.

LOCATION: Scollops Farm, Yorks Hill, Ide Hill TN14 6LG

WARD(S): Brasted, Chevening and Sundridge

ITEM FOR DECISION

This application is referred to Development Control Committee as the applicant's spouse is an employee of the Council.

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

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

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 10-11-32A, 11.92.100 and 10.11.31.

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

3) The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or forestry, or a widow or widower of such a person, and to any resident dependants.

Because of the very special circumstances of the case as supported by Government advice in the form of the National Planning Policy Framework.

4) Unless in accordance with the materials approved under planning reference SE/12/00473/DETAIL, no further development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

To ensure that the appearance of the development is in harmony with the existing character of the dwelling as supported by Policy EN1 of the Sevenoaks District Local Plan.

5) Unless in accordance with the details approved under planning reference SE/12/00474/DETAIL, notwithstanding any details of the drawings approved, no

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development shall be carried out on the land until full details of all hard and soft landscape works and means of enclosure to be erected have been submitted to and approved in writing by the Council. Those details shall include:-details of materials for all hardsurfaces;

-planting plans (identifying existing planting in the immediate vicinity of the proposed dwelling, plants to be retained and new planting);

-a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities); and

-a means of enclosure to delineate the curtilage of the dwelling. The hard and soft landscaping and means of enclosure shall be carried out in accordance with the approved details prior to occupation of the development or in accordance with a programme of implementation which shall have been agreed in writing prior to commencement of works. The means of enclosure shall be retained as approved thereafter.

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

6) If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

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

7) The parking and turning areas shown on the approved 1:500 site plan shall be constructed before the dwelling is occupied and shall be retained for such use thereafter.

To ensure a permanent retention of vehicle parking for the property as supported by EN1 of the Sevenoaks District Local Plan.

8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension or external alterations shall be carried out to the dwelling hereby approved and no building or enclosure other than those on the approved plans shall be erected within the site.

To prevent inappropriate development in the Green Belt as supported by the National Planning Policy Framework and H14A of the Sevenoaks District Local Plan.

9) No external illumination shall be installed until details have been submitted to and approved in writing by the local planning authority. The installation shall be carried out in accordance with the approved details.

In the interests of the impact on protected species and residential amenity as supported by policies EN17B and EN1 of the Sevenoaks District Local Plan.

10) The development hereby permitted shall be carried out as an alternative to the permission granted under reference SE/11/00110/FUL but not in addition to it, so that

one of the developments permitted may be implemented but not both, nor parts of both, developments.

To prevent inappropriate development within the Green Belt as supported by the National Planning Policy Framework.

Description of Proposal:

- 1 The present application has been submitted following the granting at appeal of 2 alternative schemes for the erection of a “3 bedroom, traditionally built agricultural workers dwelling in support of the farming enterprise of K I Lingham and Son operated by the applicants.”
- 2 The applicant is in the process of implementing the latter of the 2 schemes, which comprised a slightly smaller footprint but included first floor accommodation. Work has ceased pending the outcome of this application, which seeks an amendment to include 2 small roof dormers, set within each flank roof slope (one to the north and one to the south elevation). The dormers would be 1.5m wide, with a small hipped roof above set slightly below the level of the main ridge. The Dormer to the south would replace one. Combined they would result in little over 0.5m² increase in internal floor area, which I consider to be negligible.
- 3 The proposals are similar to the approved scheme in all other respects.

Description of site:

- 4 The dwelling is sited in the place of a former small, open-sided hay barn located within a small clearing to the eastern side of farm track which travels north from the junction with Ide Hill Road. The track is relatively well wooded and provides a public footpath running north. The dwelling is some 70m to the north of the main road. Agricultural fields extend to the east and west of the site with various hedge and tree lined field boundaries beyond.
- 5 The main farm yard at Faulkers Hill Farm lies approx 550m to the east with the main farm house located here. The site is washed over the Green Belt, Area of Outstanding Natural Beauty and a Special Landscape Area.

Constraints:

- 6 Green Belt, Area of Outstanding Natural Beauty.

Policies

South East Plan

- 7 Policies - C3 and C4

Sevenoaks District Local Plan

- 8 Policy - EN1

Sevenoaks District Core Strategy

- 9 Policy – L08

Agenda Item 5.8

Other

- 10 The National Planning Policy Framework

Relevant Planning History

- 11 SE/85/01221/FUL- Erection of a farm house- Refused (Winkhurst Farm)
SE/89/02270/FUL- Farm Cottage- Refused (Winkhurst Farm)
SE/91/00523/FUL- Agricultural workers dwelling- Refused (Winkhurst Farm)
SE/94/00344/FUL- Agricultural workers dwelling- Refused (Winkhurst Farm)
SE/95/01298/FUL- Agricultural workers dwelling- Refused (Winkhurst Farm)
SE/05/02738/FUL- Agricultural workers dwelling- Withdrawn (Scollops Farm)
SE/08/02739/FUL- Stationing of temporary mobile home- Withdrawn (Scollops Farm)
- 12 No appeals have been submitted in respect of these decisions.
- 13 SE/09/02110/FUL: Stationing of temporary mobile home in support of farming enterprise (Scollops Farm). Approved 16.12.09.
SE/10/02041/FUL - Erection of detached bungalow (agricultural workers dwelling) in support of the farming enterprise of K I Lingham and son. (Scollops Farm - adjacent to access to Faulkners Hill Farm). This application was refused on 16.12.10.
SE/11/02971/NMA: Amendment to previously approved SE/11/00122/FUL - APP/G2245/A/11/2152378 to include; alterations to approved ground floor window and door locations. Approved 13.12.11.
SE/11/00110/FUL: Erection of a 3 bedroom, traditionally built agricultural workers dwelling in support of the farming enterprise of K I Lingham and Son operated by the applicants (This scheme comprised a larger footprint with accommodation at ground floor only). Allowed at appeal 5.10.11 and in process of being implemented.
SE/11/00110/FUL: Erection of a 3 bedroom, traditionally built agricultural workers dwelling in support of the farming enterprise of K I Lingham and Son operated by the applicants (This scheme comprised a smaller footprint with accommodation at ground and first floor levels). Allowed at appeal 5.10.11.

Consultations

Sundridge Parish Council

- 14 No objection.

Representations

- 15 None received.

Group Manager - Planning Appraisal

Principal issues

Policy Background

- 15 Since the previous applications were determined, the Government has introduced the National Planning Policy Framework (NPPF). This now forms part of the material considerations relevant to the present application and supersedes the previous Planning Policy Statements and Planning Policy Guidance advice. However this document does not change the statutory status of the development plan as the starting point for decision making. Furthermore, whilst it introduces a presumption in favour of sustainable development the guidance states that this should not be the case where the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate development should be restricted.
- 16 Much of the general tenet of the NPPF is similar to the former PPS guidance though with some change in emphasis. I would note that paragraph 17 sets out a number of core planning principles to be followed. In summary, these principles include, amongst other things;
- To always seek to secure high quality design and good standard of amenity;
 - Take account of the difference roles and character of difference areas, including protecting the Green belt and recognising the intrinsic character and beauty of the countryside;
 - Contribute to conserving and enhancing the natural environment and reducing pollution.
- 17 The NPPF, supports the protection of the Green Belts and seeks to restrict development. The advice states that there is a general presumption against inappropriate development within the Green Belt. The advice explains that inappropriate development is, by definition, harmful to the Green Belt. Very Special Circumstances to justify inappropriate development will not exist unless the potential harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 18 In determining the recent appeals for the erection of an agricultural dwelling on the site, the Planning Inspector concluded that there were very special circumstances which justified the erection of this building within the Green Belt. In light of this decision, and bearing in mind implementation of this permission has lawfully commenced, I consider the principle of the dwelling to be clearly established.
- Thus, the key consideration in this application is the visual impact of the dormers themselves.
- 19 In this respect, the NPPF explains that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.
- 20 Core Strategy policy LO8 states that the extent of the Green Belt will be maintained. The countryside will be conserved and the distinctive features that

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contribute to the special character of its landscape and its biodiversity will be protected and enhanced where possible. The distinctive character of the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings, will be conserved and enhanced.

Therefore I consider the impact on openness and the character and appearance of the AONB to be the key issues for consideration for this application.

Impact upon openness of Green Belt and character and appearance of Area of Outstanding Natural Beauty

- 21 The dormer to the north elevation would replace two roof lights. The dormer to the south would replace one. I consider the dormers would be well designed and would sit comfortably within the roof form, being set well within the face of the relevant roof slope. They would be set well above the eaves, with a traditional hipped roof set below the ridge. I therefore consider the size, massing and detailed design to be acceptable.
- 22 In terms of longer views, I consider the dwelling itself would appear as a slightly incongruous feature within the isolated, rural setting. The dormers would result in an approximate 0.6m² of additional floorspace, which I consider to be negligible. More importantly, bearing in mind the principle of the dwelling is established, seen in the context of the whole building and particularly the relatively large roof form, I do not consider the dormers themselves would significantly affect the overall scale and massing of the dwelling or appear as unduly prominent structures which would be harmful to the openness of the Green Belt or seriously harm the character and appearance of this part of the Area of Outstanding Natural Beauty.

Conclusion

- 23 In light of the above, I do not consider the addition of dormers to the approved dwelling would have an unacceptable impact on the openness of the Green Belt or the character and appearance of this part of the Area of Outstanding Natural Beauty. I therefore recommend approval of this application.

Background Papers

Site and Block Plans

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

Kristen Paterson
Community and Planning Services Director

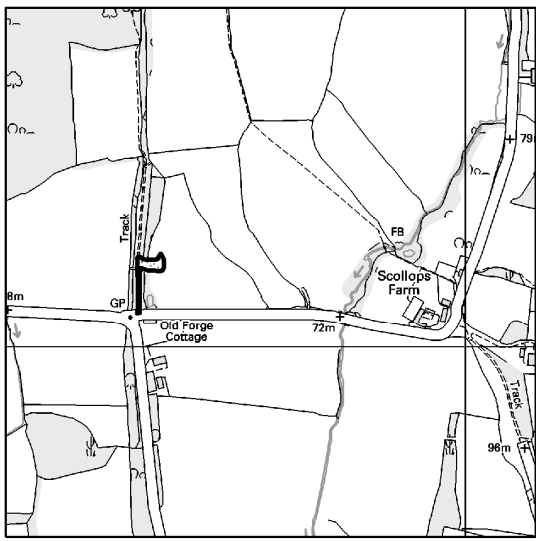
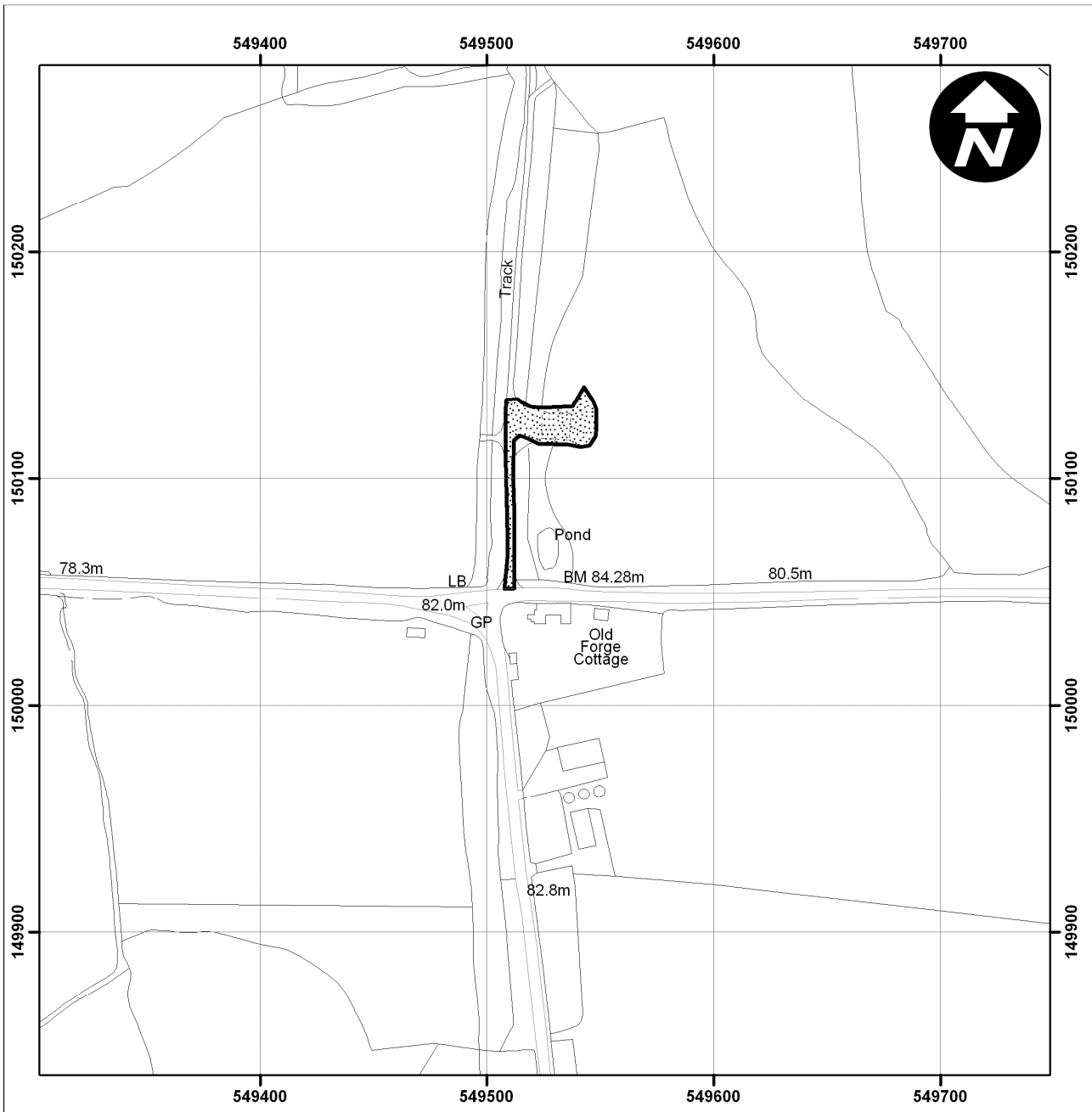
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Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=M3CA61BK0L000>

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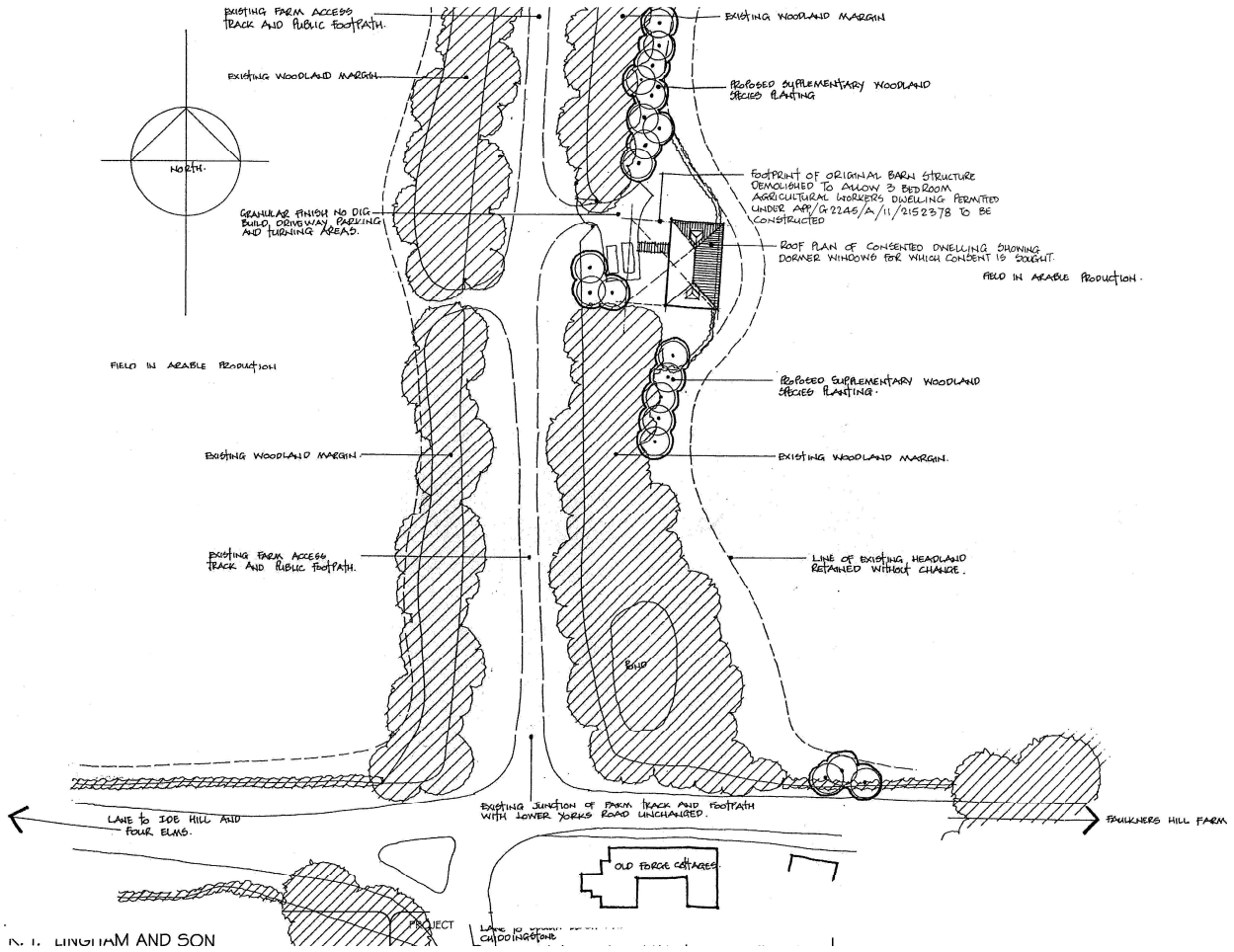


Site Plan

Scale 1:2,500
Date 23/02/2011



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 Sevenoaks District Council, 100019428, 2007.



Planning Application Information on Public Access – for applications coming to DC
Committee on Thursday Date

Item 5.01 SE/12/00444/FUL Woodland Chase, Blackhall Lane, Sevenoaks TN15 OHU

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LZJCL9BK0CR00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LZJCL9BK0CR00>

Item 5.02 SE/10/02625/OUT Summerhill and Dawning House, Seal Hollow Road, Sevenoaks TN13 3SH

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=L9E8SCBK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=L9E8SCBK8V000>

Item 5.03 SE/12/00307/FUL-Sealcot, Sea; Hollow Road, Sevenoaks, TN13 3SH

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LYYP8UBK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LYYP8UBK8V000>

Item 5.04 SE/12/00893/FUL Robertson Nursery, Goldsel Road, Swanley

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=M1WT0UBK0CR00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=M1WT0UBK0CR00>

Item 5.05 SE/12/00894/FUL Robertson Nursery, Goldsel Road, Swanley

Supplementary Information

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=M1WU8ZBKOCR00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=M1WU8ZBKOCR00>

Item 5.06 SE/12/00803/FUL The Old Wheelwrights, The Green, Brasted, TN16 1JL

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=M1HJ8KBKOFZ00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=M1HJ8KBKOFZ00>

Item 5.07 SE/12/00189/FUL Aspen Lodge, College Road, Hextable, BR8 7LT

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LYB451BKOCR00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LYB451BKOCR00>

Item 5.08 SE/12/01116/FUL Scallops Farm, Yorks Hill, Ide Hill TN14 6LG

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=M3CA61BK0L000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=M3CA61BK0L000>