



**Sevenoaks**  
DISTRICT COUNCIL

*Despatched: 18.07.12*

**DEVELOPMENT CONTROL COMMITTEE**

26 July 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. **Minutes** (Pages 1 - 22)  
Minutes of the meetings of the Committee held on 28 June 2012 (attached) and 4 July 2012 (to follow)
2. **Declarations of Interest or Predetermination**
3. **Declarations of Lobbying**
4. **Planning Applications - Group Manager - Planning's Report**
- 4.1. **SE/11/01324/FUL - Farningham Mill & Associated Buildings, High Street, Farningham Kent DA4 ODG** (Pages 23 - 66)  
Residential conversion of existing building and new build. Flood protection measures, on site parking, new pedestrian bridge and associated landscaping and refuse provision
- 4.2. **SE/11/01325/LBCALT - Farningham Mill & Associated Buildings, High Street, Farningham Kent DA4 ODG** (Pages 67 - 88)  
Works associated with the conversion of existing buildings into residential and ancillary accommodation
- 4.3. **SE/12/01055/FUL - Land To Rear Of Garden Cottages, Powder Mill Lane, Leigh Kent** (Pages 89 - 114)

Development for 13 dwellings plus garaging, parking, landscaping and associated infrastructure. Demolition and replacement of the garage and boundary wall to The Cottage, and improvements to Hollow Trees Drive

- 4.4. SE/12/01207/HOUSE - Fairlawn, Wildernesse Avenue, Sevenoaks Kent TN15 OEA (Pages 115 - 126)

Demolition of west wing, garaging and pool annexe, and erection of new and replacement extensions including basement, pool annexe and accommodation in the loft space.

- 4.5. SE/12/01208/CAC - Fairlawn, Wildernesse Avenue, Sevenoaks Kent TN15 OEA (Pages 127 - 134)

Demolition of west wing, garaging and pool annexe.

- 4.6. SE/12/01234/HOUSE - 49 Hartslands Road, Sevenoaks, Kent TN13 3TW (Pages 135 - 142)

Amendment to previously approved scheme reference 11/00120/FUL in order to increase the height of the dormers. Enlarge the window on first floor at side and add window to first floor at rear (retrospective), altered rear extension design.

#### 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](mailto:democratic.services@sevenoaks.gov.uk) or speak to a member of the Democratic Services Team on 01732 227350 by 5pm on Monday, 23 July 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 held on 28 June 2012 commencing at 7.00 pm

Present: Cllr. Mrs. Dawson (Chairman)

Cllr. Williamson (Vice-Chairman)

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

Apologies for absence were received from Cllrs. Brown and Underwood

Cllrs. Ayres, Ball, Mrs. Davison, Firth, Hogarth, Mrs. Morris, Mrs. Purves, Mrs. Sargeant and Searles were also present.

19. Chairman's Announcements

The Chairman announced to the Committee the death of Mr Frank Marshall. Though not a Councillor he had attended many meetings of the Development Control Committee and its predecessors and was a founding member of the Sevenoaks Society. She asked that he be remembered for all he did for planning in Sevenoaks Town and District.

20. Minutes

The Committee agreed to remove the comment from page 11 of the minutes that "A Member stated that overdevelopment for the size of the plot was the view of most Members".

Resolved: That the minutes of the meeting of the Development Control Committee held on 24 May 2012, as amended, be approved and signed by the Chairman as a correct record.

21. Request to Record the Meeting

The Chairman informed Members that a request had been received to record the audio of proceedings of the Committee in respect of item 5.2 - SE/10/02625/OUT - Summerhill and Dawning House, Seal Hollow Road, Sevenoaks TN13 3SH. In response to a question, the Democratic Services Officer advised that Members were not obliged to consider each request they received to record proceedings. However Officers were prepared to record the meeting themselves, if necessary.

The Chairman reminded Members that the planning considerations for the item in question were similar to those for SE/10/02793/FUL 31 Serpentine Road, Sevenoaks TN13 3XR, which had been the last request to record the meeting.

A Member felt that a clear precedent had been set by the Council's previous decision to refuse permission to record.

### 22. Declarations of Interest or Predetermination

Cllr. Mrs. Ayres declared that she knew the applicant for item 5.7 SE/12/00189/FUL - Aspen Lodge, College Road, Hextable Kent BR8 7LT but believed she was not prejudicially interested in the matter.

Cllr. Brookbank clarified that, although he lived in the road for items 5.4 SE/12/00893/FUL - Robertsons Nursery, Goldsel Road, Swanley, Kent and 5.5 SE/12/00894/FUL - Robertsons Nursery, Goldsel Road, Swanley, Kent his house was approximately 1 mile from the site.

Cllrs. Mrs. Dawson and Piper declared personal interests in items 5.1 - SE/12/00444/FUL - Woodland Chase, Blackhall Lane, Sevenoaks TN15 0HU, 5.2 - SE/10/02625/OUT - Summerhill and Dawning House, Seal Hollow Road, Sevenoaks TN13 3SH and 5.3 SE/12/00307/FUL - Sealcot, Seal Hollow Road, Sevenoaks TN13 3SH as dual hatted members of both the District Council and Sevenoaks Town Council, which had already expressed views on the matter.

### 23. Declarations of Lobbying

Cllrs. Gaywood, Miss. Thornton, Walshe and Williamson declared that they had been lobbied in respect of item 5.1 - SE/12/00444/FUL - Woodland Chase, Blackhall Lane, Sevenoaks TN15 0HU.

All Members of the Committee, except Cllrs. Dickins and Miss. Thornton, declared that they had been lobbied in respect of item 5.2 - SE/10/02625/OUT - Summerhill and Dawning House, Seal Hollow Road, Sevenoaks TN13 3SH.

Cllr. Williamson additionally declared that he had been lobbied in respect of item 5.5 - SE/12/00894/FUL - Robertsons Nursery, Goldsel Road, Swanley, Kent.

### 24. 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.

### 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:

### 25. SE/12/01116/FUL - Scollops Farm, Yorks Hill, Ide Hill TN14 6LG

The proposal sought an amendment to an existing permission and would introduce 2 small roof dormers at 1.5m wide, set within each flank roof slope, with a small hipped roof above. The dormer to the north elevation would replace two roof lights and the dormer to the south would replace one.

Officers considered that the dormers would result in little over 0.5m<sup>2</sup> increase in internal floor area, which they believed negligible. The changes would not have an unacceptable impact on the openness of the Green Belt or the character and appearance of the Area of Outstanding Natural Beauty.

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 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 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

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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.

### Reserved Planning Applications

The Committee considered the following planning applications:

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



The meeting was reminded that the item had been deferred from the previous meeting of the Development Control Committee on 24 May 2012. following the rejection of the Officer's recommendation to grant permission. Since then the applicants had lodged an appeal on the grounds of non-determination. The Committee still needed to decide how it would have determined the application so that it could respond to the appeal.

It was MOVED by Cllr. Miss. Thornton and duly seconded:

"That had the Council been able to determine the application planning permission would have been REFUSED on grounds of overdevelopment, detrimental impact on neighbouring properties and adverse impact on the street scene contrary to Core Strategy Policy SP1 and Local Plan Policy EN1."

The mover of the motion suggested that the recent court case of R (Coupland) v Peterborough City Council allowed a decision to stand alone from its planning history if previous permissions had lapsed. An Officer advised that previous decisions and guidance are material factors, though there would be a question of the weight given to them, which depended on how much time had passed and how different those decisions were to the application in question.

A Member explained his concern was that the permission previously granted on appeal was across a significantly larger site. The density of the present application site would be greater than the overall density of the appeal decision.

The Chairman reminded the Committee that those who opposed the Officer recommendation would be expected to submit statements for the appeal

A request for a recorded vote was duly made and there voted

8 votes in favour of the motion

(Cllrs. Mrs. Ayres, Clark, Cooke, Gaywood, Mrs. Parkin, Piper, Miss. Thornton and Walshe)

7 votes against the motion

(Cllrs. Brookbank, Davison, Mrs. Dawson, McGarvey, Orridge, Scholey and Williamson)

2 abstentions

(Cllrs. Dickins and Ms. Lowe)

Resolved: That had the Council been able to determine the application planning permission would have been REFUSED on grounds of overdevelopment, detrimental impact on neighbouring properties and adverse impact on the street scene contrary to Core Strategy Policy SP1 and Local Plan Policy EN1.

27. SE/10/02625/OUT - Summerhill and Dawning House, Seal Hollow Road, Sevenoaks TN13 3SH

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The proposal sought the demolition of the existing two houses and replacement with four detached units. The application was an outline submission with access and layout to be considered at this stage, whilst appearance, landscaping and materials were reserved matters. Indicative plans had been submitted.

The application had been considered by the Development Control Committee on 17 February 2011 and approved, subject to the receipt of a completed legal agreement. The legal agreement was now in an agreed format and the Affordable Housing contribution was sufficiently secured. The report had been updated from the one previously considered in the light of developments since then, particularly as the proposal involved development in residential gardens.

Officers 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 was in accordance with the development plan.

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

The Committee was addressed by the following speakers:

Against the Application:	Ms. Annetts
For the Application:	Mr. Adeleye
Parish Representative:	-
Local Member:	Cllr. Mrs. Purves

In response to a question Officers confirmed the the present application would increase density from 5 to 10 dwellings/ha whereas Cleve, adjacent to the property on the north, had a density of 4 dwellings/ha.

The Local Member, who sat on the Committee, highlighted that the report accepted development would mainly be carried out on private residential gardens, on land not previously developed. He felt insufficient consideration had been given to this. He was also concerned by the low provision of off-site Affordable Housing contributions and requested extra consideration be given to soft-landscaping conditions.

Some other Members of the Committee suggested that the proposal constituted overdevelopment of the site. However it was noted the Sevenoaks Core Strategy only required 60% of development to be on brownfield.

It was MOVED by the Vice-Chairman and was duly seconded that the two recommendations in the report to be adopted.

Officers requested that condition 14 be amended to state "No development save for development connected with the provision of the access road 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." This was accepted by the mover and seconder of the motion.

The motion was put to the vote and there voted –

11 votes in favour of the motion

5 votes against the motion

Resolved:

**RECOMMENDATION A:** 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 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.

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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 save for development connected with the provision of the access road 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.

#### 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

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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.

### 28. SE/12/00307/FUL - Sealcot, Seal Hollow Road, Sevenoaks TN13 3SH

The proposal was for 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 the existing bungalow but would be re-orientated to face more onto the plot frontage.

On 30 June 2011 consent had been granted for the erection of a two-storey detached building. The proposal before the Committee had been amended with a second two-storey projection now proposed, a larger two storey rear projection, an increased height of 0.7m and an increase in its width. The depth was unchanged.

Officers considered that 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 impact on the amenities of nearby dwellings could be satisfactorily mitigated by way of the conditions proposed.

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

The Committee was addressed by the following speakers:

Against the Application:	Mr. Batchelor
For the Application:	Mr. James
Parish Representative:	-
Local Member:	Cllr. Mrs. Purves

Several Members felt the design of the application to be better than the permission granted on 1 July 2011. Although the property would be higher and wider than that permission, the new proposed dwelling would be sited further away from the neighbour at Thornwood. The proposed dwelling would not significantly affected the amenity of the neighbour more than the permission already granted.

Some Members were concerned by the increased dimensions of the proposed dwelling. The Local Member, on the Committee, added that the damage to the vegetation, which had provided screening, had done considerable harm and would make the development visible from Seal Hollow Road.

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

13 votes in favour of the motion

3 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) 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

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(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 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.

#### **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.

At 9.24 p.m. the Chairman adjourned the Committee for the convenience of Members and Officers. The meeting resumed at 9.37 p.m.

#### **29. Order of the Agenda**

The Chairman indicated that, with the approval of Members, she would deal with item 5.5 - SE/12/00894/FUL - Robertsons Nursery, Goldsel Road, Swanley, Kent prior to 5.4 - SE/12/00893/FUL - Robertsons Nursery, Goldsel Road, Swanley, Kent.

## Agenda Item 1

Development Control Committee - 28 June 2012

### 30. SE/12/00894/FUL - Robertsons Nursery, Goldsel Road, Swanley, Kent

The proposal was for 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. This would include the retention of the provision of one static mobile home with one amenity building.

Officers considered that very special circumstances exceptionally outweighed any inappropriate or other harm to the Green Belt. The applicants were considered to be Gypsies and there was a clear and immediate need for accommodation within Sevenoaks District with a backlog of unmet need, as established by the Gypsy and Traveller Accommodation Assessment. Temporary permission would not result in a permanent, adverse impact on the openness and character of the Green Belt. Granting only temporary permission would allow a future review of accommodation provision.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Mrs. Coates
Parish Representative:	Cllr. Dixon
Local Member:	-

In response to a question Officers confirmed the mobile home was sited approximately 4.5m lower than the access point. It was also confirmed that the proposed amenity building would replace the existing shed.

If the applicants were to leave the site then the home and utility building would be removed and the site allowed to return to its natural state.

It was MOVED by the Vice-Chairman and was duly seconded that the recommendation in the report to grant permission subject to conditions 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) 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).

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 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.

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.

31. SE/12/00893/FUL - Robertsons Nursery, Goldsel Road, Swanley, Kent

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The proposal retrospectively sought consent for the retention of timber stables for the housing of horses when in need for isolation. The stable building was on skids and therefore not physically attached to the ground. The stables would allow for two horses to be kept on site. Conditions 4 and 5 on the existing planning permission did not allow commercial activities to take place on the land or allow buildings or enclosures to be erected.

Officers considered that a temporary consent for 3 years was justified. It would be consistent with the Officer's recommended approach adopted for the retention of the applicant's mobile home. The applicant had advanced very special circumstances, due to their status within the definition of Gypsy/Traveller and that their intended use of the stables was as part of their main source of income. Impact on the Green Belt would be limited as the stables' use would be temporary and further use could be controlled by the Council. As such it was considered that these circumstances were sufficient to outweigh the harm to the openness of the green belt and upon the wider area.

Officers updated Members that the Council had recently received the contaminated land survey for the site. Fragments of asbestos had been found in a small spoil heap, but were now covered in soil and grass. If undisturbed then any risk was only minimal. Officers proposed an additional condition for remedial action to be submitted and agreed by the Council within 3 months.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Mrs. Coates
Parish Representative:	Cllr. Dixon
Local Member:	-

The Chairman noted the comments of the applicant that breach of existing permissions was inadvertent and the applicant had, once made aware, immediately filed for planning permission.

Despite earlier concerns from the Parish Council regarding light pollution, Members noted that openings in the stable would face towards the home and not the road.

In response to a question Officers confirmed that chattels would be permitted on the land under existing conditions.

It was MOVED by the Vice-Chairman and was duly seconded that the recommendation in the report, as amended, to grant permission subject to conditions 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) 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.

6) Within three months of the date of this decision details of a timetable of works for remedial measures as proposed by section 9 of the submitted SEC report dated 24/06/12 shall be submitted to and approved in writing by the District Planning Authority. The remedial measures shall be implemented in full in accordance with the approved details and maintained thereafter.

Reason: In the interests of pollution and safety, as supported by policy NR10 of the Local Plan.

At 10:20 p.m. it was MOVED by Cllr. Mrs. Parkin 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.

A Member asked that the Committee consider the matter further as he felt the problem of meetings continuing after 10.30 p.m. was getting worse. Another Member advised meeting should be extended as some public speakers had already waited a long time for their item to be considered.

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The motion was put to the vote and there voted –

11 votes in favour of the motion

2 votes 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.

### 32. SE/12/00803/FUL - The Old Wheelwrights, The Green, Brasted TN16 1JL

The proposal sought 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. Some amendments had been made since the application SE/11/01909/FUL which was under appeal for non-determination.

Officers considered that the scale of the proposed buildings was appropriate to their sensitive context, adjacent to the Conservation Area and neighbouring Listed Buildings. The buildings would sit reasonably comfortably within the site and the location within the site would limit the potential noise and disturbance to neighbouring occupiers.

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

It was noted that a Members' Site Inspection had been held for this application.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Ms. Tasker
Parish Representative:	Cllr. Hocknell
Local Member:	Cllr. Firth

In response to a question Officers confirmed that Council refuse freighters would not be able to access the road to the residential properties. The properties would rely on refuse being collected from the highway or otherwise would need to be subject to a management plan. The Committee noted the comment from the Local Member that emergency vehicles would not have access to the residential site. As there was no space to pass other vehicles then cars may be compelled to reverse onto the A25, which Members felt was dangerous and inappropriate.

Members were concerned about the provision of parking at the site. Brasted already lacked a public car park and there were few spaces to park on the street. It was felt likely the offices could hold as many as 12-18 workers plus visitors but there was only parking for 6.

As the site was overcrowded cars would have little space to manoeuvre through the site. The tandem parking spaces would also be difficult to use.

Several Members stated that they agreed with the principle of development, especially if it was a mixed use site, but they felt the scale of the present proposal was inappropriate.

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

“That planning permission be REFUSED on grounds of

1) The proposals, by reason of their siting, scale, layout, massing and design, would represent a cramped overdevelopment of the site with inadequate arrangements for access, manoeuvring and parking. The proposals would thus fail to have an acceptable relationship with the neighbouring properties and would be harmful to the character and amenities of the area. As such the proposals would be contrary to policies BE6 of the SE Plan, policies EN1 and EN23 of the Sevenoaks District Local Plan and policies SP1 and L07 of the Sevenoaks District Council Core Strategy Development Plan Document.

2) The proposals would lead to a requirement to contribute towards affordable housing provision. In the absence of a completed Section 106 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.”

It was put to the vote and there voted -

11 votes in favour of the motion

0 votes against the motion

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

1) The proposals, by reason of their siting, scale, layout, massing and design, would represent a cramped overdevelopment of the site with inadequate arrangements for access, manoeuvring and parking. The proposals would thus fail to have an acceptable relationship with the neighbouring properties and would be harmful to the character and amenities of the area. As such the proposals would be contrary to policies BE6 of the SE Plan, policies EN1 and EN23 of the Sevenoaks District Local Plan and policies SP1 and L07 of the Sevenoaks District Council Core Strategy Development Plan Document.

2) The proposals would lead to a requirement to contribute towards affordable housing provision. In the absence of a completed Section 106 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.

33. SE/12/00189/FUL - Aspen Lodge, College Road, Hextable Kent BR8 7LT

The proposal was for the retention of a mobile home in its original location at Pembroke Business Centre. Two year permission had been granted on appeal on 15 December 2009 but had now expired.

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Officers considered that the potential physical harm to the applicant by moving out of the mobile home, as verified by medical evidence, together with the planning permission being a personal permission for the duration of occupation by the applicant, was considered to be a very special circumstance which outweighed the harm to the Green Belt by reason of inappropriateness.

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

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Cllr. Mrs. Morris
Parish Representative:	Cllr. Searles
Local Member:	Cllrs. Mrs. Sargeant and Ball

In response to a question Officers clarified that the applicant had not claimed Gypsy status as part of her application.

Members noted that condition 3 of the proposed conditions stated that the land was to be restored to grassed open land once the land had ceased to be occupied by the applicant.

It was MOVED by the Vice-Chairman and was duly seconded that the recommendation in the report to grant permission subject to conditions 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 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

THE MEETING WAS CONCLUDED AT 11.25 PM

CHAIRMAN



4.1 - SE/11/01324/FUL Date expired 8 September 2011

PROPOSAL: Residential conversion of existing building and new build.  
Flood protection measures, on site parking, new pedestrian bridge and associated landscaping and refuse provision

LOCATION: Farningham Mill & Associated Buildings, High Street,  
Farningham Kent DA4 ODG

WARD(S): Farningham, Horton Kirby & South Darenth

**ITEM FOR DECISION**

This item has been referred to Development Control Committee by the Director of Community and Planning Services on the grounds that the application is of a significant, controversial or sensitive nature.

**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) Prior to the commencement of works to implement this permission, details shall be submitted to and approved in writing by the Local Planning Authority (LPA) of the means of protection for all retained trees. The details to include the specification and position of any such fencing or other means of protection. The scheme shall be implemented in accordance with the approved plans prior to any site clearance works, or before any equipment, machinery or materials are brought on the land for the purposes of development and shall be retained until all equipment, machinery and surplus materials have been removed from the site. Within the areas of tree protection the following works shall not be carried out:- levels shall not be altered in relation to ground levels - no roots shall be cut, trenches dug, or soil removed - no buildings, roads or other engineering operations shall be constructed or carried out - no fires shall be lit- no vehicles shall be driven or parked over the area- no materials or equipment shall be stored unless otherwise approved in writing by the LPA.

To ensure the protection of trees within the site.

3) Prior to the commencement of development details shall be submitted to and approved in writing by the LPA, of the precise location, construction and means of enclosure of any temporary construction compound, including any temporary buildings sited within, storage areas for materials, access/turning areas for delivery of materials and goods and parking for construction staff. The scheme shall be implemented in accordance with approved details prior to the commencement of development.

To minimise the impact of this development upon the surrounding village and to ensure the protection of buildings and features of this site in accordance with the provisions of policy EN1 of the Sevenoaks District Local Plan.

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4) Prior to the commencement of works on Lion Yard, Tiger Cottages and the Greenhouse, details shall be provided to the LPA of site levels, including details of existing and proposed ground levels and the proposed ground floor slab level. The scheme shall be carried out in accordance with the approved plans.

To ensure a satisfactory appearance upon completion and to ensure the protection of retained trees within the site.

5) Prior to the commencement of any development in connection with the construction of Tiger Cottages, details shall be submitted to and approved in writing by the LPA of a scheme to demonstrate that the loss of flood storage arising from the two dwellings and associated flood wall, using approved hydraulic modelling techniques, will not result in increased flood levels elsewhere. This should include precise details of all additional flood mitigation and defences, flood storage compensation areas and confirmation that the post development model accurately reflects these measures.

To reduce the impact of flooding resulting from the proposed development elsewhere.

6) No works within the channel of the Mill Leat or main channel of the River Darent or to any structure within either channel shall take place without the applicant first obtaining written consent from the Environment Agency.

To ensure no increased risk of flooding as a result of the development.

7) Details of all landscaped flood bunds, flood walls and flood gates to individual dwellings shall be submitted to and approved in writing by the LPA. This should include flood proof garden walls which separate the rear gardens of dwellings from the Counting House to Gardeners Cottage.

To ensure flood risk to individual dwellings will be minimised.

8) No sleeping accommodation within any of the proposed dwellings are to be located below 33.95mODN.

To minimise risk to life.

9) Details shall be submitted to the LPA prior to the first occupation of any dwelling to demonstrate that each dwelling will have an unobstructed pedestrian access route to an area of the High Street within Flood Zone 1 during flood conditions and the scheme shall be carried out in accordance with the approved details. Occupants of each dwelling should have guaranteed legal rights of access.

To ensure safe access under flood conditions, to all occupants and emergency services.

10) Prior to the commencement of development, a scheme to demonstrate that the disposal of surface water will not increase the risk of flooding on site or elsewhere shall be submitted to and approved in writing by the LPA. The scheme shall be carried out in accordance with the approved details.

To prevent increased risk of flooding.

11) Prior to the commencement of work on the Mill House, details shall be submitted to and approved in writing by the LPA of works to waterproof the basement to the mill

house. The scheme shall be carried out in accordance with the approved details.

To prevent groundwater flooding.

12) Prior to the first occupation of any new dwellings on site details shall be submitted in writing to and be approved by the LPA, in consultation with the EA of those works required to ensure the safe removal of the existing Mill sluice and replacement with any alternative flow control structure required, to enable control of water levels . The scheme shall be carried out in accordance with the approved details prior to the first occupation of any of the new dwellings within flood zone 2 or 3.

To prevent increased risk of flooding.

13) During the construction period, use of the identified disused badger sett must be monitored by an appropriately qualified person. If evidence is found of badgers using the sett a mitigation strategy must be produced, within 2 weeks, be agreed in writing by the LPA and implemented to minimise the potential of the sett being disturbed by the development works.

To minimise the impact of the development works upon badgers.

14) The mitigation strategy shall be implemented during the construction period in respect of breeding birds specified in para 4.2.5 of the EECOS Protected Species Survey .

To ensure adequate protection of breeding birds during the construction period of the development hereby approved.

15) Details of any outside lighting shall be submitted to and approved in writing by the LPA before the related residential units are occupied. Despite the provisions of any Development Order outside lighting shall only be provided in accordance with the approved details, or such additional details as shall have been previously submitted to and agreed in writing by the LPA.

To safeguard the visual appearance of the area and protect the habitat of wildlife species on site.

16) Prior to the first occupation a detailed method statement in respect of Japanese Knotweed on the site shall be submitted to and be approved in writing by the LPA. The statement shall include the proposed means to prevent the spread of Japanese Knotweed during any operations such as mowing, strimming or soil movement. It shall also contain means to ensure that any soil brought to the site are free of the seeds/roots /stem of any invasive plant covered under the Wildlife \_ Countryside Act 1981. Development shall proceed in accordance with the approved method statement.

Japanese Knotweed is an invasive plant the spread of which is prohibited under the Wildlife \_ Countryside Act 1981. Without measures to prevent its spread as a result of development there would be a risk of an offence being committed and avoidable harm to the environment occurring.

17) Prior to the first occupation of the site, details shall be submitted to and approved in writing by the LPA of a plan indicating the allocations of parking spaces to individual dwellings. The scheme shall be carried out in accordance with the approved details.

To ensure a convenient allocation of parking space to future residents to ensure

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maximum use of those spaces.

18) No development shall take place until the applicant or their agents or successors in title has secured the implementation of:- archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the LPA and- following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved in writing by the LPA.

To ensure that historic building features are properly examined and recorded..

19) No development shall take place until the applicant or their agents or successors in title has secured the implementation of a programme of building recording in accordance with a written specification and timetable which has been submitted to and approved in writing by the LPA.

To ensure that historic building features are properly recorded and examined.

20) No development shall begin until details of foundations design and any other proposals involving below ground excavation have been submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details.

To ensure that due regard is had to the preservation in situ of important archaeological remains.

21) The parking spaces, and accesses and turning spaces shown on the approved plans shall be provided prior to the first occupation of the related dwellings and shall be permanently maintained for such purposes thereafter. The garages shown on the approved plans shall be made available for parking prior to the first occupation of the related dwellings and no development shall take place to prevent their retention thereafter for the purposes of the parking of a motor car.

To ensure adequate on site turning and parking space in accordance with policy VP1 of the Sevenoaks District Local Plan.

22) Visitor or communal spaces shown on the approved drawing shall be provided and kept available for use at all times for such purpose and shall not be allocated to or reserved for individual properties.

In the interests of the provision of adequate visitor parking on site.

23) The development at Lion Yard and the Greenhouse shall not be occupied until the access and parking/turning space has been laid out and surfaced, and visibility splays provided in accordance with the details approved by the LPA.

To ensure adequate off street parking for the residents of Lion Yard and to protect highways safety on the adjacent highway.

24) The newly created residential dwellings (apart from Lion Yard and the Greenhouse) shall not be first occupied until details have been submitted to and approved in writing by the LPA of works to the access drive and the scheme implemented in accordance with the approved details. The details shall include:- existing and

proposed land levels- details of any surface drainage- details of the construction of the access drive- details of the surface materials proposed.

To ensure adequate off street parking and vehicular access to the newly created units .

25) Prior to the first occupation of the newly created residential units, details shall be submitted in writing to and approved by the LPA of all proposed hard landscaping within the site. The scheme shall be implemented in accordance with the approved details.

To ensure a satisfactory appearance upon completion.

26) Details of a phased programme of soft landscaping works shall be submitted to and approved in writing by the LPA. The details for each phase 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)- programme of implementation. The landscaping shall be undertaken fully in accordance with the approved plans for each phase, and in accordance with the approved programme of implementation.

To ensure a satisfactory appearance upon completion of the site as supported by policy EN1 of the Sevenoaks District Local Plan and policy SP1 of the Core Strategy.

27) 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 ensure a satisfactory appearance of the site in accordance with the provisions of policy EN1 of the Sevenoaks District Local plan.

28) No satellite dishes or aerials shall be fixed externally to any of the buildings, despite the provisions of any Development Order unless otherwise agreed in writing by the LPA.

To safeguard the appearance of this sensitive site in accordance with the provisions of policy SP1 of the Sevenoaks District Core Strategy.

29) No extensions, additions, additional windows or other openings, other than those show on the approved plans, shall be made to the scheme hereby permitted, despite the provisions of any Development Order without the prior written approval of the LPA.

To ensure a satisfactory appearance to this sensitive site in accordance with the provisions of policy EN1 of the SDLP and policy SP1 of the Core Strategy.

30) No fences, walls or other means of enclosure, buildings, swimming pools or other development forming part of Class E of the Town \_ Country Planning (General Permitted Development ) Order (or any legislation re-enacting that Order) order shall be constructed without the prior written approval of the LPA.

To ensure the protection of the sensitive historic character of this site in accordance with the provisions of policies EN1 and EN23 of the SDLP and policy SP1 of the Core Strategy.

31) No areas of hard standing shall be constructed within the site, other than those

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approved as part of the permission without the prior written approval of the LPA.

To protect the sensitive character of this sensitive heritage site.

32) Prior to the first occupation of the development hereby permitted, details shall be submitted in writing to and be approved by the LPA of proposed means of refuse storage other than that within the Cart Sheds. The scheme shall be implemented in accordance with the approved scheme.

To ensure a satisfactory appearance upon completion in accordance with the provisions of policy EN1 and EN23 of the Sevenoaks District Local Plan and policy SP1 of the Sevenoaks Core Strategy.

33) Prior to the commencement of development, samples shall be submitted to and be approved in writing by the LPA of all the materials to be used in the construction of the external surfaces of the buildings hereby permitted. The scheme shall be implemented in accordance with the approved details.

To ensure a satisfactory appearance upon completion in accordance with the provision of policy EN1 of the SDLP and policy SP1 of the Core Strategy.

34) Within 2 months of the commencement of development, details of all rainwater goods and any external soil or waste pipe and vent pipes have been submitted to and approved in writing by the LPA. The scheme shall be completed in accordance with the approved scheme.

To ensure a satisfactory appearance upon completion in accordance with the provisions of policy EN1 of the SDLP and policy SP1 of the Core Strategy.

35) Prior to the installation of any rooflights hereby approved, the manufacturers details shall be submitted to and approved in writing by the LPA, in consultation with English Heritage of the proposed rooflights. The scheme shall be carried out in accordance with the approved details.

To ensure a satisfactory appearance upon completion in accordance with the provisions of policy EN1 and EN23 of the SDLP and policy SP1 of the Core Strategy.

36) Notwithstanding the details hereby approved, details shall be submitted to and approved in writing by the LPA of both proposed footbridges prior the first occupation of the scheme. The details shall include the siting, design and materials of both bridges. The scheme shall be completed in accordance with the approved details in accordance with a timetable to be submitted to and approved in writing by the LPA.

To ensure a satisfactory appearance upon completion in accordance with the provisions of policy EN1 of the SDLP and SP1 of the Core Strategy..

37) No development shall be carried out on the land until door and window details, at a scale of not less than 1:20 have been submitted to and approved in writing by the LPA. The 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 area as supported by policies EN1 of the SDLP and SP1 of the Core Strategy.



38) Prior to the commencement of development on site, details shall be submitted in writing to and be approved by the LPA of wheelwashing facilities. The scheme shall be implemented in accordance with the approved details and shall be permanently retained during the development period.

To prevent the spread of mud to the adjacent public highway.

39) No site clearance, demolition, construction or associated activities including deliveries, loading, unloading, servicing vehicle parking or the manoeuvring of vehicles shall be carried out on the premises outside the hours of 0800 and 1800 hours Mondays to Saturdays and not at all on Sundays or bank holidays.

To protect the amenities of the nearby residents.

40) No development shall take place on the site until a report detailing the investigation and recording of any contamination within the site has been submitted to and approved in writing by the LPA. This would include detailed proposals for the means of removal, containment or otherwise rendering harmless such contamination and in the event such works are required the submission of a post development report to verify that the required works regarding contamination have been carried out in accordance with any approved method statement. The scheme shall be carried out in accordance with the approved details.

In the interests of pollution prevention and safety.

41) Within 3 months of the commencement of development, details shall be submitted to and approved in writing by the LPA in consultation with the Environment Agency of any proposed solar panels, water source heat pumps and the proposed water driven turbine. The scheme shall be carried out in accordance with the approved details.

To ensure an acceptable impact upon the character and heritage significance of this site as a result of the proposed works.

42) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan (as amended), FARN/PL-10-001,002B, FARN/PL-10-004G, 05D,006A, 007A, 010E, FARN/PL-13-001 Rev A,002,003C,004C,005D, FARN/PL-13-046, 047B, FARN/PL-13-050 RevA,051A,052C,053C054,056B, FARN/PL-13-060,061F,065G,067D,068D, FARN/PL-13-071C, 072B

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

43) No occupation shall take place prior to details being agreed and works carried out to the satisfaction of the Highway Authority, Kent County Council and Sevenoaks District Council at the tie-in between the vehicular access to the site and the High Street. These works will include a revised surface treatment required to better define the edge of carriageway in the High Street and associated location of the give way marking which in turn will improve junction visibility to the south.

To improve visibility and highways safety at the entrance to the site.

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 SP5 CC1-4 H1-H5 T1 T4 W2 C3 BE6

Sevenoaks District Local Plan - Policies EN1 EN4B EN9 EN23 EN25A NR10 GB1 VP1 H1 H6A H6B

Sevenoaks District Core Strategy 2011 - Policies LO1 L07 SP1 SP2 SP3 SP5 SP7 SP11

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

The development would respect the character and setting of the Listed Building.

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

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

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

The development makes adequate provision for the parking and turning of vehicles within the application site.

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

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

### Informatives

1) In connection with Condition 5, the relevant sections of the EA Hydraulic model can be made available for reference and for re-use for external parties through the EA's charging and licensing for Flood Risk Information Procedure. Please note the sliding scale of fees applicable to this type of information and that the EA can advise of the potential cost of obtaining modelling data.

2) You are advised that in respect of condition 12 a weir structure or similar is considered an appropriate means of ensuring water flow into the leat can be increased at times of flood. Such details shall be covered by an application to the Environment Agency for Flood Defence Consent under the terms of Section 109 of the Water Resource Act 1991.

3) You are advised that in connection with condition 15, any external lighting should, as far as possible, be low or zero UV installations. Lighting should include light shades to reduce the impact upon bats, should only see to illuminate ground floor areas and should not include lamps greater than 2000(150w) lumens. Lights should not be directed at or close to any bat roost, access points or flight paths and should not illuminate any brick bats and boxes placed on buildings or trees.

4) Care should be taken during and after construction to ensure that all fuel, oils and any other potentially contaminating materials shall be stored so as to prevent accidental discharge into the ground. The area of storage shall not drain to any surface water

system.

5) Where it is proposed to store more than 200 litres of any type of oil it must be stored in accordance with the control of pollution (Oil Storage)(England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the oil.

### Description of Proposal

- 1 This scheme comprises a revised submission and proposes a combination of new build residential dwellings and the renovation and conversion of existing buildings to residential use, together with ancillary works to address the renovation of the listed folly, flood alleviation works, car parking and landscaping works.
- 2 These works comprise:
  - conversion of the Mill House into two dwellings - with a front/rear sub-division. A 4-bed unit at the front of the ex house including works to fully excavate the basement.
  - The rear part of the house would be converted into a 4-bed unit with access via an existing door at the side of the house. This work would incorporate an existing annexe at the rear of the house into the habitable floorspace. This conversion would largely accommodate existing room layouts.
- 3 Conversion of the Mill into 4 apartments. At ground level a communal entrance to stairs and lift to all apartments in the mill. A 2-bed unit on the ground floor, a 3 bed unit following the same general configuration at first floor, at second/third floor a front/rear division accommodating two units which would provide two x 2-bed units.
- 4 Engine House - Although part of the listing, this is a later addition and in extremely poor and dilapidated condition. This part of the building would provide, once refurbished, on a front/rear split, 2 x 2-bed units. The revised scheme would also incorporate part of the ice house complex as a dining room/study and store area. This would be facilitated by a modest single storey rear addition to the engine house to connect the ice house to the interior of the engine house.
- 5 Ice House - conversion into habitable accommodation as part of the engine house conversion
- 6 Folly - Investigations are required to establish fully the extent of works proposed, but in general terms a complete overhaul/repair.
- 7 Cow shed - An existing single storey brick/tiled building lying on the edge of the village confines. The building would be converted to form a store room and a garden room for Mill House 1.
- 8 Cart Sheds - This single storey building lies opposite the flank wall of the house and at present comprises an empty somewhat dilapidated structure. It is proposed that it would be converted into 6 garages with a study above and that one bay would provide a refuse store. It would sit adjacent to a parking courtyard.

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- 9 Counting House – A two storey house with brick/flint elevations partially in residential use albeit with part of the structure unconverted. The rear part of the building would be converted into residential use enabling provision of a 3 bed/study unit. A small private garden would be accessed adjacent to the river. The existing room layout /sub-divisions would remain largely unaltered.
- 10 Carriage House – An existing timber open fronted storage area adjacent to the counting house. The open bays would be given timber screens, with windows/glazed sections inserted within the surrounding timber framework. They would retain the original shape but provide the front wall of the proposed living area. The ground floor would remain largely open apart from a bathroom and would incorporate an open space beneath an existing roof to form a kitchen/breakfast room addition. A small private garden would back onto the river. At first floor, provision of two bedrooms.
- 11 Stables With their white weatherboard exterior the existing stables retain much of their original fittings/fixtures and their outward appearance would remain much as existing apart from the insertion of a significant number of rooflights into the rear roof slopes. Internally the majority of the stall screens would be retained within an otherwise open kitchen/dining/living space This building would be divided front/rear with access to the rear unit via a side footpath adjacent to Tiger cottage. This subdivision would allow the provision of 1x3 bed and 1x2 bed unit.
- 12 Coach House - Another white weather boarded building the Coach House has two sets of timber doors to a single open space within. The timber doors would be replaced with timber/glazed doors. At ground floor level the single space would be retained apart from a bathroom. A staircase would be inserted to provide access to two bedrooms and bathroom at first floor. The first floor would be lit by roof lights in the rear roof slope.
- 13 Gardeners Cottage – In residential use, this two bed unit would be retained.
- 14 Tiger Cottages – At present the space to be used for these two cottages is garden space for the adjacent Mill cottages. The front of the space is lined with conifers which largely prevents views through the space to the river beyond. A pair of two cottages is proposed, aligning with the adjacent cottages. The cottages would have weather boarded elevations sitting upon a brick plinth (as the adjacent cottages). The intention is that the details of the elevations ie porches, window details etc will match those of the adjacent Bridge Cottages. They would have a double pitched tiled roof with two dormer windows in the rear roofslope providing light/ventilation to the second floor stairwells. Each house would have a small rear terrace adjacent to the river.
- 15 Lion Yard - At present occupied by the modest timber Vanity Box building. A 2 ½ storey building fronting the High Street is proposed across the front of the site (located broadly mid way between Lion Cottages and Cherry Tree Cottage). This building would provide accommodation for 3 dwellings. The three cottages would be set back from the High Street with a small front garden, and would provide three x 3-bedroom houses each in an 'L' shape. 1 & 2 Lion Yard would have small courtyard gardens at the rear of the units whilst unit 3 would have a reasonable sized garden at the side of the house. The design has been simplified compared to the original scheme with a single ridge line running across the building and three x 2 storey back additions. The front roofslope would accommodate a single

dormer window whilst the rear elevation would provide two dormer windows – each of traditional pitched roof design. Traditional detailing and materials are proposed with a mixture of brick and weather boarded elevations with pitched tiled roofs.

- 16 Greenhouse - The existing derelict greenhouse would be replaced by a single storey 3 bedroom home utilising much of the form and materials of the existing greenhouse. The predominantly glazed 'L' shaped structure, set upon brick plinths, would face towards the mill stream with the existing brick structure at the rear of the greenhouse being incorporated by extension into the form and layout of the new dwelling. The main entrance would lie at the side of the building and doors in the west facing elevation would lead to the rear garden for this unit: the land immediately to the rear of the greenhouse being very steeply sloping uphill to a flatter area providing useable garden space (to the rear of Cherry Tree Cottage garden). The materials proposed would be a mixture of brick, weatherboarding and glazing with some roof slopes having integrated photovoltaic cells within the glazed roof.
- 17 Ancillary Works New footbridge across the mill stream – in the location of a previous footbridge. Restoration of the greenhouse in the walled garden Tennis Court in the rear garden beyond the walled garden Flood Alleviation Works – resulting in the re-grading of the access drive and some new banking around the rear of the site.

### Description of Site

- 18 The site comprises a late 18C mill complex centred on a grade II\* weather boarded, listed watermill and attached mill house with a mill stream and river running through the site. The site includes a number of other Grade II listed buildings including cart shed, counting house, stables, workers cottages and walled garden. A particularly rare feature of the site (in an industrial complex such as this) is the flint, brick and ragstone folly lying on high ground to the west of the mill (Grade II).
- 19 The site lies to the south of the High Street, central to the village of Farningham, straddling the River Darent and associated mill stream. Fields forming part of the site abut Sparepenny Lane to the west of the main mill site. The site remains largely in its original form.
- 20 The existing buildings are currently either in residential use or vacant with the Mill House being occupied until relatively recently. Cherry Tree Cottage and Lion Cottages lie adjacent to the High Street and although part of the wider site have been refurbished and are now for sale/recently sold. A sluice gate at the far south of the site, when working, should control the division of water through the river and mill stream. The site forms a key part of the historic fabric and character of the village.
- 21 The site maintains a green and rural feel with land to the front of the house and west of the race remaining largely undeveloped apart from Lion Cottages, the Vanity Box (an unlisted modest timber building used by a local hairdresser) and the remains of a dilapidated greenhouse set to the rear of the Vanity Box. To the rear of the Mill house lies a walled garden with remnants of a greenhouse, and

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other land forming part of the garden of the house. This stretches down to the sluice gate and is bounded by the river and mill stream.

- 22 The site around the river is largely flat but rises quite steeply to the west of the mill stream over a grassed area adjacent to the race up to a belt of trees. These stretch on a north/south axis and visually divide the mill and buildings from the pasture land adjoining Sparepenny Lane. Land adjoining the High Street around the Vanity Box and Lion Cottages has been cleared to reveal the derelict greenhouse structure and has now opened up much more significant views of the Mill from the High Street than had been previously available from the High Street. This clearance has also opened up views of the area to the rear of Lion Cottages/Vanity Box from the access drive leading to the Mill House. The garden areas of Lion Cottages have been formalised with new fencing, and lawn and repairs to the river bank .
- 23 A number of the buildings on this site are listed:
- Mill House Grade II\*
  - Mill/Engine House Grade II\*
  - Folly Grade II
  - Gardeners Cottage/Stables/Counting House Grade II
  - Mill Cottages Grade II
  - Bridge Cottage Grade II
  - Lion cottages Grade II
  - Cherry tree Cottage Grade II
- 24 The site lies mostly within the built confines of the village, partly within the green belt, mostly within the Conservation Area (the Cow Shed, Cart Shed and rear garden lie outside the CA), the whole site lies within the AONB, within flood zone 2 & 3 and within an area of archaeological potential.
- 25 To the east of the site lies the Manor House complex comprising two substantial houses with substantial gardens to the side and rear. This complex is Grade II listed.
- 26 Farningham Bridge at the entrance to the site is Grade II Listed whilst opposite the site lies the Grade II Lion Hotel with ancillary parking and seating area, adjacent to the river and further to the north west The White House, a Grade II listed house and gardens.
- 27 To the north/north west lies further listed residential properties – the closest being the Grade II listed Cherry Tree Cottage.

### Constraints:

*South East Plan*

28 Policies - SP5, CC1- 4, H1-H5, T1,T4, W2, C3, BE6

*Core Strategy*

29 Policies - L01 L07 SP1 SP2 SP3 SP5 SP7 SP11

*SDLP*

30 Policies - EN1, EN4B EN9 EN23 EN25A NR10 GB1 VP1 H1 H6A H6B

*Other*

31 NPPF

Relevant Planning History

32 SE/10/03385/LBC Works to facilitate the above scheme Withdrawn

SE/10/03384/FUL Residential conversion: 24 net additional units with 130 sq m's commercial floor space, flood prevention measure, new footbridge, parking, refuse provision and associated landscaping. Withdrawn

Consultations

*English Heritage*

33 English Heritage previously objected to this application in a letter of 18 November 2011 on the basis that it would do substantial harm to the significance of the Farningham Mill complex, which includes at its heart a grade II\* listed mill and mill house. The scheme has since been amended with elements previously identified by English Heritage as contributing most harm to the complex's collective heritage significance now omitted or redesigned.

34 This amended scheme would still do some harm to the significance of the complex, including in relation to subdivision of the mill house, however we suggest that this harm may now for the purposes of the National Planning Policy Framework (hereafter NPPF) be considered principally in relation to paragraph 134, which relates to development proposals that would do less than substantial harm to the significance of designated heritage assets. Great weight should continue to be given to the conservation of all affected designated heritage assets (paragraph 132), but we are prepared to accept that the public benefits of securing the future use and on going maintenance of this significant group of assets in the manner proposed are now capable of outweighing the reduced harm to significance. Listed building consent should only be granted subject to a planning obligation requiring upfront repairs and on going maintenance of the mill's highly significant landscape setting (including the folly) and conditions to cover elements of detailed design that are critical to conserving the significance of the mill complex.

*Heritage Advice*

35 Farningham Mill is a late eighteenth-century mill complex centred on a grade-II\* listed watermill and attached mill house, and set within a picturesque landscape with a mill stream meandering through it. The significance of the site was

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previously set out in my letter of 2 March 2011 and is summarised in my letter of 18 November 2011; it is not repeated here. This application has been amended with the objective of addressing objections previously lodged by English Heritage and others. The number of new-build units has been reduced, most notably including the omission from the scheme of the most visually intrusive boathouse and cow shed units. The development of Lion Yard has been reduced in scale and is repositioned to address Farningham High Street to be more consistent with the street frontage development rising up the High Street to the northwest. The greenhouse unit is restricted to the footprint of the former glasshouses, with its private garden moved to the northwest to avoid subdivision of the landscape around the mill stream and the intrusion of domestic paraphernalia in key views of the mill complex from the High Street. A more sensitive flood risk mitigation strategy has been developed which avoids the need for dwarf walls in parts of the site where the openness of the landscape is critical to its significance. Tiger Cottages have been reduced from three to two dwellings and they have been repositioned and redesigned to fall in line with the existing character of development.

- 36 The consequence of the above positive changes is that the scheme is no longer, in our view, substantially harmful to the significance of the mill complex. There will still be some harm to the heritage significance of the site resulting in particular from conversion of the mill and mill house, as previously set out in my letter of 18 November 2011. This harm should, though, for the purposes of the NPPF be treated as being less than substantial and therefore needing to be balanced against the public benefits of the proposal in the manner required by paragraph 134. Great weight should continue to be given to the assets' conservation as necessitated by paragraph 132, but we are prepared to accept that the public benefits of securing the future use and maintenance of this significant group of assets in the manner proposed are now capable of outweighing the reduced harm to significance.
- 37 Our judgment in this case is affected by the increasingly urgent need to secure a long term beneficial use for a highly significant group of mill buildings that are rapidly deteriorating in condition to the point where they are now at risk of serious decay. We recognise that a degree of new development is required to secure that beneficial future. The proposed plans also provide an opportunity for the future management of the site to be planned holistically and in a way that would minimise the harmful effects of parking and provide for the conservation and future maintenance of its significant designed landscape setting. Conservation works to structural elements of the landscape that are incapable of conversion to beneficial use, such as the folly, can also be brought within the scope of the site's overall management. If ownership were to become fragmented without such a long-term strategy in place (as would seem likely if this application is refused), this opportunity for conserving the site as a whole is likely to be lost.
- 38 We advise that listed building consent should therefore only be granted subject to the production of a management plan for the estate, to include a schedule of upfront repairs and on going maintenance works to the landscape that are legally and enforceable tied to that consent by way of a planning obligation, such as a Section 106 Agreement. We would want to be involved in agreeing the final wording of the management plan and the planning obligation. Conditions should also be attached to any consent to cover those aspects of detailed design that are



relevant to avoiding or minimising harm to significance. We suggest that the following conditions should be applied if consent is granted.

- 39 Before any work is commenced, details in respect of the following shall be submitted to and approved in writing by the Local Planning Authority in consultation with English Heritage and shall be carried out in full in accordance with such approved details:
- samples of external hard surfacing finishes and facing materials
  - a landscaping scheme, showing details of all hard and soft landscaping materials and of managing parking provision
  - a structural engineer's method statement for carrying out structural repairs to the mill house
  - large-scale section drawings showing the proposed methods of providing any new insulation and sound separation to all existing buildings
  - joinery details for all new and replacement windows and doors (including to the Carriage House and Coach House), including full-scale sections for glazing bars, sills, heads and details of protective finishes
  - details of all new bridges
  - drawings at 1:5 scale fully detailing all new or replacement bargeboards, weatherboarding, balconies, roof verges and roof eaves to the mill.
  - details of any new floor surfaces to the stables
  - manufacturer's details of all new rooflights
  - drawings at 1:5 scale fully detailing eaves, verges and porch canopies to Tiger Cottages.
  - details of rainwater goods
- 40 Before any work is commenced, the position, type and method of installation of all new and relocated services and related fixtures (including plumbing, grilles, flues, vents, alarms, lighting, cameras, ductwork and communications and information technology servicing), shall be specified and agreed in writing with the Council wherever these installations are to be visible. Any works shall be implemented only in accordance with such approval.
- 41 Recommendation - Listed building consent and planning permission should only be granted subject to the production of a management plan for the estate, to include a schedule of upfront repairs and on going maintenance works to the landscape that are legally and enforceably tied to those consents by way of a planning obligation, such as a Section 106 Agreement. We would want to be involved in agreeing the final wording of the management plan and the planning obligation. Conditions should also be attached to any consent to cover those aspects of detailed design that are relevant to avoiding or minimising harm to significance.

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### *Victorian Society*

42 Views Awaited:

### *20C Society*

43 Views awaited

### *Georgian Group*

44 Comments provided in full in the accompanying LBC application but in summary the following views are offered:

45 Following a site visit, 15th February 2011, and a full review of the proposals at The Group's most recent Casework Panel, 26<sup>th</sup> July 2011, we have the following objections.

46 Proposals: Whilst it is positive that there is still interest in bringing this site back into use and that the proposals have been slightly reduced from those assessed by The Group in March 2011 – the folly dwelling has been removed, subdivision of the mill house reduced by one unit, and stable fittings retained -The Group still considers the current proposals to constitute an over development of the historic site. We therefore object to the current scheme to subdivide the mill, mill house and stables to multiple dwellings because it will cause material harm to the character and special architectural significance of these buildings and the site.

47 Overall, our concern is that what is being proposed is the conversion of a rural estate to one more suburban in character, to the detriment of the site's special architectural interest and setting, with inevitable harm to the interiors of the listed buildings:

- Subdividing the mill house into two distinct units will begin a process of fragmentation within the site that should be resisted. This will be detrimental to both the character of the estate and listed building, as well as jeopardise the future management of the site as a cohesive whole.
- Subdividing the water mill itself into four residential units is more problematic in terms of the impact upon the listed building and its character. It is The Group's position that residential uses will, in this case, always be damaging to the open character of the building's interior.
- Notwithstanding that the proposed 'boat house', 'greenhouses', Cart Sheds' and 'cowsheds' are based on demolished / existing structures that will be rebuilt in the spirit of the original structures, The Group is of the opinion that the proposals will create a suburban feeling on the estate, one that not likely to be reversible once set in motion, and will be damaging to the setting of the listed building. Small houses such as these will inevitably require TV aerials, hard standing, bin stores, parking etc. The Group objects to these new build developments in principle; the same applies to the buildings proposed at Tiger Cottages and Lions Yard.
- The Group has no objections to the conversion of the stables, coach house and carriage shed to residential uses in principle; however, we have a number of concerns regarding the current proposals. Again, The Group is of

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the opinion that the current proposals, for four dwellings, amounts to over development.

- 48 The current scheme would still be subject to those tests set out by English Heritage in its document '*Enabling Development and the Conservation of Significant Places*' 2008. The Group is of the opinion that the scheme considered by The Panel would not be able to pass the most fundamental test, for those reasons set out above:
- 49 *Recommendation-* The Group objects to the proposed subdivision of the house, mill and its outbuildings as multiple dwellings. The Group also objects to the proposed new build elements on the site in principle and reiterates its previous comments: that if new development is required to accommodate a conservation deficit that this should be achieved off-site.
- 50 The applicants need to carry out a thorough market testing exercise to determine what the market will accommodate in terms the site's use and this should be used to guide the restoration of the site. For this reason, The Group recommends that application SE/11/01325/LBCALT be refused.
- 51 Views awaited in respect of the most recent revisions.

### *Kent Downs AONB Unit*

- 52 This is a major re-development within a community within the Kent Downs AONB in an area which is under considerable urbanisation pressures. It is important that the local and vernacular characteristics which make this a built area of the AONB so significant are conserved and enhanced. In this respect we refer to the following documents:
- 53 Kent Downs Landscape Design Handbook
- 54 Kent Downs AONV Farmstead Guidance and Kent Farmstead Guidance
- 55 Rural Streets & Lanes: A design Handbook
- 56 We are pleased to see the applicant excluded the option of housing development towards Sparepenny Lane.

### *Natural England*

- 57 Objects pending submission of additional bat evening/dawn surveys. These have been submitted and updated comments are awaited.

### *Thames Water*

- 58 Waste Comments
- 59 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. 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.

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60 Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

61 Water Comments

62 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.

### *Kent Wildlife Trust*

63 Views awaited

### *Environment Agency*

64 Have commented on a number of stages of this scheme and objections were raised both to the previous application and the earlier stages of this scheme. However following discussions between the applicant and the EA, their objection in principle has been removed. The comments below represent a summary of their earliest comments together with full copy of the most recent comments:

65 As you are aware, the Sequential Test and other planning policy related to flooding would be a matter for the Local Authority to consider. Using information from the Flood Risk Assessment (FRA) and our own data, we have endeavoured to provide as much flooding and hydrological information to them as possible, in order for them to make appropriate decisions.

66 In undertaking a FRA to demonstrate part C of the Exception Test can be passed, we would seek confirmation that the proposed development is not only itself safe from flooding but that it would not increase flood risk to neighbouring property. We would generally also seek a reduction in flood risk overall.

67 Further to receiving additional information by emails sent 6 June at 15.18 and 19 June at 15.32, from H20K Consultants and further emails subsequently received on 21 June 2012, we would like to make the following comments:

68 These emails include a topographic survey of the land and property on the right bank of the River Darent and proposed mitigation to reduce flood levels if deemed necessary to do so.

69 In summary, we can remove our previous objection to the proposal subject to conditions as described below.

70 Based on the findings of the topographic survey and data from our own hydraulic model, the Manor House basement and adjacent cottage, would be at an existing risk of internal flooding under the 100yr + 20% flood event (the 20% is an allowance to accommodate climate change). In the case of the adjacent Manor Cottage, the threshold levels are only very slightly above the estimated flood level under the present day 100yr flood event and so we recommend that measures should be in place, to ensure there is no increase in flood level as a result of the development. We believe measures can be incorporated which ensure the risk of flooding to adjacent property will not be increased.

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- 71 However, the models in the Flood Risk Assessment (FRA) should be based on the existing, pre-development scenario and compared against a proposed, post development scenario. We have previously requested confirmation from the applicant that the latest post-development model is based on all the latest proposed land levels, flood walls and landscaping etc. and for the Flood Design Plan (FARN PL/005 rev D) to be revised accordingly. A revised version of the Flood Design Plan (rev. E) was received on 22 June, but doubt remains whether the post development model accurately reflects the post development scenario.
- 72 Using our own data, we are satisfied the proposed works to the Mill House, Counting House, Carriage Shed, Stables, Coach House and Gardeners Cottage, in association with the proposed compensation strategy will not result in increased flood levels off site.
- 73 As of 21 June 2012, it appears cross sections of the model are still being altered to accurately reflect the proposed floodplain compensation and flood mitigation strategy and we are still awaiting confirmation that the completed model accurately reflects all proposed site levels, flood walls and landscaping etc. as shown on an up to date Flood Design Plan.
- 74 Therefore, while we believe an acceptable scheme can be developed which enables construction of Tiger Cottages and the associated flood wall without increasing flood levels to adjacent property, we are not satisfied the modelling information submitted to date confirms this. The principle of widening the top of the bank by 0.5m to improve conveyance of peak flow may be acceptable to ensure flood levels do not increase, but as the relevant cross section of the model has only recently been modified to include the flood wall, we remain concerned that other cross sections may also require modification to accurately reflect the post development scenario.
- 75 We are therefore only prepared to remove our objection to the proposal to construct Tiger Cottages subject to a suitable condition of planning.
- 76 We also have reservations concerning the proposed installation of a culvert in the Mill Leat. The proposed culvert would increase the rate of peak flow into the main channel and for similar reasons, as described above concerning the modelling, we are not satisfied this will not increase flood risk to adjacent property. We therefore also request a condition that will ensure this is reviewed before construction.
- 77 Using data from our own hydraulic model we are satisfied redevelopment and conversion of the Mill House, Mill and Engine House can proceed based on details supplied on DWGs FARN/PL-13-003 rev. C and FARN/PL-10-005 rev. E, without the need for any flow control structure to be placed upstream in the leat. A planning condition is recommended to ensure the safe removal of the existing mill sluice and if an alternative flow control structure is required for the purposes of amenity or biodiversity, we suggest a weir structure or similar is built, to ensure flow into the leat can be increased at times of flood. These details should be covered by an application to the Environment Agency for Flood Defence Consent under the terms of section 109 of the Water Resources Act 1991.
- 78 If the Local Authority is minded to grant planning consent for the application, we have no objection subject to the following conditions of planning:
- 79 Condition 1

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The development of Tiger Cottages hereby permitted shall not be commenced until such time as a scheme to demonstrate the loss of flood storage arising from the two dwellings and associated flood wall, using approved hydraulic modelling techniques, will not result in increased flood levels elsewhere. This should include precise details of all additional flood mitigation and defences, flood storage compensation areas and confirmation the post-development model accurately reflects these measures.

Reason

To reduce the impact of flooding on the proposed development and elsewhere.

For information, the relevant sections of the Environment Agency hydraulic model can be made available for reference and for reuse for external parties through our charging and licensing for flood risk information procedure. Please note that a sliding scale of fees applies to this type of information and we can advise of the potential cost of obtaining modelled data.

### 80 Condition 2

No works within the channel of the Mill Leat or main channel of the River Darent, or to any structure within either channel, shall take place without the applicant first obtaining written consent from the Environment Agency.

Reason

To ensure no increased risk of flooding as a result of the development.

### 81 Condition 3

82 Details of all landscaped flood bunds, flood walls and flood gates to individual dwellings be submitted and approved by the Local Authority. This should include flood proof garden walls which separate the rear gardens of dwellings from the Counting House to Gardeners Cottage.

Reason

To ensure flood risk to individual dwellings will be minimised.

### 83 Condition 4

No sleeping accommodation within any of the proposed dwellings to be located below 33.95mODN

Reason

To minimise risk to life.

### 84 Condition 5

Details to show each dwelling will have an unobstructed pedestrian access route to an area of the High Street within Flood Zone 1 during flood conditions. Occupants should have guaranteed legal rights of access.

Reason

To ensure safe access under flood conditions, to all occupants and emergency services.

85 Condition 6

A scheme to demonstrate means of surface water disposal will not increase risk of flooding on site or elsewhere.

Reason

To prevent an increased risk of flooding.

86 Condition 7

The Local Authority should be satisfied any permanent built development works below ground level such as the basement to Mill House, will be suitably waterproofed.

Reason

To prevent groundwater flooding.

*West Kent Primary Care Trust:*

- 87 Inevitably any increase in the local population has a knock-on effect in terms of healthcare and NHS West Kent would apply the S106 contribution to meet the extra demand. At this stage a health care need has been identified to support Hextable and Swanley and will help towards refurbishment of one or two practices. NHS West Kent seek a contribution of £8,640 plus legal costs in connection with this. Attached is the formula to support this calculation.

*KCC Highways*

- 88 Having now had the opportunity to look in more detail at the various layout plans and associated transport statement for the Farningham Mill site, please note the following KHS observations.
- 89 Traffic generation and impact
- 90 I am satisfied that the applicants supporting projected traffic generation figures based on TRICS data give as accurate a representation as could be expected for a projection on a site of this nature. Furthermore, the level of additional projected movements (i.e. without existing unit movements included) are not considered to be of a level which would generate a Kent Highways concern when considered against the existing levels of observed vehicle movements through the village.
- 91 Vehicle access
- 92 Proposed access to the Mill site via the existing drive provides a sufficient means of internal access but it is noted that the consideration of a minor junction improvement with the High Street which widens significantly at the access location would serve to improve sight line visibility to the right (east) across the adjacent bridge for vehicles emerging from the site which is slightly restricted and

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it is therefore recommended that such an improvement be explored and considered.

- 93 Access to Lion Yard appears acceptable in relation to observed vehicle speeds with note being made that visibility for vehicles emerging from the access is somewhat restricted to the left (west) of the access - albeit with the traffic approaching from that direction being on the far side of the road thus reducing the impact of the reduced visibility splay.
- 94 Parking
- 95 Whilst it is accepted that the overall total number of proposed parking spaces now meets the Kent IGN3 guidance for residential parking provision, it is not particularly clear how the parking layout relates to the units served. A layout of this type is likely to require a certain degree of allocated parking provision, particularly for the 3 or more bed units but there would appear to be a rather unbalanced spread of provision across the Mill and Lion Yard sites in respect of the unit numbers and types.
- 96 As a result of these concerns I would ideally like to see a plan showing specific details of which space is allocated to which unit and of any unallocated visitor spaces and this could be dealt with by means of an appropriate condition.
- 97 Other issues
- 98 There would appear to be some additional merit in reviewing the junction arrangement at the access to the Mill in order to improve visibility and again this could be dealt with by means of an appropriate condition. As a result of these required works there will be a need for the applicant to enter into agreement with the highway authority for their delivery..
- 99 There are no further Kent Highways concerns at this stage.

### *KCC Archaeology*

- 100 The roman villa complex straddles the river at the south of the site: although partly excavated, associated remains are likely to still be present across the application site.
- 101 A mill is mentioned in the Domesday Book although the current structure dates to late 18<sup>th</sup> C. As well as the current mill buildings, the routes of watercourses any industrial remains and buried remains of earlier Mills are of potential heritage significance. Evidence of the medieval and post medieval development of Farningham may also be present in parts of the site closest to the high Street.
- 102 The proposed sub division and extensions to the buildings as well as conversion of the site combine to alter the character of the site and distance it further from its industrial past. If SDC chooses to approve this application conditions should be attached to ensure:
- field evaluation works prior to commencement and any ensuing safeguarding works required



- implementation of a programme of building recording prior to commencement
- details of foundation design and any other works below ground to be approved prior to commencement.

### *Kent County Council*

- 104 In accordance with KCC methodologies the development as proposed has been assessed having regard to new clients generated and local service provision capacities and creates the following KCC service requirements:
- 105 Primary School: places within 2 mile radius: £3590.24/applicable flat and £2360.96/applicable house towards extension at one of the nearby schools
- 106 Secondary Schools: no current requirement
- 107 Libraries: Swanley library has been identified for upgrade and expansion requiring additional bookstock. A contribution of £1,210.27 will ensure sufficient resources for new clients arising through this development at Swanley and the mobile library that calls at Farningham.
- 108 Adult Education: no current requirement
- 109 Youth and community: Additional youth workers will be required who deliver services at both exiting youth centres and attend villages as/when required.. The cost of a detached youth worker over 5 years is £42,500: the cost to the site being £6,215.63.
- 110 Adult social services: no local spaces: running in excess of capacity. Additional clients will be generated by this development at a cost of £294.09/dwelling.

### KCC Ecology:

- 111 Thank you for the opportunity to comment on this application. We have the following response to make:
- 112 Under the Natural Environment and Rural Communities Act (2006), *“Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”*. In order to comply with this ‘Biodiversity Duty’, planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.
- 113 The National Planning Policy Framework states that “the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible.”
- 114 Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological
- 115 Conservation - Statutory Obligations & Their Impact Within the Planning System states that ‘It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established

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before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision.'

- 116 Natural England has published Standing Advice on protected species and Ancient Woodland. When determining an application for development that is covered by the Standing Advice, Local Planning Authorities must take into account the Standing Advice. The Standing Advice is a material consideration in the determination of applications in the same way as a letter received from Natural England following consultation. We have reviewed the submitted protected species surveys report and we are satisfied that the surveys have adequately assessed the impacted the proposed development will have on protected species.

### Bats

- 117 We are satisfied that the submitted surveys have adequately assessed the impact the proposed development will have on roosting and foraging bats.
- 118 Emergence surveys were carried out on all buildings to be impacted by the development and had a moderate and high potential to contain bats. Roosts were located within the Ice House, Mill House and Counting House. Since the survey was carried out, the plans have changed slightly and works are now proposed to be carried out to the Folly. The Folly was identified as having some potential to be suitable for roosting bats however emergence surveys were not carried out on the folly – instead two internal and external examinations were carried out.
- 119 We did query whether there would be a need for emergence surveys to be carried out – the ecologist provided the following information: *Having carried out the two search surveys, the roost potential was assessed as 'low'. Many of the cavities within the structure contain plant roots and loose soil and are not considered suitable for use by bats. Others are not deep or sheltered enough to have much potential*
- 120 We are satisfied with the information provided and we are satisfied that no emergence surveys need to be carried out on the Folly.
- 121 We require no further information to be submitted prior to determination.
- 122 If planning permission is granted and there is a significant delay to work starting there will be a need for follow up surveys to be carried out to assess if the suitability of the site for roosting bats has changed.
- 123 We are satisfied with the proposed mitigation detailed within the protected species survey – a detailed mitigation strategy must be submitted as a condition of planning permission. It must incorporate the mitigation detailed within the response.

### Bat Barns

- 124 The report has detailed that new bat barns will be created within the cart store and the pavilion. A drawing has been submitted showing the bat barn within the Cart Store, however we are unable to find a drawing to confirm that the bat barn has been included within the pavilion.

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125 We query why a drawing hasn't been submitted of the pavilion showing the bat barn.

126 Please provide a drawing showing how the bat barn will be incorporated in to the pavilion.

### *Other*

127 The implementation of the mitigation proposed for badgers, kingfishers and breeding birds must be carried out as a condition of planning permission.

### *Enhancements*

128 It is proposed to produce an ecological enhancement plan for the site – this must cover the whole site and not be limited to the river bank.

129 The enhancement plan must also include details of proposed management for the site to ensure areas which have been designed to enhance biodiversity are managed

### SDC Tree Officer:

130 The whole site is visually important to the village, from a landscaping point of view. The main frontage area inclusive of Lion Yard will have the main impact on the visual aspects of the village. The existing site plan as supplied, (FARN/PL-10-001) has changed recently with the removal of a number of mature trees from the site.

131 This new scheme as proposed and from a landscaping point of view is an improvement on the previous proposals. Space has been allocated to the rear of the proposed Lion Houses. This should allow the retention of most of the existing trees there. It would be expected that the loss of 1 Robinia tree located immediately to the rear of the proposed Lion House D will occur. The remaining twin stemmed Sycamore, the single stemmed Sycamore and the Horse Chestnut should be able to be retained as part of the proposal. It is clear however that all of the above trees will require pruning. It is also expected that any future residents will place pressure on this authority for permission to remove them due to potential problems of shade, leaf fall and their overall size. I am pleased to see the removal of the proposals for the Folly area with its proposed access from Sparepenny Lane.

132 I also note the proposal to construct the "Vanity Box" and the "Octagon". Both of these structures are close to what is perceived as trees for retention. Whereas it may be feasible to construct this close to trees. Special circumstances as well as special design details will have to be presented to us and agreed prior to any consent provided. It is also noted that a large area is shown for parking and other hard landscaping needs. Again some of this is shown to be located near to trees that are required to be retained. The permeability for such hard landscaped areas as well as materials used are also important to the visual aspects of the site and should be discussed further or at the very least conditioned.

133 I would expect to see further discussion on all of the aforementioned issues. I would also expect to see a landscaping condition attached to any consent provided.

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### *SDC Environmental Health*

- 134 Despite the conclusions of the Environmental Desk Study, I believe it is prudent should you be minded to grant permission for this development, that a phased contaminated land condition is attached.
- 135 This would include an intrusive investigation and remediation proposals to be agreed with the district council if significant ground contamination is found. The reason for including such a condition is the length of time, diversity of use and lack of specific information on what may have been introduced onto this site require further investigation.
- 136 If remediation is required then a further validation report will be required to demonstrate adequate implementation of any remediation requirements.

### *SDC Waste & Recycling*

- 137 No objection providing:
- suitable road surface on the access drive
  - sufficient turning space at the head of the access drive
  - the double yellow lines at the entrance to the site must remain to enable access to the site by the effuse lorry
  - a fully laden refuse bin can weight up to 500K. We therefore request that the bin store be as close as possible to where the vehicle will be stopped, and the proposed Mill House 1 parking bay appears to be most suitable. Especially if the surface will cobble stones. We have an obligation to crew safety, and the current proposed location of the bin store at the end of the row of parking areas is nearly twice the distance as the Mill House 1 parking bay. So although I do appreciate the aesthetic and conservation point of view, safety must override in this case.
- 138 If nos. 1 to 4 above can be resolved as suggested, then we will be able to safely and effectively collect household refuse, recycling, and garden waste from the site.

### *GL Hearn:*

- 139 Were instructed jointly by SDC and English Heritage to assess the economic viability of the scheme with a view to determining the optimum viable use of the site. In other words to advise whether the level of development proposed was necessary to ensure the renovation and continued long term protection of the site or whether in fact the level of development was in fact much greater than required to ensure the renovation and protection of the site.
- 140 In summary they assessed a number of development options with varying levels of development included in each assessment ranging from the existing use of the site through to this application - as originally submitted. That scheme exceeded the current proposal insofar as it included two new houses at the rear of the site,

three units on the site of Tiger Cottages and 4 units on the site of Lion Yard as well as an underground car park on the site of Lion yard.

- 141 In summary it was concluded that the continued use of the site in its current use would not be viable to ensure the long term protection of the site whilst the scheme then proposed would be excessive resulting in the over development of the site.
- 142 It was considered that the conversion of existing buildings was justified, although the split of the mill house into two units was not felt to be compelling (although possibly acceptable). The level of new build then proposed was not justified as it exceeded the minimum required to secure the future of the site. If a profit level of 15% was considered to be acceptable then this could be achieved with the conversion of the mill, single occupation of the house and conversion of the driveway units.

### *Adams Integra*

- 143 Were instructed by the Council to carry out a desktop viability assessment of the housing viability statement submitted. Using the HCA's Economic Appraisal Tool they concluded that *The appraisal shows that the scheme is unable to deliver any affordable housing due to the high costs involved in the scheme. The applicants have used a build cost in their appraisal which in my opinion is too high. However even with the reduced build costs my appraisals show that the scheme cannot support the inclusion of any affordable housing.*

### *Parish / Town Council*

- 144 Objects - Tiger Cottages represent over development of the site and result in a change of vista, there should be no parking on either side of the access drive except those couple of spaces outside the Mill house; this will also impede the overall vista enjoyed for centuries and obscure the protected detail to be maintained/replaced on access road dwellings.

### Representations

- 145 The two full applications submitted in respect of this site have generated varying numbers of objections – the previously withdrawn scheme close to 100 objections, the first version of this application nearly 40 and finally the re-consultation for this scheme has resulted in 15 objections – albeit several people responded several times. The responses came from 8 different households raising objection. Their comments can be summarised as follows:
- This site lies in a service village whose capacity to absorb more development is constrained.
  - This would result in over development of the site
  - The sub division of the mill and mill house would be harmful to the integrity of these listed structures and contrary to the views previously expressed by English Heritage
  - The land upon which Tiger cottages sits has always been garden space for the adjoining cottages and should not be developed. This aspect of the

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development would be harmful to the character and setting of the estate – having been a feature of the estate for hundreds of years. This would adversely affect the setting of the estate when viewed from the High Street and from the neighbouring house/garden.

- Tiger Cottages would adversely affect the neighbours outlook and privacy.
- Too much parking is being created and would adversely affect the character and setting of the listed building, general character of the estate and neighbours amenities through loss of outlook due to lack of screening, increased noise and pollution.
- Fewer car parking spaces should be provided in this sensitive location and this should be supplemented by a green travel plan which would enable reduced provision.
- The levels of parking would adversely affect the setting of the surrounding conservation area.
- No parking should be provided at the front of the estate, there is sufficient land at the rear of the house for such provision.
- In the face of such high levels of parking provision, less development should be proposed to ensure lower levels of on site parking.
- The village already suffers high levels of parking on the High Street and surrounding roads both from residents and visitors to the area, this would only increase as a result of this development.
- The proposed Flood Risk Assessment does not adequately demonstrate that potential for flooding of the neighbouring dwelling could be prevented. This would not accord therefore with National Flood Risk Policy.
- Lion Yard would dominate the High Street at this point creating a tunnelling effect as a result of the high roof.
- The Vanity Box should be protected and retained: perhaps the Lion Yard houses could sit behind the vanity box.
- Build something more worthwhile on the greenhouse plot.
- Any new building on the site would be harmful to the character and setting of this historic site and village.
- Views around the site should be preserved.
- There is no need for further commercial units on this site, businesses have shut through lack of custom the past and the last thing Farningham needs is more empty units.
- The mill is unsuitable for conversion into 4 flats and should be restored as a working museum, albeit it is not clear how this could be funded

- Potential damage to tourism as a result of harm to the mill and its setting
- Farningham has sufficient number of workers cottages, it would help the village if some 4 bedroom houses had been included in this scheme.
- Planning documents submitted with this scheme need to be updated to reflect changes to the scheme and changes in legislation
- The scheme fails to comply with the NPPF, Core Strategy and SDLP

### Group Manager - Planning Appraisal

#### Principal Issues

- 146 The main issues concern the impact upon the setting/character of the listed buildings (dealt with more comprehensively in the accompanying LBC application), design, impact upon the character and appearance of the conservation area, impact upon the AONB, flooding, highways/parking, archaeology, ecology, trees/landscaping, affordable housing, S106 contributions, sustainability, neighbours amenities and impact upon green belt.

#### Listed Buildings:

- 147 Farningham Mill is an exceptionally well preserved historic mill complex centred on the Mill and Mill House and set within an extensive attractive landscape. The site is considered of outstanding heritage significance primarily for its comprehensive group of late 18<sup>th</sup> Century mill buildings. The complex remains largely unaltered. The mill and mill house are at the centre of the estate and are both Grade II\* listed. The ancillary buildings, listed at Grade II lie within the Farningham Conservation Area. A particular rarity in an industrial complex such as this is the late 18<sup>th</sup> C Folly on rising land to the west of the mill. The significance of the estate is the sum of its architectural, historic, aesthetic and archaeological interest.
- 148 It is the impact upon this asset and its significance that must be assessed.
- 149 The NPPF is clear that *when considering the impact of a proposed development on the significance of a designated heritage asset (HA) that great weight should be given to the asset's conservation.* Where a development will lead to substantial harm to the significance of a designated HA, LPA's should refuse consent. Where a development proposal will lead to less than substantial harm to the significance of the HA this harm should be weighed against the public benefits of the proposal including securing its optimum viable use. In other words we need to ensure that the level of development approved is appropriate to the level of need to secure the future of the heritage asset and does not cause more change or damage to the asset than is justified. Para 134 of the NPPF refers to an assessment of the public benefits of a scheme including an assessment of the optimum viable use of the site.
- 150 The Council/EH commissioned an assessment by GL Hearn to consider this matter which considered the scheme prior to its most recent revision. It concluded that whilst the site in its current form would not enable the restoration and future security of the site that the originally proposed scheme proposed too much development that would be harmful to the significance of the site. The

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consultants report suggested that the conversion of the existing units would generate sufficient income to make this scheme viable.

- 151 The GL Hearn report made several assumptions about, for instance, property values that are contested by the applicant and which have not been proven to be wholly accurate, for instance one of the units outside the estate estimated with a finished value of £290k by the consultants (Cherry Tree Cottage) has been renovated and on the market now for some months at just under £250k. Of course this may or may not be representative of the market conditions when the proposed development is completed should permission be forthcoming for the rest of the estate.
- 152 However, the scheme was re-considered in conjunction with English Heritage and a revised scheme submitted. The revised scheme removed two detached houses proposed at the rear of the site, reduced Tiger Cottages from a terrace of three units to a pair of semi's, reduced the size of the greenhouse dwelling, reduced the size of the Lion Yard development and in so doing removed one dwelling and removed an underground car park.
- 153 Following those revisions the scheme was submitted to Adams Integra for a review of the financial side of this scheme in connection with the issue of affordable housing. The conclusion drawn is that although the build costs are high, there are a number of explanations for this, such as the cost of restoration works on the listed buildings requiring a higher standard of work than necessarily associated with costs associated with a new build unit, works on alternative power sources (heat source pump), works to the folly which will give no financial reward when completed, flood protection works on site and that in fact there is no spare money in the scheme to provide for affordable housing. This therefore by default demonstrates that the revised scheme is only just and that any further reduction in the number of units on this site would affect the viability of the scheme.
- 154 English Heritage have re-considered the scheme and concluded that the revised scheme would not now cause significant harm to the heritage asset and are prepared to accept that the public benefits of securing the future use of the site, in the manner proposed, are now capable of outweighing the reduced harm to significance.
- 155 The original scheme proposed a greater level of new buildings around the site with consequent effects in terms of the setting and general character of the site, greater more intrusive parking levels and a more visually intrusive flood management system. That scheme has been revised and reduced in scale removing 4 new dwellings from the scheme, an underground car park and changing the manner of flood alleviation around the site. Further changes have been made to the design of the new build units, the greenhouse unit and the two Tiger cottages as well as to the parking layout, to assist their integration within the site and surrounding village. The buildings on Lion Yard in particular have been reduced in size and designed to be more sympathetic to the general scale and character of surrounding buildings in this part of the village.
- 156 The scheme would allow the future management of the site to be planned holistically in a way to minimise the harmful effects of this level of development. Conservation works to the folly in particular, which is incapable of conversion to



beneficial use, is being brought into the site's overall management. If ownership were to become fragmented without such a long term strategy (as would be possible if the application is refused) this opportunity for conserving the site as a whole could be lost.

- 157 It is therefore considered vital that a management plan is approved to include a schedule of repairs and on going maintenance works to the landscape. Conditions are also required to cover those aspects of the detailed design that are relevant to avoiding or minimising harm to the significance of this site.
- 158 Design: A number of changes will be made to the appearance of various parts of the site – including minor changes to existing buildings to facilitate their conversion and provide flood resistance through to the new build projects at Lion Yard and Tiger Cottages.
- 159 Tiger Cottages: The land at the side of the existing cottages fronting the driveway has thus far been used as a garden for the existing cottages and is largely screened from view from the driveway and High Street by a screen of evergreens. One pair of cottages are proposed on this site. The original scheme showed a terrace of three cottages on this site but after discussions including those with English Heritage the scheme has been amended to that currently proposed.
- 160 The front of the cottages now align with those on either side and a gap of 4 – 5.5m will be left between this pair of houses and Gardeners Cottage to the south and 4.4 - 4.7m between this and Bridge Cottages to the north. The ridge height will be higher than the immediately adjacent run of buildings to the south, but will be the same height as the Counting House at the southern end of this group of buildings and the adjacent Bridge Cottages. The roof form is similar to that used on the Counting House at the other end of the driveway. And the elevational treatment has been amended to align more closely with the adjacent Bridge Cottages to the north, with its brick plinth and weatherboard elevations. Subject to the submission of details, the finer details of the houses such as windows, porches, doors etc. are intended to be sympathetic to the characteristics of those elements found on Bridge Cottages. The intention of this design is to ensure that the buildings, when completed, fit sympathetically into their surroundings.
- 161 Lion yard: This element of the scheme has been much reduced in scale and now proposes a single building, set back behind modest front gardens fronting the High Street providing three dwellings. This part of the High Street is very narrow and lies on ground that rises to the west. It was felt important to the general character of the High Street and surrounding Conservation Area that this building sit close to the highway rather than being set back into the site as some have suggested. The roof is now a single entity with the ridge line running parallel to the High Street with a single dormer in the flank elevation and two in the rear elevation. At the rear, two 2-storey additions are proposed stretching some 4.5m back into the site. The elevations would be brick at ground floor with the first floor being white weatherboarding topped with a plain clay tiled roof. Windows would be timber sashes.
- 162 This building would sit between the Grade II listed white weather boarded Lion Cottages to the east and brick and flint walled Grade II Listed Cherry Tree Cottage to the west. The design and positioning of this block is considered acceptable within the context of the design, style and scale of surrounding buildings.

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- 163 Greenhouse: To the rear of Lion Yard would lie a part glass part brick single storey house on the site of the existing greenhouse. The design would replicate the design and materials of the original greenhouse and would include the consolidation of existing brick built structures to the rear within this 3 bedroom unit.
- 164 Existing Buildings: In order to facilitate the conversion of the existing buildings on site a number of external alterations will take place such as
- the introduction of roof lights,
  - some amendments to the front elevation of the stables and coach house to provide a front wall and entrance,
  - minor works to provide flood resistance (for instance steel doors that can be inserted across the lower part of the entrance door in times of flood risk)
  - extension to the rear of the mill building to facilitate access to the ice houses.
  - renovation works to the engine house
- 165 Those changes to the front elevations will be more visible within the public realm than those to the rear but the guiding consideration has been that they should not be so harmful to the significance of these buildings as to be unacceptable or to irreparably change the character of these buildings.

### Conservation Area:

- 166 The whole of the site except the Cow Shed, Cart Shed and rear garden lies within the Farningham Conservation Area. The CA Appraisal identifies the site as follows:
- 167 The most visually significant group of buildings in Farningham, due in large part to their siting, is that centred around the river Darent and the bridge. This includes the Mill and Mill House, their outbuildings, the cottages flanking the approach to the Mill buildings, the Lion Hotel and cattle screen. Together they form a truly picturesque setting and provide the real heart of the village.
- 168 The appraisal also identifies that the mill is in a poor state of repair and that the grounds contain a derelict greenhouse.
- 169 The Mill, Mill House and group of buildings with the Counting House are identified as an important group of buildings as are Bridge Cottages, Lion Cottages, The greenhouse, Vanity Box and Lion Hotel. Clearly the site is of significant prominence within the village and sensitive to change and alteration.
- 170 The site lies at a part of the village where the road narrows to cross the river, and where, for a short distance, buildings directly abut the public footpath along the High Street, giving this part of the High Street a more enclosed feel. The site is open around the entrance and in combination with views into the estate from the Lion Yard area makes this estate a focal point within the Conservation Area and indeed village.

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- 171 The principal changes that would be noticeable from the High Street would be the 2 new cottages along the drive, Lion Yard, the Greenhouse and changes to the exterior of the Engine House. The restoration of the Folly would also be visible from the High Street. Works to re-grade the driveway would be apparent as would elevational changes to the carriage house and coach house. Works to the rear of the site i.e. parking provision, alterations to the cart shed and alterations to the Mill house and mill would be largely hidden from public view.
- 172 Tiger Cottages would fill a gap in development along the driveway that has existed for centuries and this is a sensitive element of the scheme. However in terms of the impact upon the CA it is considered acceptable. The character of the estate is formed in part by the number of modest buildings lining one side of the driveway, offset by the semi rural feel of the opposite river bank which has remained largely undeveloped. The proposed scheme would retain that character – infilling the gap with a pair of modest cottages of very similar character to those already lining the driveway.
- 173 The site of the Lion Yard development currently comprises the modest weather boarded building known as the Vanity Box. This structure is an interesting adjunct to the estate but is not of sufficient merit to warrant listing and its reconstruction on a nearby location is not considered in principle harmful to the character of the CA. There are concerns about the location of this building within such close proximity to retained trees on the site and in the interests of the longevity of these trees the vanity box would be more appropriately removed altogether. However the precise layout of the parking spaces and replacement vanity box could appropriately be dealt with by condition.
- 174 The proposed new building at Lion Yard has been extensively changed to reflect more closely the scale and character of nearby development, and it is considered would now be sympathetic to this part of the High Street and CA: representing now a much simpler form of development with a much simpler roof line that is more sympathetic to the scale of the buildings on either side.
- 175 The frontage building will, to a limited extent, shield views of the parking area to the rear from the High Street. Beyond that will lie the Greenhouse unit, lying on the site of an existing, albeit dilapidated greenhouse. The form and size of that unit will be replicated, using as much of the original material as possible to form a single detached house. The parking for this unit will be within the adjacent yard and efforts have been made to simplify the landscaping around this house to prevent encroachment of general residential form and paraphernalia around the adjacent river bank. This is to ensure that it remains a part of the general estate landscape rather than being viewed as a separate and self contained garden. In this way it is considered that this would form a satisfactory use of a partially existing structure that would lend itself sympathetically to the wider CA.
- 176 Overall it is felt that the new development, whilst clearly changing the character of the surrounding CA will, as materials ‘weather in’ sit comfortably within the general character and spatial characteristics of the estate and wider CA.
- 177 Much concern has been expressed about the impact of parking upon the character of the estate and wider CA with particular concern being expressed about preventing parking on the estate driveway. At present an area in front of some of the units flanking the driveway and in front of the house is available for parking –

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albeit with the house in single occupation this has not often it would appear been fully utilised. Many suggestions have been made about where else on the estate the parking should be located. It is considered that an acceptable balance has been reached with some parking in the adjacent cart shed and land at the side of the house, a few spaces in front of the house and outside the counting house and the rest located within Lions yard. At present a low fence post and chain fence runs alongside the river and it is intended that this could be re-positioned on the grass verge adjacent to the driveway to prevent parking on the verge. Another such fence would be positioned on the opposite side of the driveway for the same reason. This, it is considered would largely retain the existing uncluttered view of the mill house and mill that currently exists and would not therefore be harmful to the character of this part of the CA.

### AONB

- 178 The site lies wholly within the surrounding North Downs AONB, as indeed does the surrounding village. Those parts of the site where new built form is proposed are contained within the village confines, surrounded by other existing buildings. Whilst the partially undeveloped character of the site contributes to the openness and character of the site and the surrounding village, development in the manner now proposed such as to preserve the character and appearance of the conservation area and setting of the estate would not detract from the wider countryside or the attributes that define the AONB around Farningham.

### Flooding

- 179 The site lies predominantly within the Flood Zone 2 and 3 with the River Darent and the mill stream running through the site and most of the proposed dwellings lying between these two watercourses. The outer limits of flood zone 3 follows the line of the mill race, with the site to the east of that line lying within zone 3. Flood Zone 3 represents a 1:100 year or greater risk of flooding. Zone 2 extends a little further west – as far as the vanity box with land beyond that line lying outside zone 2. Flood Zone 2 represents between a 1:100 and 1:1000 risk of flooding. The scheme has therefore had to deal with issues of flood defences, floodplain compensation strategies, surface water drainage and bio diversity enhancements.
- 180 The NPPF advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but that where it is necessary it should be made safe without increasing flood risk elsewhere. Local Authorities are advised to apply a sequential risk based approach to the location of development to avoid, where possible, flood risk to people and property. The sequential approach advises that in allocating land for development this test should demonstrate that there are no reasonably available sites in areas with a lower probability of flooding that would be appropriate and that this approach should also be used in areas known to be at risk from flooding. In this case of course the site is already a residential site and as far as possible development has been placed in the Lion Yard area such as to avoid the most sensitive flood zone. However a judgement also has to be taken regarding the need for further development to make this scheme viable and where that development could be placed to cause least harm to the character and significance of the surrounding estate. That development has to be on this site and realistically there is no other land within the estate that could be used without causing significant harm to the estate.

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- 181 Within the flood zone buildings used for dwelling houses are considered to be more vulnerable types of development with basement dwellings being considered highly vulnerable. Such development must be assessed against the exceptions test. For the Exception Test to be passed:
- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a SFRA where one has been prepared.
  - the benefits in this case relate to the renovation and preservation of the estate and it is considered that this would outweigh potential flood risk.
  - the development should be on developable previously-developed land
  - previously developed land is that which is or was occupied by a permanent structure including the curtilage of the developed land. There is no presumption however that the whole of the curtilage of such land should be developed. In this case it is considered that the site of Tiger Cottages does form previously developed land.
  - a FRA must demonstrate that the development will be safe, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 182 A FRA has been submitted that has been assessed by the EA. Although the case has not been proven conclusively in respect of all aspects of the development to avoid increasing flood risk to surrounding sites, the EA is confident that all development apart from Tiger Cottages can be overcome. They have recommended in respect of Tiger Cottages that until adequate modelling information in respect of the pre and post development conditions is submitted that work on Tiger Cottages should not commence. This can be dealt with by means of an appropriate condition. Subject to the conditions suggested by the Environment Agency it is considered that this scheme would satisfy the provisions of the NPPF.
- 183 The original scheme was subject to objections from the Environment Agency (EA) and the revised scheme has been the subject of objections from some surrounding villagers concerned about the impact of further development of this site.
- 184 The scheme has found a more aesthetically pleasing manner in which to afford protection to the proposed dwellings from future floods by means of changes to land levels (the re-grading of the access drive for instance) and some banking around sensitive parts of the site (around the side of the Mill house) rather than the erection of boundary walls. Aesthetically this is far more sympathetic to the character of the estate than the previous proposal and offers sufficient protection to future residents to overcome objections from the EA in this respect. The only basement accommodate is not sleeping accommodation and forms only part of one unit with higher floors available within the same house..
- 185 In terms of flood compensation measures a sunken tennis court is proposed in the rear garden and the level of land further towards the rear of the garden will

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be reduced. At the front of the site the grass banks immediately either side of the river would be reduced by an average of 150mm.

- 186 The EA accept the proposed scheme subject to the implementation of a number of conditions regarding flood defence measures, floor levels and surface water drainage and bio-diversity enhancements.

### *Highways/parking*

- 187 The NPPF seeks to guide development to sustainable locations that encourage less reliance upon private modes of transport. Farningham is identified in policy L07 of the Core Strategy as a small settlement with a restricted range of services which renders it unsuitable for promoting development: where infilling and redevelopment on a small scale only will be permitted. Development within Farningham should be of a scale and nature appropriate to the village and should respond to the distinctive local characteristics of the area.
- 188 This scheme proposes 17 additional units and given the poor provision of public transport links to the village (minimal bus service only) the development would not be considered to accord with the sustainability aims of the NPPF. There are few local services and few local job opportunities that would suggest that the new private dwellings would be expected to rely heavily on the use of private motor vehicles to access the site. This would be contrary to the general aims of the NPPF but has to be weighed against the benefits of the development funding the restoration of the listed buildings.
- 189 It is not considered that the increase in traffic drawn to the site would be such as to cause harm to road safety objectives and the free flow of traffic around the site such as to warrant a refusal of permission.
- 190 In terms of the junction of the main access with the High Street some works are considered prudent to improve visibility but these deal largely with the re-surfacing of part of the access where it joins the High Street, this could be dealt with by condition and would not impact upon the visual character of the mill site.
- 191 In terms of parking provision the applicant has provided sufficient spaces to accord with current policy requirements.
- 192 Representations received from local residents and the Parish Council make it clear that on street parking levels within the village are high and that particularly during the summer months, visitors to the area increase parking pressures. Concern has been expressed about on site parking, both in terms of the potential impact upon the visual amenities of the site (considered above) and in terms of the potential for traffic to spill out of the site into surrounding residential areas to park.
- 193 That area of the highway outside the application site narrows as it passes across the river and on street parking is discouraged by double yellow lines extending from just beyond the nearby bridge to a point several hundred yards to the west of the site: the western end of the village around the site is subject to particularly significant on street parking restrictions. Any traffic displaced from the site therefore would not be able to park immediately outside the site but would be displaced towards the centre of the village or around the London Road/Sparepenny Road area.

- 194 Of particular concern is that the driveway leading to the Mill and Mill House and indeed the area around the house should not be wholly utilised for parking. Whilst there is sufficient space to enable off street parking for the site, such provision would be considered detrimental to the character and setting of the Mill site. Part of the attempt to overcome this harm is to remove some of the parking into Lion Yard. Concern has been expressed that these spaces do not readily connect to the location of the units that would utilise all of the spaces thereby forcing cars to park on surrounding roads. Local parking restrictions may however discourage such actions. In addition a new footbridge will be placed across the river to provide pedestrian access within the site to both sides of the river.
- 195 One way to deal with the visual impact of parking upon sites of historical significance such as this could be to reduce parking levels required. However in this particular instance, given the rural location and poor access to public transport, this is not considered a realistic option: this would almost certainly push additional traffic onto surrounding roads to park. Given the current situation and the potential impact upon nearby residents that is not considered a viable option.
- 196 Previously more surface parking was proposed around the Mill/Mill House and this was considered unacceptable in terms of the impact upon the setting of the mill and house. With the current scheme there would not appear to be anywhere else on the site to place surface parking that would not encounter either green belt objections. Landscape objections or potential harm to the character/appearance of either the listed buildings or the conservation area. A reduction in the level of development proposed with the consequent impact upon parking levels is discussed in connection with other aspects of this scheme elsewhere in this report

### *Archaeology*

- 197 The middle and rear part of the site lies within an area of Archaeological potential, and the Farningham Roman Villa site lies nearby. It is anticipated that the site could have potential for the remains of a number of types/ages to be recovered. Subject to relevant conditions however to ensure suitable recording/protection of any findings, no objections are raised to the proposed works.

### *Ecology*

- 198 The site has potential for harm to bats and nesting birds. Further survey work has been carried out in response to previously expressed concerns regarding bats and the submitted survey work provides for a mitigation strategy. Views are awaited in respect of this issue from KCC.

### *Affordable Housing:*

- 199 The number of new residential units being created would ensure that this application should make provision for affordable housing units equivalent to 40% of the units being created. It is contended that there is insufficient profit within the scheme to make such provision available.

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- 200 As a result of the need to protect the architectural and historical significance of this site a more densely developed scheme that could perhaps provide some affordable housing would not be acceptable.
- 201 The viability statement submitted by the applicant has been independently assessed and it is considered that the scheme could not support either on site provision or an off site contribution.

### *S106 Contributions*

- 202 A number of contributions are being sought from KCC and the Local Health Trust . The Council does not consider the methodology used to justify these contributions to be sound. In addition these contributions raise the same issues as in respect of the affordable housing contributions ie conflict between the requirements for these contributions and the protection of the significance of the site. The Council are advised that an affordable housing contribution could not be sustained by this scheme and the same consideration is relevant in respect of these other financial contributions.

### *Sustainability*

- 203 The NPPF describes sustainable development as being able to meet the needs of the present without compromising the ability of future generations to meet their own needs.
- 204 In respect of the use of alternative energy sources this scheme refers to the use of solar hot water panels, solar photovoltaic panels water sourced heat pumps and water driven turbine and ground source heat pumps. The aim of these measures being to provide a total of 10% of the energy needs of the site through these renewable energy sources.
- 205 Precise details of these methods have not been provided, ie it is not clear where the panels would be sited and in view of the heritage significance of this site some of this may actually be unobtainable. However it is proposed that this particular aspect of the scheme is dealt with by condition to enable full consideration of the impact of the proposals upon the site.
- 206 Also considered as part of the sustainable benefits offered by this scheme would the improvement to the insulation of existing buildings, the use of local materials and suppliers and the extension of the existing Darent Valley Path across the western part of the site.

### *Trees/Landscaping*

- 207 The site contains a number of mature trees both within the site and on the site boundaries which contribute to the overall character and setting of the site and indeed the wider village and conservation area. Some trees have already been subject of pruning and maintenance works and such work will undoubtedly be required to other trees within the site. Clearly some trees will need to be removed from within the site, most specifically those affected by the development of the greenhouse and potentially one or two within the area adjacent to the parking area at the side of the Mill House. It is not anticipated at that stage that any trees of particular merit are proposed for removal.



- 208 Those trees lying within the Conservation Area are of course afforded an additional level of protection. However in order to ensure that the maximum number of trees are protected and preserved during the development process, a number of conditions are recommended in respect of parking layouts, alignment of footbridges, tree protection during development, etc.

### *Neighbour Amenities:*

- 209 The neighbours most affected by the scheme would be those living to the east in Manor House and Cottage, those opposite and next to Lion Yard.
- 210 The Lion Yard properties would allow some overlooking of the garden of the house opposite, White House and some oblique views of the house itself, however not to an extent that is considered significant. Some sideways overlooking would be possible from a bedroom window in each of the flank elevations of the gardens of neighbouring cottages. However this also is not considered significant.
- 211 Manor House Cottage lies on the opposite river bank to the scheme – with the boundary of its garden and that of Manor House running almost the entire length of the application site. The visual amenities of the Cottage residents would be affected as a result of Tiger Cottages since the cottages would lie directly opposite the cottage. However the houses would have a distance of some 20-24 m between facing rear walls. Although the outlook from the cottage would change it is not considered that at these distances this would be so significant as to justify a refusal.
- 212 In terms of overlooking issues, Tiger Cottages have been designed to prevent any overlooking of the opposite side of the river above ground floor level. Views would be partially obscured by hedging on the Manor House Cottage side of the river from ground floor level but not completely.
- 213 Other impacts upon the Manor House residents from this scheme would result from new roof lights in the rear of existing buildings and the use of the land to the rear of these buildings as private amenity space. There is some boundary screening from existing trees on the Manor House side of the river and those parts of the garden being overlooked are not those immediately adjacent to the houses themselves. It is not considered that this level of overlooking could be considered so significant as to be unacceptable.
- 214 The residents of Manor House have raised objections to the potential noise, pollution and light pollution impact of the parking area proposed at the side of the Mill House upon their garden. This parking area would lie some distance from the nearest part of either house and the impact would be upon the garden rather than the house. It would undoubtedly be noticeable to anyone in the garden but is not considered a significant intrusion such as to be harmful to the amenities of those residents.

### *Green Belt*

- 215 The only works to that part of the site lying within the green belt relate to the restoration of the greenhouse lying within the walled garden, the restoration/replacement of the footbridge to the rear of the mill and the lowering of ground levels in response to the flood compensation scheme. In the case of restoration/replacement works the replacement structures would not have any

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greater impact upon the surrounding green belt than the existing/original structures. The final alterations to the ground levels at the rear of the site have yet to be agreed but such works would not affect the openness of the surrounding green belt nor indeed the visual character or amenities of the green belt. These works are all considered to constitute appropriate development within the green belt.

### *Other Issues*

- 216 Alternative uses: An alternative use of the premises has been suggested by a local resident that could secure its long term protection but without the impact in terms of works to the buildings, parking etc. that would result from this scheme. Unfortunately we have no evidence that such a proposal could be funded and this scheme could not be refused on the basis that there may be an alternative use of the sort suggested.

### Access Issues

- 217 Will be determined by the relevant building regulations submission.

### **Conclusion**

- 218 The proposed scheme would see the renovation and conversion of the existing buildings on site into a number of houses and flats along with the construction of 6 new dwellings. The works required are substantial and would have an adverse impact upon the significance of this site and its many listed buildings and structures. The level of harm is considered however to be less than substantial. Great weight should continue to be given to the conservation of all affected designated heritage assets but it is now considered that the public benefits of securing the future use and on going maintenance of this significant group of assets in the manner proposed are now capable of outweighing the reduced harm to significance.
- 219 Other issues as discussed in detail above are, it is recognised, are going to cause a change in visual terms and to the levels of activity around the site and consequently village that will affect surrounding residents and the visual amenities of the area. However it is considered that the changes proposed to the appearance and character of the site would be sympathetic to the existing character of the site and wider area. The levels of activity primarily associated with increased traffic drawn to the site would be within acceptable limits within this High Street Location.
- 220 Subject to the relevant conditions and legal agreement to secure a number of objectives the scheme is considered, overall to be acceptable.

### Background Papers

Site and Block Plan

Contact Officer(s): Lesley Westphal Extension: 7235

Kristen Paterson  
Community and Planning Services Director

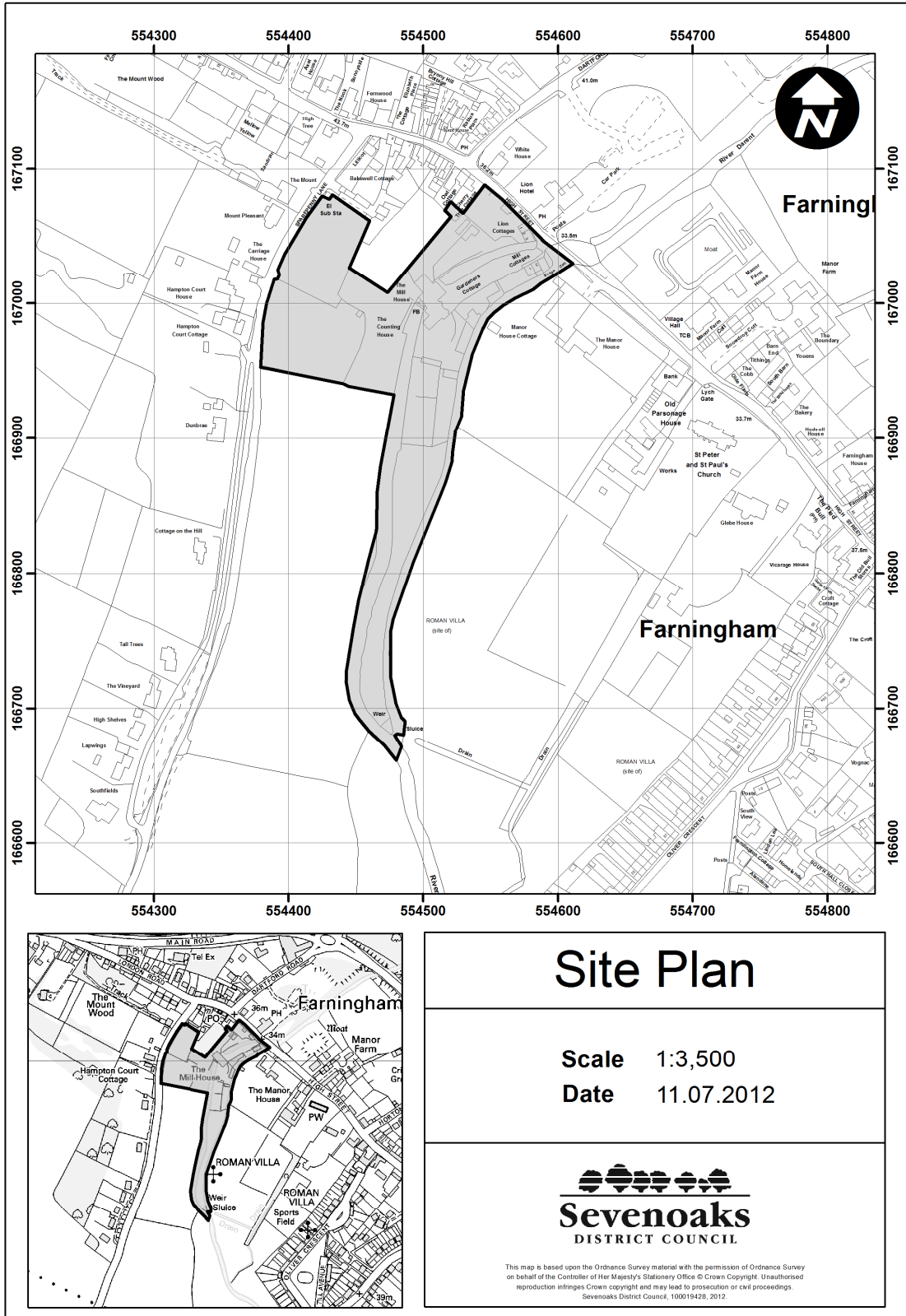
Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LLRBU8BKOCR00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LLRBU8BKOCR00>

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## Site Plan

Scale 1:3,500  
Date 11.07.2012



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4.2 SE/11/01325/LBCALT Date expired 4 August 2011

PROPOSAL: Works associated with the conversion of existing buildings into residential and ancillary accommodation

LOCATION: Farningham Mill & Associated Buildings, High Street, Farningham Kent DA4 0DG

WARD(S): Farningham, Horton Kirby & South Darent

**ITEM FOR DECISION**

This application has been referred to the Development Control Committee by the Director of Community and Planning Services on the grounds that the application is of a significant, controversial or sensitive nature.

**RECOMMENDATION:** That Listed Building Consent be GRANTED subject to the following conditions:-

1) The works to which this consent relates shall begin before the expiration of three years from the date of this consent.

In pursuance of section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2) Prior to the commencement of works, a structural engineers method statement for carrying out structural works and repairs to the Mill House shall be submitted to and approved in writing by the Local Planning Authority, in consultation with English Heritage. The works shall be carried out in accordance with the approved details.

To ensure minimum harm to the fabric and character of this heritage asset.

3) Prior to the commencement of works on any existing buildings on this site, large scale drawings showing the proposed methods of providing any new insulation and sound separation to all dwellings shall be submitted and approved in writing by the Local Planning Authority in consultation with English Heritage. The scheme shall be carried out fully in accordance with the approved details.

To ensure the proposed development is in harmony with the existing listed building.

4) Prior to the commencement of work on any existing buildings on site, joinery details shall be provided to the LPA in consultation with English Heritage of all new and replacement windows and doors (including to the Carriage House and Coach House) including full scale sections for glazing bars, sills, heads and details of protective finishes. The scheme shall be carried out fully in accordance with the approved details.

To ensure the proposed works are in harmony with the existing listed building.

5) Prior to the commencement of works on site, details shall be provided of all works to construct new pedestrian bridges on site, including full details of siting materials and design. The details shall be submitted to and approved in writing by the Local Planning Authority in conjunction with English Heritage and the scheme shall be carried out in

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accordance with the approved plans.

To ensure the proposed development is in harmony with the listed building and protects the character and setting of the site in accordance with policy SP1 of the Core Strategy.

6) Prior to the commencement of works on site drawings at a scale of 1:5 fully detailing all new or replacement bargeboards, weatherboarding, balconies, roof verges and roof eaves to the mill shall be submitted to and approved in writing by the Local Planning Authority in consultation with English Heritage. The works shall be carried out fully in accordance with the approved details.

To ensure the proposed works are in harmony with the listed buildings and to protect the character and setting of the site in accordance with the provisions of policy SP1 of the Core Strategy.

7) Prior to the commencement of works on site, details shall be provided to and approved in writing by the LPA in consultation with English Heritage of any new floor surface to the stables. The scheme shall be carried out in accordance with the approved details.

To ensure the proposed works are in harmony with the listed building in accordance with the provisions of policy SP1 of the Core Strategy.

8) Prior to the commencement of works on site, manufacturers details of all new roof lights shall be submitted to and approved in writing by the LPA in consultation with English Heritage. The scheme shall be carried out fully in accordance with the approved details.

To ensure the proposed development is in harmony with the listed building in accordance with the provisions of policy SP1 of the Core Strategy.

9) Prior to the commencement of works to Tiger Cottages drawings to a scale of 1:5 fully detailing eaves, verges, porch canopies and windows to Tiger Cottages shall be submitted to and approved in writing by the LPA in consultation with English Heritage. The scheme shall be carried out in accordance with the approved details.

To ensure a satisfactory appearance upon completion in accordance with the provisions of policy EN1 of the Sevenoaks District Local Plan and policy SP1 of the Core Strategy.

10) Prior to the commencement of works on site details shall be submitted in writing to and approved by the LPA in consultation with English Heritage of all rainwater goods. The scheme shall be carried out in accordance with the approved details.

To ensure a satisfactory appearance upon completion in accordance with the provisions of policy SP1 of the Core Strategy..

11) Before any work is commenced, the position, type and method of installation of all new and relocated services and related fixtures (including plumbing, grilles, flues, vents, alarms, lighting, cameras, ductwork and communications and information technology servicing), shall be specified and agreed in writing with the Council wherever these installations are to be visible. Any works shall be implemented only in accordance with such approval.

To ensure a satisfactory appearance upon completion and impact upon the character



and significance of the listed buildings.

12) Prior to the first occupation of the development hereby approved, samples shall be submitted to and approved in writing by the Local Planning Authority in consultation with English Heritage of all the hard surfacing materials and materials to be used in the external surfaces of the development hereby approved. The scheme shall be carried out in accordance with the approved details.

To ensure a satisfactory appearance upon completion in accordance with the provisions of policy SP1 of the Core Strategy.

13) Prior to the commencement of the development hereby approved, details shall be submitted to and approved in writing by the LPA in consultation with English Heritage of the proposed landscaping scheme showing details of all hard and soft landscaping, including any phasing scheme. The scheme shall be carried out in accordance with the approved details.

In order to secure a satisfactory appearance upon completion in accordance with the provisions of policy SP1 of the Core Strategy.

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

The South East Plan 2009 - Policies BE6

Sevenoaks District Local Plan - Policies EN1 EN23

Sevenoaks District Core Strategy 2011 - Policies BE6

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

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

The development would respect the character and setting of the Listed Building.

#### Description of Proposal

- 1 Works associated with the conversion of existing buildings into residential and ancillary accommodation:
- 2 This scheme comprises a revised submission and proposes the following works:
- 3 Conversion of the Mill House into two dwellings – with a front/rear sub-division. These works involve the excavation of an existing basement to provide a fully usable kitchen/family room across the whole of the front of the house, lit by an existing window beneath the access stairs and a window in the flank elevation. A new pedestrian access would be created to the flank window. The layout of the front section of the house would remain largely as existing apart from the creation of en-suite shower rooms to two of the bedrooms and would provide a 4 bed unit. An existing access from the house to the mill would be retained to provide en-suite facilities at first floor level adjacent to the Ballroom apartment.

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- 4 The rear part of the house would be converted into a 4-bed unit with access via an existing door at the side of the house. This work would incorporate an existing annexe at the rear of the house into the habitable floorspace. Again this conversion would largely accommodate existing room layouts.
- 5 Conversion of the Mill into 4 apartments – At ground level a communal entrance to stair and lift to all apartments in the mill. A 2-bed unit with the bedrooms and bathrooms at the front of the apartment allowing the main part of the mill machinery and workings to remain open towards the centre/rear of the floor. At first floor a 3 bed unit following the same general configuration with a large kitchen, dining/living space towards the centre/rear of the floor, at second/third floor a front/rear division accommodating two units which combined with accommodation at both floors would provide two 2-bed units.
- 6 Ice House - To the rear of the engine house lies an ice house, connected to the folly above which is proposed for conversion as part of the engine house conversion
- 7 Engine House - Although part of the listing this is a later addition and in extremely poor and dilapidated condition. This part of the building would provide, once refurbished, on a front/rear split, 2 x 2-bed units.
- 8 Folly - General overhaul with some re-pointing and repairs to the flint work although further investigation required in respect of the stability of the foundations.
- 9 Cow shed - An existing single storey brick/tiled building lying on the edge of the village confines to be re-furbished.
- 10 Cartsheds – This single storey building lies opposite the flank wall of the house and at present comprises an empty somewhat dilapidated structure. It is proposed that it would be converted into 6 garages with a study above and that one bay would provide a refuse store. 6 rooflights are proposed in the rear roofslope. It would sit adjacent to a parking courtyard.
- 11 Counting House – A two storey house with brick/flint elevations partially in residential use albeit with part of the structure unconverted. The rear part of the building would be converted into residential use. A new stair case would provide access to the loft enabling provision of a 3 bed/study unit. A small private garden would be accessed adjacent to the river. The existing room layout /sub-divisions would remain largely unaltered.
- 12 Carriage House – An existing timber open fronted storage area adjacent to the counting house. The open bays would be given timber screens, sitting on a brick plinth, retaining the original shape but providing the front wall of the proposed living area. The ground floor would remain largely open apart from a bathroom and would incorporate an open space beneath an existing roof to form a kitchen/breakfast room addition. A small private garden would back onto the river. At first floor 2 rooflights would enable the provision of two bedrooms.
- 13 Stables - With their white weatherboard exterior the existing stables retain many of their original fittings/fixtures and their outward appearance would remain much as existing apart from the insertion of a significant number of rooflights into the rear roof slopes. Internally the stall screens would mostly be retained within an

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otherwise open kitchen/dining/living space This building would be divided front/rear with access to the rear unit via a side footpath adjacent to Tiger cottages. This subdivision would allow the provision of 1 3-bed and 1 2-bed unit. The first floor of these units would be lit by rooflights and some existing first floor windows.

- 14 Coach House - Another white weather boarded building the Coach House has two sets of timber doors to a single open space within. The timber doors would be partly replaced with glazed screens. At ground floor level the single space would be retained apart from a bathroom. A staircase would be inserted to provide access to two bedrooms and bathroom at first floor. The first floor would be lit by rooflights in the rear roofslope.
- 15 Gardeners Cottage – An existing one bed unit would be retained.
- 16 Tiger Cottages – At present the space to be used for this pair of cottages is garden space for the adjacent Mill cottages. The front of the garden space is lined with conifers which largely prevents views through the space to the river beyond. A pair of two cottages is proposed, aligning with the adjacent cottages. The cottages would have weatherboarded elevations sitting upon a brick plinth (as the adjacent cottages). The intention is that the details of the elevations ie porches, window details etc will match those of the adjacent Bridge Cottages. They would have a double pitched tiled roof with two dormer windows in the rear roofslope providing light/ventilation to the second floor stairwells. Each house would have a small rear terrace adjacent to the river.
- 17 Lion Yard - At present occupied by the modest timber Vanity Box building. A 2 ½ storey building fronting the High Street is proposed across the front of the site (located broadly mid way between Lion Cottages and Cherry Tree Cottage). This building would provide accommodation for 3 dwellings. The three cottages would be set back from the High Street with a small front garden, and would provide three 3-bedroom houses each in an ‘L’ shape. 1 & 2 Lion Yard would have small courtyard gardens at the rear of the units whilst unit 3 would have a reasonable sized garden at the side of the house. The design has been simplified compared to the original scheme with a single ridge line running across the building and three x 2 storey back additions. The front and flank elevation would have one dormer each whilst the rear elevations would provide 2 dormer windows – each of traditional pitched roof design. Traditional detailing and materials are proposed with a mixture of brick and weather boarded elevations with pitched tiled roofs. The parking area would lie to the rear of this building.
- 18 Greenhouse - The existing derelict greenhouse would be replaced by a single storey 3 bedroom home utilising much of the form and materials of the existing greenhouse. The predominantly glazed ‘L’ shaped structure, set upon brick plinths would face down towards the mill stream with the existing brick structure at the rear of the greenhouse being incorporated by an extension into the form and layout of the new dwelling. The main entrance would lie at the side of the building and doors in the west facing elevation would lead to the rear garden for this unit: the land immediately to the rear of the greenhouse being very steeply sloping uphill to a flatter area providing useable garden space (to the rear of Cherry Tree Cottage garden). The materials proposed would be a mixture of brick, weatherboarding and glazing with some roofslopes having integrated photovoltaic cells within the glazed roof.

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- 19 Ancillary Works - New footbridge across the mill stream – in the location of a previous footbridge alongside the entrance drive. Restoration of the greenhouse in the walled garden Tennis Court in the rear garden beyond the walled garden Flood Alleviation Works – resulting in some new walls along the driveway and alterations to the floor level of the Old Cow shed

### Description of Site

- 20 The site comprises the Mill House, dated from c.1790, the attached Mill and engine house, and a complex of buildings including cart shed, counting house, stables, workers cottages a folly and walled garden. The site lies to the south of the High Street, central to the village of Farningham, straddling the River Darent and associated mill stream. Fields forming part of the site abut Sparepenny Lane to the west of the main mill site. The site remains largely in its original form.
- 21 The existing buildings are currently either in residential use or vacant with the Mill House being occupied until fairly recently. Cherry Tree Cottage and Lion Cottages lie adjacent to the High Street and although part of the wider site have been refurbished and are now for sale/sold. A sluice gate at the far south of the site when working should control the division of water through the river and mill stream. The site forms a key part of the historic fabric and character of the village.
- 22 The site maintains a green and rural feel with land to the front of the house and west of the race remaining largely undeveloped apart from Lion Cottages, the Vanity Box (an unlisted modest timber building used by a local hairdresser) and the remains of a dilapidated greenhouse set to the rear of the Vanity Box. To the rear of the house lies a walled garden and remains of a greenhouse and other land forming part of the garden of the house. This stretches down to the sluice gate and is bounded by the river and mill stream.
- 23 The site around the river is largely flat but rises quite steeply to the west of the mill stream to a belt of trees stretching on a north/south axis which visually divides the mill and buildings from the pasture land adjoining Sparepenny Lane. Land adjoining the High Street around the Vanity Box and Lion Cottages has been cleared to reveal the derelict greenhouse structure and has now opened up much more significant views of the Mill than had been previously available from the High Street. This clearance has also opened up views of the area to the rear of Lion Cottages/Vanity Box from the access drive leading to the Mill House. The garden areas of Lion Cottages have been formalised with new fencing, the river bank has been repaired and parking set out for these two units.

- 24 A number of the buildings on this site are listed:

#### *Mill House Grade II\**

- 25 Circa 1790. Two storeys and attics, faced with buff bricks. Parapet. Mansard slate roof with 3 dormers. Wide porch between with pediment, up 7 steps.

#### *Mill/Engine House Grade ii\**

- 26 Present water mill is circa 1790. Three storeys and attics faced with weatherboarding.

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Mansard slate roof with stone figures of eagles flanking the gable end. Projecting hoist in the gable end which also contains an ogee-headed attic window. In the north-east corner is a round-headed doorway with semi-circular fanlight. In the north-west corner a sham duplicate doorcase has been painted to balance it.

### *Folly Grade II*

- 27 Probably dates from 1790. This is situated on a hill overlooking the Water Mill. To the left there is a network of low flint walls capped with red brick. To the right of this, approached up a steep bank are 3 octagonal turrets, the one on the extreme left built of flint and brick in a chequer work design with a stone crocket over surmounted by a ball finial. The central turret is truncated and is built of flint and brick. Underneath the turrets and summer house are 2 chambers excavated out of the hillside. The chambers are brick lined. Air shafts lead up, presumably to the turrets. Both chambers were probably used for storing grain for the adjacent mill and the Folly thus had a practical as well as ornamental purpose.

### *Gardeners Cottage/Stables/Counting House Grade II*

- 28 C18 range with tiled roof. At the south-west end is The Counting House a cottage of 2 storeys and 3 windows, faced with flints with red brick window dressings, quoins and stringcourse. Casement windows, those on the ground floor having 2 painted lights. In the centre are the former stables and coach-house. One storey. These are faced with weatherboarding. Round-headed doorway and ogee-headed loft door over it. At the north-east end is Gardeners Cottage. Two storeys faced with weatherboarding. Two sashes with glazing bars intact. Doorcase with flat hood on brackets and door of 6 fielded panels.

### *Mill Cottages Grade II*

#### *Bridge Cottage Grade II*

- 29 C18 L-shaped range. Two storeys and attics. Two windows and 2 gabled dormers facing north-east, 6 windows and 3 gabled dormers facing north-west. Faced with weatherboarding, the north-east front grooved in imitation of masonry. Tiled roof. Bridge Cottage, facing north-east, has very elaborate glazing to the windows, parts of which open as casements, 2 bays on the ground floor, and a doorcase between with pediment-shaped hood over. Nos. 1 and 2 Mill Cottages, facing north-west, have sash windows with glazing bars intact and doorcases with flat hoods on brackets.

### *Lion cottages Grade II*

#### *Cherry tree Cottage Grade II*

- 30 The site lies mostly within the built confines of the village (outside the built envelope is in the green belt), within the Conservation Area, the whole site within the AONB, within a flood zone and within an area of archaeological potential.

### Constraints:

- 31 A number of listed buildings (as detailed above), Farningham Conservation Area

### Policies

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### *South East Plan*

32 Policies - BE6

### *Core Strategy*

33 Policies - SP1

### *SDLP*

34 Policies - EN23

### Relevant Planning History

35 SE/10/03385/LBC Residential conversion: 24 net additional units with 130 sq m commercial floorspace, flood prevention measure, new footbridge, parking refuse provision and associated landscaping. Withdrawn.

SE/10/03384/FUL Residential conversion: 24 net additional units with 130 sq m commercial floorspace, flood prevention measure, new footbridge, parking refuse provision and associated landscaping. Withdrawn.

### Consultations

#### *English Heritage*

36 English Heritage previously objected to this application in a letter of 18 November 2011 on the basis that it would do substantial harm to the significance of the Farningham Mill complex, which includes at its heart a grade II\* listed mill and mill house. The scheme has since been amended with elements previously identified by English Heritage as contributing most harm to the complex's collective heritage significance now omitted or redesigned.

37 This amended scheme would still do some harm to the significance of the complex, including in relation to subdivision of the mill house, however we suggest that this harm may now for the purposes of the National Planning Policy Framework (hereafter NPPF) be considered principally in relation to paragraph 134, which relates to development proposals that would do less than substantial harm to the significance of designated heritage assets. Great weight should continue to be given to the conservation of all affected designated heritage assets (paragraph 132), but we are prepared to accept that the public benefits of securing the future use and ongoing maintenance of this significant group of assets in the manner proposed are now capable of outweighing the reduced harm to significance. Listed building consent should only be granted subject to a planning obligation requiring upfront repairs and ongoing maintenance of the mill's highly significant landscape setting (including the folly) and conditions to cover elements of detailed design that are critical to conserving the significance of the mill complex.

#### *Heritage Advice*

38 Farningham Mill is a late eighteenth-century mill complex centred on a grade-II\* listed watermill and attached mill house, and set within a picturesque landscape with a mill stream meandering through it. The significance of the site was

previously set out in my letter of 2 March 2011 and is summarised in my letter of 18 November 2011; it is not repeated here. This application has been amended with the objective of addressing objections previously lodged by English Heritage and others. The number of new-build units has been reduced, most notably including the omission from the scheme of the most visually intrusive boathouse and cow shed units. The development of Lion Yard has been reduced in scale and is repositioned to address Farningham High Street to be more consistent with the street frontage development rising up the High Street to the northwest. The greenhouse unit is restricted to the footprint of the former glasshouses, with its private garden moved to the northwest to avoid subdivision of the landscape around the mill stream and the intrusion of domestic paraphernalia in key views of the mill complex from the High Street. A more sensitive flood risk mitigation strategy has been developed which avoids the need for dwarf walls in parts of the site where the openness of the landscape is critical to its significance. Tiger Cottages have been reduced from three to two dwellings and they have been repositioned and redesigned to fall in line with the existing character of development.

- 39 The consequence of the above positive changes is that the scheme is no longer, in our view, substantially harmful to the significance of the mill complex. There will still be some harm to the heritage significance of the site resulting in particular from conversion of the mill and mill house, as previously set out in my letter of 18 November 2011. This harm should, though, for the purposes of the NPPF be treated as being less than substantial and therefore needing to be balanced against the public benefits of the proposal in the manner required by paragraph 134. Great weight should continue to be given to the assets' conservation as necessitated by paragraph 132, but we are prepared to accept that the public benefits of securing the future use and maintenance of this significant group of assets in the manner proposed are now capable of outweighing the reduced harm to significance.
- 40 Our judgment in this case is affected by the increasingly urgent need to secure a long term beneficial use for a highly significant group of mill buildings that are rapidly deteriorating in condition to the point where they are now at risk of serious decay. We recognise that a degree of new development is required to secure that beneficial future. The proposed plans also provide an opportunity for the future management of the site to be planned holistically and in a way that would minimise the harmful effects of parking and provide for the conservation and future maintenance of its significant designed landscape setting. Conservation works to structural elements of the landscape that are incapable of conversion to beneficial use, such as the folly, can also be brought within the scope of the site's overall management. If ownership were to become fragmented without such a long-term strategy in place (as would seem likely if this application is refused), this opportunity for conserving the site as a whole is likely to be lost.
- 41 We advise that listed building consent should therefore only be granted subject to the production of a management plan for the estate, to include a schedule of upfront repairs and on going maintenance works to the landscape that are legally and enforceably tied to that consent by way of a planning obligation, such as a Section 106 Agreement. We would want to be involved in agreeing the final wording of the management plan and the planning obligation. Conditions should also be attached to any consent to cover those aspects of detailed design that are

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relevant to avoiding or minimising harm to significance. We suggest that the following conditions should be applied if consent is granted:

- 42 Before any work is commenced, details in respect of the following shall be submitted to and approved in writing by the Local Planning Authority in consultation with English Heritage and shall be carried out in full in accordance with such approved details:
- samples of external hard surfacing finishes and facing materials
  - a landscaping scheme, showing details of all hard and soft landscaping materials and of managing parking provision
  - a structural engineer's method statement for carrying out structural repairs to the mill house
  - large-scale section drawings showing the proposed methods of providing any new insulation and sound separation to all existing buildings
  - joinery details for all new and replacement windows and doors (including to the Carriage House and Coach House), including full-scale sections for glazing bars, sills, heads and details of protective finishes
  - details of all new bridges
  - drawings at 1:5 scale fully detailing all new or replacement bargeboards, weatherboarding, balconies, roof verges and roof eaves to the mill.
  - details of any new floor surfaces to the stables
  - manufacturer's details of all new rooflights
  - drawings at 1:5 scale fully detailing eaves, verges and porch canopies to Tiger Cottages.
  - details of rainwater goods
- 43 Before any work is commenced, the position, type and method of installation of all new and relocated services and related fixtures (including plumbing, grilles, flues, vents, alarms, lighting, cameras, ductwork and communications and information technology servicing), shall be specified and agreed in writing with the Council wherever these installations are to be visible. Any works shall be implemented only in accordance with such approval.
- 44 Recommendation
- 45 Listed building consent and planning permission should only be granted subject to the production of a management plan for the estate, to include a schedule of upfront repairs and on going maintenance works to the landscape that are legally and enforceably tied to those consents by way of a planning obligation, such as a Section 106 Agreement. We would want to be involved in agreeing the final wording of the management plan and the planning obligation. Conditions should also be attached to any consent to cover those aspects of detailed design that are relevant to avoiding or minimising harm to significance.

### *Georgian Group*

- 46 Views in respect of the original scheme are contained below: comments in respect of the revised scheme are awaited.
- 47 Thank you for consulting The Georgian Group regarding the revised scheme at Farningham Mill. Following a site visit, 15th February 2011, and a full review of



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the proposals at The Group's most recent Casework Panel, 26<sup>th</sup> July 2011, we have the following objections.

- 48 Farningham Mill
- 49 The mill and mill house, built circa 1790 are at the heart of a complex of buildings including cart sheds, stables, counting house, workers' cottages and a walled garden. The setting of the mill is largely unaltered from the time of its construction and includes the River Darent and millstream, gardens to the rear, and a folly structure. The mill house itself is a handsome small house, two bays wide and three storeys high. It retains a number of 18<sup>th</sup> century features, including mouldings, fireplaces and staircase, as well as its domestic plan form.
- 50 The house and mill are listed grade II\* and the various outbuildings fall within the curtilage of these buildings; the site is largely within the Farningham Conservation Area.
- 51 Proposals
- 52 It is proposed to refurbish and subdivide the mill and mill house to accommodate six dwellings and carry out structural repairs; the application is proposing enabling development, claiming a conservation deficit owing to the present condition of the house and mill. A number of new buildings and the conversion of existing outbuildings into dwellings is proposed. This amounts to 36 dwellings in total with separate structures for home office accommodation, ancillary to these dwellings.
- 53 Whilst it is positive that there is still interest in bringing this site back into use and that the proposals have been slightly reduced from those assessed by The Group in March 2011 – the folly dwelling has been removed, subdivision of the mill house reduced by one unit, and stable fittings retained -The Group still considers the current proposals to constitute an over development of the historic site. We therefore object to the current scheme to subdivide the mill, mill house and stables to multiple dwellings because it will cause material harm to the character and special architectural significance of these buildings and the site.
- 54 Overall, our concern is that what is being proposed is the conversion of a rural estate to one more suburban in character, to the detriment of the site's special architectural interest and setting, with inevitable harm to the interiors of the listed buildings.
- 55 Subdividing the mill house into two distinct units will begin a process of fragmentation within the site that should be resisted. This will be detrimental to both the character of the estate and listed building, as well as jeopardise the future management of the site as a cohesive whole.
- 56 Subdividing the water mill itself into four residential units is more problematic in terms of the impact upon the listed building and its character. The applicants have only provided viability assessments of various residential scenarios and have not offered any evidence that other less damaging uses are not viable. PPS 5 states that '*Significance can be harmed or lost through alteration or destruction of the historic asset or development within its setting. Loss affecting any designated heritage asset should require clear and convincing justification.*' (HE 9.1) and English Heritage gives further guidance:

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- 57 *'In principle the aim should be to identify the optimum viable use that is compatible with the fabric, interior and setting of the historic building. This may not necessarily be the most profitable use if that would entail more destructive alterations than other viable uses.'* (Enabling Development and the Conservation of Significant Places', 2008, Para 3.9)
- 58 It is The Group's position that residential uses will, in this case, always be damaging to the open character of the building's interior. In the current scheme, over 50% of floor space at first and second floor levels is given over to partitioned rooms and at third floor level the open character is completely lost through the subdivision of the space into two flats; when we last wrote on these proposals we recommended that *'All efforts should be made to retain the mill's open character internally, therefore, vertical subdivision with a lift is unacceptable.'* The proposed interventions required for a residential conversion are severely damaging to the special interest of the building, these include escape stairs, concrete floors, roof lights, sound and heat insulation, jib door, and the loss of the trompe l'oeil windows as well as more significant flood protection measures than is necessary for other uses.
- 59 The Group remains concerned that the proposed lift, as well as adding to the subdivision of internal space, is an intrusive proposal that will involve the loss of historic floor fabric, as will the creation of new stairs to the third floor. The need for a lift, in line with part M of the building regulations (Heritage Impact Assessment), is generated by the decision to pursue the proposed use and ensure sufficient returns. It is The Group's opinion that many of the problems incurred in subdividing the building, poor lighting to the attic storey for example, are symptomatic of the proposed overdevelopment.
- 60 Notwithstanding that the proposed 'boat house', 'greenhouses', 'Cart Sheds' and 'cowsheds' are based on demolished / existing structures that will be rebuilt in the spirit of the original structures, The Group is of the opinion that the proposals will create a suburban feeling on the estate, one that not likely to be reversible once set in motion, and will be damaging to the setting of the listed building. Small houses such as these will inevitably require TV aerials, hardstanding, bin stores, parking etc. The Group objects to these new build developments in principle; the same applies to the buildings proposed at Tiger Cottages and Lions Yard.
- 61 PPS 5 states that *'When considering applications for development that affect the setting of a heritage asset, local planning authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset. When considering applications that do not do this, local planning authorities should weigh any such harm against the wider benefits of the application.'* (HE 10.1) The proposals for new dwellings in the setting of the mill and mills house amount to, in our opinion, significant harm to the setting of the mill, mill house and complex as a whole - as an architectural set piece.
- 62 The Group has no objections to the conversion of the stables, coach house and carriage shed to residential uses in principle; however, we have a number of concerns regarding the current proposals. Again, The Group is of the opinion that the current proposals, for four dwellings, amounts to over development. Notwithstanding the retention of a majority of fixtures and fittings the special

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architectural interest of these buildings will be severely impacted upon. We therefore object to the introduction of large panes of glass in the coach house and carriage shed in principle, the proposal is incongruous with a small, historic, rural estate. Like the water mill, it is proposed to introduce a plethora of roof lights to this block and introduce a new first floor within the carriage house, stables and coach house to squeeze additional capacity out of the estate. We object to these aspects of the scheme, in principle, as they are symptoms of the proposed over development.

- 63 The current scheme would be still be subject to those tests set out by English Heritage in its document *'Enabling Development and the Conservation of Significant Places'* 2008. The Group is of the opinion that the scheme considered by The Panel would not be able to pass the most fundamental test, for those reasons set out above:
- 64 *'Enabling development that would secure the future of a significant place, but contravene other planning policy objectives, should be unacceptable unless:*
- *it will not materially harm the heritage values of the place or its setting'*
  - *it avoids detrimental fragmentation of management of the place(P5)*
- 65 The Group's assessment of the proposals concluded that there would be substantial harm to the site and some loss of significance. PPS 5 states that *'Loss affecting any designated heritage asset should require clear and convincing justification.'* (HE 9.1). Whilst the applicants have this time submitted a report based on the financial aspects of delivering the site it still raises a number of issues. The report states that:
- 66 *'It is clear from the state and repair of the property that the previous long term owners have struggled to afford the significant maintenance and repair liabilities, hence their decision to sell. I think that it is unlikely, given its problems, that the site would have any great appeal to a hobbyist type buyer with a niche interest in maintaining historic water mills.'* (Lambert and Foster - Para. 7, May 2011)
- 67 The applicants are therefore arguing that the site is redundant as a single occupancy house / mill and that the estate, in its current form, cannot generate enough income to cover maintenance. Whilst this may be correct, at this time, it is speculation as the buildings have not been put on the market to be fully tested in terms of value and potential uses; it is understood that the current owners acquired the estate without it going onto the market, it is therefore not possible to fully understand to what degree the site meets those tests set out in PPS 5:
- 68 *'To be confident that no appropriate and viable use of the heritage asset can be found under policy HE9.2(ii) local planning authorities should require the applicant to provide evidence that other potential owners or users of the site have been sought through appropriate marketing and that reasonable endeavors have been made to seek grant funding for the heritage asset's conservation and to find charitable or public authorities willing to take on the heritage asset.'* (HE9.3)
- 69 Recommendation
- 70 The Group objects to the proposed subdivision of the house, mill and its outbuildings as multiple dwellings. The Group also objects to the proposed new build elements on the site in principle and reiterates its previous comments: that

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if new development is required to accommodate a conservation deficit that this should be achieved off-site.

- 71 The applicants need to carry out a thorough market testing exercise to determine what the market will accommodate in terms the site's use and this should be used to guide the restoration of the site. For this reason, The Group recommends that application SE/11/01325/LBCALT be refused. As in February 2011, we would be pleased to work with the applicants, once this exercise has been carried out, to discuss possible ways forward.

### *Victorian Group*

- 72 views awaited

### *20<sup>th</sup> C Society*

- 73 views awaited

### *Parish / Town Council*

- 74 Objects

- 75 Tiger Cottages represent over development of the site and result in a change of vista, there should be no parking on either side of the access drive except those couple of spaces outside the Mill house; this will also impede the overall vista enjoyed for centuries and obscure the protected detail to be maintained/replaced on access road dwellings.

### Representations

#### **Group Manager - Planning Appraisal**

#### *Principal Issues*

- 76 Farningham Mill is an exceptionally well preserved historic mill complex centred on the Mill and Mill House and set within an extensive attractive landscape. The site is considered of outstanding heritage significance primarily for its comprehensive group of late 18<sup>th</sup> Century mill buildings. The complex remains largely unaltered providing a rare insight into the workings of a late 18<sup>th</sup> C Kentish Mill. The mill and mill house are at the centre of the estate and are both Grade II\* listed of outstanding significance. The ancillary buildings, listed at Grade II are allocated within the Farningham Conservation Area. A particular rarity in an industrial complex is the late 18<sup>th</sup> C Folly on rising land to the west of the mill.
- 77 It is the impact upon this asset and its significance that must be assessed.
- 78 The NPPF is clear that there is a presumption in favour of the conservation of designated heritage assets and the more significant the asset the greater the presumption in favour of its conservation. Significance can be harmed or lost through alteration or destruction of the asset or development within its setting. Loss affecting any asset should require clear and convincing justification. Substantial harm to assets of the highest significance (including Grade II\* listed buildings) should be wholly exceptional.

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- 79 If it is determined that the impact upon the asset is less than substantial harm, the LPA should weigh the public benefit of the proposal (i.e. it secures the optimum viable use of the asset) against the harm and recognise that the greater the harm to the significance of the asset the greater the justification will be needed for any loss.
- 80 In view of Officers concerns about the impact of the development proposed, it seems a reasonable approach in this instance to consider whether the works proposed are in fact required to ensure the repair/restoration of the mill and complex. In considering the impact of enabling development upon heritage assets, the following are relevant considerations: the question of whether the development would harm the significance of the assets or its setting, whether it will secure the long term future of the asset, whether the level of development is the minimum necessary to secure the future conservation of the asset and of design and type that minimises the harm to other public interests.
- 81 Quite clearly the development proposed does have an impact upon the character and setting of the mill house and complex and therefore an impact upon the significance of the 'asset'.
- 82 The site lies within the built confines of the village and any scheme for the re-development of the site would be assessed against a number of policies – there is no 'in principle' policy guidance that prevents such development in this location. Therefore in the strictest possible terms the works proposed are not 'enabling development'. However it is officers view that some of the works proposed would have an adverse impact upon the character and setting of the site that would be harmful to the 'heritage asset'. The works are therefore potentially justified on the basis that this is the minimum work required to provide the financial assistance to renovate and upgrade the listed buildings and ensure their on going survival. Clearly the site has been allowed to fall into some disrepair and the indications are that quite significant levels of work are required to ensure the repair/on going maintenance some of the buildings on this site. Indeed the buildings have deteriorated further during the negotiation period of this application.
- 83 The first development appraisal carried out to assess the original scheme concluded that the conversion of the existing units on site would be sufficient to demonstrate the optimum viable use. However, the scheme has been amended and a further viability assessment sought in respect of the affordable housing contribution considered that although the build costs are high that these seemed reasonable in view of the works being carried out. Consequently the scheme would not provide surplus money for affordable housing. That by default indicates that the current scheme is the optimum viable use of the site and that any lesser development would prejudice the restoration of the site.
- 84 Nevertheless a brief assessment of the individual works proposed is considered below:
- 85 *Conversion of Mill House:* Into 2 units with the division made along the central spine of the house dividing into a front and a rear unit. Previously concern had been expressed by EH about the adverse impact of alterations to the plan form, circulation and subdivision of rooms to provide toilets kitchens and fire/sound proofing. This application largely overcomes these concerns in terms of the sub

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division of the house and individual rooms – the two units being sub divided along the line of the original rear wall of the original part of the house.

- 86 The Georgian Group express concern that this split would be harmful to the house and estate as a whole. Whilst it would be preferable to retain this as a single house it is considered that the works proposed would strike a balance between retaining sufficient significance of this building against contributing towards the financial development required to provide the restoration of this and other buildings on the estate.
- 87 *Conversion of Mill:* Advice from EH and the Georgian Group provide contrary views as to the acceptability of the conversion, in principle, of this building. Whilst clearly preferable in terms of its significance to retain as a single open space, a period of marketing may have revealed whether there is any real likelihood of a use coming forward that could make such use of this building. In the absence of such marketing however there is no information available on this matter.
- 88 In terms of the impact of the conversion upon the significance of the mill the sub division of the space would harm the large open space which characterises the interior of this building. A horizontal sub division could potentially be less damaging than a vertical sub division but it is evident from the proposed scheme that there is currently an element of both – with the 2<sup>nd</sup>/3<sup>rd</sup> floors being divided vertically resulting in the dissection of the existing open space on these floors with a number of partitions to provide separate flats and rooms within. At ground and first floor levels a significant degree of the floorspace would be partitioned although an element of larger open space would also be retained.
- 89 In order to provide these units, significant intervention in the historic fabric of the building would be required and it is clear that the significance of this building would be adversely affected by the works proposed. It is this element of the proposed works in particular that has to be considered as part of the balance between harm to the significance of the asset weighed against the long terms benefits of securing the restoration and future preservation of the whole estate.
- 90 Conversion of Counting House, Stables, Coach House
- 91 Carriage Shed: The counting house and gardeners cottage lying at either end of this group of buildings are already in habitable accommodation. In principle the conversion of these buildings is considered acceptable subject to an appropriate scheme. The Georgian Group object to a number of elements of the scheme considering that, for instance, the additional floor in these units, the plethora of rooflights in the rear roofspace, the introduction of large panes of glass in the coach house and carriage shed are incongruous with a small, historic, rural estate and symptomatic of the proposed over development of the site. The submitted plans would result in a very densely developed group of buildings which are likely to impact quite significantly upon the fabric of these buildings, for instance the scheme will result in a lot of changes to the roofline of the rear of these buildings with the insertion of a large number of rooflights. This largely arises from the proposed insertion of first floor accommodation where none currently exists.
- 92 Steps have been taken to retain as much fabric as possible compared to the previous application ie for instance the existing stalls are retained in the stables

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which is advantageous from the perspective of the fabric of the building and changes have been made to the design of the new front walls to the coach house which has not been commented upon by the Georgian Group.

- 93 Cart Store: The proposed use and design is considered acceptable.
- 94 Tiger Cottages: This pair of cottages will sit in a gap currently occupied by gardens of the adjacent cottages. This space largely sits behind a group of evergreens running along the front of the space between the two cottages either side.
- 95 The cottages proposed would align with the cottages either sides and would be comparable in height to Bridge Cottages and the Counting House. The scale and design would be sympathetic to the existing cottages and buildings flanking the drive to the mill and mill house. The loss of this gap would undoubtedly have an impact upon the setting of the estate and the 'historic' view of the Mill and House. As with other elements of this scheme it is a matter of balance as to the weight given to this impact compared to the benefits that would accrue from this scheme.
- 96 Lion Yard/Greenhouse: This element of the scheme lies adjacent to the High Street in a gap in the built frontage but clearly forms part of the Mill Estate and part of the setting of the Mill and associated buildings. Views of the buildings proposed on this site will be significant both from the High Street and from within the mill site. This aspect of the proposal involves impact upon the fabric of the site and upon the setting of the mill and wider estate.
- 97 Lion Yard would encompass a 2 ½ storey building aligned with the High Street with its amenity space at the side adjacent to Cherry Tree Cottages and small patios to the rear of two of the houses. This provides partial enclosure to a parking courtyard and the entrance to the greenhouse 'conversion' as well as providing a setting to the adjacent Lion Cottages. The frontage part of the main building provides an interesting and attractive frontage that it is considered would fit sympathetically into the High Street at this point: leaving sufficient gaps to both adjacent cottages.
- 98 This site is visible from the High Street adjacent to the Mill entrance and from the adjacent mill driveway. Until recently this part of the estate was quite well screened from the driveway with vegetation. However as part of the works to clear the vegetation from around the rear of Lion Cottages and the Greenhouse this has opened up the estate at this point quite significantly. At present this side of the mill stream is largely undeveloped and presents an almost rural feel to balance the quite densely developed access drive leading to the house and mill. This contrast would have to be retained if Tiger Cottages were considered acceptable development.
- 99 The scheme has been amended to bring the general design and scale of this part of the site down to a level where it is considered that it would fit sympathetically into the surrounding conservation area. Whilst changing the views of the estate from this part of the High Street, because the scale and design of the building is now more modest it is considered that this will not adversely affect the setting of the mill and house.

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- 100 The proposed greenhouse development would take the existing dilapidated greenhouse buildings and with some extension works turn these structures into a 3 bed house. The scheme has been revised to ensure that the impact of this upon the lawn area adjacent to the river would be minimal with the parking, gardens and other domestic features kept to the side and rear of the building.
- 101 The parking area will affect the setting of the adjacent cottages and be visible from the driveway to the Mill – but if all else is considered acceptable with the scheme this would be an acceptable compromise which could be softened with additional planting.
- 102 Footbridge: Potentially a significant impact upon the view of the site from High Street – but since this appears to be re-instating a previous feature no objections are raised to this, subject to acceptable detailing. The location may need to be amended slightly to avoid undue damage to an existing tree on site but this could be dealt with by condition.
- 103 It is clear that when considering applications for development that affect the setting of a heritage asset, local planning authorities should weigh any harm against the wider benefits of the application. In this case it is clear that the wider benefits of an application on this site are the restoration and renovation of the ‘heritage assets’ on this site. Clearly some development will be necessary to provide the financial return necessary to ensure the restoration/renovation of the Mill House, the Mill and the wider site.
- 104 It is considered that although this scheme would cause some harm to the character and setting of the mill estate that overall this is considered to be less than substantial and that the benefits of securing the long term future of this site outweighs the harm that has been identified.

### Access Issues

- 105 To be resolved as part of a building regulations submission.

### Conclusion

- 106 This application considers the impact of the proposed works, sought as part of an accompanying full application upon the character and setting of this estate and makes an assessment of whether any harm to the significance of the estate is outweighed by the benefits that the scheme would secure.
- 107 It is clear, as discussed above, that some elements of the scheme would cause harm to the significance of the estate and the buildings on it both in terms of actual physical harm to the fabric of the buildings and in terms of harm to the setting of the estate.
- 108 However, it is considered that this harm would not amount to substantial harm and as such the benefits that would accrue from securing the future use and on going maintenance of this significant group of assets in the manner proposed are now capable of outweighing the reduced harm to significance. There are still a number of matters to be resolved and these are dealt with by means of a S106 Obligation and a number of conditions.



Background Papers

Site and Block Plan

Contact Officer(s): Lesley Westphal Extension: 7235

Kristen Paterson  
Community and Planning Services Director

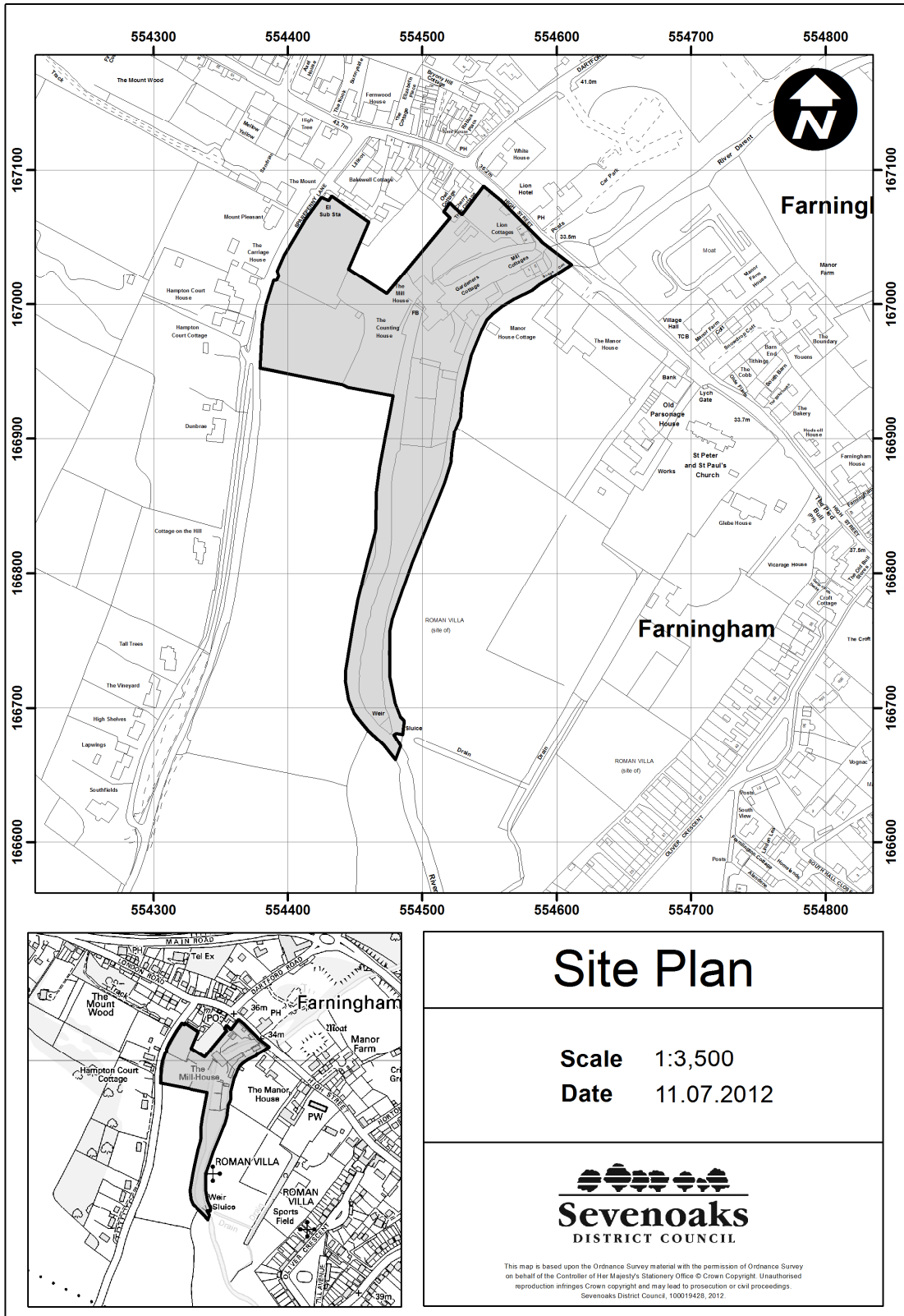
Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LLRCJGBKOCR00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LLRCJGBKOCR00>

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4.3- SE/12/01055/FUL Date expired 2 August 2012

**PROPOSAL:** Development of the Site for 13 dwellings (including 4 affordable dwellings) plus garaging, parking, landscaping and associated infrastructure. Demolition and replacement of the garage and boundary wall to The Cottage, to improve visibility from Hollow Trees Drive to the west onto Powder Mill Lane. Improvements to Hollow Trees Drive comprising resurfacing, widening and provision of passing bays.

**LOCATION:** Land To Rear Of Garden Cottages, Powder Mill Lane, Leigh Kent

**WARD(S):** Leigh & Chiddingstone Causeway

**ITEM FOR DECISION**

This application is presented for determination at Development Control Committee as part of the site area is owned by Councillor Alison Cook, the Ward Councillor for Leigh and Chiddingstone Causeway.

**RECOMMENDATION A:** That, subject to receipt of a signed and valid S106 Obligation to secure on-site affordable housing and the necessary developer contributions on or before 2 August 2012, authority be delegated to the Community and Planning Services Director to GRANT planning permission 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 details and 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 Local Planning Authority. 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 in accordance with EN1 of the Local Plan and as supported by the National Planning Policy Framework.

3) No development shall be carried out on the land until full details of soft and hard landscaping works have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:- details of proposed hard surfaces, including details of the proposed resurfacing and widening of Hollow Trees Drive and internal roads, pathways, driveways and patios. The details provided shall include a schedule of the materials to be used on the finished surface. The details provided shall, as far as is reasonably practicable, include an enlarged turning area for refuse and delivery vehicles. -planting plans (identifying existing planting, plants and trees to be retained and new planting);- details of pruning and works to retained hedges. -a schedule of new plants and trees (noting species, size of stock at time of planting and proposed

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number/densities); and-a programme of implementation. The details submitted shall detail the treatment of the area to the north of the repositioned boundary to The Cottage, Powder Mill Lane. Soft and hard landscaping shall be carried out before the first occupation of any of the dwellings hereby approved 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 and in the interests of highways safety and convenience in accordance with EN1 of the Local Plan and SP1 of the Core Strategy.

4) No development shall commence until an updated tree survey for Hollow Trees Drive and a scheme for tree protection has been submitted to and approved in writing by the Local Planning Authority. Where necessary, the scheme shall include details of tree pruning. The development shall be carried out in accordance with the approved scheme.

To ensure the retention and long term health of trees in accordance with EN1 of the Local Plan.

5) No development shall commence until full details of boundary treatments (including the reconstructed wall to the northern boundary of The Cottage, Powder Mill Lane) have been submitted to and approved in writing by the Local Planning Authority. The details provided shall include details of retained and proposed boundary treatments, their heights and the materials used in their construction. Boundary treatments shall be erected and provided in complete accordance with the approved details prior to the first occupation of any of the dwellings hereby approved.

To safeguard the character and appearance of the area in accordance with EN1 of the Local Plan.

6) No dwelling to be occupied until kerb build-outs have been constructed in Powder Mill Lane adjacent the junction with Hollow Trees Drive in accordance with revised details to be submitted to and agreed in writing by the Local Planning Authority. The build-outs must be between 0.3 metres and 0.35 metres wide and tapered at an angle of no steeper than 1-in-60.

In the interests of highways safety in accordance with EN1 of the Local Plan.

7) Prior to the first occupation of any of the dwellings hereby approved, passing places shall be fully laid out and provided along Hollow Trees Drive in accordance with drawing no 03/001 Rev.D, or as otherwise approved in writing by the Local Planning Authority.

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

8) No dwelling is to be occupied until a 2.4metre x 54 metre visibility to the west has been provided where HollowTrees Drive meets Powder Mill Lane in accordance with drawing 03/001 Rev D. This visibility splay is to be maintained free from any obstruction over 1 metre height at all times.

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

Plan.

9) Prior to the commencement of the development, details of internal pedestrian and vehicular visibility splays (where shared driveways meet the shared access road) shall be submitted to and approved in writing by the Local Planning Authority. Internal visibility splays shall be provided prior to the first occupation of any of the dwellings hereby approved. Pedestrian and vehicular visibility splays shall be kept clear of obstructions over 0.6m and 1m in height respectively.

In the interests of pedestrian and highways safety in accordance with EN1 of the Local Plan.

10) No freestanding street lights shall be erected or provided at any time within the site.

In the interests of visual amenity and to preserve the character and appearance of the area in accordance with EN1 of the Local Plan and SP1 of the Core Strategy.

11) 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 in accordance with SP2 of the Core Strategy.

12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no window(s) or other opening(s), other than those shown on the approved plans, shall be inserted at any time:- within the west facing flank of bedrooms 2 and 3 in plot 1, - at or above first floor level in the west facing elevation of plot 11, - at or above first floor level in the east facing flank of plot 13.

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

13) Notwithstanding the details submitted within the application, the following windows shall be obscure glazed and fixed shut at all times, with the exception of any high level light(s) (above 1.7m above internal floor level):- The west facing upper floor landing window to plot no.11, and - The east facing upper floor landing window to plot no. 13.

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

14) No development shall take place until full details of the proposed foul and surface water drainage systems have been submitted to and approved in writing by the Local Planning Authority. Foul and surface water drainage systems shall be provided in complete accordance with the approved details prior to the first occupation of any of the dwellings hereby approved.

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To ensure adequate drainage and reduce the risk of localised flooding in accordance with guidance contained within the NPPF.

15) No development shall be commenced until: a) a site investigation has been undertaken to determine the nature and extent of any land contamination; and b) the results of the investigation, together with an assessment by a competent person and details of a scheme to contain, treat or remove any contamination, as appropriate, has been submitted to and approved in writing by the Local Planning Authority. The assessment and scheme shall have regard to the need to ensure that contaminants do not escape from the site to cause air and water pollution or pollution of adjoining land. The scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking of the development hereby permitted, including a requirement to notify the Local Planning Authority of the presence of any such previously unidentified contamination. Prior to the first occupation of any part of the development hereby permitted; c) the approved remediation scheme shall be fully implemented insofar as it relates to the part of the development occupied; and d) a certificate shall be provided to the Local Planning Authority by a responsible person stating that remediation has been completed and the site is suitable for the permitted use. Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

In the interests of amenity and public safety in accordance with the NPPF.

16) Prior to the commencement of the development a full reptile survey shall be carried out and a full report including proposed mitigation measures (as necessary) shall be submitted to and approved in writing by the Local Planning Authority. Mitigation measures shall be carried out in complete accordance with the approved details.

In the interests of biodiversity and ecological conservation in accordance with the recommendations of the NPPF.

17) Notwithstanding the requirements of condition 16 above, the development shall be carried out in complete accordance with the mitigation measures outlined in paragraphs 4.8, 4.9 and 4.11 of the 'Tom la Dell' ecology survey dated April 2012 and submitted with this application.

In the interests of biodiversity and ecological conservation in accordance with the recommendations of the NPPF.

18) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 'Promap' site location plan received 24/4/12, 325/01, 325/P1.01, P1.02, P2.01, P2.02, P3-4.01, P3-4.02, P5.01, P5.02, P6.01, P6.02, P7.01, P7.02, P8.01, P8.02, P9.01, P9.02, P10.01, P10.02, P11-13.01, P11-13.02, Ga.01, Ga.02, Ga.0303/001 Rev.D, 03/002 Rev.B and 1028/12/5.

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 CC4, CC6, H1, H2, H3, H4, H5, T4

Sevenoaks District Local Plan - Policies EN1, EN31



Sevenoaks District Core Strategy 2011 - Policies L01, L07, L08, SP1, SP2, SP3, SP5, SP7, SP9, SP11

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

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

Other environmental impacts have been assessed and there are not any which are potentially significant which cannot be satisfactorily controlled by way of the conditions imposed.

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

The development would preserve those trees on the site which are important to the visual amenities of the locality.

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

#### **Informatives**

- 1) Works on Powder Mill Lane and at the entrance to Hollow Trees Drive will need to be carried out under a section 278 agreement (or letter of agreement) with the highway authority.
- 2) You are advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel.01962 858688).
- 3) You are advised that details submitted pursuant to conditions 3 and 5 should show the formation of a hedge to the eastern boundary of the site (with post and rail fence as necessary) and should as far as is reasonably practicable show the retention and management of the hedge to the southern boundary of the site.

#### **RECOMMENDATION B:**

In the event that the s.106 agreement is not completed on or before 2 August 2012, the application be REFUSED for the following reason:

The proposal fails to make adequate provision for affordable housing contrary to Policy SP3 of the Sevenoaks Core Strategy and fails to provide necessary contributions towards new / improved community and social infrastructure contrary to Policy SP9.

#### Description of Proposal

- 1 Planning permission is sought for the development of the site with 13 dwellings consisting of:

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- 9 open market dwellings consisting of 4 x four bedroom dwellings and 3 x three bedroom dwellings.
  - 4 affordable dwellings consisting of 3 x three bedroom dwellings and 1 x two bedroom dwelling.
- 2 The scheme consists of a mixture of two storey detached, link detached / semi-detached and terraced dwellings arranged around a shared access leading from Hollow Trees Drive.
  - 3 The proposal additionally includes the demolition and replacement of the existing garage serving The Cottage, Powder Mill Lane to allow for visibility splays. The details supplied show Hollow Trees Drive itself increased to a width of 3.5m with the creation of 3 no. 6m wide passing bays.

### Description of Site

- 4 The site consists of a fairly flat irregularly shaped site having a total site area of approximately 0.76ha. The main area of the site (0.55ha) where the dwellings are proposed consists mainly of an overgrown area of land previously in use as kitchen gardens / allotments, but now abandoned. Larger trees / planting particularly mark the boundaries of the main body of the site. The main area of the site lies to the south of Garden Cottages and to the west side of Hollow Trees Drive, a narrow, un-surfaced private road with grass verges.
- 5 The application site includes the section of Hollow Trees Drive leading from Powder Mill Lane and a portion of the rear garden area of The Cottage, Powder Mill Lane.
- 6 The site is located on the eastern edge of the village. The main body of the site falls within the defined 'built confines' of Leigh. Hollow Trees Drive itself is located within the Metropolitan Green Belt.

### Constraints

- 7 The main body of the site is located within the built confines of Leigh. Hollow Trees Drive is located within the Metropolitan Green Belt. There are no Tree Preservation Orders in force on or adjacent to the site. The site is not within a Conservation Area or any other area of special environmental or economic designation.

### Policies

#### *Sevenoaks Core Strategy*

- 8 Policies - L01, L07, L08, SP1, SP2, SP3, SP5, SP7, SP9, SP11

#### *Sevenoaks Local Plan*

- 9 Policies - EN1, EN31

#### *South East Plan*

- 10 Policies - CC4, CC6, H1, H2, H3, H4, H5, T4

### *Other*

- 11 Sevenoaks Affordable Housing Supplementary Planning Document.
- 12 Leigh Village Design Statement (adopted as 'informal planning guidance' by SDC)
- 13 The National Planning Policy Framework

### Planning History

- 14 12/00493/RG5 - Request for screening opinion for erection of 13 dwellings. – EIA not required.

08/02812/FUL - Erection of a 2 storey building providing a 56 bed care home to provide high quality 24 hour care. Access from Hollow Trees Drive, which will incorporate three passing bays and improvements to its junction with Powder Mill Lane. Provision of 22 car parking spaces (including 3 disabled bays) and associated landscaping. – Refused – Appeal Dismissed

05/02896/OUT - Erection of an assisted living retirement scheme of 18no apartment and cottages, a guest suite and parking, garages, access and junction improvements to improve sight line. Additional plans received 10th April 2006, the additional information showing site layout, indicative elevation (south only), Design Statement and EAC Report promoting housing options for older people. – Refused – Appeal Dismissed

02/00967/FUL - Erection of seven detached houses with garages, access drive and junction improvements and replacement garage for "The Cottage". (Duplicate Application). – Refused

### Consultations

#### *Parish Council*

- 15 Leigh Parish Council has the following concerns regarding this proposal:
- 16 The proposed development would have a detrimental impact on the local primary school, which is full. This does need consideration and members would like to know whether KCC has been asked to comment on this aspect of the proposal? May we refer to the KCC consultation on the Commissioning Plan for Education Provision 2012-17, which states that our area (Sevenoaks Rural South) is the only planning district in Kent that has minus 10% capacity in child school places, whereas all the other planning districts have 5%+ spare capacity in their schools. There is no prediction for this figure to drop in the future, and Kent's target is that there should be 5% spare capacity in all districts.
- 17 The proposed development represents high density in this quiet rural setting. At present, there are only five properties on Hollow Trees Drive and these are mostly bungalows.
- 18 There are very poor public transports links serving the village.
- 19 Development would increase the volume of traffic on both Hollow Trees Drive and Powdermills Lane. This would have a detrimental impact on the rural setting on

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the border of the Green Belt. Residents suffer from speeding vehicles on Powdermills Lane too, and this issue will need addressing.

- 20 For these reasons, and in the light of the number of affordable houses built in recent years in the village together with the probable housing proportion of any development on the Glaxo Smith Kline site, the Parish Council would have preferred to see an application for five or six houses suitable for families or residents of the parish hoping to down-size from large houses. This would help to maintain the balance of houses by size and type within the village so, while the Parish Council accepts that the site is going to be developed in line with the LDF proposals, we would welcome any chance that the number could be reduced to bring it more in keeping with the needs of the village, the quiet rural setting and the impact on surrounding residents. One of the biggest concerns expressed by residents is that there would be increased traffic movements along Hollow Trees Drive and Powdermills Lane, causing traffic noise and loss of privacy. This would be reduced if the density of the development is also reduced.
- 21 The Parish Council would like conditions imposed on any approval to reflect the following concerns:
- As the proposed development would be built on clay, there is concern that there could be possible subsidence due to the proximity of the large oak trees on the boundary of the site. Adequate measures must be taken to ensure that the trees are protected in future with TPOs placed upon them.
  - Members would like to see the retention of all the trees on the boundaries of the site, and also the flowering hawthorn trees within the hedges.
  - It is important to ensure that the proposed passing bays on Hollow Trees Drive are located in positions to cause least disruption to existing residents and are not used for parking, as this could prevent access for the emergency services.
  - It is recommended that sight lines are improved at the entrance to Powdermills Lane for traffic coming from an easterly direction.
  - Members feel very strongly that a Community Infrastructure Levy should be made to benefit the Leigh community. It is recommended that a contribution is invited towards the current project to develop of the disused public toilets into school accommodation. The school will maintain this going forward, but do not have the additional funds available to convert the building into useable space. Another local project that currently requires funding is the refurbishment of the cricket pavilion.
  - The tiles on the proposed new houses must match the existing in the village and be clay pegs rather than factory-made concrete tiles.
  - The proposed dwellings must be built to a sustainability level 4, not 3.
  - There must be no street lights included in the proposed development - not even low-level lighting.

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- Members are concerned that an oak tree at the entrance to Hollow Trees Drive from Powdermills Lane might be threatened by this proposed development. Members believe that adequate sight lines could be achieved by removing the lower branches of the tree and it would not be necessary to fell it. It is positioned near the proposed new garage at Mr & Mrs Cook's house.
- Members appreciate that this is not a rural exception site, but would very much like to see a S.106 agreement in place to allow a local connection criteria with regards to the allocation of the affordable housing units.

22 If SDC is determined only to permit a development of at least 13 dwellings, then the Parish Council supports this application subject to the points raised above being covered by conditions, inspections of materials and consultations with the Highways Authority.

### *Planning Policy Officer*

23 The site was identified as potentially being suitable for housing through the Council's Strategic Housing Land Availability Assessment. It was subsequently included in a consultation version of our Site Allocations DPD, which was open for public comment during 2010.

24 Having considered all of the comments from key stakeholders and surrounding neighbours we are still of the opinion that this site is suitable for residential redevelopment and that 13 units is the most appropriate capacity for the site. This proposal is therefore fully consistent with our current draft allocation.

25 Whilst the document is still only in draft, it is anticipated that we will move to pre-submission stage of the production of the ADM DPD in autumn this year, at which time the emerging document will have greater weight in the decision making process.

26 Whilst the pre-submission version is yet to be formally approved by Members, at an officer level we fully support the principle of this proposal.

27 We are also pleased see the inclusion of 4 affordable units on site, which accords fully with policy SP3 of the Core Strategy.

### *County Ecologist*

28 We have reviewed the ecological information submitted with the planning application and while we are satisfied with the majority of the information submitted we do have concerns with regard to reptiles and there is a need for further information to be submitted.

29 Reptiles

30 Our previous comments (dated 25 May) stated that we feel that insufficient information had been provided with regard to the impact the proposed development will have on reptiles as a full reptile survey had not been carried out. However since making our comments we have had discussions with the ecologist who confirmed the area within the site where suitable reptile habitat is present. As a result of reviewing the map it is possible to identify that there has been a

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significant reduction in the suitable reptile habitat present on site since the 2008 ecological scoping survey. Although ideally, we would prefer for the reptile survey to be carried out prior to determination of the planning application – as detailed within the government circular. In this instance we accept that the survey can be conditioned this is because:

- The area of suitable reptile habitat is limited.
- There are areas (although limited) within the proposed landscaping which are proposed to be enhanced for reptiles.

31 We are still concerned that there is limited connectivity to the surrounding habitats. However we are satisfied that connectivity to the site can be improved once the reptile surveys are completed – for example planting hedgerows along the western boundary of the garden cottages.

32 The following comments are still relevant:

33 Breeding Birds

34 The recommendations on the timing of works within the paragraph 4.9 must be carried out to avoid impacts on breeding birds. If works are carried out during that period an experienced ecologist must examine the site before work is started. If any breeding birds are present all work must cease within that area until all the young have fledged.

35 Enhancements

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

37 The report has made some recommendations for enhancements through the planting of native species. However additional enhancements can be incorporated in to the proposed development site through the inclusion of bat boxes, tiles, bricks or tubes within the new buildings and the erection of bird boxes within the site (particularly the communal areas).

*Natural England*

38 No objection. Biodiversity enhancement is suggested for bats and great crested newts.

*Highways Officer*

39 I have no objection to this application, provided that any permission granted is subject to the following conditions to improve highway safety and usability:-

40 No dwelling to be occupied until build-outs have been constructed in Powder Mill Lane adjacent the junction with Hollow Trees Drive according to details to be agreed in writing with the highway authority. The build-outs must be between 0.3 metres and 0.35 metres wide and tapered at an angle of no steeper than 1-in-60. Reason: Highway safety.

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- 41 No dwelling to be occupied until three passing places have been constructed on Hollow Trees Drive, each of them at least 10 metres long (plus tapers) to accommodate refuse lorries which can be up to 9.36 metres long. Reason: Highway safety, to allow a refuse lorry to pass any other large vehicle (delivery lorry, fire appliance etc.) and to reduce any need for vehicles to reverse out onto Powder Mill Lane.
- 42 No dwelling to be occupied until a 2.4metre x 54 metre visibility to the west has been provided where HollowTrees Drive meets Powder Mill Lane. This visibility splay to be maintained free from any obstruction over 1 metre height at all times. Reason: Highway Safety.
- 43 I would also recommend two further conditions concerning the development site where the roads will remain private (unadopted).
- 44 The area to be used to turn-around refuse lorries needs to be large enough to accommodate a Dennis Eagle 6x4 26 tonne refuse lorry with a 22.2m turning circle, and a Dennis Eagle Econic 6x2RS HCTP20 refuse lorry.
- 45 Reason: Safety of road users - to prevent the need for refuse lorries to reverse over long distances.
- 46 Where each shared driveway meets the shared surface access road, 2 metre x 2 metre pedestrian visibility splays (measured from the exterior of a car in the driveway) must be provided and kept clear of obstructions over 0.6 metres height, and also 2 metre x 11 metre vehicular visibility splays must be provided and kept clear of any obstruction over 1 metre height. Reason: to ensure the safety of anyone (including children) who may be walking or cycling on the shared surface access road. Reason: Safety of road users.
- 47 Informative
- 48 Works on Powder Mill Lane and at the entrance to Hollow Trees Drive will need to be carried out under a section 278 agreement (or letter of agreement) with the highway authority.

### *Kent County Council*

- 49 County contributions are requested for local libraries, youth facilities and community learning (see letter dated 12 June 2012).

### *Trees and Landscape Officer*

- 50 I have previously viewed this site in detail following previous consultations. In general I consider the interior of the site and in particular the vegetation within it to be limited in value. What I do consider of great amenity value are the boundaries of the site and the existing vegetation growing upon them. Given this viewpoint it would therefore follow that I have no objections to this proposal. Landscaping and boundary treatment conditions need to be attached to any consent provided.
- 51 A full detailed survey of the mature trees growing along Hollow Trees Drive needs to be supplied. Details of this survey should include any pruning details, Ivy management details and either creation of a hedgerow in between mature trees

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or complete replacement of the smaller plants in between the larger mature trees. If a boundary treatment is required. I suggest a post and rail or post and wire fence to be appropriate.

- 52 The remaining overgrown boundaries are to be cut to a suitable height and maintained as a hedge. Details of heights please as well as specific details of the standards that are to be retained in the hedgerow. I also consider that both soft and hard landscaping details for the interior of the site to be appropriate.

### *Southern Water*

- 53 Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. An informative is requested to this effect. Southern Water requests that the Council's Building Control Officer should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

### *Environmental Health Officer*

- 54 I refer to the above planning application; the following are Environmental Health observations in relation to the proposal:
- 55 Scheme for the Control of Noise, Vibration and Dust
- 56 Prior to the commencement of the development, a scheme for the control of noise, vibration and dust shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall comply with guidance found in BS5228-1:2009 and BS5228-2:2009 Noise and Vibration Control on Construction and Open Sites; and the Control of Dust from Construction Sites (BRE DTi Feb 2003). Upon commencement of the development, work shall be carried out in accordance with the approved scheme.
- 57 Contaminated Land Condition
- 58 Before commencement of the development hereby approved (including demolition), a contaminated land assessment, including a site investigation (as stated in sections 3.0-3.2 in the basic desk study report submitted to the planning authority) and remediation methodology (if necessary) shall be submitted to and approved by the Local Planning Authority. If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. Following any site investigation or remediation, a full validation report will be required.
- 59 Informative: Potential Light Nuisance
- 60 It was noted from aerial photography that the tennis courts to the southern boundary of the site appear to have floodlights. The developer should assess the potential for these lights to cause a Statutory Nuisance (as defined by the Environmental Protection Act 1990) and the steps that can be taken to reduce/mitigate the potential nuisance before development commences.

### Representations



61 Nine letters of objection have been received from neighbours, local residents and a group of local residents. These letters raise the following issues:

- Traffic – The proposal will alter the character of Hollow Trees Drive and result in increased traffic along this road and Powder Mill Lane.
- Access – The visibility would not be adequate onto Powder Mill Lane. The construction traffic would cause a hazard.
- Density – The density is out of keeping with the ‘rural nature’ of the surroundings.
- Design – The design of the dwellings is out of keeping with surrounding properties. The proposal would not be in keeping with the character of the dwelling.
- Services – An increase in the demand for water will exacerbate problems with low pressure. The proposal would place additional demand on gas and electricity services.
- GSK Site – A further large increase in house numbers would have a detrimental impact upon infrastructure.
- The proposal might set a precedent for backland development.
- Leigh Primary School is oversubscribed without further prospect of expansion. There would be extra demand on health services, police, fire & ambulance.
- The development could have an adverse impact upon trees. The roots of the trees could impact on the new dwellings and might result in pressure to fell the trees.
- There would be a loss of natural habitat.
- A proposal for seven detached dwellings was previously refused.
- The allotments should be reinstated.
- The proposal would result in light pollution.
- There is no guarantee that the affordable units would be made available for residents of Leigh.
- The proposal could cause an increased risk of flooding.

62 One letter has additionally been received from the Leigh Tennis Club. This letter does not does not raise objection per se, but requests that the boundary hedge to the north of the tennis club should be maintained.

### Group Manager - Planning Appraisal

63 Having regard to the adopted and emerging policies of the Development Plan and all other relevant material considerations, the main issues in this case are considered to be:

- The principle of the proposal in terms of the adopted policies of the Development Plan, emerging policies and relevant planning history.
- The design and appearance of the development and its impact upon the character of the surrounding area.
- The impact of the development upon highways safety and convenience.
- The impact of the development upon neighbours and the living environment for future occupants.
- The impact of the development upon ecology.
- The provision of affordable housing and the requirement for planning obligations for community and other facilities.

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- All other matters including land contamination and flooding.

### *Principle of the development.*

64 The site's planning history reveals a number of refused planning applications and dismissed appeals. The planning history of the site is a material consideration and I address the implications of each application in turn:

- 2002 – Planning application SE/02/00967/FUL was refused for a development of seven detached dwellings. The reason for refusal of this application cites only the sequential approach to residential site selection set out in the former PPG3 and the availability of alternative more suitable sites ahead of this previously undeveloped (greenfield) site.
- PPG3 was later superseded by PPS3 which has since been superseded by the National Planning Policy Framework. Para 17 of the NPPF relates to core planning principles that should underpin both plan-making and decision-taking. These include a requirement to encourage the effective use of land by re-using land that has been previously developed (brownfield land). However, the NPPF does not include an explicit prohibition on the development of Greenfield land.
- As discussed below, the site has now been selected as a draft allocation within the Council's draft Allocations and Development Management DPD to provide for a residential development to meet the housing provision set out table 2 (para. 4.1.17) of the Core Strategy.
- 2005 – Outline planning application 05/02896/OUT for an 'assisted living' retirement development was refused and dismissed at appeal. It was concluded by the Inspector in this case that the proposal would 'undermine the strategic and local policies aimed at concentrating development in urban areas and on previously developed land' and that the 'proposal amounts to unnecessary and unsustainable development in a rural area and would be inconsistent with LP Policy H10A'.
- As discussed below, the site has now been identified in the emerging DPD as a site required to meet the housing provision set out in the Core Strategy. Similarly, Policy H10A of the Local Plan which sought to restrict development to 'minor' development (defined as less than 5 residential units) has been directly superseded by Policy LO7 of the Core Strategy, discussed below.
- 2008 – Planning application SE/08/02812/FUL sought permission for a 56 bed care home on the site. The application was refused and the appeal dismissed. The Inspector concluded that 'owing to its location on the edge of a small category A village, the proposal would not represent a very sustainable form of development, and would not therefore be in accordance with the relevant development plan policies'. In this regards, the Inspector refers particularly to Policy H8 of the Local Plan (relevant to Class C2- Care Homes), policy H10A (now superseded) and the relevant PPSs and PPGs, now superseded by the NPPF. The Inspector also found that the development would have been out of keeping with its surroundings. This application was for a substantial building arranged in a single block.

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- 65 The Development Plan currently consists of the Sevenoaks Core Strategy 2011, the saved policies of the Local Plan 2000 and the South East Plan 2009. The weight to be given to the South East Plan is, however, reduced as a result of the Government's stated objective of scraping Regional Plans.
- 66 In terms of the principle of the development of this site, Policy L07 deals with development in rural settlements and explicitly references development in Leigh. The policy indicates that provision will be made within rural settlements 'for a total of approximately 1,160 dwellings on a range of sites suitable for residential use'. This assessment was based upon the Council's Strategic Housing Land Availability Assessment which considered this site as being potentially suitable for housing. The 'Delivery Mechanisms' section of Policy L07 indicates that the Allocations and Development Management DPD (A&DM DPD) will allocate sites for residential development. The site has been included within the A&DM DPD as a proposed housing allocation for approximately 13 dwellings. This draft DPD (and the allocation in its current form) have been through a process of consultation in 2010. The Policy Officer has indicated that all of the comments received have been considered and that it is still the intention to include this site as a housing allocation. It is anticipated that the document will move to pre-submission stage in the Autumn of this year.
- 67 Paragraph 216 of the NPPF indicates that decision-takers may give weight to relevant policies in emerging plans according to the stage of preparation of the plan, the extent to which there are unresolved objections to the policy and the degree of consistency with the Framework. In this case, whilst the A&DM DPD is not yet an advanced stage, it has been through consultation, it is not considered that there are significant unresolved objections and the policy is in principle in accordance with the relevant policies of the Framework (see particularly paragraphs 14, 17 and section 6). With this in mind, some weight may be given to the draft DPD in terms of the allocation of this site for housing to meet the objectively assessed need for market and affordable housing within the District.
- 68 Both Policies L01 and L07 of the Core Strategy indicate that within Leigh, as a service village, 'infilling and redevelopment on a small scale only will be permitted taking account of the limited scope for development to take place in an acceptable manner and the limited range of services and facilities available'. In terms of the position and character of the site, it could be concluded that the scheme consists of an 'infilling' of part of the village area as it is surrounded 2 / 3 sides by existing built development. It is important to note that the previous restriction under H10A of the Local Plan, that development be limited to less than 5 dwellings in 'Category A' settlements, has not been carried forward by this policy. This requirement was relied upon in the previous appeal and Council decisions in restricting the development of this land. At the time of these previous decisions, the land was not identified for development to meet the strategic need for housing within the District.
- 69 Policy SP7 of the Core Strategy indicates that 'new housing will be developed at a density that it consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated'. Subject to this 'overriding consideration' the policy suggests that new residential development will be expected to achieve a density of 30 dwellings per hectare. The draft A&DM DPD however suggests an indicative density of 25 dwellings per hectare on the developable portion of the site resulting in an indicative capacity of 13 dwellings

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as is now proposed. This lower density figure in the draft A&DM DPD reflects the prevailing character of the area around the site which is predominantly developed with a loose irregular grain where dwellings are afforded a good amount of garden space. In terms of the two residential cul-de-sacs abutting the site within the built confines, Barnett Road and Garden Cottages, these have approximate densities of 27 and 31 dpha respectively, though the densities of housing vary across the village with areas of lower density in places (e.g. to the north of the green). Development to the east of the site, outside of the village area has a much lower density still. As a result of the position of the site and the character of its surroundings a density of approximately 25dpha allows for a development that reflects the surrounding built form whilst taking into account the position of the site on the edge of the built confines of the village. The impact of the development upon the character of the area is discussed below.

- 70 As noted above, Hollow Trees Drive, forming the access and eastern part of the site, is located within the Metropolitan Green Belt. The proposal includes the widening and resurfacing of part of the road, though no new buildings are proposed within the Green Belt itself. Paragraph 90 of the NPPF indicates that 'engineering operations' (which can include road improvements of this kind) are no inappropriate development provided they preserve openness and do not conflict with the purposes of including land in Green Belt. In this case, the widening of the driveway and its resurfacing would not have a significant impact upon Green Belt openness nor would it result in encroachment into the countryside (NPPF para. 80.) The proposals do not include any significant changes to land levels that would make the hard surfaced area more prominent and they maintain a good portion of the soft verge along the road. The surfacing materials will be controlled by condition to ensure that an appropriate surface is used.
- 71 With reference to the above and in terms of the 'presumption in favour of sustainable development' (para. 14 of the NPPF), developments that accord with the development plan or would not adverse impacts that conflict with or outweigh the policies of the NPPF (taken either specifically or as a whole) should be approved. The development is in accordance with both the existing and emerging policies of the Development Plan and as such it can be considered that the 'presumption in favour of sustainable development' should apply. In any case, for the reasons set out in this report, it is not considered that the proposal conflicts with the policies contained within the NPPF in such a way that could not be overcome by appropriate conditions.

### *The design and appearance of the development*

- 72 Section 7 of the National Planning Policy Framework reiterates the Government's commitment to the design of the built environment. Paragraph 58 sets out some principles of good design and indicates that developments should 'function well and add to the overall quality of the area', 'optimise the potential of the site to accommodate development', 'respond to local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation' and 'be visually attractive as a result of good architecture and appropriate landscaping'.
- 73 Policy SP1 of the Core Strategy indicates that 'all new development should be designed to a high quality and should respond to the distinctive local character of

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the area in which it is situated'. SP1 indicates that account should be taken of village design statements. The Leigh Village Design Statement has been adopted as informal planning guidance.

- 74 The village of Leigh is mainly organised around the village green and high street, both located between 150m – 500m to the west of the site. The village Conservation Area covers these area and terminates approximately 65m to the west of the site (to the west of Barnetts Road).
- 75 The site is surrounded to the north and west by the Garden Cottages and Barnetts Road residential areas, to the south by the recreation field and Leigh Tennis Club and the east by low density residential development and open land within the Green Belt to the east of Hollow Trees Drive. Garden Cottages, to the north comprises a collection of short, 2-storey terraces built in the 1920s around a central grassed area. Barnetts Road is a post-war cul-de-sac formed of small rows of terraces and semi-detached pairs having two storeys and being finished predominantly in brick and tile hanging. Around seven detached dwellings of mixed appearance take access from Hollow Trees Drive to the south and to the east of the site.
- 76 The site itself is not, however, conspicuous from Powder Mill Lane nor is it prominent from any other publicly accessible land. The main view into the site would be from Hollow Trees Drive itself or from the properties surrounding it. The main body of the site is currently overgrown, though the trees of most value appear to be those around the edge of the site and along Hollow Trees Drive.
- 77 The proposal itself would reflect the semi-rural nature of the site both in terms of the character and arrangement of the proposed dwellings and in terms of the retention of trees and planting to the boundaries of the site and the possibility of further mitigating planting.
- 78 The density of the development allows for a fairly comfortable arrangement of dwellings whilst making best use of the land to be developed. The development mainly consists of detached and link-attached dwellings along with a semi-detached pair and a small row of three terraced dwellings. This mixture of housing types generally reflects those found within the immediately surrounding area as does the fairly informal layout on the site<sup>1</sup>. The proposal includes the use of a mixture of housing designs of a mixed vernacular appearance and character. The dwellings are well broken up on the site through the use of separation between buildings, breaks over garages and the use of well landscaped areas to the front and rear of the properties. The result is a development that integrates well into its setting in this semi-rural location. The dwellings are two storey with a mixture of roof types reflecting the prevailing character of the village generally. Whilst materials are yet to be agreed and can be controlled by condition, it is indicatively shown that a range of traditional materials can be used to finish the dwellings. When determining appropriate materials, regard should be had particularly to the Leigh Village Design Statement which gives a thorough description of the vernacular architecture in the village.
- 79 The application is accompanied by a tree survey and landscape strategy (drawing 1028/12/5 Rev.A). The survey and strategy show the removal of the poorer quality trees to the central portion of the main part of the site with the retention of most of the planting around the boundaries. The trees assessed as having high

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and moderate 'arboricultural value' are predominantly those around the edges of the site which will be retained as part of the development and protected during the course of the development. The Council's Trees and Landscape Officer confirms that the trees and vegetation in the central portion of the site are of limited value, no objection is raised to the tree removals marked on the plans. The Officer indicates that further information should be supplied particularly to ensure necessary pruning and management of retained trees to ensure their long term retention. Similarly, it is indicated that a suitable boundary treatment to the east of the main body of the site would be a hedge, perhaps along with a post and wire type fence, to maintain and enhance the character of the area; this could be secured as part of the landscaping condition. The hedge to south of the site is shown to be retained, this could additionally be secured as part of the landscaping condition which should include detail of the height and pruning of the hedge to create a formal boundary treatment.

### *Highways*

- 80 The dwellings would be accessed from Hollow Trees Drive which is reached by Powder Mill Lane to the north of the site. It is proposed to relocate the garage and boundary wall to The Cottage, Powder Mill Lane to create an improved site line to the west of the junction along with the widening of the carriageway to Hollow Trees Drive and the provision of wider passing places. A Transport Statement has been provided with this application.
- 81 The access to the site is in the same as that shown in preceding applications for residential and older persons accommodation. No objection has previously been raised to the access in this manner in terms of highways safety or convenience by the Council or an appeal inspector. The most recent appeal decision was related to an application for 56 bed care home on the site.
- 82 The Council's Highways Officer has raised no objection to the proposal subject to the use of appropriate conditions. The proposals include small changes to the highways layout at the junction of Hollow Trees Drive (shown to be within the site area and control of the applicant) and the Highways Officer has indicated that these works as well as the passing places on Hollow Tree Drive and the visibility splay are necessary before any of the dwellings are occupied. Internally, the Highways Officer has recommended that an additional area be provided for turning of refuse vehicles, this should be worded in such a way as to provide some flexibility to avoid hardsurfacing an unacceptable amount of the site. Details of internal visibility splays should also be provided to avoid conflict between vehicles and pedestrians within the site.
- 83 At least two parking spaces are to be provided for each of the dwellings in accordance with the County Highways Authority's interim parking standards.
- 84 No objection has been raised by the Highways Officer in terms of the impact of the development upon the wider highways network generally. The transport assessment submitted demonstrates that the levels of additional traffic generated by the scheme would not result in a significant impact upon highways safety or congestion on surrounding roads as the proposal would consist of only a modest increase in traffic.

- 85 The village itself is reasonably well served by public transport in the form of a public bus and train station within walking distance (both within 1.5km). The scheme allows for safe and convenient access on foot and by bicycle.

### *Amenity of neighbours and future occupants.*

86 Barnetts Road

- 87 The side elevation of Plot 11 would be approximately 22m east from the rear elevation of no.7 Barnetts Road and is therefore unlikely to have a significant impact in terms of loss of light or pleasant outlook. No windows to habitable rooms are proposed in the facing flank elevation. The landing window to the first floor should be obscure glazed and a condition should prevent any further windows in this flank elevation.

89 Garden Cottages

- 90 The east flank of plot 13 faces towards the rear garden of no. 14 Garden Cottages. There is adequate separation to avoid significant loss of light or pleasant outlook though, as above, windows should be restricted on the facing flank to avoid overlooking.

- 91 This is a similar arrangement to plot 1 where windows should be avoided to the first floor of the closest parts (bedrooms 2 and 3) in the west facing flank elevation.

- 92 The rear of plots 11, 12 and 13 face towards the side and garden of no. 15 Garden Cottages at a distance of approximately 15 – 20m, though there are no windows in the flank of no.15 facing the application site. An adequate retention of the trees and planting along this boundary should be secured by condition.

- 93 This is a similar relationship to plot 1 and no.8 Garden Cottages.

94 Pheasant Hollow

- 95 This property is approximately 32m to the east of plots 2 and 3 and would be obscured from view by retained trees and planting. The proposal would not have a significantly harmful impact upon this property as to warrant refusal of this application.

96 Netherfield

- 97 This property is located to the east of Hollow Trees Drive and 55m+ from the nearest proposed dwelling. A passing place is proposed in proximity to the side boundary of this property and as such some additional noise might be generated by cars passing along the road here and using the passing place. The number of additional vehicle trips would not, however, be excessive (as set out in the Transport Statement) and this increase is unlikely to be significantly harmful given the position of the dwelling and its orientation.

### *On-site amenity / future occupants*

- 98 Each dwelling would benefit from its own private amenity space and would provide for an acceptable internal living environment generally.

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- 99 The site to the south of the application site consists of the Leigh Tennis Club. The tennis courts here are floodlighted, though the hours of lighting of the club are restricted by condition so that should not operate between 9.45pm and 9am in the interests of the amenities of neighbours (Condition 2 of 11/01729/CONVAR).

### *Ecology*

- 100 The site is not located within a site of special ecological or environmental designation. Impact upon ecology was not previously cited as a reason for dismissal of recent appeals for the development of this site.
- 101 An ecology report and supplementary Great Crested Newt scoping survey has been submitted with this application. The ecology report concludes that habitats within and adjacent to the site are considered to be of low wildlife value, though it is identified that the site provides a suitable habitat for breeding birds and that the compost piles and other areas of the site are suitable for reptiles. Mitigation measures for bats, birds, reptiles and stag beetles is set out in paras. 4.7 – 4.11 of the ecology report. It is identified that there is negligible likelihood of the presence of Great Crested Newts.
- 102 The County Ecologist has indicated that insufficient information has been provided with regards to reptiles, however only limited concern is raised because of the likely decline in appropriate reptile habitat since the 2008 scoping survey was carried out and because proposed areas within the landscaping of the development could accommodate reptile habitats. It is recommended that a condition be applied to require a full reptile survey prior to the development being carried out to inform mitigation measures as necessary.

### *Affordable housing and the requirement for planning obligations for community and other facilities.*

- 103 The application includes a draft s.106 agreement for the provision of four affordable units (three affordable rented and one intermediate) in accordance with Policy SP3 of the Core Strategy. The three affordable rented units are made up 2 two-bed units and 1 three-bed unit in the terrace comprising plots 11,12 and 13. The intermediate affordable unit is the three-bed detached dwelling plot 10. The arrangement of the affordable housing is such that it would be well related to the market housing and would be well integrated with the scheme.
- 104 Notwithstanding this, whilst the content of the s.106 has been agreed, a signed completed document has not yet been received. In the absence of the completed s.106 the affordable housing is not adequately secured and the application is contrary to Policy SP3. The recommendation is therefore split to allow a little additional time (until the statutory deadline of the application – 2 August) for the completion of the s.106. If a completed signed agreement is not received in due time, it is recommended that planning permission be refused.
- 105 The Parish Council has expressed a preference that the affordable housing be made available for local people. This scheme is not, however, a rural exceptions site and as such there is no policy requirement for the affordable housing to be made available on a local nominations basis. The proposal is otherwise in accordance with SP3 which requires the provision of general affordable housing.



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- 106 The applicant has included within the draft agreement an undertaking to provide money towards secondary school education, library facilities, youth facilities and community learning. These contributions were requested on behalf of KCC and evidence has been provided to demonstrate that these contributions are necessary, related to the development and are reasonable in terms of the scale of the development. These have not been secured until a signed and completed s.106 has been received.
- 107 Despite objections to the application stating that the local primary school is oversubscribed, Kent County Council has not identified this as a potential issue as a result of this development and has not made a case for contributions towards primary schools.
- 108 A letter from the NHS has been received requesting developer contributions. This letter identifies 'possible sites for improvement within the vicinity'. The letter does not however provide evidence of a likely deficiency in health care as a direct result of this development nor that there is any direct requirement to provide for additional capacity at the most local health care facilities. It is not therefore considered reasonable to require the contributions sought.
- 109 The Parish Council has recommended that a Community Infrastructure Levy be raised to provide local community facilities. The Council's CIL charging schedule has not been adopted (nor is it at an advanced stage of production) and as such CIL cannot be applied.

### *All other relevant matters.*

- 110 Concern has been raised that the proposal should be considered in conjunction with the possible residential development at the nearby GlaxoSmithKline site on Powder Mill Lane to the east of the village. No planning application has yet been received for the development of this site, though it is included within the draft A&DM DPD. Nonetheless, the site are entirely separate in nature and any impact upon infrastructure resulting from the possible development of the GSK site (whether social or physical) would be considered on the submission of a planning application.
- 111 The application is accompanied by a geotechnical and environmental desktop study. This report recommends that an intrusive on-site investigation is required to identify potential contaminants. A condition has been recommended by the Environmental Health Officer to ensure that this further intrusive investigation is carried out and the findings submitted to the Council along with a scheme of remediation (as required). Any necessary remediation should be carried out prior to the commencement of the development.
- 112 The Environmental Health Officer has additionally recommended a condition relating to the control of noise, vibration and dust during the construction of the development. The construction of development is generally controlled under the environmental health and control of pollution regulations and is not normally considered relevant to planning control. In the absence of any specific reasoning in this regard, the proposed condition is considered ultra vires.
- 113 The site is not within a designated area flood risk. Southern Water has, however indicated that the surface water drainage scheme be submitted to the Council for

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agreement. A condition along these lines is considered relevant and would prevent the possibility of localised flooding.

- 114 A preference has been voiced that the land be returned to use as allotments. This use appears to have been abandoned some time ago. There is no existing or emerging policy that requires the land to be returned to use as an allotment or any other kind of open space.
- 115 No street lighting is proposed as part of the scheme so as to maintain the semi-rural character of the site and its surrounds. A condition should be imposed to ensure that this remains the case.
- 116 The applicant has indicated that the proposal will reach Code for Sustainable Homes Level 3 in accordance with SP2 of the Core Strategy. A condition should be applied to secure this. It is not reasonable to require a higher code level in this case.
- 117 Concern has been raised over possible subsidence on the site affecting the proposed dwellings. In terms of detailed foundation design and structural stability, this is a matter for the Building Regulations. The Council's Trees Officer has informally indicated that, subject to appropriate tree protection, the dwellings can be constructed without unnecessary harm to retained trees.
- 118 The proposal includes the replacement of the garage at The Cottage. The garage would be positioned adjacent to the southern boundary of this dwelling as is a simple single storey structure. This element of the proposal would have no significant impact upon the character and appearance of the street scene or surrounding area. Similarly, the repositioned wall would have no significant impact upon the character of the area provided that the wall is of an appropriate standard and appearance and the area in front of the wall (within the splay) is treated appropriately.

### Conclusion

- 119 The proposal is considered acceptable in terms of sections (a) to (e) and (g) above. In its current form (in the absence of a completed S.106 agreement), the proposal fails to secure on-site affordable housing in accordance with SP3 and fails to secure necessary developer contributions. A split recommendation is therefore made to either approve planning permission should an acceptable S.106 agreement be received and completed on or before 2<sup>nd</sup> August 2012 or to otherwise refuse planning permission on this basis.

### Background Papers

Site and Block plans

Contact Officer(s): Patrick Reedman Extension: 7451

Kristen Paterson  
Community and Planning Services Director

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=M2Z292BK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=M2Z292BK8V000>





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4.4 – SE/12/01207/HOUSE Date expired 3 July 2012

PROPOSAL: Demolition of west wing, garaging and pool annexe, and erection of new and replacement extensions including basement, pool annexe and accommodation in the loft space. As amended by drawings received 14 June 2012.

LOCATION: Fairlawn, Wildernesse Avenue, Sevenoaks Kent TN15 OEA

WARD(S): Seal & Weald

**ITEM FOR DECISION**

This application is reported to Development Control Committee as the Officer's recommendation varies from that of the Town Council and at the request of Councillor Hogarth 'for the reasons stated by STC' (that the proposal is overdevelopment of the site, that the development is contrary to policy EN1 and that the proposal would lead to loss of amenity to neighbouring properties).

**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) 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 extensions 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 EN23 of the Sevenoaks District Local Plan.

3) Tree protection measures shall be carried out in complete accordance with the recommendations and details set out in the 'Sylvan Arb' Arboricultural Report dated 24th May 2012.

To safeguard the retention and long term health of trees in accordance with policies EN1 and EN23 of the Sevenoaks Local Plan.

4) 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 and trees);-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.

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

5) All soft landscape works shall be carried out before the first occupation of the development hereby permitted. The landscape works shall be carried out in accordance with the approved details.

To safeguard the visual appearance of the area as supported by EN1 and EN23 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 and EN23 of the Sevenoaks District Local Plan.

7) The development hereby permitted shall be carried out in accordance with the following approved plans: 4325-PD-001, 002, 003, 005, 004, 006A, 007A, 008 and 009B

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

8) Prior to the commencement of the development hereby permitted, details of acoustic insulation of the proposed swimming pool plant room shall be provided to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details and thereafter maintained as such.

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) The extension(s) hereby permitted, including the swimming pool / gym element shall be used only in connection with the residential occupation of the dwellinghouse and shall not be used for any commercial or other purposes including use as a separate dwelling.

To prevent harm to the amenities of the area and to prevent harm to the amenities of neighbours in accordance with EN1 of the Sevenoaks Local Plan.

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

The South East Plan 2009 - Policies CC6, BE6

Sevenoaks District Local Plan - Policies EN1, EN23, H6B

Sevenoaks District Core Strategy 2011 - Policies SP1

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

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



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

### Description of Proposal

- 1 Planning permission is sought for the following extensions and alterations to the dwelling:
- 2 The replacement of the demolished 'west wing' part (see SE/12/01208/CAC) with a two storey projecting wing with front catslide roof and dormers creating a first floor. The extension would have a width of approximately 14.25m off of the remaining original part of the dwelling. The extension would have an overall height of 8.4m with a stepped down part adjacent to the original dwelling. This element has a rear projecting two storey gable element and single storey elements with a link to the proposed pool element. Rooflights would be placed in the rear roof slope to create a 2nd floor bedroom.
- 3 The erection of a part single storey, part two storey extension to the rear of the dwelling incorporating a gable element and adjacent balcony. The two storey rear element would extend approximately 4m to the rear of the existing rear wall.
- 4 The erection of a replacement 4 x 2.5m porch to the main entrance with pitched roof and front gabled canopy.
- 5 The erection of a swimming pool and gym link attached building adjoining extension (a) above. The main body of this element would have a floor area of approximately 20.5m x 8.5m with a gabled roof to a height of 5.5 – 6.2m above adjacent floor level (the ground slopes down from south to north).
- 6 This application is essentially a resubmission of approved application SE/11/00370/FUL with an amended design and appearance. The application drawings outline the position and extent of the previously permitted scheme. The previous approval allowed for a detached replacement pool building and it is now shown as link attached.

### Description of Site

- 7 The application site consists of one large detached dwelling with adjoining garage and swimming pool extension set within a large landscaped and well treed curtilage. The original dwelling is of an Arts & Crafts style with a main east-west ridge to hip and catslide and two storey front and rear projecting gable element. The main dwelling is constructed with timber frame effect and render with tile hanging to the gable element. The roof is finished with plain tiles.
- 8 The dwelling fronts onto Wildernesse Avenue, though is set back from the highway by approximately 25 - 30 metres (in line with surrounding properties in the vicinity). Unlike other surrounding properties, the dwelling is orientated so that it faces the road at a 45 degree angle. As is generally the case within the Wildernesse Conservation Area, the front of the dwelling is generally obscured by a large amount of mature planting. Access roads run adjacent to both east and west boundaries to houses on plots to the rear of the dwellings on Wildernesse Avenue. The trees on the verges of the avenue to the front are protected.

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### Constraints

- 9 The application site is located within the urban area of Sevenoaks and within the Wilderness Conservation Area. The dwelling is not listed and there are no protected trees within the site.

### Policies

#### *Sevenoaks District Local Plan*

- 10 Policies - EN1, EN23, H6B

#### *South East Plan 2009*

- 11 Policies - CC6, BE6

#### *Sevenoaks Core Strategy 2011*

- 12 Policies - SP1

#### *Other –*

- 13 National Planning Policy Framework

### Planning History

- 14 11/00370/FUL - Demolition of west wing, garaging and pool annexe and erection of new and replacement extensions including basement and accommodation in the loft space with one roof balcony to south. Erection of a new self-contained pool house. – Granted

11/00371/CAC - Demolition of west wing, garaging and pool annexe. – Granted

10/02993/CAC - Demolition of existing west wing, garaging and pool annexe and erection of new and replacement extensions including basement and accommodation in roof space in loft with roof balconies to south. Erection of new self contained pool house. – Withdrawn

10/02992/FUL - Demolition of west wing, garaging and pool annexe and erection of new and replacement extensions including basement and accommodation in the loft space with roof balconies to south. Erection of a new self-contained pool house. – Withdrawn

06/01948/FUL - Alteration of existing front wall & installation of electrically operated gates. – Granted

83/01321 – Part single storey / part two storey extensions incorporating swimming pool, double garage and additional vehicle and pedestrian access – Granted

### Consultations

#### *Conservation Officer*

- 15 Fairlawn is set at an angle to the road frontage such that the proposed rear and side additions would not be prominent in the CA. The property is identified in the CA Appraisal as 'contributing to character' largely because of its Arts and Crafts style, the fundamental features of which are a mix of timber frame tile hanging and render, with a varied roof form. The proposal is a variation on SE/11/00370/FUL approved in 2011. The elements of the house to be demolished are not part of the original ones. The side addition would be set back slightly from the front wall and have a break in its ridge line to distinguish old from new. I am satisfied that the house as extended would retain the character and not be intrusive in the CA. Recommend approval.

#### *Trees and Landscape Officer*

- 16 This current proposal brings the proposed development closer to the bulk of the house instead of being separated and further away. This proposal is more acceptable than the previously consented to scheme in that it avoids fragmentation of the buildings. Having stated this, the tree removal plan attached to the arboricultural consultants report. Proposes to remove a variety of trees located within the south western corner of the rear garden even though the proposed development is to be moved further towards the main house and away from this section of the property. This garden is very secluded with high evergreen mature hedging. Any external views of these trees are very fleeting. Any amenity value that might be present is very limited due to the seclusion. I do not therefore offer any objections to this part of the proposal.
- 17 Tree removals are also proposed for the front garden area. The trees nearest to the eastern wing of the house are species that have the potential to grow to large dimensions and are not appropriate this close to a building. The remaining smaller tree removals are to accommodate the new drive area and can be replaced by a suitable planting scheme.
- 18 Sevenoaks Town Council - Sevenoaks Town Council recommended refusal on the following grounds:
- overdevelopment of the site;
  - contrary to EN1 of the LDF;
  - loss of amenity to neighbouring properties.

### Representations

- 19 Two letters of objection have been received from a neighbour. These letters raises the following concerns:
- the Leylandii hedge to the west boundary of the site is not owned by the applicant. The hedge might be damaged or destroyed by the development;
  - the site is above the level of Quarry Dean;

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- the proposal would result in overlooking from proposed windows;
- the proposal would lead to a 'light nuisance' as a result of proposed windows to the extension, roof lantern and swimming pool windows;
- the proposal would result in noise disturbance from the swimming pool element and air source heat pumps [now removed from the scheme];
- the freestanding chimney would result in smoke, smells and pollution.

### Group Manager - Planning Appraisal

- 20 With regards to the relevant policies of the Development Plan listed above, the main considerations in this case are the impact of the development upon the special character and appearance of the Conservation Area (including the character of the existing dwelling and the on-site landscaping), the impact of the development upon the amenities enjoyed by neighbours and any other relevant issues such as access and parking.
- 21 Regard should be given, where relevant, to extant planning permission SE/11/00370/FUL which allows for a similar west extension along with a detached pool house, single storey rear extensions and loft conversion with inverted dormers and rooflights.

### *Character and Appearance of the Conservation Area*

- 22 The dwelling is located within the Wildernesse Conservation Area and is noted as a building contributing to character. The main body of the building is constructed in an Arts and Crafts style. The dwelling is substantially set back from the roadway by approximately 25 - 30 metres and is partially obscured from view from the front by trees and planting. Railings and gates mark the front boundary and access of the dwelling.
- 23 Policy EN23 of the Local Plan reiterates the presumption that development within conservation areas should preserve or enhance their special character and appearance.
- 24 The character of the Conservation Area is developed both through the subservience of the dwellings to the landscape and the predominantly treed and vegetated appearance of the surroundings and through the architectural merit of the dwellings themselves. It is noted that the subservience of the dwellings is as a result of the large plots and generally large widths to boundaries which allow glimpses of trees and vegetation around and beyond the dwellings.
- 25 In this case, the surviving part of the original dwelling is of an interesting character with an interesting roof form and well proportioned division of the east-west timber / render portion and front and rear projecting gable. The site is particularly well treed to the front boundary (inside and outside of the site area) and along the side boundaries. It is noted that the Leylandii hedge to the west of the site, adjacent to the access to Shelrok and Herons Rest is not within the application site.
- 26 The proposal removes the existing two storey western projection which is of little merit in its own right and the unsympathetic double garage and large single storey

swimming pool elements. The main two storey western projection now would be partially visible from Wildernesse Avenue albeit seen through the intermediate planting and vegetation. This element would however complement the character of the existing dwelling and would not overwhelm the form and appearance of the dwelling. The proposed extension contains a clear break of roof line to differentiate it from the main dwelling and this result in an appearance of subservience to the remaining original part of the dwelling. The use of the front catslide roof and subservient single dormers to the first floor reduces the visual impact of the development and ensures the subservience of this element. Whilst the western extent of the extension would come closer to the boundary than the approved scheme, the partial set back of the first floor and the use of a full hip with modest eaves height prevent the development from appearing hard-up to the edge of the site. The position of the extension allows for the retention of trees and planting to the front of the site and on the slightly higher level land to the east of the dwelling so as to preserve the well landscaped nature of the surroundings.

- 27 The proposed porch is in keeping with the style and appearance of the dwelling and particularly uses cat slide type roof to tie the element into the character of the original dwelling.
- 28 The additions to the rear of the dwelling and the swimming pool would not be prominent in the Conservation Area and would not be seen from Wildernesse Avenue to the front nor from any other public / semi-public land. The rear projections are subservient to the form of the dwelling and would not have an adverse impact upon the conservation area. These are of a traditional appearance with the use of gables to reflect that of the front elevation. The proposed swimming pool element is of a fairly simple design and appearance with a gabled roof and single storey link element. The roof of the building would be below that of the extension to the dwelling and would not be prominent in the landscape.
- 29 The Conservation Officer recommends approval of the application and has identified that the house as extended would retain the character of the dwelling and would not be intrusive in the Conservation Area. Samples and details of materials will be required to be submitted prior to the construction of the dwelling.
- 30 The Council's Trees and Landscape Officer has raised no objection to the impact of the proposal upon trees on the site and has indicated that the trees shown to be removed in the arboriculture report are acceptable. It is indicated that the trees to be removed to the rear of the garden are of little amenity value in their own right. Similarly, as previously imposed, a condition should be applied to require replacement and additional planting, particularly to the front garden area to compensate for the removed trees. The arboriculture report submitted sets out the measures required for the protection of the retained trees and a condition should be applied to ensure the development is carried out in accordance with this document.
- 31 Tree removals are also proposed for the front garden area. The trees nearest to the eastern wing of the house are species that have the potential to grow to large dimensions and are not appropriate this close to a building. The remaining smaller tree removals are to accommodate the new drive area and can be replaced by a suitable planting scheme.

## Agenda Item 4.4

- 32 With reference to the Town Council's response, for the reasons set out above, the proposal would not result in overdevelopment of the site that would be visually detrimental to the character and appearance of the dwelling of the area generally. The proposal is considered to be of an acceptable design and appearance and not contrary in this respect to Policy EN1 of the Local Plan.

### *Residential Amenity*

- 33 The two storey extended parts are predominantly adjacent to the western boundary of the site where two driveways give access to Shelrok and Herons Rest to the south-west. The swimming pool element also runs approximately 2.8m from this boundary. Beyond these adjacent driveways is Quarry Dean, a similarly detached property fronting onto Wildernesse Avenue but set closer to the road and orientated directly towards Wildernesse Avenue. This site is at a land level below that of Fairlawn. This dwelling is in excess of 30m from the proposed additions to the west of the dwelling. Trees and planting on both sites and to the access driveways obscure views between the sites at this point, though it is noted that the hedging immediately to the west of the extensions is not within the control of the applicant and could not be relied upon to permanently screen the development. Nonetheless, the closest distance from habitable room to habitable room (proposed bedroom 3 to the bedroom of Quarry Dean) at approximately 31m is significant and in excess of the normally acceptable minimum distance for overlooking (a figure of 21m is often applied).
- 34 The resultant western flank of the dwelling faces towards the rear garden area of Quarry Dean. Other than ground floor windows, two roof lights in the side roof slope of this resultant flank are proposed which appear to be well above eye level (and in any case would look skywards and not towards the neighbouring garden area). The west facing bedroom two window is set back further from the boundary. The plans indicate that this would be obscure glazed.
- 35 Concern has been raised over the proposed chimney to the family room close to the west boundary of the site with regards to smoke, smells and pollution. This chimney is 6 – 6.5m in height above the adjacent ground level and higher still above the ground level of Quarry Dean. The Building Control Officer has indicated that the height and design of the chimney is in general accordance with the Building Regulations. In any case, given the distance between the properties and the height and form of the chimney, the impact in terms of smoke blowing over to the adjacent site is unlikely to be significantly harmful so as to warrant refusal of this application.
- 36 The proposed pool building is close to the western boundary (approximately 2.8m away). The pool building extends rearward from the west wing extension with a single storey link element and replaces the existing pool building in a more forward position. Concern has been raised over both noise and light emanating from this part of the proposal. Whilst some light would escape from the proposed roof lights and to a lesser extent from the facing windows in the flank elevation serving the link corridor, given the distance between this element and nearby properties, the effect is unlikely to be so harmful as to warrant refusal of this application. Similarly, the noise resulting from the use of the pool as an incidental facility to the occupation of the dwelling is unlikely in itself to be sufficiently overwhelming in terms of this consideration. The main opening windows to the pool area face to the east and towards the rear garden area of the property. A

## Agenda Item 4.4

condition could be applied to ensure that the pool and gym facilities are not to be made available for commercial purposes, which in itself might in any case require a separate grant of consent.

- 37 The pool building does require some plant for its operation which is shown in a room to the end of the building with a door facing the boundary. Whilst, it is unlikely that this plant would cause a significant amenity issue given the distances involved and the intervening vegetation, the area is particularly quiet and the resultant noise may be noticeable dependant on the type of equipment installed. Unlike the use of the pool, the operation of plant is likely to be continuous or erratic in nature and I recommend that a condition be added to the permission to require a scheme of acoustic insulation to this part of the building.
- 38 Concern was initially raised over some air source heat pumps adjacent to the western boundary of the site, these have now been removed from the proposed development.
- 39 The adjacent dwelling to the east, Westcombe House is in excess of 50m from the resultant dwelling. The general rise in the landscape, protected trees, boundary treatment and other general landscaping prevents any overlooking from the extended parts of the dwelling or the outbuilding.
- 40 The proposal would not have a significant impact upon any other surrounding dwellings.

### *Other Issues*

- 41 The proposal does not alter the access to the dwelling and continues to provide for a good amount of on-site parking and garaging (5+ vehicles).

### **Conclusion:**

For the reasons stated above, the proposal is in accordance with the Development Plan and I therefore recommend approval of the application subject to appropriate conditions.

### **Background Papers**

#### Site and Block Plan

Contact Officer(s): Patrick Reedman Extension: 7451

Kristen Paterson  
Community and Planning Services Director

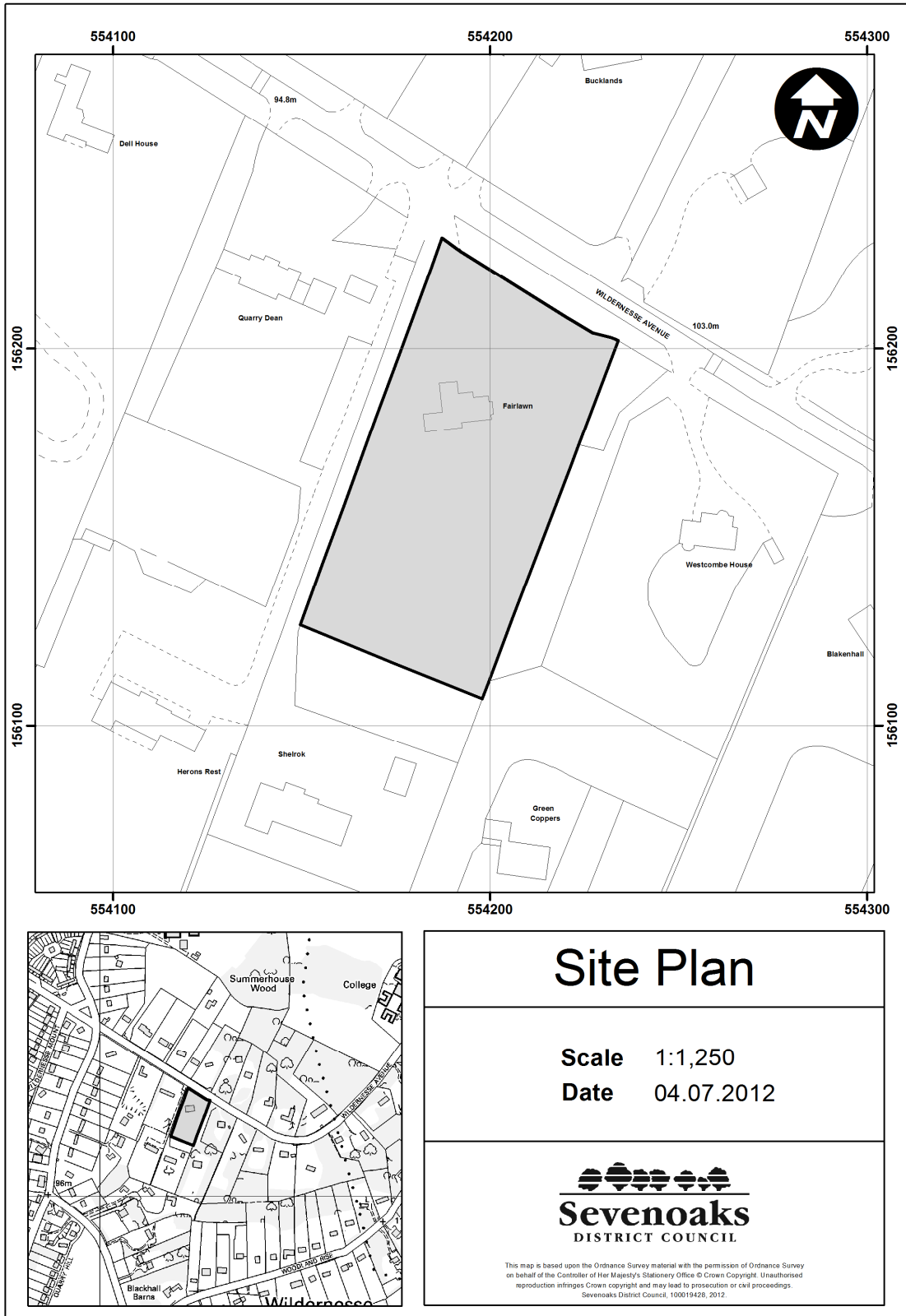
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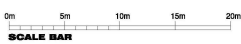
Agenda Item 4.4







PROPOSED SITE PLAN WITH ROOF PLAN



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4.5 – SE/12/01208/CAC      Date expired 3 July 2012

PROPOSAL:                              Demolition of west wing, garaging and pool annexe.

LOCATION:                                 Fairlawn, Wildernesse Avenue, Sevenoaks Kent TN15 OEA

WARD(S):                                Seal & Weald

**ITEM FOR DECISION**

This application is reported to Development Control Committee as the Officer's recommendation varies from that of the Town Council and at the request of Councillor Hogarth 'for the reasons stated by STC' (that the proposal is overdevelopment of the site, that the development is contrary to policy EN1 and that the proposal would lead to loss of amenity to neighbouring properties).

**RECOMMENDATION:** That conservation area consent be GRANTED subject to the following conditions:-

1)      The works to which this consent relates shall begin before the expiration of three years from the date of this consent.

In pursuance of section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2)      The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the redevelopment works has been made and planning permission has been granted for the redevelopment for which the contract provides.

To ensure that the demolition is carried out as a continuous operation with the redevelopment of the site, in the interests of visual amenity in accordance with Policies EN1 and EN23 of the Local Plan.

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

The South East Plan 2009 - Policies CC6, BE6

Sevenoaks District Local Plan - Policies EN1, EN23

Sevenoaks District Core Strategy 2011 - Policies SP1

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

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

## Agenda Item 4.5

### Description of Proposal

- 1 Conservation Area Consent is sought for the demolition of:
  - the two storey (catslide and dormers) “west wing” of the dwelling currently projecting approximately 6m from the main western flank of the dwelling and adjoining;
  - the gable roof double garage adjacent to the western boundary, and;
  - the adjoining rear projecting single storey hipped roof swimming pool building adjacent to the western boundary.
- 2 The proposal also includes the demolition of the existing front porch and some existing external walls (to allow for the proposed extensions).
- 3 The proposal for demolition is made concurrently with SE/12/01207/FUL for the extension of the dwelling.

### Description of Site

- 4 The application site consists of one large detached dwelling with adjoining garage and swimming pool extension set within a large landscaped and well treed curtilage. The original dwelling is of an Arts & Crafts style with a main east-west ridge to hip and catslide and two storey front and rear projecting gable element. The main dwelling is constructed with timber frame effect and render with tile hanging to the gable element. The roof is finished with plain tiles.
- 5 The dwelling fronts onto Wildernesse Avenue, though is set back from the highway by approximately 25 - 30 metres (in line with surrounding properties in the vicinity). Unlike other surrounding properties, the dwelling is orientated so that it faces the road at a 45 degree angle. As is generally the case within the Wildernesse Conservation Area, the front of the dwelling is generally obscured by a large amount of mature planting. Access roads run adjacent to both east and west boundaries to houses on plots to the rear of the dwellings on Wildernesse Avenue. The trees on the verges of the avenue to the front are protected.

### Constraints

- 6 The application site is located within the urban area of Sevenoaks and within the Wildernesse Conservation Area. The dwelling is not listed and there are no protected trees within the site.

### Policies

#### *Sevenoaks District Local Plan*

- 7 Policies - EN1, EN23

#### *South East Plan 2009*

- 8 Policies - CC6, BE6

#### *Sevenoaks Core Strategy 2011*

9 Policies - SP1

*Other –*

10 National Planning Policy Framework

Planning History

11 11/00370/FUL - Demolition of west wing, garaging and pool annexe and erection of new and replacement extensions including basement and accommodation in the loft space with one roof balcony to south. Erection of a new self-contained pool house. – Granted

11/00371/CAC - Demolition of west wing, garaging and pool annexe. – Granted

10/02993/CAC - Demolition of existing west wing, garaging and pool annexe and erection of new and replacement extensions including basement and accommodation in roof space in loft with roof balconies to south. Erection of new self contained pool house. – Withdrawn

10/02992/FUL - Demolition of west wing, garaging and pool annexe and erection of new and replacement extensions including basement and accommodation in the loft space with roof balconies to south. Erection of a new self-contained pool house. – Withdrawn

06/01948/FUL - Alteration of existing front wall & installation of electrically operated gates. – Granted

83/01321 – Part single storey / part two storey extensions incorporating swimming pool, double garage and additional vehicle and pedestrian access – Granted

Consultations

*Sevenoaks Town Council*

12 Sevenoaks Town Council recommended refusal on the following grounds:

- overdevelopment of the site;
- contrary to EN1 of the LDF;
- loss of amenity to neighbouring properties.

*Conservation Officer*

13 This has surely already been approved under SE/11/00371/CAC

Representations

14 Two letters has been received from a neighbour. These letters raises concern over the impact of the development upon residential amenity (overlooking, noise, smells, pollution etc.) and does not refer to the demolition of parts of the dwelling. The issues raised are considered in the Officer's report for SE/12/01207/FUL.

## Agenda Item 4.5

### Group Manager - Planning Appraisal

- 15 This application is for Conservation Area Consent only and as such the only relevant consideration is whether there should be a requirement for any of the parts of the building listed above to be spared from demolition in the interests of the character and appearance of the Conservation Area.
- 16 Extant conservation area consent SE/11/00371/CAC allows for a very similar amount of demolition to that now shown. This consent allows for the demolition of the west wing, garage and swimming pool elements subject to a condition requiring a contract for the carrying out of the redevelopment works. This extant consent is a significant material consideration in the determination of this application.
- 17 Since the determination of SE/11/00371/CAC, the National Planning Policy Framework has been published and this document supersedes the former Planning Policy Statement 5: Planning and the Historic Environment. Nonetheless section 12 of the NPPF continues to place an emphasis on ‘the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation’. Section 12 of the NPPF sets out that Local Authorities should identify and assess the particular significance of the heritage asset (in this case both the building and the Conservation Area generally) and take this into account when considering the impact of the proposal upon a heritage asset.
- 18 Policy EN23 of the Sevenoaks Local Plan reiterates the statutory responsibility to give regard to the ‘desirability of preserving or enhancing the character or appearance’ of Conservation Areas.
- 19 Notwithstanding the above, it is a close matter of judgement as to whether Conservation Area Consent is necessarily required in this case. Conservation Area Consent is required generally for the demolition of free standing buildings over 115cu m in volume or for the demolition of a significant part of an existing building. This proposal is for demolition of a proportionately small ‘part of’ the existing building whilst the main two storey parts are to be preserved. In any case, it falls to the LPA to determine this application in accordance with the relevant policies of the Development Plan and the statutory requirement to ‘preserve and enhance’ the special character of the Conservation Area.
- 20 Whilst the building is indicated as “contributing to character” in the Wildernesse Conservation Area Appraisal, it is clear that the most important part of the dwelling (the main east – west wing and the gable element) is to be preserved. As previously noted, the parts to the west of the dwelling are later additions to the dwelling. The garage and long projecting pool building do not reflect the style and appearance of the dwelling and are of no architectural merit in their own right. The two storey part to the western flank is better in keeping with the style of the dwelling, though its loss would not prejudice the overall composition and the planning application before the Council for consideration would adequately replace this element. The existing porch is of no special merit in its own right and its removal would allow for a replacement better in character with the dwelling (as previously proposed).

## Agenda Item 4.5

- 21 The Council's Conservation Officer has raised no objection to the proposal and acknowledges that the extant consent is of a very similar nature.
- 22 As the application is for Conservation Area Consent only, the Town Council's objections relating to overdevelopment, design and neighbouring amenity are not relevant to this consideration. These comments are, however, relevant to the planning application SE/12/01207/FUL which is also on the Committee agenda.

### Conclusion:

- 23 For the reasons stated above, the proposal is in accordance with the Development Plan and I therefore recommend approval of the application subject to the appropriate conditions.

### Background Papers

Site and Block Plan

Contact Officer(s): Patrick Reedman Extension: 7451

Kristen Paterson  
Community and Planning Services Director

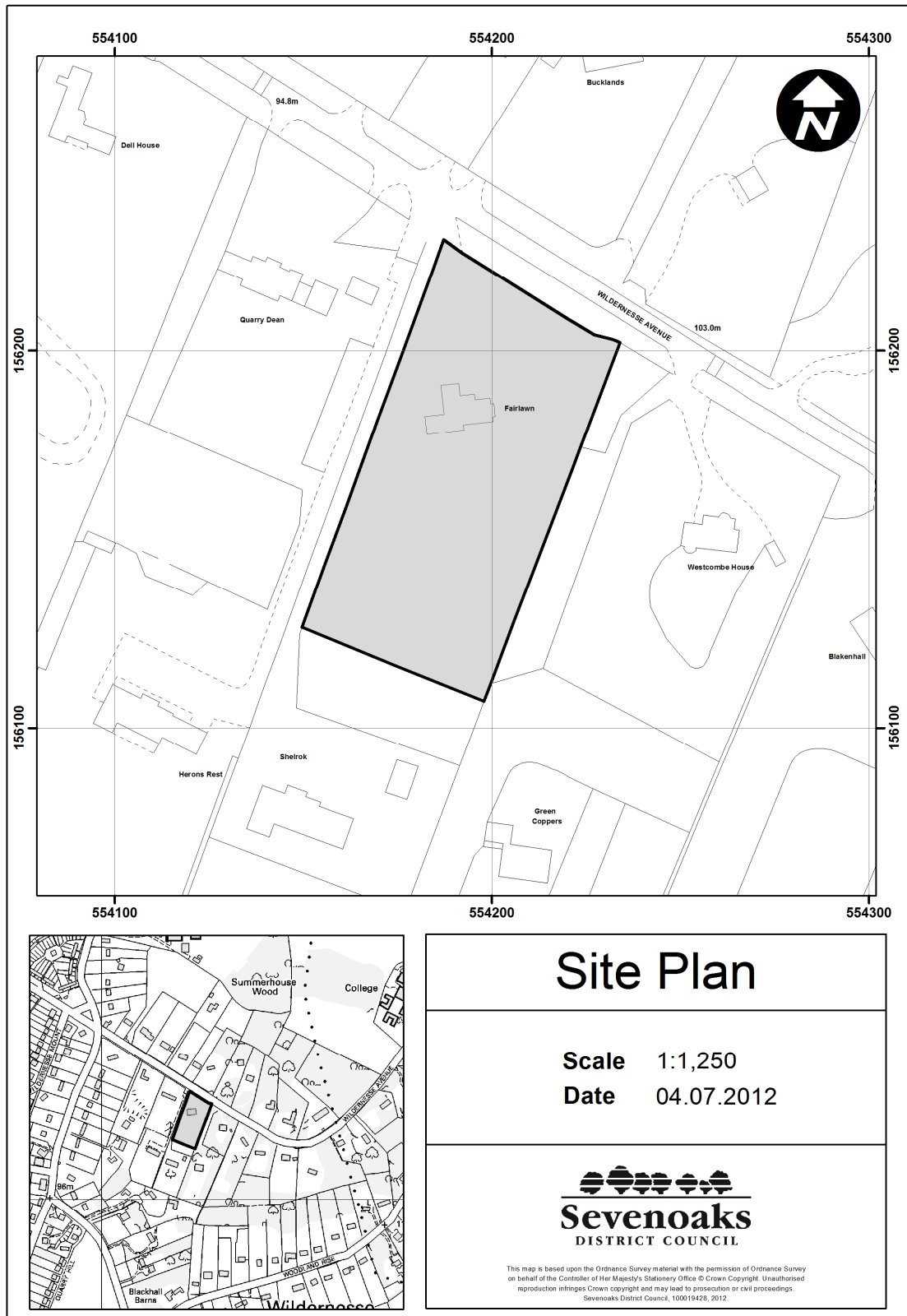
Link to application details:

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Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=M3QZ7IBK0L000>

Agenda Item 4.5



# Site Plan

Scale 1:1,250  
Date 04.07.2012



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**PROPOSED SITE PLAN WITH ROOF PLAN**

0m 5m 10m 15m 20m

**SCALE BAR**

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## Agenda Item 4.6

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 CC6

Sevenoaks District Local Plan - Policies EN1, H6B

Sevenoaks District Core Strategy 2011 - Policies SP1

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

The development would respect the context of the site and would not have an unacceptable impact on the street scene.

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

### Description of Proposal

- 1 Planning permission is sought as an amendment to extant planning permission SE/11/00120/FUL.
- 2 SE/11/00120/FUL allows for:
  - The erection of a 2.3m wide and 4.1m long lean-to conservatory adjacent to the existing rear kitchen projection.
  - Squaring off of part of the building by approximately 1.2m (by 1.8m long) at ground floor level.
  - A 1.2m x 1.1m extension at first floor level to allow for the insertion of stairs to the converted roof space.
  - Increasing the ridge height of this part to form a continuous ridge and the insertion of two dormer windows into the roof slope.
- 3 The amendments now sought consist of:
  - Altered height, width and position of both the front and rear dormers to the side facing roof slope. Both dormers are approximately 0.4 – 0.5m greater in height than those permitted under SE/11/00120/FUL. The dormers have now been installed and have been finished with white plastic cladding, contrary to condition 2 of SE/11/00120/FUL which requires the external materials to match that of the existing dwelling.
  - The enlargement of the first floor side facing window to the small bedroom. This has been carried out.

## Agenda Item 4.6

- An amended design to the single storey rear element, particularly omitting the ground floor glazing to the flank. This is currently under construction.

### Description of Site

- 4 The application site consists of one semi-detached two storey dwelling finished in pebbledash / render and face brickwork. The dwelling shares the gabled tiled roof with the adjoining dwelling, no.51 Hartslands Road. Nos. 45 and 47 to the west are also of the same design. The dwellings sit below the level of the road and a gate gives access to the main entrances of no.49 and 47 which are located within their flank facing elevations.
- 5 The surrounding area is characterised by a high density arrangement, much of the housing stock dating back to the 19<sup>th</sup> Century. Dwelling styles are mixed to the north of Hartslands Road and little space is generally provided between the front of dwellings and the edge of the footpath. No dwellings front directly on to the road from the south at this point where the rear boundaries of properties on Bayham Road front the street. The site is within the Hartslands Conservation Area.

### Constraints

- 6 The application site is located within the urban area of Sevenoaks and within the Hartslands Conservation Area. The dwelling is not listed and there are no Tree Preservation Orders in force on the site.

### Policies

#### *Sevenoaks District Local Plan 2000*

- 7 Policies - EN1, EN23, H6B

#### *South East Plan 2009*

- 8 Policies - CC6, BE6

#### *Sevenoaks District Core Strategy*

- 9 Policies - SP1

#### *Other*

- 10 Residential Extensions Supplementary Planning Document 2009
- 11 Harstlands Conservation Area Appraisal and Management Plan 2011
- 12 National Planning Policy Framework

### Planning History

- 13 SE/10/02920/FUL - Erection of rear conservatory and first floor rear extension. Conversion of roof space to habitable accommodation with two dormer windows to side elevation – Refused

## Agenda Item 4.6

- 14 SE/11/00120/FUL – Erection of rear conservatory and first floor rear extensions. Conversion of roof space with 2 dormer windows to side elevation – Approved.

### Consultations

#### *Conservation Officer*

- 15 Since the approval of SE/11/00120/FUL this area has been designated as Conservation Area. The dormers as inserted are substantially larger than those approved and clad with a white plastic rather than the tiles approved. In my view these are intrusive in the CA and detrimental to its overall character and I recommend refusal. I would not have objected to the dormers as previously proposed.

#### *Parish / Town Council*

- 16 Sevenoaks Town Council recommended refusal on the following grounds:
- The larger dormer and west facing 1st floor window are intrusive, and lead to an increased overlooking of 47 Hartslands Road.
  - The proposal is not in keeping with the Conservation Area.

### Representations

- 17 One letter has been received raising the following issues / concerns:
- The dormers overwhelm the roof slope and this is exacerbated by the plastic cladding.
  - The proposal and particularly the larger window to the flank would lead to loss of privacy.
  - The second floor dormer should be obscure glazed.

#### **Group Manager - Planning Appraisal**

- 18 This application is essentially a retrospective amendment to the extensions granted under reference SE/11/00120/FUL with the alterations set out above. This extant permission is the relevant fall back position in this case and as such the main consideration is the effect of the changes to this approved scheme. Additionally, consideration should be given to any change in policy since the determination of SE/11/00120/FUL. There have been no material changes to the site or its surrounds (other than the development already carried out) since the determination of the previous application.

#### *Changes to policy*

- 19 Since the determination of SE/11/00120/FUL, the site has been designated as part of the newly created Hartslands Conservation Area. Policy EN23 of the Sevenoaks Local Plan reiterates the statutory requirement that developments should preserve or enhance the special character and appearance of the area. The dwelling is neither indicated as 'contributing to character' or 'detracting from character' in the conservation area appraisal. The appraisal refers to the 'domestic scale of the two storey dwellings' along Hartslands Road itself.

- 20 Since the determination of the previous application, the Government as published the National Planning Policy Framework. Section 12 of the Framework relates to conserving and enhancing the historic environment and reiterates the 'desirability of sustaining and enhancing the significance of heritage assets'. In this case the 'heritage asset' can be considered to be the Conservation Area as a whole. The NPPF indicates that LPAs should identify and assess the particular significance of any heritage asset that might be affected by a proposal and take this assessment into account when considering the impact of the proposal.
- 21 The Sevenoaks Core Strategy and policies of the Local Plan were both previously referred to and these documents and policies remain extant. The South East Plan remains extant though the weight given to this document is reduced by the Government's stated objection to scrap regional plans.

### *The dormer windows*

- 22 As noted above, the dormer windows have not been constructed in accordance with the details previously submitted. According to the plans now submitted, both dormers are approximately 0.4 – 0.5m greater in overall height. The front (larger) dormer is shown as being approximately 0.2m further forward towards the road, the rear is shown as being narrower and positioned further to the rear of the roof. The dormers are clad in plastic boarding.
- 23 The Council's Conservation Officer has suggested that the dormers are intrusive in the Conservation Area and detrimental to its character. In terms of the character and appearance of the Conservation Area, however, only the front dormer is seen from the road and clearly it is this dormer that has the potential to have most impact upon character. The front dormer appears to be only modestly larger than the front dormer approved under 11/00120 and would not be significantly more intrusive than the approved dormer window, particularly as the 'as built' dormer shown on the plans is only approximately 0.2m closer to the front of the dwelling. Both dormers maintain a set down from the ridge and the front dormer maintains a reasonable set back from the front elevation. The views from the road of the dormer are limited by the proximity of the adjacent buildings.
- 24 Notwithstanding this, the use of white plastic boarding to the face and cheeks of the dormers is not in keeping with the dwelling and draws attention to the dormers. A condition is recommended requiring the submission of details and samples of an alternative finishing material should be applied to the consent. A similar textured render finish as the dwelling or complementary tiles would likely be acceptable.
- 25 The altered size and position of the dormers would not, in its own right, have a significant impact upon the amenities enjoyed by neighbours. The previous planning permission included a condition that the rearward dormer window should be obscure glazed as it would increase overlooking of no.47. This should again be a condition of the planning permission.

### *First Floor Windows*

- 26 The pre-existing bedroom window in the side elevation of the dwelling facing towards no.47 Hartslands Road has been enlarged with the addition of a further pane. Nonetheless the view from this window to the neighbours would be little

## Agenda Item 4.6

different to that originally possible from the original window and the window is no closer than previously.

- 27 A window has been placed in the first floor facing rearward section of the previously permitted extension. This is a small window serving the first floor landing and because of its position would not result in a significant loss of privacy for the neighbouring property.

### *Rear Extension*

- 28 The roof of the ground floor element and the design and appearance of the single storey rear extension element is shown as amended on the plans submitted with this application. The rear extension element has been altered so that the flank facing wall would be solid, other than two windows in this part. The changes to the ground floor and to the rear of the dwelling as shown on the plans submitted would have no significant impact upon the character and appearance of either the dwelling or the amenities enjoyed by neighbours.

### *Other Matters*

- 29 The proposal would not result in an alteration to the access to the site and no additional habitable accommodation results from this proposal.

### **Conclusion**

- 30 With regards to the above, the proposal is considered in accordance with the policies of the Development Plan and subject to the appropriate conditions, I recommend that permission be granted.

### **Background Papers**

Site and Block plans

Contact Officer(s): Patrick Reedman Extension: 7451

Kristen Paterson  
Community and Planning Services Director

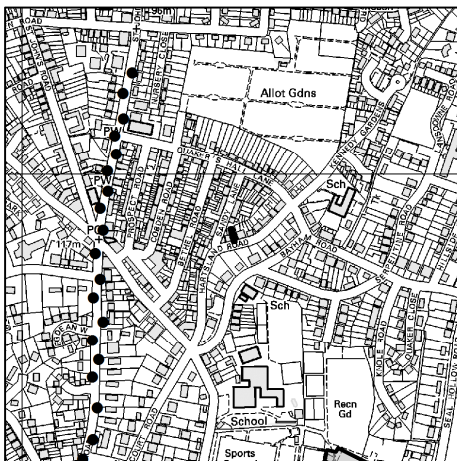
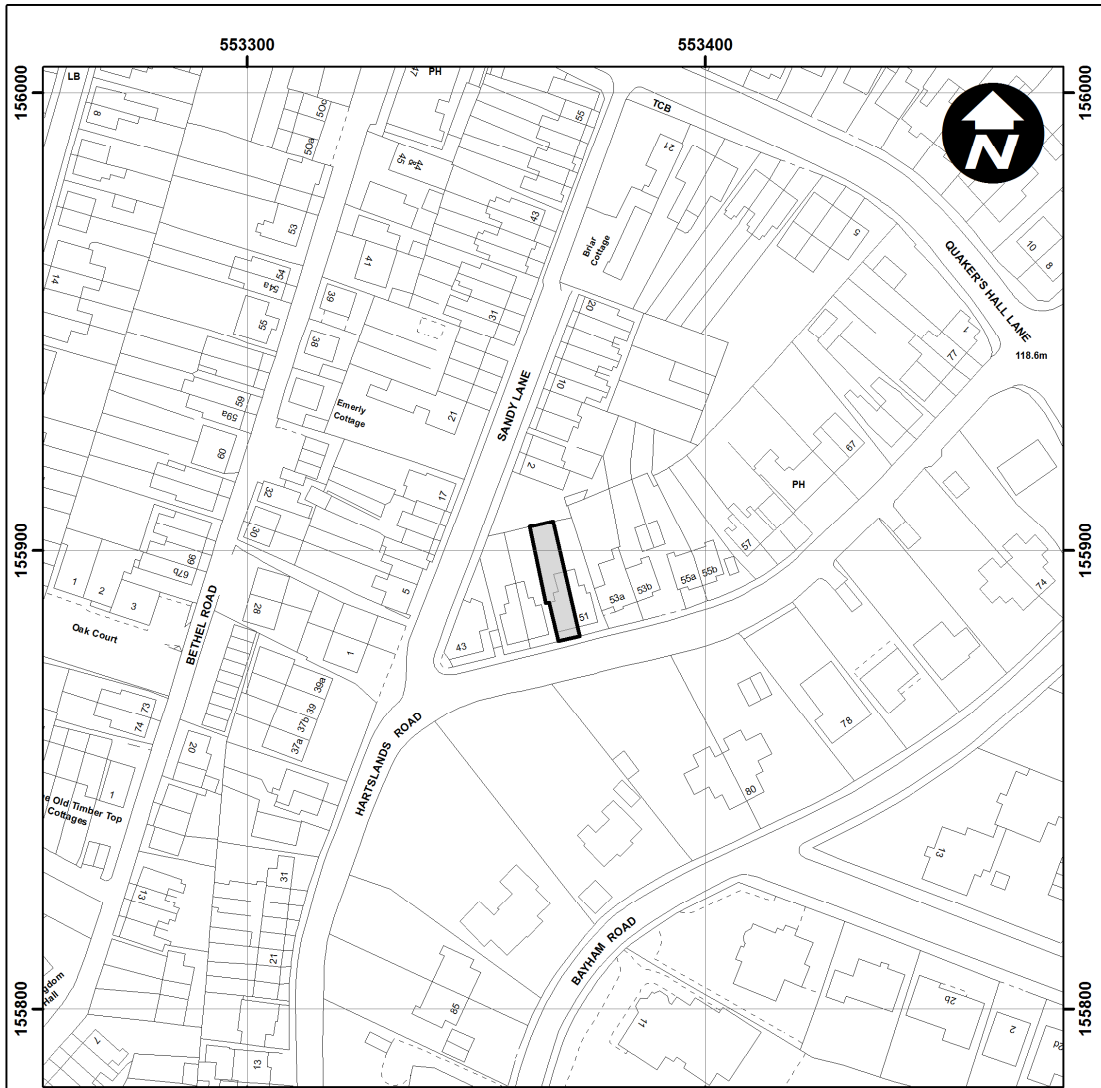
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# Site Plan

Scale 1:1,250  
Date 11.07.2012



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Planning Application Information on Public Access – for applications coming to DC  
Committee on Thursday 26 July 2012

Item 4.01 SE/11/01234/FUL Farningham Mill & Asscoiated Buildings, High Street,  
Farningham, DA4 ODG

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LLRBU8BKOCR00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LLRBU8BKOCR00>

Item 4.02 SE/11/01235/LBCALT Farningham Mill & Asscoiated Buildings, High Street,  
Farningham, DA4 ODG

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LLRCJGBKOCR00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LLRCJGBKOCR00>

Item 4.03 SE/12/01055/FUL Land rear of Garden Cottages, Powder Mill Lane. Leigh

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=M2Z292BK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=M2Z292BK8V000>

Item 4.04 SE/12/01208/CAC Fairlawn, Wildernesse Avenue, Sevenoaks, TN15 OEA

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=M3QZ7IBK0L000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=M3QZ7IBK0L000>

## Supplementary Information

### Item 4.05 SE/12/01207/HOUSE Fairlawn, Wildernesse Avenue, Sevenoaks, TN15 OEA

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=M3QYTXBK0L000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=M3QYTXBK0L000>

### Item 4.06 SE/12/01234/HOUSE 49 Hartsland Road, Sevenoaks, TN13 3TW

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=M3SWLSBK0L000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=M3SWLSBK0L000>