

DEVELOPMENT CONTROL COMMITTEE

05 September 2013 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks

AGENDA

Membership:

Chairman: Cllr. Williamson

Vice-Chairman

Cllr. Miss. Thornton

Cllrs. Mrs. Ayres, Brookbank, Brown, Clark, Cooke, Mrs. Davison, Mrs. Dawson, Dickins, Edwards-Winsler, Gaywood, McGarvey, Orridge, Mrs. Parkin, Piper, Miss. Stack, Underwood and Walshe

Pages

Apologies for Absence

1. **Minutes** (Pages 1 - 10)
To approve the minutes of the meeting of the Committee held on 8 August 2013, as a correct record.
2. **Declarations of Interest or Predetermination**
Including any interests not already registered
3. **Declarations of Lobbying**
4. **Tree Preservation Orders**
Consideration of this item at the beginning of the agenda is a departure from Part 7, 3.5 (f) which stipulates that objections to Tree Preservation Orders should be considered last. This is deemed a necessary departure from the Council's Constitution in order to expedite proceedings as item 4.1 has a direct impact on the consideration of item 5.1.
- 4.1. **Tree Preservation Order (TPO) No. 05 of 2013 - Oak tree situated at 12 Farnaby Drive, Sevenoaks TN13 2LQ** (Pages 11 - 16)
That the Tree Preservation Order No. 05 of 2013 be confirmed without amendments.
5. **Planning Applications - Chief Planning Officer's Report**
- 5.1. **SE/13/01836/HOUSE - 12 Farnaby Drive, Sevenoaks TN13 2LQ** (Pages 17 - 26)
Erection of a new 3 bay detached garage incorporating lowering land levels to accommodate building, and driveway.

- 5.2. **SE/13/01616/FUL - Knole Park Golf Club, Knole Park Golf Club, Seal Hollow Road, Sevenoaks TN15 0HJ** (Pages 27 - 44)

Change of use from grazing land to practice facilities for The Knole Park Golf Club, to include practice tee, fairway bunker, practice putting and chipping green

- 5.3. **SE/13/01770/OUT - The New Inn, 75 St. Johns Hill, Sevenoaks TN13 3NY** (Pages 45 - 62)

Outline application for the demolition of public house and erection of block comprising 8 no. one-bedroom units with all matters reserved

- 5.4. **SE/13/02245/PAE - 5 Tudor Crescent, Otford TN14 5QS** (Pages 63 - 68)

Prior notification of a single storey rear extension which extends 4m beyond the rear wall of the original dwelling house with a maximum height of 2.5m and eaves height of 2.5m

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 Contact Officer named on a report prior to the day of the meeting.

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

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

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

Any Member who wishes to request the Chairman to agree a pre-meeting site inspection is asked to email democratic.services@sevenoaks.gov.uk or speak to a member of the Democratic Services Team on 01732 227350 by 5pm on Monday, 2 September 2013.

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 8 August 2013 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Miss. Thornton (Vice-Chairman)

Cllrs. Mrs. Ayres, Brookbank, Brown, Clark, Mrs. Davison, Mrs. Dawson, Dickins, Edwards-Winser, Gaywood, Orridge, Mrs. Parkin, Piper, Miss. Stack, Miss. Thornton, Underwood and Walshe

Apologies for absence were received from Cllrs. Cooke and McGarvey

Cllrs. Ayres, Davison, Fleming, Mrs. Hunter and Raikes were also present.

The Chairman announced that the meeting would not start until 7.05pm in order to allow Members additional time to consider the Late Observation papers tabled by Officers.

35. Minutes

Resolved: That the minutes of the meeting of the Development Control Committee held on 17 July 2013 be approved and signed by the Chairman as a correct record.

36. Declarations of Interest or Predetermination

Cllr. Walshe clarified that he did live in the same road as item 4.3 - SE/13/00820/FUL - Bamptons, 2 Crownfields, Sevenoaks TN13 1EE. However he did not live within sight of the application site. He would not vote on the matter.

37. Declarations of Lobbying

All Members of the Committee declared that they had been lobbied in respect of items 4.1 - SE/13/00134/FUL - Land at Station Road and Fircroft Way, Edenbridge TN8 6HQ, 4.2 - SE/13/00935/FUL - Land at North West Junction with St Johns Way, Station Road, Edenbridge TN8 6EB and 4.3 - SE/13/00820/FUL - Bamptons, 2 Crownfields, Sevenoaks TN13 1EE.

Cllrs. Mrs. Dawson, Dickins and Walshe further declared that they had been lobbied in respect of item 4.4 - SE/13/00481/FUL - New Beacon School, Brittain's Lane, Sevenoaks TN13 2PB.

38. Order of the Agenda

The Chairman explained that, with the agreement of the Members, the order of the agenda would be amended in order that items 4.1 - SE/13/00134/FUL - Land at Station Road and Fircroft Way, Edenbridge TN8 6HQ and 4.2 - SE/13/00935/FUL - Land at North West Junction with St Johns Way, Station Road, Edenbridge TN8 6EB could be considered at the same time. Each was an application for an out of town centre food

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store in Edenbridge and the existence of the other scheme was relevant to the consideration of both applications. Item 4.1 would be introduced by Officers, who would be followed by the public speakers and questions. The same process would then be carried out for item 4.2. A debate would then be held and a decision made on item 4.1 followed by the same on item 4.2.

Reserved Planning Applications

The Committee considered the following planning applications:

39. SE/13/00134/FUL - Land at Station Road and Fircroft Way, Edenbridge TN8 6HQ

The proposal was for the demolition of existing buildings on site and the erection of a food store and petrol filling station. The proposed store would provide 5,016 sqm Gross Internal Area with a split of 70% of the floorspace for the sale of convenience goods and 30% for the sale of comparison goods.

The store would be positioned to the rear of the site with the store frontage facing Station Road and the service yard would be to the rear, accessed from Fircroft Way. A new four arm access roundabout was proposed at the existing T-Junction at Station Road and Fircroft Way. The store would be served by 295 car parking spaces, 21 cycle parking spaces and 6 motorcycle bays.

There were 6 buildings on site consisting of 23 units: 8 units vacant; 3 B1 use; 1 retail; 3 vehicle repair units; and the remaining 10 had B8 and B2 uses. The site had been allocated as protected employment land.

132 Full Time Equivalent (FTE) jobs would be created from the proposals, compared with 78 FTE jobs on site at present and 96 FTE jobs which could be provided through upkeep and letting of the existing buildings.

The report outlined that the scheme resulted in an unacceptable loss of protected employment land and would have a detrimental impact on the vitality and viability of the town centre. In isolation the scheme was considered to be "just on the edge of" acceptability.

The cumulative impact of this and application SE/13/00935/FUL would be unacceptable in terms of impact on the town centre. As such, only one of the schemes could be permitted. In planning policy terms, the present application was unacceptable as it used more employment land.

The Officer displayed photographs of the site and described the elevations of the proposed building.

The Committee was addressed by the following speakers:

Against the Application:	Sam Saltie
For the Application:	Peter Kingham
Parish Representative:	Cllr. Davison
Local Member:	-

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

In response to a question Officers clarified that reason 1 for the refusal should refer to application SE/13/00935/FUL only being recommended as it had not been granted.

The GVA consultant confirmed that the company had acted for many supermarkets in the past. He could not recall acting for Sainsbury's but the company was acting for Tesco in Dartford. The company had not advised either of the relevant applicants regarding Edenbridge. The GVA consultant had provided advice to the Council over the past 10 years.

The Kent Highways Officer confirmed the proposed development was on bus routes. Southdown Buses had been consulted on possibly rerouting buses to service any development from application SE/13/00935/FUL but they were not prepared to divert the existing bus routes to that proposed development.

It was MOVED by the Chairman and was duly seconded that the recommendation in the report be adopted:

That planning permission be REFUSED for the following reasons:-

The capacity for out of centre retail provision would be met through the planning permission granted at land north west of the junction with St Johns Way, Station Road under SE/13/00935/FUL. In the absence of capacity for any further out of town retail provision without detriment to the vitality and viability of the town centre, the proposal is considered to have a detrimental impact on Edenbridge town centre contrary to policies LO6 of the Core Strategy, EB1 of the Local Plan, and the NPPF

The proposal would result in the loss of an unacceptable level of employment land contrary to policies EP8 and EB1 of the Local Plan, SP8 and LO6 of the Core Strategy, and the National Planning Policy Framework.

The Committee considered the report from GVA that the present application could result in a 26.5% reduction in turnover for Edenbridge High Street, compared with a reduction of 11.7% resulting from application SE/13/00935/FUL. There was some concern that GVA had acted for the applicants of the other item elsewhere in the County.

Some Members commented on the significant detrimental impact supermarkets had upon the viability of high street shops elsewhere in the District. In those cases the supermarkets had reneged on initial promises concerning the types of good sold and the timing of delivery vehicles. Although the Edenbridge Chamber of Commerce supported the proposals it was suggested the application may not help the town centre of Edenbridge in becoming a destination retail area.

Members noted the strong public support in favour of the application. It would provide some goods and services, such as clothing and petrol, which were not well provided by existing retail in Edenbridge. 50% of Edenbridge residents shopped outside of the town for their principal food shopping. Edenbridge already had medium and small sized food shops which would be replicated by application SE/13/00935/FUL. The present

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proposal was more suited to the town's needs. It was also felt that a large shop could draw customers back to Edenbridge and act as a draw from neighbouring rural areas.

It was noted the applicant had offered to sign a legal agreement not to sell certain goods and services currently found in Edenbridge High Street, such as a post office or chemist.

The Local Member on the Committee advised that arrangements had been made for all jobs currently provided on the site to be relocated elsewhere in Edenbridge. She added that the application would promote a dynamic economy and there were no objections from statutory consultees. There was sequentially no superior site in Edenbridge town centre and the harm done would principally be to the two larger food stores who could resist the competition.

Members voiced support for the proposal as it would provide more FTE posts than the existing use. It was considered that the proposal would have less of a detrimental impact upon the amenity of nearby residents than application SE/13/00935/FUL.

The motion was put to the vote and there voted –

8 votes in favour of the motion

9 votes against the motion

(Cllr. Mrs. Davison voted against the motion).

The Chairman declared the motion to be LOST. Cllr. Mrs. Davison moved, and it was duly seconded, that planning permission be granted subject to the completion of an acceptable unilateral undertaking within three months of the meeting and with conditions to be agreed in consultation with the local Members. Officers advised the scale of the development required that any approval of the application be referred to the Secretary of State for Communities and Local Government.

It was felt the development would not have a detrimental effect on residential amenity; it would respect the context of the site and the street scene; traffic would be accommodated; there would be adequate parking; although there would be a loss of employment land there would be an increase in the number of jobs; there would be planning benefits to Edenbridge in the increased retail choice provided by the development.

The motion was put to the vote and there voted –

9 votes in favour of the motion

7 votes against the motion

Resolved: That, provided the application was not recovered by the Secretary of State, planning permission be GRANTED subject to the completion of an acceptable unilateral undertaking within three months of the meeting and as per conditions to be agreed in consultation with the local Members.

The development would not have a detrimental effect on residential amenity; it would respect the context of the site and the street scene; traffic would be accommodated; there would be adequate parking; although there would be a loss of employment land there would be an increase in the number of jobs; there would be planning benefits to Edenbridge in the increased retail choice provided by the development.

40. SE/13/00935/FUL - Land at North West Junction with St Johns Way, Station Road, Edenbridge TN8 6EB

The proposal was for the demolition of the existing buildings and redevelopment of the site to provide a food store with a gross external floor area of 2,170 sqm, with 160sqm to be on the first floor. 90% of the sales area was to be for convenience goods with the remaining 10% for comparison goods. The main vehicular access for customers was to be from St Johns Way with 122 car parking spaces, spaces for motorbikes and 10 dedicated cycle parking racks. The store would be in the north west corner of the site with the service area to the north and east of it.

Part of the west boundary and part of the south boundary adjoined residential development in St Johns Way and Paddock Close. A pair of semi-detached houses was being constructed opposite.

The site was part of an area of protected employment land. Part of the site benefited from planning permission for Class B1 (c) light industrial, Class B2 general industrial and Class B8 storage or distribution. The other part was occupied as Class B2 general industrial use. There were 14 FTE jobs on site and the permitted development could allow a further 24 FTE. The proposed development would generate 100 FTE.

The report advised that the application did not comply with policy as it had not been proven that there was no reasonable prospect of the site's take up or continued use for business purposes during the Core Strategy period. It was still occupied. However the proposal would generate an increase in employment. The proposal also provided an opportunity for other planning benefits at Edenbridge (such as an increased choice and range of goods within the town) without a significant adverse impact on the town centre vitality and viability and trade in the town centre.

The Officer displayed photographs of the site and described each elevation of the proposal.

The Committee was addressed by the following speakers:

Against the Application:	Stuart MacGregor
For the Application:	Paul Carter
Parish Representative:	Cllr. Davison
Local Member:	-

The Chairman drew Members' attention to the Late Observations, including the statement from the Local Member. It was noted that a Members' Site Inspection had been held for this application.

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Officers responded to Members' questions. The Officer from Kent Highways had considered the effect on visibility from the dwellings opposite and it was considered acceptable as they were set back 2m. Fifteen out of every sixteen pedestrians using the Station Road footway continued on to Edenbridge rather than turn into St Johns Way and so it was safer not to have the principal entrance to the store either on Station Road or on the roundabout. The best route for delivery vehicles appeared to be from the south using the A264.

Officers advised that Members' support for application SE/13/00134/FUL meant that the report on the present application needed to be reconsidered. That other application had to be referred to the Secretary of State for Communities and Local Government due to the size of the development. Officers requested that the present application be deferred for a further report after the decision of the Secretary of State.

It was MOVED by the Chairman and was duly seconded that the item be deferred for a further report from Officers after the decision of the Secretary of State.

Resolved: That consideration of the application be deferred for a further report from Officers following the decision of the Secretary of State for Communities and Local Government on application SE/13/00134/FUL.

At 9.12 p.m. the Chairman adjourned the Committee for the convenience of Members and Officers. The meeting resumed at 9.24 p.m.

(Cllrs. Brookbank and Brown were not present for the consideration of the remaining items)

41. SE/13/00820/FUL - Bamptons, 2 Crownfields, Sevenoaks TN13 1EE

The proposal sought approval for the demolition of the existing bungalow and the erection of a replacement detached dwelling and detached garage outbuilding. The dwelling would have the appearance from the front of a two storey property but would provide accommodation over three floors. The site comprised a single detached bungalow, set centrally within an elongated plot. The site sloped steeply from the street and was within the urban confines of Sevenoaks.

Officers considered that the proposed replacement dwelling would have a detrimental impact on the character and appearance of the area. It would also represent an underuse of the site.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Paul Kempton
Parish Representative:	Cllr. Raikes
Local Member:	Cllr. Fleming

From the presentation Members noted the relative elevations of the present application and those of previous applications on the site.

It was MOVED by the Chairman and was duly seconded that the recommendation in the report to refuse permission be adopted.

Members felt the principle of a single dwelling on site was acceptable. This would be more in keeping with the Sevenoaks Residential Character Area Assessment SPD than the extant permission on site for four flats.

However the proposed development was excessively large and bulky and so was out of keeping with the character of the area. It would be considerably larger than the existing permission for flats. It was indicated that any development larger than that existing permission was likely to be unacceptable to the Committee.

An alteration to the motion was accepted that the second reason for refusal (that the development would not comprise an effective use of land) be removed.

The motion was put to the vote and it was –

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

The proposal would harm the character and appearance of the area due to the significant increase in the bulk, size and built form of the proposed house, together with the prominent siting of the property within the site and the creation of a large area of suspended hard standing. The proposal therefore fails to respond to the distinctive local character of the area and would not be compatible with other buildings in the locality. This conflicts with policy SP1 of the Sevenoaks District Core Strategy and policy EN1 of the Sevenoaks District Local Plan.

(Cllrs. Underwood and Walshe were not present for the consideration of the remaining items)

42. SE/13/00481/FUL - New Beacon School , Brittain's Lane, Sevenoaks TN13 2PB

The proposal was to open a new vehicle crossover between Brittain's Lane and the school's staff car park. The new access would be located on the eastern side of the site, between two existing accesses to the site.

The Committee was reminded that the matter was previously considered by them at its meeting on 23 May 2013. The item had been deferred in order for Officers to seek further information. The applicants had since submitted traffic analyses, details of the gradient and gate position and reasons for the development. The Kent County Council Highways Officer submitted no objections to the proposals, considered that there would be better distribution of vehicle movements within the school and thereby reduced congestion both within the school and for Brittain's Lane and stated the entrance was acceptable in terms of width and set-back.

Public speaking had already been held on this item on 23 May 2013. The following were available to answer questions:

Against the Application:	-
For the Application:	Michael Mamalis
Parish Representative:	-
Local Member:	Cllr. Mrs. Hunter

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The speaker in favour of the application answered Members' questions. Parking spaces would increase from 78 to 92 by implementing other permissions. The middle entrance would only be used at peak time but would otherwise be closed. The southernmost entrance would allow traffic both in and out. It was felt that the additional access would allow the traffic onto the site to split between the two entrances.

It was MOVED by the Chairman and was duly seconded that the recommendation in the report to grant permission subject to conditions be adopted.

Some Members felt that the additional access was an improvement on existing arrangements, particularly to get traffic off the road. It could also reduce travel around the site.

It was felt the application was inadequate and had failed to address all safety concerns due to the exits which have 2-way flow.

The motion was put to the vote and there voted –

5 votes in favour of the motion

6 votes against the motion

Cllr. Dickins clarified that he was not voting on the matter as he had not been present when the application was originally considered at the meeting on 23 May 2013.

The Chairman declared the motion to be LOST. It was moved by Cllr. Piper and duly seconded that permission be refused on the grounds that the application had failed to address concerns of congestion, amenity and safety arising from the traffic onto and off the site.

The motion was put to the vote and there voted –

6 votes in favour of the motion

5 votes against the motion

Resolved: That planning permission be REFUSED on the grounds that the application had failed to address congestion, amenity and safety concerns arising from the traffic onto and off the site.

At 10:20 p.m. it was MOVED by Cllr. Miss. Thornton and duly seconded that, in accordance with rule 16.1 of Part 2 of the Constitution, Members extend the meeting beyond 10.30 p.m. to enable the Committee to complete the business on the agenda. The motion was put to the vote and by a majority of the Members present it was –

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

43. SE/13/00360/HOUSE/ - Moorcroft Place, Mapleton Road, Westerham TN16 1PS

The proposal concerned a retrospective application for permission to erect a 2.2m high metal fence, running 290m across site, and 8 CCTV cameras on posts ranging between 3.5m and 7.5m in height. There were small openings at ground level to enable wildlife to pass through at 5m intervals. The applicant proposed to plant a mixed native hedge on the outer side of the fence to screen it. The 4 CCTV cameras not in ancient woodland would be planted with western redcedar. The site was within an Area of Outstanding Natural Beauty and the Metropolitan Green Belt.

The Committee was reminded that the matter was previously considered by them at its meeting on 13 June 2013. The item had been deferred in order for Officers to seek further information. The applicants had since submitted further information in respect of the CCTV splays and lighting and the justification for the level of security, including the threats which they faced.

Public speaking had already been held on this item on 13 June 2013. The following were available to answer questions:

Against the Application:	-
For the Application:	Will Pope
Parish Representative:	-
Local Member:	-

Members' attention was drawn to the Late Observations, including the statement from the local Member.

It was MOVED by the Chairman and was duly seconded that the recommendation in the report to grant permission subject to conditions be adopted.

The Committee considered an additional condition to tie the permission to the intended resident.

Members did not feel that the case for very special circumstances had been made out to justify the inappropriate development in the Green Belt. They did not feel that the circumstances as set out by the applicants were unique. There were other residents in the District who faced such media attention and such threats.

The motion was put to the vote and there voted –

6 votes in favour of the motion

7 votes against the motion

The Chairman declared the motion to be LOST. It was moved and duly seconded that permission be refused on grounds that the very special circumstances advanced did not outweigh presumption against inappropriate development in the Green Belt. The motion was put to the vote and it was –

Resolved: That planning permission be REFUSED on the grounds that the very special circumstances advanced did not outweigh presumption against inappropriate development in the Green Belt.

THE MEETING WAS CONCLUDED AT 10.42 PM

CHAIRMAN

4.1 **Objection to Tree Preservation Order number 05 of 2013**
Located at 12 Farnaby Drive, Sevenoaks

ITEM FOR DECISION

This report sets out details of objections received to this order.

RECOMMENDATION

That the Tree Preservation Order No 05 of 2013 be confirmed without amendments.

The Site and Background

- 1 Tree Preservation Order (TPO) No. 05 of 2013 relates to an Oak tree situated at 12 Farnaby Drive, Sevenoaks.
- 2 This tree was protected following planning application (SE/13/01836/HOUSE), which would have led to its removal. Situated to the front of the property, it is a prominent specimen that can be seen from the main road and neighbouring properties. Its removal would have a negative impact on the amenity of the local area. TPO 05 was served in order to afford it continued protection.
- 3 It should be pointed out that a tree preservation order currently covers this site, TPO 09 of 1969 an old area order. An application to carry out various tree works was submitted by Down to Earth Trees Ltd (SE/12/02546/WTPO) on behalf of the owners. These works included the removal of this Oak tree. Partial consent was granted but consent to remove the Oak was denied. The owners subsequently appealed against the decision to refuse consent to remove the Oak. The appeal was dismissed. The appeal decision is included as an appendix. Upon receiving the report from Quaife Woodlands to support the planning application, it was discovered that the Oak was not protected by the original TPO. Quaife had aged the tree by taking a Pressler Borer sample from the stem of the Oak, which aged the Oak at approximately 35 years old and so not protected by the original Order. A new Order was therefore served to protect the Oak tree, as it could be removed by the owner irrespective of the outcome of the submitted planning application.

Representations

- 4 An objection to the TPO has been received from Mr and Ms Robinson, the owners of the property together with their Arboricultural Consultant, Quaife Woodlands. Quaife Woodlands offer many grounds of objection which I will attempt to summarise. Their main objection appears to be that the serving of the order was to prevent and frustrate the planning application. They also object on the grounds that the Oak tree was not fully assessed according to the guidance, in a structured and consistent way before the order was served. Quaife also objects on the grounds that the report submitted together with the application was not fully evaluated. They believe that the protection of the Oak tree is unsustainable, in that it is unsuitable for its location due to its potential to attain a considerable size. They also object on the grounds that the Oak is not worthy of protection due to the presence of neighbouring trees and shrubs.
- 5 Another objection has been received from Mr M Kibblewhite of 15 Farnaby Drive, a neighbouring property. Mr Kibblewhite objects to the serving of the order on the

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grounds that the serving of this order will allow the Oak to become too large and so damage his drive and falling debris would damage vehicles parked beneath it. The Oak would also block sunlight to his property.

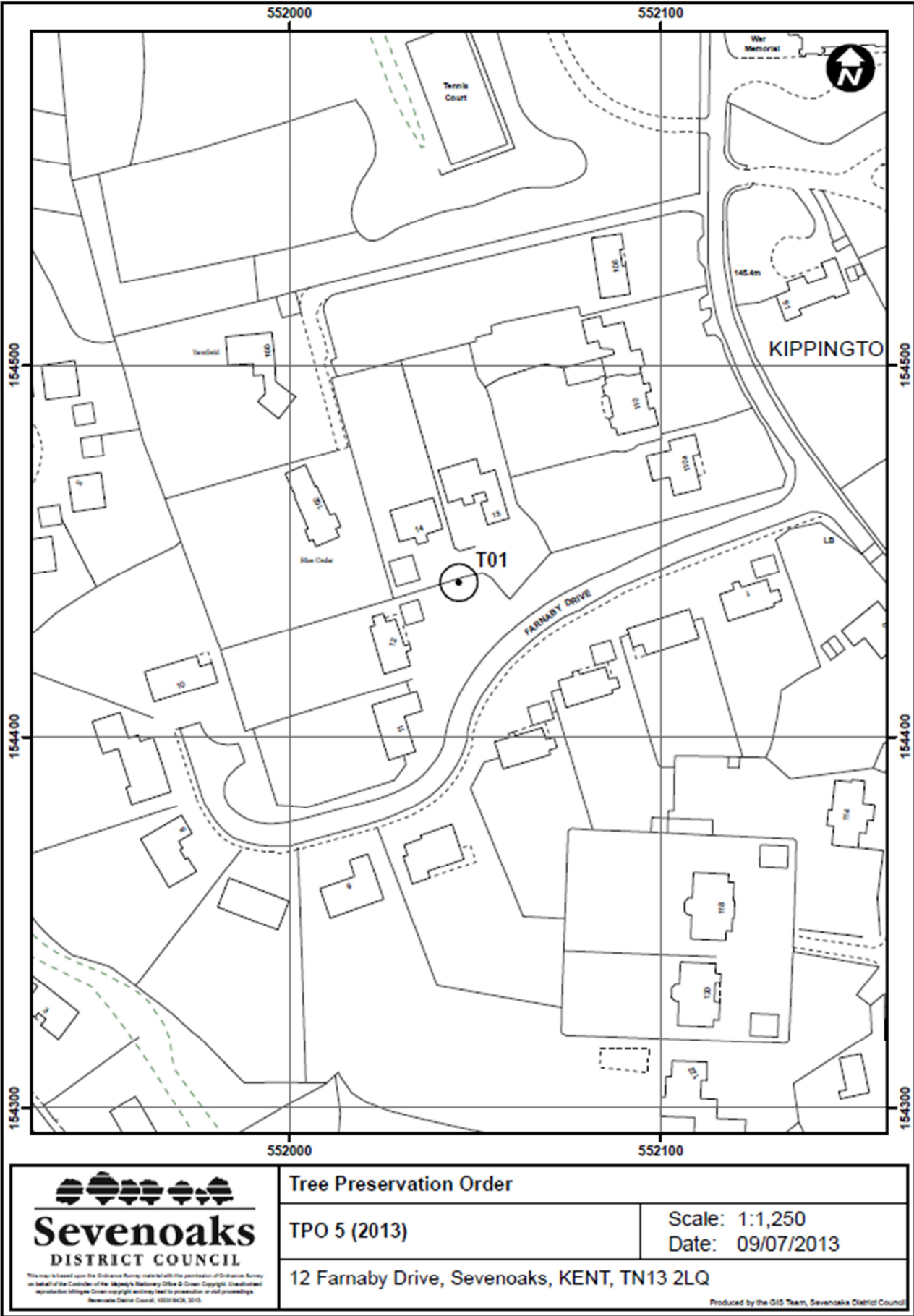
- 6 A further objection has been received from Ms E Hayward of 14 Farnaby Drive, a neighbouring property. Ms Hayward objects to the serving of the order on the grounds that the serving of this order will allow the Oak to become too large and so dominate her house and cast shade.
- 7 In response to the objections, this tree has been inspected on a number of occasions as a result of previous applications, including an application to remove it. Each site visit has resulted in a full assessment of its condition and context within the immediate landscape. With regards to the subject of the report submitted by Quaife Woodlands, this report was indeed read as it brought to our attention the fact that the Oak was younger than the original TPO and so at that time unprotected. With regards to the sustainability of the Oak tree, this tree is not yet of a size to cast shade etc. on the neighbouring properties. It is situated approximately 14.0m from the neighbouring properties and so unlikely to cause problems in the immediate future. Any problems with shade, overhanging branches etc. could be overcome by carrying out a pruning operation. With regards to the presence of neighbouring vegetation, this is not in doubt. Those trees that surround the Oak listed within the survey carried out by Quaife Woodlands are generally of low amenity value (Quaife categorises the majority as grade C). The majority are mature and so one would assume they have a limited life expectancy. The Oak on the other hand is a young tree and has the potential to become of high amenity value. The inspector, who carried out the site visit following the appeal against refusal to fell by SDC, considered that the Oak adds to the landscape quality and visual amenity of the area. He felt that the removal of this tree would have a negative effect on the local landscape amenity. In his report Quaife agrees with the inspector's description of the Oak tree.
- 8 With regards to the objections raised by the owners of the neighbouring properties, this tree is not yet of an age to cast excessive shade or dominate the front of the properties. Should this occur at a future date, this could be overcome by carrying out pruning operations. With regards to the roots of this tree damaging driveways, as the Oak is situated on a higher level, it is unlikely this should occur. Existing mature trees are situated within the same vicinity as the Oak and we are unaware that they have caused similar problems.


Conclusion

- 9 Given the aforementioned information. It is suggested that the details as provided within the objections to this TPO are not strong enough reasoning to leave this prominent tree without any formal protection. It is my recommendation therefore that TPO 05 of 2013 be confirmed without amendments. Please find attached TPO/05/2013 (Appendix 1) and Appeal Decision Report (Appendix 2).

Contact Officer(s): Mr L Jones Arboricultural & Landscape Officer
Extension 7289

Richard Morris
Chief Planning Officer



 Sevenoaks DISTRICT COUNCIL <small>This map is based upon the Ordnance Survey material with the permission of Ordnance Survey in behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Sevenoaks District Council, 10/07/2013.</small>	Tree Preservation Order	
	TPO 5 (2013)	Scale: 1:1,250 Date: 09/07/2013
	12 Farnaby Drive, Sevenoaks, KENT, TN13 2LQ	
<small>Produced by the GIS Team, Sevenoaks District Council</small>		

SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
T1	Oak	Situated on the northern boundary of 12 Farnaby Drive, Sevenoaks.

Trees specified by reference to an area
(within a dotted black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
	None	

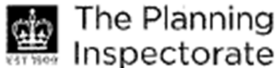
Groups of trees
(within a broken black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
	None	

Woodlands
(within a continuous black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
	None	

* complete if necessary to specify more precisely the position of the trees.



Appeal Decision

Site visit made on 20 February 2013

By **Brian G. Crane, M Hort, P Dip Arb (RFS), OND Hort, FLS, F Arbor A, MIC For, MI Hort, MEWI, Chartered Arboriculturist**

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

Decision date: 21 MAR 2013

**Appeal Ref: APP/TPO/G2245/2950
12 Farnaby Drive, Sevenoaks, Kent TN13 2LQ**

- The appeal is made under Regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against a refusal to grant consent to undertake work to a tree protected by a Tree Preservation Order.
- The appeal is made by Mr L E Robinson against the decision of Sevenoaks District Council.
- The application Ref: SE/HW/12/02546/WTPO dated 26 September 2012, was refused by notice dated 26 October 2012.
- The proposed work is felling.
- The relevant Tree Preservation Order is the County of Kent (Sevenoaks Urban District) (No. 9) Tree Preservation Order 1969, which was confirmed on 26 January 1970.

Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues in this case to be:-
 - i. The effect of the proposal on the character and amenity of the area.
 - ii. Does the appeal tree present a current and identifiable safety hazard?

Reasons

The effect of the proposal on the character and amenity of the area.

3. The appeal tree is an English oak (*Quercus robur*) in the early part of its lifecycle. The tree is growing with appropriate vigour for its age and species and I consider it likely to have a safe, useful life expectancy in excess of 50 years. The tree is visible from viewpoints to the northeast and southeast. It acts as part of a screen between the land at No 12 Farnaby Drive and properties to the north. The tree has an unbalanced crown, clearly suppressed by the close presence of a tree to the east in the past. The trunk of the tree leans towards the north by approximately 20 degrees. I noted that some extremely poor pruning on a low branch to the north had resulted in the production of clustered growth at this point. I consider that the tree adds to the landscape quality and visual amenity of the area. Its removal would have a negative effect on local landscape amenity.

<http://www.planningportal.gov.uk/planninginspectorate>

4. It is appropriate in the case of native trees for me to consider the biodiversity potential they offer. The oak is known to act as host to a large number of species, many invertebrate and some subject to Red Data Book Listing. The appeal oak is close to other mature trees and is likely to form part of a 'wildlife corridor' through this part of the development.

Does the appeal tree present a current and identifiable safety hazard?

5. There is a large recently cut stump, apparently of a conifer, at the base of the appeal tree. From the size of this stump, it is likely that the crown of the parent tree was large. This has led to the partial suppression and unbalanced formation of the crown of the appeal oak already noted. I examined the trunk of the appeal tree and saw evidence that there had been some contact between the trunk and the nearby (now removed) conifer. I also saw some evidence of trunk distortion. The evidence of bark or trunk contact or distortion did not appear to me to indicate a threat to the integrity of the trunk wood.
6. The crown is unbalanced with most of the weight towards the north. However, the overall crown weight is comparatively light and I do not believe that this of itself presents an identifiable hazard. In the same way, the trunk lean does not identify the tree as being hazardous. This is because trees adapt to environmental conditions in the formation of their aerial and rooting parts. I saw nothing to indicate that this had not happened in this instance, or that the trunk of the tree was supported (in the past) by the nearby conifer to such a degree that its roots failed to function and develop properly to compensate for the unbalancing of the crown.
7. The oak is comparatively young. Experience indicates that, where a nearby, suppressing tree is removed in such situations, the remaining tree is likely to form a balanced crown in time.
8. The suggestion contained in appeal documentation that the decay of the trunk at the base of the oak would cause the soil to reduce in volume and thereby weaken the whole of the tree on the surrounding soil is mistaken. The roots stabilising the oak against its lean are likely to extend some considerable distance to the south, rather than being located close to the trunk of the tree.

Conclusions

9. The appeal tree contributes to the landscape amenity of the area, although I accept that, currently, its crown shape is unbalanced. I consider that its removal would degrade local visual amenity and biodiversity potential. I saw nothing to indicate that the removal of a nearby tree has rendered the appeal tree unstable. The tree is likely to form a more balanced crown shape in time. For these reasons, I dismiss the appeal.

B G Crane

Arboricultural Inspector

5.1 – <u>SE/13/01836/HOUSE</u>	Date expired 14 August 2013
PROPOSAL:	Erection of a new 3 bay detached garage incorporating lowering land levels to accommodate building, and driveway.
LOCATION:	12 Farnaby Drive, Sevenoaks TN13 2LQ
WARD(S):	Sevenoaks Kippington

ITEM FOR DECISION

This application has been referred to Development Control Committee as the applicant has objected to the serving of Tree Preservation Order TPO/05/2013. It was considered that as the outcome of this Agenda item is dependent on the recommendation of this planning application, that both Items shall be heard at the same Development Control Committee.

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

The felling of the oak tree will result in the direct loss of an important landscape feature which will impact on the landscape character of the area. The landscape amenity of the tree contributes to the character of the area and it should be retained. The proposal is not in accordance with Policy EN1 of the Sevenoaks District Local Plan, the Residential Extensions Supplementary Planning Document and the Sevenoaks Residential Character Area Assessment Supplementary Planning Document.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line (www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

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In this instance the applicant/agent:

- 1) Was encouraged to seek professional advice.
- 2) Was updated on the progress of the planning application.

Description of Proposal

- 1 Planning permission is sought for the erection of a new three bay detached garage incorporating a lowering of land levels to accommodate the building. The garage will be 60.63m² in floor area and will be 2.3 metres high to eaves and 3.2 metres high to roof pitch. The southern flank of the garage will be 0.94 metres lower than the existing ground level.

Description of Site

- 2 The site is situated within the urban confines of Sevenoaks, within the Sevenoaks Kippington Ward. Farnaby Drive is a cul-de-sac which is accessed off Kippington Road and consists of large detached properties.
- 3 The site consists of a two storey dwelling with an attached garage. The property is set back from the road and benefits from the off-road parking.

Constraints

- 4 Tree Preservation Orders - (Reference: TPO/69/09/SU)
(Reference: TPO/13/05/SDC)

Please note that TPO Reference TPO/13/05/SDC is currently pending. The applicant has objected to the TPO being served and therefore will also be considered as an Agenda Item at this Development Control Committee.

Policies

Sevenoaks District Local Plan (SDLP)

- 5 Policies - EN1, H6B

Sevenoaks District Core Strategy

- 6 Policy - SP1

Other

- 7 National Planning Policy Framework (NPPF)
- 8 Sevenoaks Residential Extensions Supplementary Planning Document (SPD)
- 9 Sevenoaks Residential Character Area Assessment SPD

Planning History

- 10 SE/13/00241/HOUSE - Demolition of existing garage; proposed two storey front, side and rear extensions; open portico to the front; open covered dining terrace to the rear; single storey extension to the rear; internal remodel and alterations to fenestration and associated hard landscaping and driveway works (granted 15 March 2013).
- 11 SE/12/02546/WTPO - Various work to trees (TPO) (refused 26 October 2012).

Consultations

Sevenoaks Town Council

- 12 Recommended approval.

Local Members

- 13 Councillor Hunter: I agree with your decision. Oaks should be protected so the application should be refused.
- 14 Councillor Eyre: Thank you for the background and I agree with your recommendation to refuse the application.

SDC Tree Officer

- 15 I can inform you that the proposed garage would result in the loss of a semi-mature oak tree of high amenity value. This tree was subject to an application to remove it and a subsequent appeal following our refusal to the application. The appeal was dismissed by the inspector. The Arboricultural Consultant has established that this tree is not protected as it is younger than the TPO (an old area order) and claims that this tree could therefore be removed. In view of this, a new TPO (05 of 2013) is being prepared in order to protect this tree. I recommend that consent be denied in order to retain this tree.

The consultation response was received on 12 July 2013. Subsequently a Tree Preservation Order was served for the tree on the 12 July 2013.

Representations

- 16 No formal comments were received by the Council during the consultation period. However, the applicant provided comments from neighbours which were sent before he submitted the application. These were supplied on 2 August 2013 (dates of the emails are also specified):
 - We have no objection to the alterations of the main house. If you proceed with a planning application for a garage we are supportive with the following conditions:
 - The garage is single storey with the lowest pitch to the roof as possible;
 - The foundations do not damage any of the roofs to the surrounding trees on your or my property;

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- The structure is appropriately screened with shrubs / trees such that from completion the brickworks and roof structure cannot be viewed from my property;

(Sent 21 January 2013).

- I am very supportive of your desire to cut down that Oak tree to enable you to build your planned garage (13 June 2013).
- The garage as planned probably has the most visual impact from my property but I am quite happy with the design and have no objections to it going forward (sent 13 June 2013).

17 Due to some of the dates of the emails it is unclear whether the neighbours were commenting on plans which reflect what is being considered under this planning application.

Chief Planning Officer's Appraisal

Principal Issues

Design, Scale and Bulk – Impact on the Street Scene

- 18 Policy SP1 of the Sevenoaks District Core Strategy states that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated. Policy EN1 of the SDLP states that the form of proposed development should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with the adjoining buildings. In addition Policy H6B of the SDLP states that the extension itself should not be of such a size or proportion that it harms the integrity of the design of the original dwelling.
- 19 The Residential Extensions SPD states that garages should be subservient in scale and position to the original dwelling and not impact detrimentally on the space surrounding buildings or the street scene by virtue of their scale, form or location. Garages set in front of the building line will not normally be allowed.
- 20 Finally, the Sevenoaks Residential Character Area Assessment SPD states that in proposing new development within the Middling's Area Character Area the SPD states:
- Individual buildings should be of a high standard of intrinsic design quality;
 - The setting of Kippington Conservation Area should be protected or enhanced;
- 21 The garage will be 60.63m² in floor area and will incorporate three bays. The height of the garage will be 2.3 metres to eaves and 3.2 metres to roof pitch. However the southern flank of the garage will be 0.94 metres lower than the existing ground level.
- 22 The position of the garage will be directly opposite of the main dwelling, approximately 19.5 metres to the east. It will be situated approximately 9 metres from the public highway and will be well screened by landscaping which front the road, notably a mature willow tree. The proposed garage will replace the

existing garage which will be demolished under planning consent SE/13/00241/HOUSE, which is located directly in front of the house.

- 23 It is considered that whilst large in foot print, the proposed garage has been sensitively designed and positioned to ensure that the garage will appear subservient in the street scene. The height and proposed ground level further reduces its impact on the surrounding area.
- 24 There are a number of examples within the immediate vicinity where garages are situated in front of the main dwelling. It is also recognised that the existing garage is positioned in front of the dwelling.
- 25 For the above reasons it is considered that the proposal is in accordance with Policy SP1 of the Sevenoaks District Core Strategy, Policies EN1 and H6B of the SDLP, the Residential Extensions SPD and the Sevenoaks District Residential Character Area Assessment SPD.

Trees

Background

- 26 Works were sought to fell the oak tree (which is proposed to be removed under this application) (now referred to as 'the oak tree') which was originally considered to be covered by TPO 69/09/SU under planning reference SE/12/02546/WTPO. This was refused by the Council and appealed by the applicant. The appeal was dismissed by the Inspector under reference APP/TPO/G2245/2950 with the conclusion stating:
- 27 *"The appeal tree contributes to the landscape amenity of the area, although I accept that, currently, its crown shape is unbalanced. I consider that its removal would degrade local visual amenity and biodiversity potential. I saw nothing to indicate that the removal of a nearby tree has rendered the appeal tree unstable. The tree is likely to form a more balanced crown shape in time. For these reasons, I dismiss the appeal".*
- 28 However, since this decision the applicant has undertaken an Arboricultural Report (submitted with this application) with Section 5 claiming that the oak tree was in fact younger than TPO/69/SU. The argument put forward therefore is that it is considered acceptable by the applicant to remove the oak tree as it is not covered by the TPO served in 1969.

Appraisal - Trees

- 29 Policy EN1 of the SDLP states that the layout of the proposed development should respect the topography of the site, retain important features including trees, hedgerows and shrubs, and enhance any established water courses or ponds.
- 30 In addition Section I11 of the Sevenoaks Residential Character Area Assessment SPD states that:
- 31 "Mature trees and hedges which contribute to the character of the area should be retained".
- 32 Finally the following Paragraphs of the Sevenoaks Residential Extensions SPD Document state:

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- 33 Para 6.11 – In a District of high landscape value both within urban areas and the countryside, proposals should ensure that important existing site features including trees, hedgerows and shrubs are retained and, ideally, enhanced. The need to extend must therefore be balanced with the need to maintain the landscape character of the area.
- 34 Para 6.12 – The layout of any extension should be designed to avoid direct loss or damage to important landscape features. Trees with Tree Preservation Orders and trees in Conservation Areas are statutorily protected. Even if the layout may not directly affect trees or hedges at the construction stage, it should not place pressure for future removal or excessive pruning.
- 35 The consultation response by the SDC Tree Officer continues to identify the importance of the oak tree in terms of high amenity value. This is a view which was supported by the Appeal Inspector.
- 36 Given the importance of the tree, and the subsequent identification that it may not be covered by the TPO/69/09/SU, the SDC Tree Officer has served a new TPO (TPO/13/05/SDC) on the oak tree to ensure its continued protection. The acceptability of this TPO will be assessed at this Committee. It is important to note that the SDC Tree Officer continues to consider that the tree is worthy of protection.
- 37 Therefore in light of the comments of the SDC Tree Officer and Appeal Inspector, it is considered that felling the tree will result in the direct loss of an important landscape feature which will impact on the landscape character of the area. The landscape amenity of the tree contributes to the character of the area and it is agreed that it should be retained. It is therefore considered that the proposal is not in accordance with Policy EN1 of the SDLP, the Residential Extensions SPD and the Sevenoaks Residential Character Area Assessment SPD.

Other Issues

Residential Amenity

- 38 Policy EN1 of the SDLP states that proposed development should not have an adverse impact on the privacy and amenities of a locality by of form, scale, height or outlook.
- 39 The only two properties which may be affected by the proposal are Numbers 14 and 15 Farnaby Drive which are to the north of the garage.
- 40 However, due to the single storey nature of the building, the fact that the garage will be situated behind mature landscaping and that it will be 15 metres from both properties, it is not considered that the proposal will cause a detrimental impact on residential amenity.

Conclusion

- 41 It is therefore considered that as the proposal involves the removal of a tree which is considered to be worthy of protection that planning permission is refused as the proposal is contrary to policy.

Background Papers Site and Block Plans

Contact Officer(s): Neal Thompson Extension: 7463

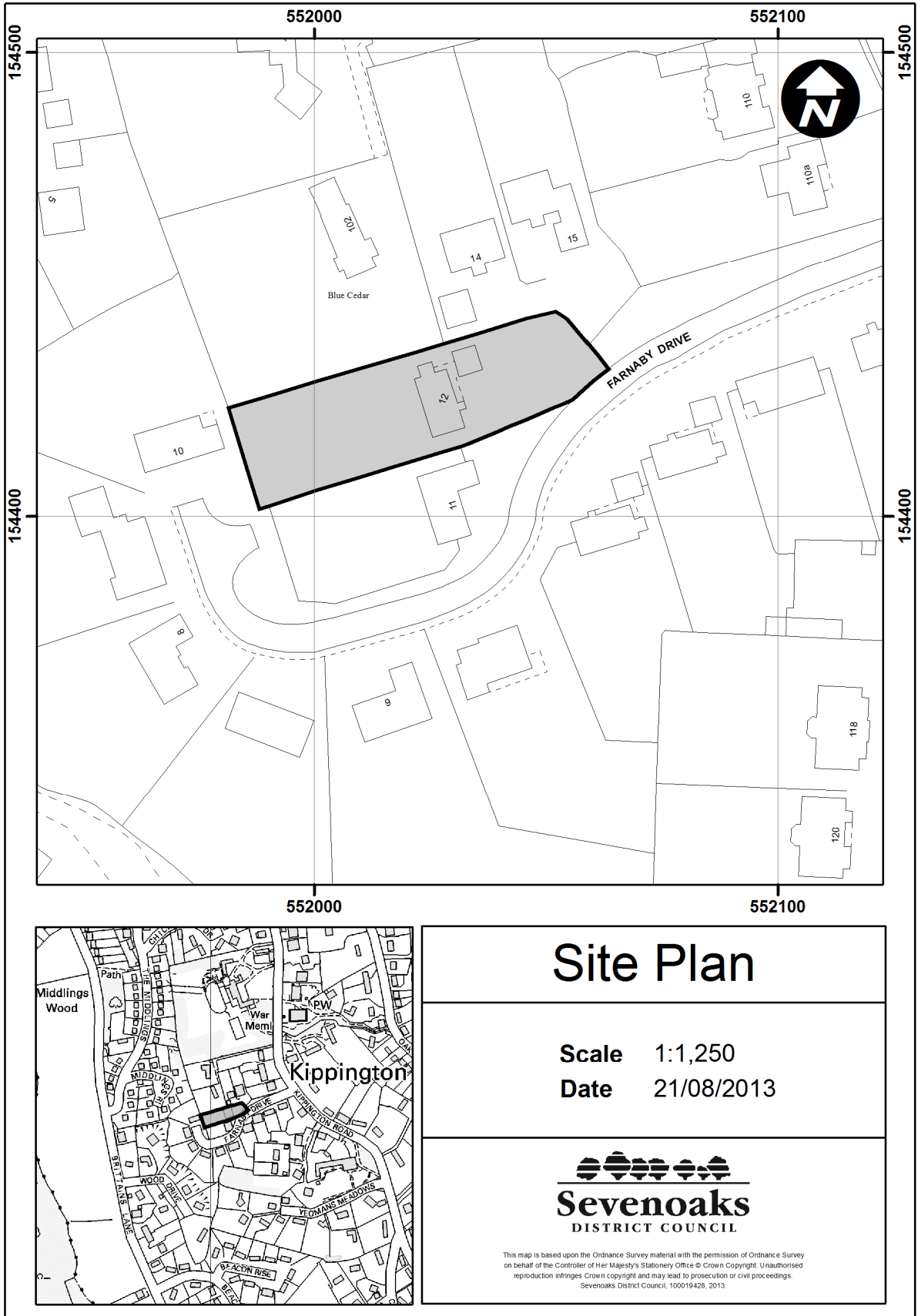
Richard Morris
Chief Planning Officer

Link to application details:

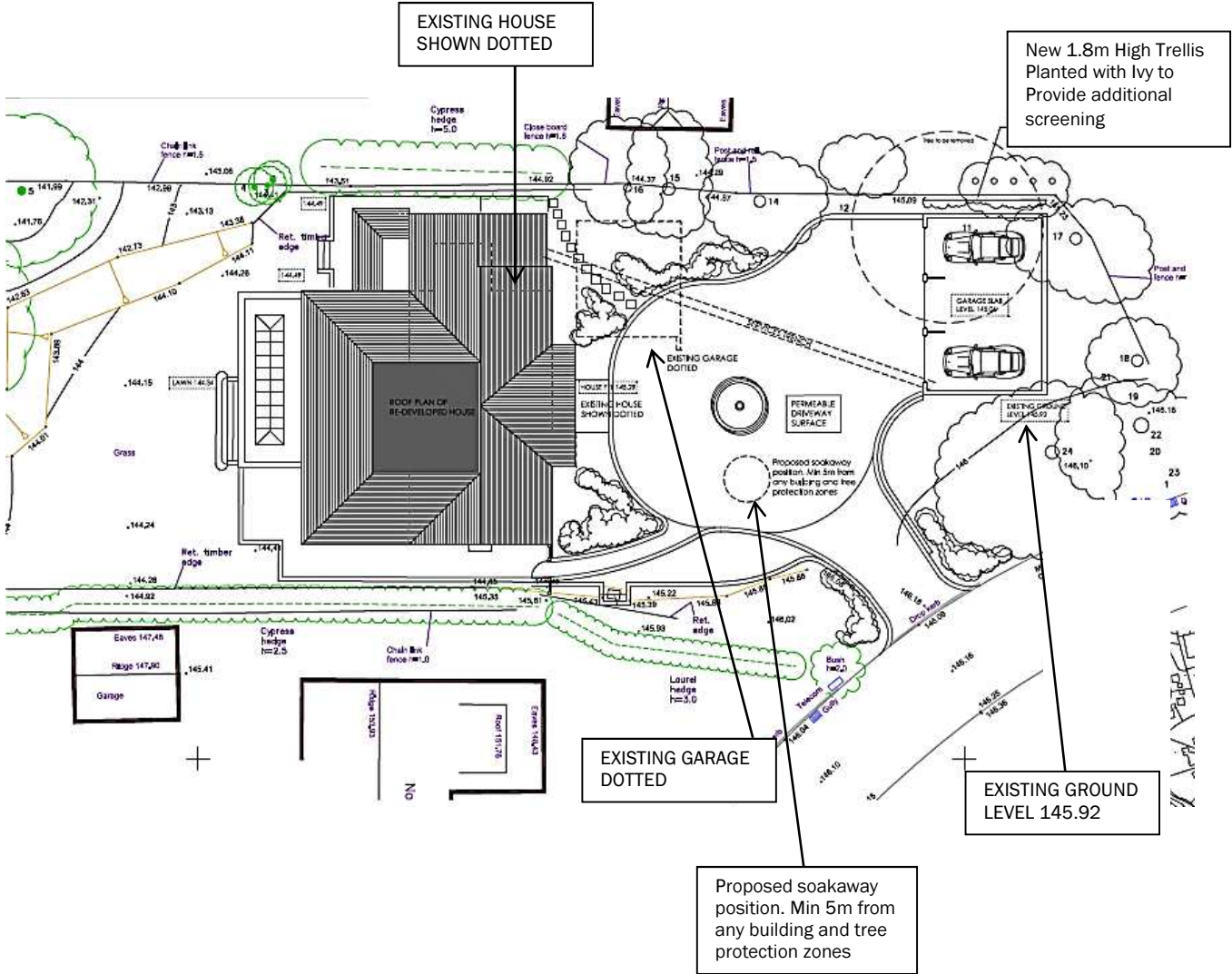
<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MOMOT7BK8V000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MOMOT7BK8V000>



BLOCK PLAN



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5.2 - SE/13/01616/FUL Date expired 29 August 2013

PROPOSAL: Change of use from grazing land to practice facilities for The Knole Park Golf Club, to include practice tee, fairway bunker, practice putting and chipping green.

LOCATION: Knole Park Golf Club, Knole Park Golf Club, Seal Hollow Road, Sevenoaks TN15 0HJ

WARD(S): Sevenoaks Eastern

ITEM FOR DECISION

This application has been referred to Development Control Committee at the discretion of the Chief Planning Officer in view of its controversial 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) The landscaping scheme as shown on drawing KPGC-p-203 and detailed in section 7.2-7.23 of the submitted Habitat Survey and Management Strategy (including Figure 2) shall be implemented prior to the use hereby permitted be carried out, unless as otherwise agreed in writing with the Local Planning Authority.

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

3) 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 Policy EN1 of the Sevenoaks District Local Plan.

4) No external lighting shall be installed on the land at any time.

To protect the openness of the Green Belt and the character of the landscape as supported by Policies EN1 of the Sevenoaks District Local Plan.

5) No machinery to be used in the maintenance of the practise area or driving range or to collect golf balls shall be used between the hours of 1900 and 0800 the following day.

To protect the living conditions which the occupiers of near by dwellings can expect to enjoy, as supported by Policy EN1 of the Sevenoaks District Local Plan.

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6) The practice area and driving range shall only be used by members of the Knole Park Golf Club and not for any other commercial purposes.

In the interests of highways safety and vehicle parking, as supported by Policy VH1 of the Sevenoaks District Local Plan.

7) The works hereby permitted shall be carried out outside the core breeding period for birds (March to August inclusive) as recommended by para 5.5.2 of the submitted Habitat Survey and Management Strategy. As recommended, should this timeframe be unobtainable, a thorough search for the presence of breeding birds should be conducted by a suitably experienced ecologist prior to the start of works. Should evidence of breeding birds be recorded, works within 5m of the nest, or works that has potential to destroy the nest, should stop until the eggs have hatched and the chicks fledged, or the nest is deemed by a suitably experienced ecologist to have been abandoned.

In the interests of conserving the biodiversity of the site.

8) The ecological enhancements detailed in section 7.2-7.23 of the submitted Habitat Survey and Management Strategy (including Figure 2) shall be implemented prior to the use hereby permitted be carried out.

In the interests of conserving the biodiversity of the site.

9) The development hereby permitted shall be carried out in accordance with the following approved plans: KPGC-p-201/202/203/204

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

10) No development shall be carried out on the land until the applicant, or their agents or successors in title, has secured the implementation of a "watching brief". This shall be undertaken by an archaeologist approved in writing by the Council so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written specification and timetable which has been submitted to and approved in writing by the Council.

To investigate and record archaeological features as supported by Policy EN25A of the Sevenoaks District Local Plan.

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

Sevenoaks District Local Plan - Policies EN1, VP1

Sevenoaks District Core Strategy 2011 - Policies SP1, SP11, L08.

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.

Any potentially significant impacts on the biodiversity of the site can be satisfactorily mitigated by way of the conditions imposed.

The development will not have a detrimental impact upon the character and appearance of the site.

The proposed use is considered to be appropriate within the Green Belt.

Informatives

1) The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way.

Should any temporary closures be required to ensure public safety then this office will deal on the basis that:

- The applicant pays for the administration costs
- The duration of the closure is kept to a minimum
- Alternative routes will be provided for the duration of the closure.
- A minimum of six weeks notice is required to process any applications for temporary closures.

This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials, constructor's vehicles or waste generated during any of the construction phases) or the surface disturbed.

There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent. It is suggested that any planting is done at least one metre back from the footpath boundary so there is room for plants to be kept trimmed back.

It should be noted that the public using the footpath on foot have the priority over any vehicular traffic using the rights of way under their private rights as agents of the landowner. Therefore signage needs to warn drivers of their need to give way to and be aware that the public are using the path as pedestrians, rather than pedestrians having to be aware of vehicles and give way to them.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all

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consultees comments on line

(www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp),

- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Was provided with pre-application advice.
- 2) Did not require any further assistance as the application was acceptable as submitted.
- 3) The application was dealt with/approved without delay.

Proposal

- 1 Change of use from grazing land to practice facilities for The Knole Park Golf Club, to include practice tee, fairway bunker, practice putting and chipping green.

Relevant Planning History

- 2 00/00491/FUL Single storey extension to side of clubhouse. Granted.

02/00120/FUL Single storey extension to rear of clubhouse, including removal of 3 no. existing timber sheds. Granted.

05/00380/FUL New practice area for golf course incorporating tees, bunkers, greens and driving range area. Refused

05/00449/FUL Construct two galvanised steel water tanks and pump house in greenkeepers compound, as amended by letter dated 14/04/05 and enclosed plan. Granted.

SE/12/01844/FUL Change of Use: - Currently Knole Park Golf Club has, under permitted development, the use of the land for 28 days a year as additional car parking. The request is for this to be extended to 365 days a year. The area in question is fenced from the field on three sides. Granted

Policies

Sevenoaks District Local Plan

- 3 Policies - EN1, VP1

Sevenoaks Core Strategy

- 4 Policies - SP1, L08, SP11

Other

5 National Planning Policy Framework

Constraints

6 Green Belt

Sevenoaks Town Council

7 Sevenoaks Town Council recommended approval.

Representations

8 24 letters of objection have been received, which are summarised as follows:

- Our view and rural aspect will be lost
- We would be opposed to any netting
- The proposal is very similar to that previously refused in 2005
- The proposal would detract from the landscape
- The proposal would be harmful to wildlife
- The application seems to be a cynical attempt to prepare the site for future residential development
- The land is agricultural and until recently was producing an excellent crop
- The proposal will lead to an unacceptable increase in traffic.
- The development will be of no benefit to the wider community
- I have concern regarding the safety of the footpath users.
- The development will have a detrimental impact upon neighbouring residents in terms of noise
- Will this set a precedent for similar applications for changes of use to private sport development?
- A lighting scheme will surely be forthcoming, which will cause serious light pollution.
- No attempt has been made to address the drainage issues with the land.

9 2 letters of support have also been received, which are summarised as follows:

- We do not object to the proposals subject to adequate conditions relating to the facility being solely for the use of existing members, the public footpath is safe and every effort is made to conserve wildlife.
- The proposal should be considered in the wider context of securing the future of the Golf Club, with the wider economical, social and environmental benefits that will bring to Sevenoaks residents.

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Consultations

KCC Ecology

- 10 Thank you for the opportunity to comment on this application. We have the following response to make:

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.

- 11 *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.”*
- 12 *Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System states that ‘It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision.’*
- 13 *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.*
- 14 *The Extended Phase 1 Habitat Survey and Management Strategy has been submitted in support of this application. We are satisfied that the assessment of potential for ecological impacts has been carried out to an appropriate standard. The report concludes that the site has little ecological value, and that there is limited potential for impacts to protected species.*
- 15 *Skylarks were recorded on site during the survey. These birds are included in the section 41 list (Natural Environment and Rural Communities Act 2006) as ‘species of principle importance’. Sevenoaks DC needs therefore to give particular consideration to the provision within the planning application to ensure that they are given an appropriate degree of regard.*
- 16 *Section 5.5.2 - 5.5.3 provide a method to ensure that impacts to nesting birds are avoided. We advise that this must be implemented.*
- 17 *The report provides a framework for ‘ecological enhancements’ (section 7). We advise that the enhancement measures are secured by condition to ensure that they are implemented. In particular the provision of skylark habitat (7.20) is essential to ensure that there is continued availability of habitat on the site post-development.*

Natural England

- 18 *Thank you for your consultation on the above dated 05 June 2013 which was received by Natural England on 10 June 2013.*

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The Wildlife and Countryside Act 1981 (as amended)

The Conservation of Habitats and Species Regulations 2010 (as amended)

The National Park and Access to the Countryside Act 1949

- 19 *Natural England's comments in relation to this application are provided in the following sections. Statutory nature conservation sites - no objection*

This application is in close proximity to the Knole Park Site of Special Scientific Interest (SSSI).

- 20 *Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(l) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.*

- 21 *Protected landscapes - no comments*

This application is within the setting of the Kent Downs AONB. Natural England has no comments to make on this proposal as we do not believe that this development is likely to adversely affect the purpose of the Kent Downs AONB. Given the location of the development, however, the local planning authority should seek the views of the AONB Unit where relevant, prior to determining this planning application, as they may have comments to make on the location, nature or design of this development.

- 22 *Protected species*

It is noted that a survey for European Protected Species has been undertaken in support of this proposal. Natural England does not object to the proposed development. On the basis of the information available to us, our advice is that the proposed development would be unlikely to affect any European Protected Species.

For clarity, this advice is based on the information currently available to us and is subject to any material changes in circumstances, including changes to the proposals or further information on the impacts to protected species.

We have not assessed the survey for badgers, barn owls and breeding birds¹, water voles, white-clawed crayfish or widespread reptiles. These are all species protected by domestic legislation and you should use our protected species

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standing advice to assess the adequacy of any surveys, the impacts that may results and the appropriateness of any mitigation measures.

23 Local wildlife sites

If the proposal site is on or adjacent to a local wildlife site, eg Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site, and the importance of this in relation to development plan policies, before it determines the application.

24 Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that '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'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

25 Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

26 *We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.*

KCC Public Rights Of Way

27 *Thank you for your letter dated 10th June 2013 with regard to the above Application*

Public Rights of Way Footpath SU17 runs along the eastern and southern boundaries of the site. I do not anticipate that it will be directly affected by the development. I enclose a copy of the Public Rights of Way network map showing the line of this path for your information.

28 *Contractors' vehicles must not be parked on the section of the path that runs along the access road obstructing the right of way. Signage should be erected to make contractors aware that this is a public footpath along which pedestrians have the*

right of way and that speed should be limited. Any damage to the surface of the footpath caused by contractors' vehicles or works must be repaired at the expense of the applicant.

- 29 *It is noted that the direction of play from the practice tee, fairway bunker and practice putting and chipping green is away from the east-west section of the footpath. However, the practice driving area will result in play parallel to the southwest to northeast section of the footpath, with the possibility of balls landing on the path from poor hitting. The information provided by the applicant states that the present practice area is barely 100m from the 2nd tee.*

How much room is there between this new practice area and the footpath? Will high netting be necessary to protect the safety of pedestrians using this part of the footpath?

- 30 *The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way.*

- 31 *Should any temporary closures be required to ensure public safety then this office will deal on the basis that:*

- *The applicant pays for the administration costs*
- *The duration of the closure is kept to a minimum*
- *Alternative routes will be provided for the duration of the closure.*
- *A minimum of six weeks notice is required to process any applications for temporary closures.*

- 32 *This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials, constructor's vehicles or waste generated during any of the construction phases) or the surface disturbed.*

- 33 *There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent. It is suggested that any planting is done at least one metre back from the footpath boundary so there is room for plants to be kept trimmed back.*

- 34 *In response to the questions raised by the KCC PROW Officer above regarding signage and the alignment of the practice ground, the applicant responded by clarifying that no netting will be required due to the generous distances to the footpath and adequate signage will be put up during construction works.*

Rural Planning Ltd

- 35 *I refer to your letter of 10 June 2013 requesting advice on the planning application submitted for a change of use from grazing land to golf practice facilities including practice tee, fairway bunker, practice putting and chipping green, at the above location.*

- 36 *As you will be aware there was an earlier unsuccessful application for a new practice area on this land submitted under SE/05/00380/FUL. As far as the issue*

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of loss of agricultural land is concerned, I advised (copy letter dated 13 July 2005 attached) that the soil study undertaken at that time indicated the land to be outside the definition of "best and most versatile", so it would not warrant special consideration in terms of the impact on agricultural potential, although of course there may be other issues to consider outside my own remit.

37 *I hope this is of assistance but please let me know if you require any further advice.*

Tree Officer

38 *Having visited the site and spoken to the treasurer. It is my understanding that the main amount of work to facilitate the proposed practice facilities, is to move the high areas of the land, which are approximately centrally located, to the lower areas, which are approximately nearer to the car park.*

39 *Any visual harm will be during the proposed works but, I suspect will be short lived as the proposed landscaping matures.*

40 *My only concern with this proposal is that the proposed time scales are to carry out the works more or less as soon as consent has been granted (should this be the case). This is to ensure that there is enough of the current growing season to ensure that the grass grows. Failure to do this would leave the area unusable. I have noted within the Habitat Survey, paragraph 4.4.2, that Skylarks were present during the survey. I also noted the presence of Skylarks, which are ground nesting birds. The proposed works would disturb these birds during the nesting season. This as I understand it is in contravention of the Countryside and Wildlife Act 1981. Both of the aforementioned issues are time sensitive but I suggest that the nesting bird issue is of greater importance than the need to ensure seed planting prior to the end of the growing season. This may mean that the proposal will not be able to begin until the beginning of the growing season 2014.*

KCC Highways

41 *Thank you for inviting me to comment on this application. I note that the proposals are additional facilities for members only, not open for general public use. I also note that there were no highway or transportation reasons for refusal to the previous application.*

42 *I write to confirm on behalf of the Highway Authority that I have objection to these proposals. If I can be of any further assistance, please do not hesitate to contact me.*

Chief Planning Officer's Appraisal

Site Description

43 *Knole Park Golf Club is situated just outside the edge of Sevenoaks Town Centre, within the Metropolitan Green Belt, in the north-west corner of Knole Park.*

44 *The Golf Club itself is located within an Area of Outstanding Natural Beauty, but the grazing land which this application relates to is sited outside the AONB.*

Description of Proposal

- 45 It is proposed to change the use of a part of the open grazing land directly to the north of the Golf Club buildings and car park into a practice area.
- 46 The practice area will involve the creation of a practice tee and practice ground, along with a practice putting green and chipping green.
- 47 The teeing ground will measure approx. 400m² in total, a length of approx. 300m and overall width of 140m. This area will be mown at approx. 250-30mm, surrounded by 'semi rough' of 50-70mm and an area of wild seed mix.
- 48 The practice putting green will measure approx. 450m² and the chipping green slightly larger.
- 49 The facility is intended to replace the inadequate current teeing ground (which is not large enough and are described as not fit for purpose) and will provide for the current Golf Club Members.
- 50 It should be noted that an application on the same site was refused in 2005 (05/00380/FUL). This previous application was for a 'New practice area for golf course incorporating tees, bunkers, greens and driving range area' and was refused for the following reason:

The proposals, would by reason of the use/introduction of features alter the form, and activity levels, would alter the character and appearance of the site, to the detriment of the visual amenities of this sensitive location within the Metropolitan Green Belt and a Special Landscape Area, and directly adjacent to an Area of Outstanding Natural Beauty and Historic Parkland, and would also be harmful to wildlife interest. The proposals would result in a loss and fragmentation of valuable agricultural land and which in the absence of any over riding need for alternative use should be retained, would be contrary to policies EN1, 6, 7, 17C, 26, GB4, SR5 and 10 of the Sevenoaks District Local Plan, policies ENV1, 2, 3, 4, RS1 and SR2 of the Kent Structure Plan, and Policy FP8A of the emerging Structure Plan.

Principal Issues.

- 51 The main planning issues for consideration are:
- The principle of the development in Green Belt and Policy terms – the loss of agricultural land
 - The siting/impact of the development on the character and appearance of character and appearance of the site.
 - Impact upon ecology
 - Impact on adjacent public footpath and neighbouring properties
 - Impact upon surrounding highway network

Comments

- 52 NPPF (para 89) establishes that new buildings inside a Green Belt are inappropriate unless for one of a number of purposes. This includes the provision of appropriate facilities for outdoor sport/outdoor recreation, as long as it preserves

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the openness of the Green Belt and does not conflict with the purposes of including land within it.

- 53 In this instance, whilst the description of the proposal as 'appropriate facilities for outdoor recreation' seems suitable, this paragraph relates to new buildings, and none are proposed.
- 54 Paragraph 81 states that local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to... provide opportunities for outdoor sport and recreation, to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.
- 55 Whilst the NPPF is silent on changes of use, it is considered that the development does correspond with this paragraph, as the development involves providing opportunities for outdoor sport and, as will be discussed below, retains the landscape and enhances biodiversity.
- 56 Paragraph 90 also states 'that certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt'. These include engineering operations.
- 57 Slight alterations to the levels of the site are proposed, such as increasing the height of the hitting tee (up to 1.5m on the western side of the tee) and lowering a ridge which is sited approx 100-150m from the tee (by approx. 0.5- 1m) and using the spoil for the raised tee .The practice putting green will also be raised by 0.5m.
- 58 In this instance these limited works are considered appropriate for the Green Belt.
- 59 The proposal also does not involve any works that will detract from the openness of the Green Belt (no structures/nets etc other than hole flags and small -1m tall distance markers will be placed on the site).
- 60 It should be noted that a change of use was considered to be acceptable with application SE/12/01844/FUL which was to extend the existing car parking area (as a change of use) into the agricultural land adjacent to the proposed practice site.
- 61 In terms of the loss of agricultural land, there are longer any local plan polices that require the retention of valuable high grade agricultural land, however para 112 of the NPPF states that Local Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. The Rural Planning Consultant states that, as with the previous 2005 application, the land is considered to be outside the 'definition of "best and most versatile", so it would not warrant special consideration in terms of the impact on agricultural potential'.
- 62 As such it is considered that the proposed development complies with the provisions of the NPPF, (specifically para 81) and as such represents appropriate development within the Green Belt.

The impact of the development on the character and appearance of the wider landscape

- 63 Policy EN1 (from SDLP) and CC6 from (SEP) state that the proposed development should not have an adverse impact on the privacy and amenities of a locality.

- 64 Also relevant is policy SP1 from the Sevenoaks Core Strategy which states 'All new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated', and LO8 which states that:
- 'The countryside will be conserved and the distinctive features that contribute to the special character of its landscape and its biodiversity will be protected and enhanced where possible.'
- 65 The site will lose part of its existing open, undeveloped appearance by virtue of the landscaped nature of the practice ground however as stated above, no structures are proposed and the open grassed appearance of the site will remain. It should be noted that the relatively minor engineering operations only affect one small section of the overall site.
- 66 The previously refused scheme (05/00380/FUL) was set over pretty much the exact same site but proposed to introduce a five hole practice area in the western and northern section of the site, and a driving range area and pitching green within the eastern section. The development included some excavation to form bunkers and small increases in ground levels to form the tees.
- 67 The level of development previously proposed then was much more intensive and was considered to alter the form, activity levels and character and appearance of the whole site to its detriment. This application, given the scale parameters and separation distances involved, proposes and requires no safety netting or similar structures. The development is confined to one corner of the site adjacent to the main facilities.
- 68 The more low key development now proposed is not considered to have this detrimental impact upon the landscape. The rural aspect of the existing site is limited, neighboured as it is by housing and the existing golf course. Such development is not unusual in edge of settlement Green Belt land, and will not have an impact upon the adjacent Area of Outstanding Natural Beauty.
- 69 The site is adjacent to the Knole Park Historic Parkland (where the existing golf club is situated). Given the limited impact of the development upon the landscape, and the proximity of the tee, practice and chipping green to the existing extended car park to the existing golf club buildings, it is not considered that the development will have a harmful impact upon the Historic Parkland.

Impact upon ecology

- 70 The Knole Park SSSI lies adjacent to the southern site boundary.
- 71 Policy SP11 of the Core Strategy states that the biodiversity of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity.
- 72 A habitat survey and management strategy was submitted (by 'Greenspace Ecological Solutions' May 2013) which concluded that no rare or endangered plant species were noted within the site, and no further consideration to habitats or botanical species are required at this stage.
- 73 With regards to protected animal species, skylarks (one breeding pair and one single male) were found on site. The management plan concludes that to avoid

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killing or injury to birds and/or the destruction of their eggs, works to the tussock grass area should be conducted outside the core breeding period for birds (March to August inclusive).

- 74 In terms of reptiles, bats and amphibians, the potential for these were found to be negligible and no further consideration required.
- 75 The development also proposed some ecological enhancements. These consist of the introduction of native species hedge grow on the southern end of the site along with infill tree and hedge planting to compliment the existing on the western side of the practice area, and the planting of a substantial wild seed mix area and areas of rough around the practice ground. The wild seed mix area (tussock grass) will provide for habitats for ground nesting birds (as illustrated in part 7.20 of the submitted survey and management plan).
- 76 The survey concludes that the site in its current state has little ecological value and the proposal is considered to have little/or no impact upon protected species/habitat. The enhancements will result (subject to bird protection measures) in an improved ecological diversity post development.
- 77 The KCC Ecology Officer states that subject to the reports advice on nesting bird protection being implemented and secured by condition (which is recommended), they have no objection to the proposal.
- 78 It is therefore considered that the proposed development will not have a detrimental impact upon the ecology or biodiversity of the site or surrounding SSS1 area.

Impact on adjacent public footpath and neighbouring properties

- 79 A public footpath (PROW SU17) runs along the eastern and southern boundary of the site. The PROW officer does not object to the proposal and does not anticipate that the foot path will be directly affected by the development, however her initial comments did raise concern about the direction of hitting and the possible need for netting to protect member of the public walking along the southwest to northwest section of the path.
- 80 The application makes it clear that no netting is required, and the applicant has confirmed that given the 'very wide margins' of at least 160m (from a centre line 100m from the tee), that this will not be necessary.
- 81 Subject to adequate signage during construction on the PROW, which would be controlled by the KCC PROW team, it is not therefore considered that the proposed development will have a detrimental impact upon the adjacent public right of way.
- 82 Similarly, given the separation distances to the adjacent dwellings, the nearest being Barnett Field to the north-east and Quarry Shaw to the north-west, a distance of 330m and 240m respectively from the tee (with Quarry Shaw approximately 180m from the centre line when drawn from the tee), it is not considered that the proposed use will have any impact upon these neighbouring dwellings.
- 83 Finally, in terms of noise nuisance, it should be noted that there is no restriction on the operation of agricultural machinery on this site, however golf ball collecting machinery can be intrusive. Whilst the practice area is limited to daylight hours in use, a condition is recommended (as the machinery can use illumination) to

prevent unnecessary use during quiet late hours that may cause nuisance in terms of noise to nearby dwellings.

Impact upon surrounding highway network

- 84 The proposed practice ground is to serve existing members and not the general public.
- 85 Any additional impact on the surrounding highway system would therefore be minimal, and the KCC Highways Officer does not object to the proposal.
- 86 Notwithstanding this, and as stated by the Highways Officer, it should be noted that highways issues was not part of the previous reason for refusal for application 05/00380/FUL.

Other Issues

- 87 The site is located within an Area of Archaeological Potential. Given that works are proposed in terms of levelling and earthworks (as detailed above), it is considered that a condition for a watching brief is appropriate.
- 88 Notwithstanding the above, 24 letters of objection were received, the relevant issues pertaining to which have been addressed above.
- 89 With regards to possible future development of the site, each application must be considered on its own merits, but the case of how this application and specific use is considered to comply with the NPPF is set out above. Any approval for this change of use would not alter the Green Belt nature of the site and the policy protection this entails.
- 90 Given that each application is considered on its own merits, it is not considered that this application sets a precedent for similar future development. In terms of a lighting scheme, this is not part of this application and its use will be constrained, like the Golf Course, to daylight hours. With regards to the wider benefit of the development, the NPPF (para 81) does not distinguish that for outdoor sport facilities or opportunities, they have to be public use rather than private use.
- 91 Finally, with the regards to the drainage issue raised, it is not considered that the extent of the proposed use and landscaping will have a significant impact upon drainage, and it is not considered that further information or conditions in this respect are appropriate or necessary.
- 92 It should also be noted that the majority of the policies quoted in the previous refusal reason no longer apply, they have not been saved from the Sevenoaks Local Plan or formed part of the now defunct Kent Structure Plan.

Conclusion

- 93 It is considered that this scheme is significantly different from the previously refused application in 2005.
- 94 Having carefully considered all issues raised in the previous reason for refusal, it is considered that the amended scheme now proposed complies with the current policy framework and overcomes this reason for refusal.

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- 95 In conclusion, it is considered that the change of use from grazing land to practice facilities for The Knole Park Golf Club, to include practice tee, fairway bunker, practice putting and chipping green represents appropriate development within the Green Belt and will not detract from its openness, in accordance with NPPF. The development will also not detract from the character and appearance of the existing site or wider landscape, nor have a detrimental impact upon the amenities of any neighbours, the biodiversity of the site, nor upon highway safety or the nearby public right of way.
- 96 The proposal therefore represents complies with polices EN1 and VP1 of the Local Plan and SP1, SP11 and L08 of the Core Strategy.
- 97 Recommendation is to approve subject to conditions.

Contact Officer(s): Ben Phillips Extension: 7387

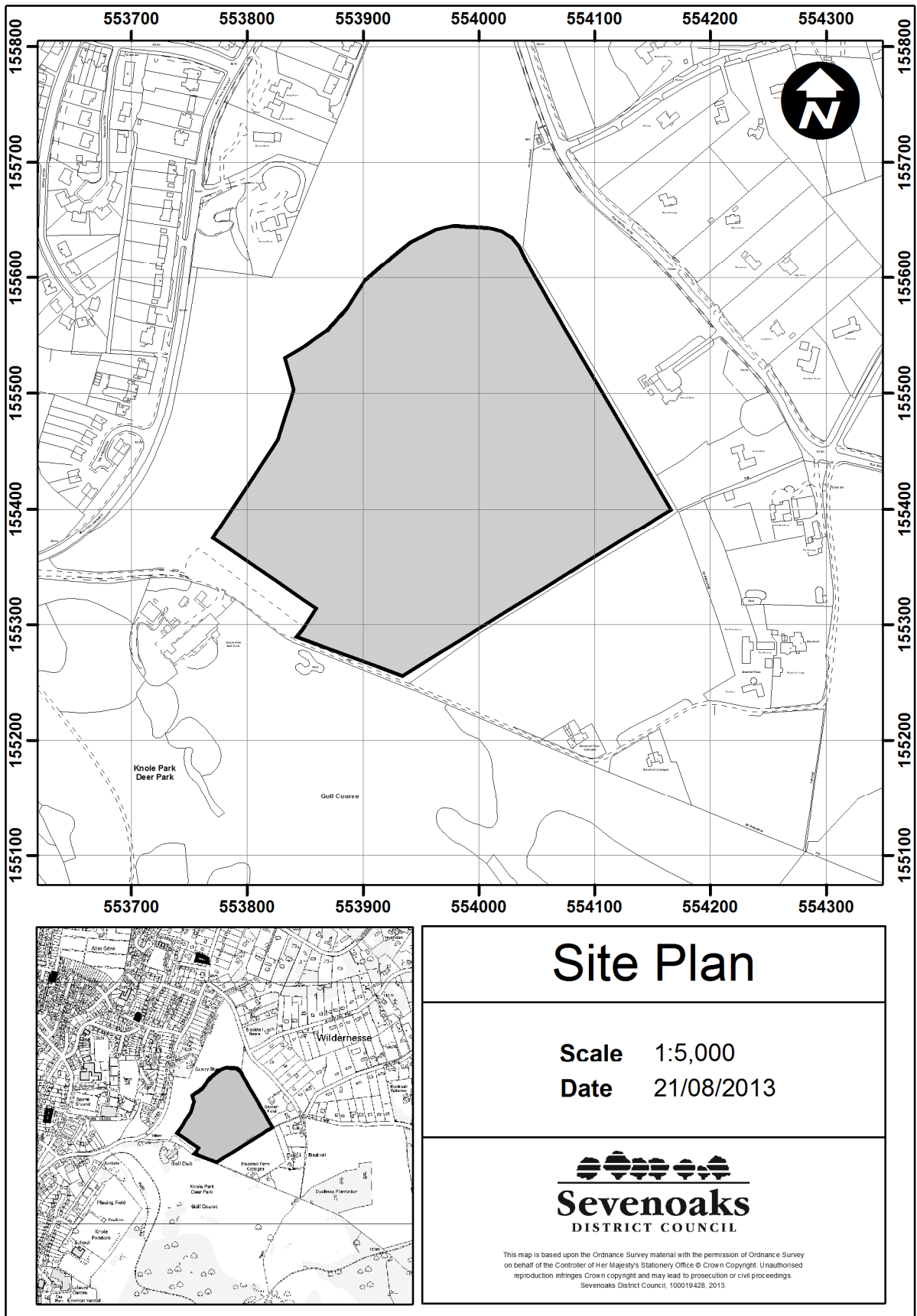
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MNM8W3BK0L000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MNM8W3BK0L000>





5.3 – SE/13/01770/OUT Date expired 9 August 2013

PROPOSAL: Outline application for the demolition of public house and erection of block comprising 8no. one-bedroom units with all matters reserved.

LOCATION: The New Inn, 75 St. Johns Hill, Sevenoaks TN13 3NY

WARD(S): Sevenoaks Town & St Johns

ITEM FOR DECISION

The application has been referred to Development Control Committee by Councillor Fleming, who considers the lack of onsite parking harmful to highway safety and the amenities of neighbours.

RECOMMENDATION A: That planning permission be GRANTED subject to the applicant completing a Section 106 obligation relating to affordable housing and provision of parking permits, and the following conditions:-

1) Details relating to the layout, scale and appearance of the proposed building(s), the means of access, 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.

No such details have been submitted.

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) 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 building hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

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

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

To safeguard the privacy of residents as supported by Policy EN1 of the Sevenoaks

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District Local Plan.

6) No development shall be carried out on the land until a construction management and method statement has been submitted to and approved in writing by the Council. The development shall be carried out according to the approved details.

In the interests of highway safety.

7) The details submitted pursuant to condition 1 shall be of a building of 2 storeys (with accommodation in the roof space) with a maximum ridge height of 9.85m, width 16m and length (depth) 12.6m. The building frontage shall be set in line with No 1 Carlton Parade (approximately 4.5m set back from the highway).

In the interests of the visual amenity of the locality and to protect the amenity of residents.

8) Prior to the commencement of development, full details regarding cycle parking shall be submitted to and approved in writing by the Council. The development shall be carried out according to the approved details.

In the interests of amenity and highway safety.

9) Prior to the commencement of development, full details regarding bin location and refuse collection shall be submitted to and approved in writing by the Council. The development shall be carried out according to the approved details.

In the interests of visual amenity the amenity of neighbouring dwellings.

10) No development shall commence on site until investigations have taken place to establish the existence of soil contamination and any other potential contamination and the investigation methodology together with any proposed remedial measures and a timetable for the works have been submitted to and approved in writing by the District Planning Authority. Site investigation and remediation design shall be undertaken by an appropriately qualified environmental specialist. They will need to demonstrate and state that the site is capable of being remediated to make it suitable for its intended use. For the purposes of this condition, an "appropriately qualified environment specialist" is a person who has a recognised qualification and / or appropriate experience in environmental chemistry and risk assessment. This will be the person(s) who has designed and specified the remediation works, unless otherwise agreed in writing by the Council.

In the interests of pollution prevention and safety.

11) Before the first use of occupation of any building the remedial measures for soil contamination and method of implementation agreed pursuant to condition 9 shall be undertaken and completed. No part of the condition shall be discharged and no properties shall be occupied or first brought into use until all remedial works have been implemented and completed for the development or each phase of it in accordance with the timetable approved in accordance with condition 9 above, so that:-

The risk of harm to all forms of potential receptors has been reduced to normal acceptable levels.

- A completion report has been received and approved.

- A remediation and completion certificate has been produced by a competent person.

No part of the development shall be brought into use or occupied unless a certificate has been provided to the Council, by an appropriately qualified environment specialist, certifying that the development and the land is suitable for the permitted end use. The wording of the certificate shall be agreed in advance as part of the details required to be approved above.

For the purposes of this condition, an "appropriately qualified environment specialist" is a person who has a recognised qualification and / or appropriate experience in environmental chemistry and risk assessment. This will be the person(s) who have designed and specified the remediation works, unless otherwise agreed in writing by the Council.

In the interests of pollution prevention and safety

12) Prior to the commencement of development a noise survey of the site shall be carried out and details of a scheme providing suitable acoustic protection measures for the units hereby approved shall be submitted to and approved in writing by the LPA. The approved scheme shall be implemented prior to occupation and retained thereafter.

In order to protect the living conditions of the future occupiers of the dwelling.

13) Prior to the commencement of development an air quality assessment shall be undertaken and details of a scheme providing suitable clean air ventilation for the units hereby approved shall be submitted to and approved in writing by the LPA. The approved scheme shall be implemented prior to occupation and retained thereafter.

In order to protect the living conditions of the future occupiers of the units.

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

- i) Prior to the commencement of development, of how it is intended the development will achieve a Code for Sustainable Homes Design Certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority; and
- ii) Prior to the occupation of the development, that the development has achieved a Code for Sustainable Homes post construction certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority.

Achievement of the Code levels 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 Planning Policy Statement 1, policies CC2 & CC4 of the South East Regional Plan & policy SP2 of the Sevenoaks District Core Strategy.

15) The rearmost ground floor window on the southern elevation (serving the Bed 1 of unit 1) shall be moved to a suitable position in the rear elevation of the building.

In order to provide acceptable outlook to future occupiers.

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16) The development hereby permitted shall be carried out in accordance with the following approved plans: 13-111/01/02/03, 13-111/Loc

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:

Sevenoaks District Local Plan - Policies EN1, VP1

Sevenoaks District Core Strategy 2011 - Policies SP1, SP2, SP3

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.

Informatives

1) The removal of the existing small car parking area will require the roadside dropped kerbs to be raised and this will require approval from the highway authority and a statutory licence to be obtained.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line (www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Was provided with pre-application advice.

RECOMMENDATION B: In the event that the applicant does not complete the unilateral undertaking for affordable housing within 28 days, then the planning application be REFUSED for the following reason:

- 1) 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 or a viability assessment outlining the financial case against the need for a contribution the development would be contrary to the policy SP3 of the Sevenoaks District Council Core Strategy.

Description of Proposal

- 1 It is intended to demolish the public house and construct a two/three storey residential building (with accommodation in the roof space) comprising of 8 one bedroom units.
- 2 This is an outline application, with all matters are reserved.
- 3 The submitted elevation drawings are for illustrative purposes only, however the scale parameters of the development is indicated on plan is height 9.85m, width 16m and length 12.6m. The site area itself is approximately 300sqm.
- 4 There will be no on site parking provision.
- 5 This application is a resubmission of SE/12/01819/OUT which proposed 13 one bed units and 1 two bed unit.
- 6 This application was refused for the following reasons:
 - 1) *The proposed development, by virtue of its scale, would have a detrimental impact upon the character and appearance of the street scene, as it would dominate the vicinity and not be in harmony with the adjoining buildings. The proposal is therefore contrary to the provisions of Policy EN1 of the Local Plan and SP1 of the Core Strategy.*
 - 2) *The proposal development would, by virtue of its height, scale and position of windows, have an overlooking impact that would be detrimental to the privacy of the occupiers of residential properties at the rear (No's 1, 3 and 5 St James Road) and 54-64 Goldings Road. The proposal is therefore contrary to the provisions of Policy EN1 of the Local Plan and SP1 of the Core Strategy.*
 - 3) *The applicant has failed to finalise a legal agreement providing the adequate number of on site affordable units with no provision of affordable units. The proposal is not in accordance with the Policy SP3 of the Core Strategy.*
 - 4) *The insufficient provision of on site parking facilities for residents of the proposed flats would lead to additional parking onto roads in an area which already has high level of on street parking. This would be detrimental to the amenities of local residents in the surrounding area as it would reduce the availability of parking for them and would lead to harm to the safety of existing*

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road users due to areas being over-parked. The proposal would therefore be contrary to policy EN1 of the Sevenoaks District Local Plan July 2008.

Description of Site

- 7 The application site is the New Inn public house sited on St Johns Hill in Sevenoaks.
- 8 The site is primarily neighboured by two storey residential (and commercial) properties to the rear and to the north, and by a petrol station to the south.

Planning History

- 9 12/01328/OUT Outline application for demolition of the New Inn Public House and erection of 9 one bedroom units and 1 two bedroom unit with all matters reserved. Withdrawn
- 12/01819/OUT Outline application for demolition of the New Inn Public House and erection of 13 one bedroom units and one 2 bedroom unit with all matters reserved. Refused.

Policies

Sevenoaks District Local Plan

- 10 Policies – EN1 and VP1

Sevenoaks Core Strategy

- 11 Policies - SP1, SP2, SP3

Other

- 12 NPPF

Constraints

- 13 None

Representations

- 14 Seven letters of objection have been received, which are summarised as follows:
- The loss of the New Inn would have a detrimental impact on the social life of the community and contrary to the NPPF
 - Surrounding roads are already grossly overcrowded with cars parked by residents.
 - The building will be totally out of scale and harmony with the existing buildings and will dominate the street scene.
 - The development will be overbearing and overlook residents to the rear.
 - There is no parking provision and it would lead to additional parking onto roads in an area which already has a high level of on street parking.

- The existing building is well proportioned and is an attractive addition to the street scene.
- A development of 8 units should not be allowed without provision for on-site parking. It is naive to expect residents to regularly park at some distance in the council car parks.
- The proposed property would overlook my flat and garden.
- The revised plans do not address the parking situation.
- The proposed building is totally out of keeping and out of scale with the surrounding properties.
- Where will the people who use the public house go?

Sevenoaks Town Council

- 15 *Sevenoaks Town Council recommended refusal unless the Planning Office is satisfied that:*
- *The proposal is fully compliant with the guidance for the area set out in the Residential Character Area Assessment SPD*
 - *There will be no loss of amenity to neighbouring properties*
 - *There is a sufficient amount of parking provided for the proposed units.*

Consultations

KCC Highways

- 16 *Thank you for inviting me to comment on this revised outline planning application. I consider that the applicant has suitably demonstrated that there is sufficient car parking opportunity for residents and visitors associated with this proposal, notable at the nearby St John's Hill and St James's Road off road car parks. I note that the applicant proposes to fund annual car parking permits for residents (paragraphs 3.45 and 4.6 of the Transport Statement). This is welcomed and I consider that this should be a condition of any approval.*
- 17 *Should there be a full planning application, I would consider that further details regarding cycle parking, bin location and refuse collection and a construction management and method statement should be provided. Removal of the existing small car parking area will require the roadside dropped kerbs to be raised and this will require approval from the highway authority and a statutory licence to be obtained.*
- 18 *I hope the above is helpful but if I can be of any further assistance, please do not hesitate to contact me.*

Environmental Health

- 19 *If you are minded to grant permission for this development I would like to make the following comments.*
- 20 *The contaminated land desk top study did not identify a pollution incident that is known to both the District Council and the Environment Agency. Fuel leaked from*

Agenda Item 5.3

the storage tanks at the filling station, remedial action was taken to remove as much product as possible, the work being undertaken by SLR consulting. Therefore fuel would have migrated under the New Inn as it is downstream in the plume being carried in on the ground water. At some stage either an intrusive investigation will be required either prior to or after demolition of the pub to ascertain the potential impact of the fuel and appropriate remedial measures.

- 21 *A noise survey will be required to determine the likely noise exposure to the site and therefore the acoustic protection measures that will be required.*
- 22 *An air quality assessment should also be undertaken as this is in a known area of poor air quality. The report should also identify measures to protect occupants of dwellings if subject to poor air quality.*
- 23 *I believe all of these measures can be required by condition and should be submitted if a detailed application is made.*

Mouchel Parkman

- 24 *Many thanks for your consultation upon the above application.*
- 25 *As the site is to comprise just 8 x 1 bed units, it currently falls below the County threshold (10), thus we will not currently be taking it further.*
- 26 *KCC do reserve the right to review thresholds from time to time.*

West Kent Primary Care Trust

- 27 *Thank you for your letter dated 19th June 2013 regarding the above application. On this occasion we will not be asking for S106 contribution as the application is for fewer than 10 dwellings. If the situation changes I'm sure you will inform the NHS Property Service Ltd.*

Chief Planning Officer's Appraisal

Considerations

- 28 The main considerations of this proposal are:
- The policy provision for the site.
 - Layout/ density
 - Impact upon street scene
 - Impact upon neighbouring residential amenity;
 - Contaminated land issues
 - Affordable Housing contribution
 - Parking provision

Whether the proposed use is acceptable

- 29 The site is a public house located next to a shopping frontage identified in the Local Plan as a local shopping area (policy S3A of the Local Plan)

Agenda Item 5.3

- 30 As the public house is located within the town there is no district policy protection for its retention, unlike for public houses in rural villages which are protected by policy L07 of the Core Strategy.
- 31 The National Planning Policy Framework supports sustainable development in the context of housing applications and encourages the effective use of land by reusing land that has been previously developed (brownfield land). However, para 70 of the NPPF states that decisions should guard against the unnecessary loss of valued facilities.
- 32 No specific reasons have been put forward for the loss of the pub (i.e viability), however given its urban location, there are alternative pubs in the vicinity, for example the Rifleman on Camden Road (despite its limited opening hours).
- 33 In terms of principle therefore, and as established by the previous application, the change of use of the site to residential is considered to be acceptable.

Layout/density of the proposal

- 34 Policy SP7 of the Core Strategy states that within the urban areas of Sevenoaks, Swanley and Edenbridge new residential development will be expected to achieve a density of 40 dwellings per hectare.
- 35 The proposed site provides for 8 units on a plot of 300m² approx, which gives a density of 266.6 dwellings per hectare. The density figure is high as units are all one bedroom units.
- 36 As with the previous application then, given that the site is located within an urban area within Sevenoaks Town, it is not considered that the density is excessive, given the built up character of the surroundings.
- 37 This is subject of course to the impact of the height and scale of the building upon the street scene, which is a more significant assessment of the building rather than the density figure and will be discussed later in this report.
- 38 In terms of layout, the proposed building, centrally sited within the plot and in line with the frontage of the neighbouring units is considered acceptable.
- 39 Policy EN1 of the Local Plan also requires development to ensure a satisfactory environment for future occupants, including adequate provision for daylight, sunlight, privacy, garden space, storage and landscaped amenity areas.
- 40 The standard of accommodation is considered to be acceptable, although there is a concern that given the proximity of the southern side elevation to the single storey building in the garage forecourt, that the only window serving the bedroom of the unit on this side will offer poor outlook. A condition to secure a suitably designed rear window (which doesn't impinge on the privacy of the bedroom window of the rear ground floor unit) is recommended.
- 41 With regards to amenity space, given the location of the development within a densely developed area and along a busy road, along with the limited scale of the site compared to the existing and proposed building footprint, it is not considered that the provision of amenity areas is necessary. Balconies have been discouraged due to the surrounding residential units to the rear and design

Agenda Item 5.3

considerations to the front, and therefore it is considered that the development is acceptable in this respect.

Access arrangements

- 42 The access arrangements are reserved; however the submitted information states that the building will be accessed by foot from the front of the property, similar to the existing public house.
- 43 No parking provision is proposed and the existing vehicular access off the highway is not needed. The previous application (12/01819/OUT) established that the loss of the current crossover with the A225, adjacent to a bus stop, would be a road safety improvement.
- 44 It is considered therefore that it should be possible for acceptable pedestrian access arrangements to the site to be agreed at reserved matters stage, as the details submitted indicate no harm.

Impact upon the wider street scene

- 45 Policy EN1 of the Local Plan states that the design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.
- 46 Policy SP1 of the Core Strategy states that ‘all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated. In areas where the local environment lacks positive features new development should contribute to an improvement in the quality of the environment. New development should create safe, inclusive and attractive environments that meet the needs of users, incorporate principles of sustainable development and maintain and enhance biodiversity.
- 47 The existing public house is a traditional two storey structure with a hipped roof and single storey side addition. The building is located between a two storey terrace (with commercial ground floor) and a petrol station.
- 48 The Supplementary Planning Document ‘Sevenoaks Residential Character Area Assessment ‘states that, with regards to this area:
- *The scale of buildings becomes more domestic in the southern section of St. John’s Hill with less sense of enclosure. The buildings are generally set close to the road, following the Victorian pattern of development.*
 - *Orange brick and hanging tiles and white render are the most commonly used materials. There are a number of commercial properties in this section of road although the signage is limited and restrained, respecting the mix with residential uses. The design of buildings is varied dependant on the period of development. The hipped roof of the 1930s parade of shops and the art deco frontage to the former cinema are typical of their periods.*
- 49 In proposing new development within the St John’s Hill Character Area:

- *Individual buildings should be of a high standard of intrinsic design quality*
- *The listed building and its setting should be protected*
- *The character of the townscape feature of terraced cottages should be retained*
- *The views of the North Downs should be protected*
- *Signage and advertising should be limited and restrained*
- *The setting of the adjoining Hartslands Conservation Areas should be protected or enhanced.*

- 50 The site is not located in a position that would have an impact upon either the listed building or the nearby Hartslands conservation area, given the distance (135m to the listed building - 128-140 St Johns Hill, and 300m approx. to the Conservation Rea). The advice given above states that the 'design of buildings is varied' along this part of St Johns Hill, however, in accordance with Policy EN1 of the Local Plan and SP1 of the Core Strategy, it states that individual buildings should be of a high standard of 'intrinsic design quality'.
- 51 All matters are reserved however the previous application was refused (reason 1) due (given its scale) to its detrimental impact upon the character and appearance of the street scene, as it would dominate the vicinity and not be in harmony with the adjoining buildings.
- 52 The scale parameters of the previously proposed three storey building with additional accommodation in the roof space, was indicated as height 11.2m, width 15.2m and length 16m.
- 53 The current proposal has reduced this to a two storey building (with accommodation in the roof space) and the submitted indicative plans show scale parameters of height 9.85m, width 16m and length 12.6m. Therefore, the size of the building has been significantly reduced in height by 1.4m and length by 3.4m. This reduction in scale seeks to address the previous grounds of refusal.
- 54 The indicative drawings show the eaves level of the building appears close to that of the existing public house (although no existing plans are submitted for comparison) and the reduction in scale and massing has certainly reduced the impact of the proposed development upon the street scene. It is not considered that the proposed building will dominate the neighbouring buildings and vicinity.
- 55 The indicative design of the building has also improved since the previous scheme with regards to its architectural detailing, with the creation of an obvious front entrance and a more legible, traditional appearance. The character of the building is now considered to be in keeping with the surroundings and will not appear incongruous.
- 56 It is therefore considered that the proposed development complies with the above policies and design advice, and that this particular reason, the previous ground of refusal, has been successfully addressed.

Impact upon neighbouring residential amenity

Agenda Item 5.3

- 57 Policy EN1 of the Local Plan states that that the proposed development should not have an adverse impact on the privacy and amenities of a locality.
- 58 Whilst the footprint of the development has altered in shape compared to the previous scheme, it remains centrally sited within the plot, in line with the building line taken from the terrace to the north (Carlton Parade) and extending to approx. 1.2m from the rear boundary (the same distance as the previous proposal).
- 59 The site is neighboured directly to the rear by a small parcel of land, currently unused and overgrown. This parcel of land measures approx. 16m wide and 3-7.5m depth.
- 60 Immediately to the rear of this land is the rear garden of No 1 St James Road, sited 9m from the proposed building (compared to 7.3m for the previous scheme). .
- 61 It should be noted that these rear gardens, that of No 1, 3 and 5 St James Road and the gardens of 54 to 64 Goldings Road at the rear, are overlooked at present, from their immediate neighbours and from the first floors of Carlton Parade.
- 62 The second reason for the previous refusal related to the overlooking impact of the development upon the occupiers of residential properties at the rear (No's 1, 3 and 5 St James Road) and 54-64 Goldings Road.
- 63 This was due to the height and scale of the development and specifically the position of the windows on the rear elevation.
- 64 Again, whilst only indicative at this stage, clearly the height and scale of the development, as detailed above, has been reduced considerably, and significantly in this regard, the amount of rear facing fenestration has been greatly reduced. All matters are reserved of course (including appearance) and it is considered that a condition to prohibit any further rear fenestration at reserved matters stage is necessary.
- 65 Whereas previously there were 4 storeys of fenestration facing the rear, there are now only two individual windows and only one first floor window. This is comparable with the existing building (which has first floor rear facing fenestration) and whilst this window is a large double doors type window, it is not considered that the level of overlooking is significantly higher or more harmful over the existing situation to warrant a recommendation of refusal. As stated above, the rear elevation of the building as shown on the indicative siting plan is set approximately 9m from the boundary with No 1 St James Road, compared to 7.3m previously. Thereby increasing the separation between the proposal and the neighbouring properties.
- 66 As with the previous scheme, the indicative drawings show two small side elevation windows on the northern side which should be obscure glazed, in order to prevent unacceptable direct overlooking of the side elevation fenestration of No 1 Carlton Parade. A condition is recommended as such.
- 67 Any fenestration on the southern side elevation will face the petrol station and so it is not considered that there are any overlooking issues in this respect.

- 68 It is therefore considered that the proposal complies with the above policies, and that this reason for refusal has been successfully addressed.

Contaminated land issues

- 69 Given the siting of the building immediately adjacent to a petrol station, and the proposed change of use to residential, there are possible contamination issues with the proposed development, especially given the history of the site where there has been previous leakage issues.
- 70 With the previous application the Environmental Health Officer requested a Soil Contamination Report to be submitted.
- 71 This was done (report by Soiltec dated 25th Sep 2012) however this was considered to be incomplete (and did not specifically address the past leakage issues).
- 72 The same report has been resubmitted, and as previously, a condition requiring a further comprehensive report/intrusive investigation is suggested, and this is considered necessary and appropriate given the proposed use. Given that mitigation measures would be possible, it is not considered that this information is necessary at this stage.

Affordable Housing contribution

- 73 Policy SP3 of the Sevenoaks District Core Strategy states that:
- 'In residential developments of 5-10 dwellings gross 20% of the total number of units should be affordable'*
- 74 A legal agreement has been submitted which complies with the above policy with 2 affordable units being provided on site.
- 75 The previous application made no submission in this regard, and consequently was contrary to this policy. The third reason of refusal relates to this and the applicant has sought to address this.
- 76 An update on the completion of the section 106 will be provided in the late observation papers.

Parking Provision

- 77 Policy EN1 of the Local Plan states that proposed development should not 'create unacceptable traffic conditions on the surrounding road network and is located to reduce where possible the need to travel.'
- 78 Policy VP1 of the Local Plan states that:
- Vehicle parking provision in new developments will be made in accordance with the KCC adopted vehicle parking standards. The Local Planning Authority may modify these standards in order to:*
- 1) *Reflect lower provision appropriate in town centres or elsewhere if a site is well served by public transport routes;*

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- 2) *Ensure the successful restoration, refurbishment and re-use of listed buildings or buildings affecting the character of a conservation area;*
- 3) *Allow the appropriate re-use of the upper floors of buildings in town centres or above shop units;*
- 4) *Account for the existing parking provision (whether provided on or off-site) already attributed to the building's existing use when a redevelopment or change of use is proposed and for the use of existing public car parks outside of normal working/trading hours by restaurants and leisure uses*

79 As stated above, the development makes no provision for on site parking. The final reason for refusal for the previous application related to this issue and considered that the lack of on site provision would lead to *additional parking onto roads in an area which already has high level of on street parking. This would be detrimental to the amenities of local residents in the surrounding area as it would reduce the availability of parking for them and would lead to harm to the safety of existing road users due to areas being over-parked.*

80 As with the previous scheme, a Parking Assessment (from Paul Mew Traffic Consultants limited) was submitted, (which the KCC Highways Officer comments for the previous scheme stated was found to be comprehensive and conclusive).

81 This assessment included a parking inventory based on 200m radius of the site and surveys taken between 6-7pm on a typical weekday evening, and between 12:30am-5:30am on two separate week nights.

82 The survey indicated that there are 69 unrestricted car parking spaces within the identified area, 18 restricted parking bays and 70 kerb side parking opportunities on single yellow line space which can be parked on outside of the specific hours of control.

83 In addition to this the St James Road public car park and the St Johns Hill public car parks have been included in this study, as they are both within 200m of the site.

84 These provide an additional 87 parking spaces (66 in St Johns Hill and 21 in St James Road). These are operated by the Council and provide residents permits. The KCC Highways Officer recommends annual car parking permits for residents should be secured, and this is considered necessary and appropriate.

85 The existing public house provides for two off street parking spaces accessed via a dropped kerb directly from St Johns Hill. As a new build the existing public house would have a requirement according to the Kent Parking Standards of 1 space per 10m² for customers, which based on the size of the existing public house would lead to a requirement of approximately 10 parking spaces, then on top of this there is a requirement for the provision of 1 space per 2 staff.

86 The existing public house use therefore would have a requirement of over 12 spaces with staff.

87 This compares to a maximum parking requirement of the 8 parking spaces for 8 one bed units under the KCC Interim Parking Standards. Then 0.2 visitor space per unit, so 1.6 spaces, ie 2 spaces. So a theoretical total of 10 spaces.

- 88 The difference in parking requirement between the existing and proposed is therefore not considered to be substantial. In fact it appears that the proposed development technically requires less parking than the public house itself, if the parking standards were applied fully.
- 89 Clearly the proposed demand is also substantially reduced from the parking requirement of the previous 14 unit scheme (with one 2 bed). The current scheme theoretically requires less parking provision than the public house and the earlier scheme. Therefore, the proposal will not result in hazardous highway conditions.
- 90 The site is located in an accessible and sustainable position, to the north of the town centre but adjacent to local shops, amenities and the protected St Johns Local Shopping frontage. The site is also located within 500m of Bat & Ball train station and is well served by bus services. It is also therefore arguable that a lower parking provision could be justified on this site, given its sustainable location.
- 91 In this respect therefore and to conclude, whilst it is understood that the parking situation in the locality is problematic and difficult, the site is within a sustainable location where lower parking provisions can be justified, there is a technical highway betterment in terms of parking provision between the existing and proposed uses and the provision of parking permits via a Section 106 agreement has been offered. Therefore combined with the reduction of units compared to the previously proposed scheme, the previous highways concerns have now been satisfied.

Other Issues

- 92 Due to the engineering challenges and constraints of the site, it is considered that a construction management condition requiring these details is necessary and appropriate.
- 93 Given the siting of the development on a busy highway, between a petrol station and commercial units, then there is also potential for some major noise implications.
- 94 Policy EN1 of the Local Plan states that development should ensure 'a satisfactory environment for future occupants'
- 95 The Environmental Health Officer has requested a condition relating to a scheme of acoustic works to protect the residents, particularly from road traffic noise, along with, given the siting of the development, an air quality assessment.
- 96 These conditions are considered to be necessary.
- 97 Notwithstanding the above, seven letters of objection was received, the issues relating to which have been addressed above. With regards to where the public house customers would go once the public house is redeveloped, it is not considered that this is a material planning consideration.

Conclusion

- 98 In summary, it is considered that the proposed outline application for the demolition of the New Inn public house and erection of 8 one bed units will not

Agenda Item 5.3

have a detrimental impact upon the character and appearance of the street scene and will have no adverse impact upon the amenities of the neighbouring residents and will not have a detrimental impact upon highway safety.

99 The proposal therefore complies with the provisions of Policy EN1 and VP1 of the Local Plan and SP1 and SP3 of the Core Strategy.

100 Recommendation - that permission is Granted subject to conditions.

Contact Officer(s): Ben Phillips Extension: 7387

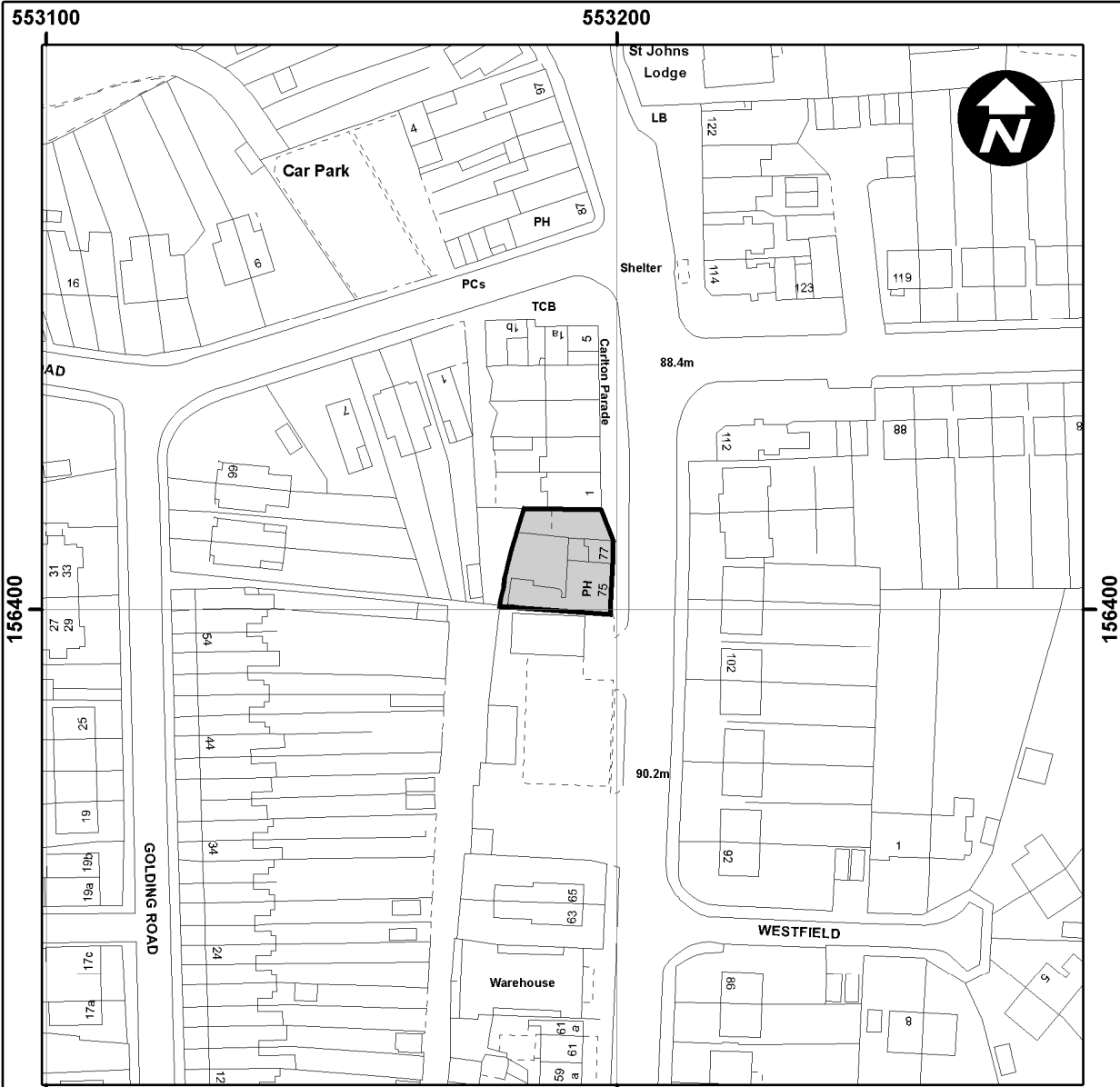
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MODFH4BK8V000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MODFH4BK8V000>

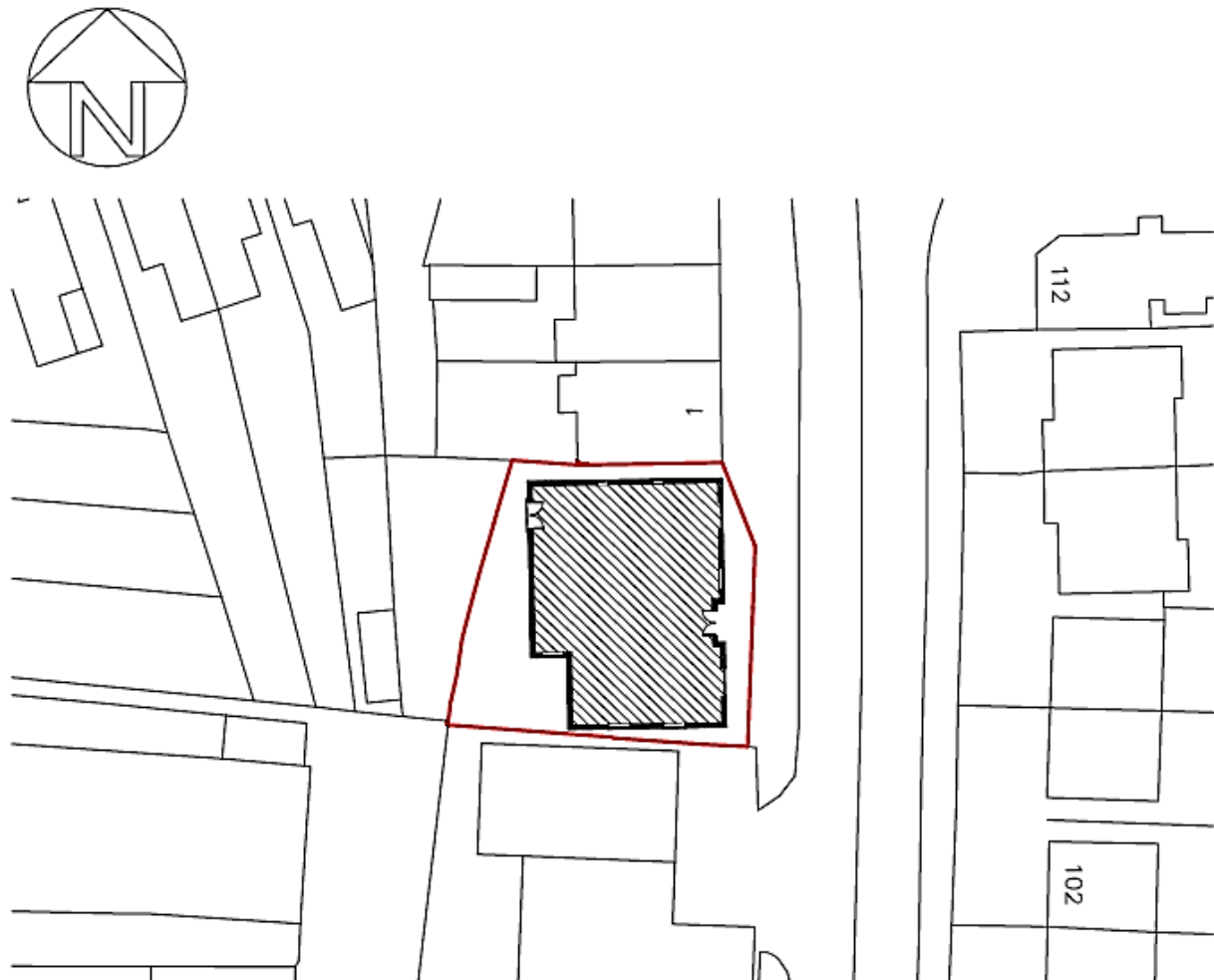


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<h1>Site Plan</h1>	
Scale	1:1,250
Date	22/08/2013
 Sevenoaks DISTRICT COUNCIL	
<small>This map is based upon the Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Sevenoaks District Council, 100019428, 2013.</small>	

BLOCK PLAN



5.4 - SE/13/02245/PAE Date expired 9 September 2013

PROPOSAL: Prior notification of a single storey rear extension which extends 4m beyond the rear wall of the original dwelling house with a maximum height of 2.5m and eaves height of 2.5m.

LOCATION: 5 Tudor Crescent, Otford TN14 5QS

WARD(S): Otford & Shoreham

ITEM FOR DECISION

The application has been referred to the Development Control Committee as the applicant is currently employed by Sevenoaks District Council.

RECOMMENDATION: Prior Approval Not Required

- 1 In May 2013, secondary legislation was laid before Parliament which increased the size of single-storey rear extensions which can be built under permitted development for a period of three years, between 30 May 2013 and 30 May 2016.
- 2 The size of single storey rear extension limits have been doubled from 4 metres to 8 metres for detached houses, and from 3 metres to 6 metres for all other houses. Other restrictions on permitted development as set out in Class A of the *Town and Country Planning (General Permitted Development) Order 1995 (as amended)* continue to apply.
- 3 These new larger extensions (i.e. if they extend between 4 and 8 metres or between 3 and 6 metres) must go through the following process:
- 4 A homeowner wishing to build a larger single-storey rear extension must notify the local planning authority and provide:
 - a. a written description of the proposal which includes the length that the extension extends beyond the rear wall of the original house, the height at the eaves and the height at the highest point of the extension
 - b. a plan of the site, showing the proposed development
 - c. the addresses of any adjoining properties, including at the rear
 - d. a contact address for the developer (the householder) and an email address if the developer is happy to receive correspondence by email
- 5 Full plans and elevations, to scale, are not required for this type of application.

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- 6 If any adjoining neighbour raises an objection within the 21-day period, the local authority will take this into account and make a decision about whether the impact on the amenity of all adjoining properties is acceptable.
- 7 The decision on this type of application needs to be issued by 6th September. By default, if a local authority does not ensure that the decision on a prior approval application is received by the determination date, the development can begin.

Description of Proposal

- 8 The proposal is a prior approval application for a single story rear extension. The extension will extend 4m beyond the rear wall of the original dwelling house with a maximum height of 2.5m and eaves height of 2.5m.

Description of Site

- 9 The site is a detached residential property within the village of Otford. There is a footpath to the side and rear of the property. There are additional properties to the rear (Elmwood and The Gables) but these are under construction and not currently occupied.

Constraints

- 10 Airfield Safeguarding Zone
- 11 Area of Special Control of Adverts
- 12 Landfill Site

Planning History

- 13 SE/04/01022/FUL - New 2 metre fence to side and rear of the property.
GRANTED.

SE/04/02456/FUL - Loft conversion to make two new rooms with dormer window upon rear roof plane and insertion of two rooflights in front roof plane. REFUSED

SE/04/03125/FUL - Loft conversion to form new room with dormer window.
GRANTED

Neighbours Consulted

- 14 3 Tudor Crescent
- 15 7 Tudor Crescent
- 16 A site notice was posted on 30th July 2013
- 17 The consultation expired on 20.08.13. No representations have been received from the neighbouring properties.

Background

- 18 **This is an application to determine if prior approval is required for an extension to a domestic dwelling. This is not an application for a Lawful Development Certificate.**

- 19 This application can only be determined in accordance with the criteria set out below.

Chief Planning Officer's Appraisal

- 20 The impact on the amenity of neighbouring properties is only relevant if an objection has been received. No objections have been received from the neighbouring properties.
- 21 Therefore prior approval is not required.
- 22 To be permitted the proposal must also comply with the criteria in Class A of the *Town and Country Planning (General Permitted Development) Order 1995 (as amended)*. This application will not make a decision on whether or not the proposal is permitted development but this issue has been considered.
- 23 No original permission for the property could be found and therefore the presumption is that permitted development rights have not been removed from the property.
- 24 Based on the information available the proposal has also been assessed against Class A of Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and the proposal may be considered permitted development. **However, this comment is made without prejudice to any application for a Lawful Development Certificate and it should be noted that if the applicant requires the formal view of the council in this respect they are advised to apply for a Lawful Development Certificate.**

Conclusion

- 25 Prior approval not required.

Background Papers

Site and Block plans

Contact Officer(s): Deborah Miles Extension: 7360

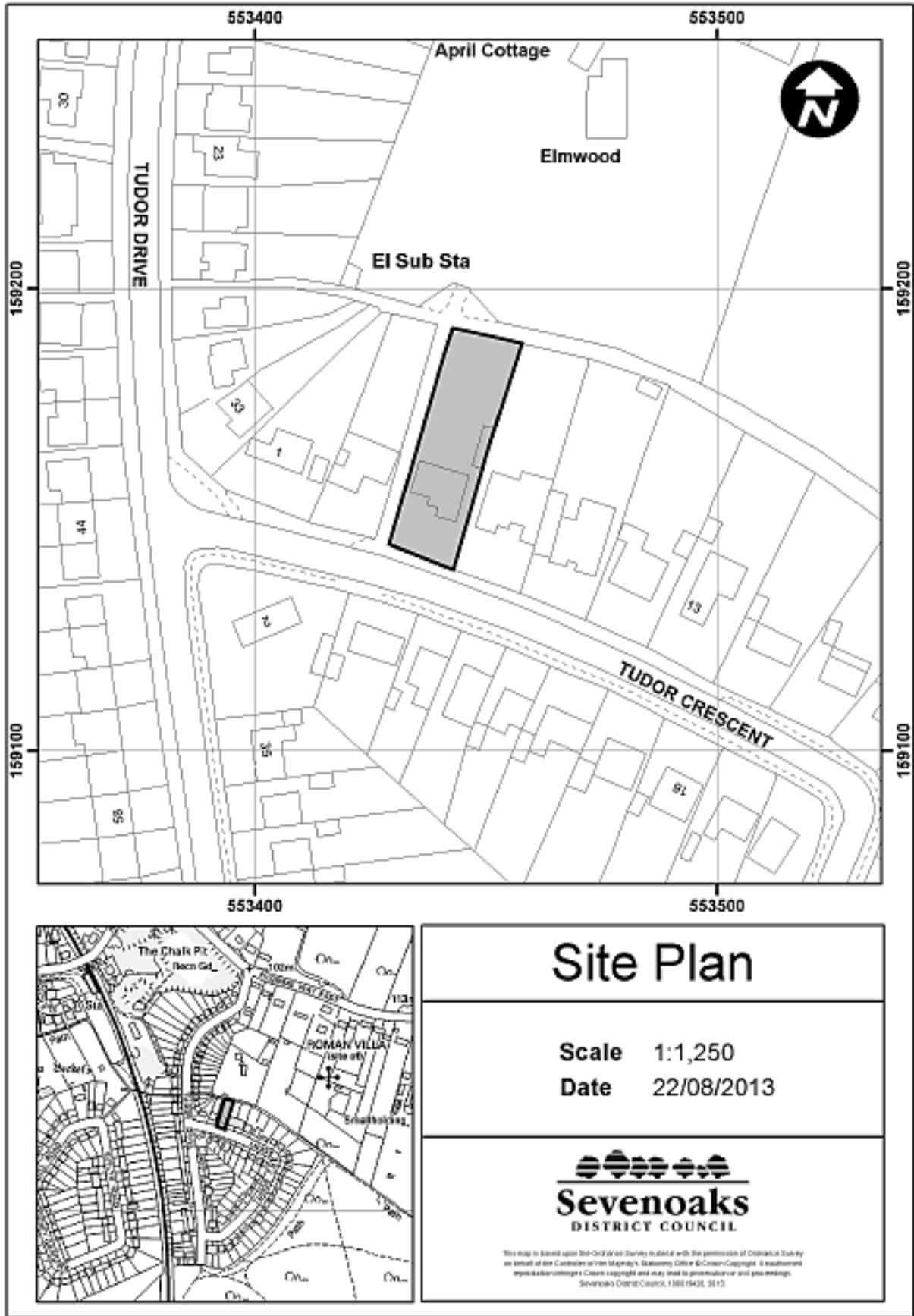
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MQP3ENBK0L000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MQP3ENBK0L000>



Site Plan

Scale 1:1,250
 Date 22/08/2013



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BLOCK PLAN



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Planning Application Information on Public Access – for applications coming to DC
Committee on Thursday 5 September 2013

Item 4.2 – SE/13/01836/HOUSE 12 Farnaby Drive, Sevenoaks TN13 2LQ

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MOMOT7BK8V000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MOMOT7BK8V000>

Item 4.3 – SE/13/01616/FUL Knole Park Golf Club, Seal Hollow Road, Sevenoaks TN15 OHJ

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MNM8W3BK0L000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MNM8W3BK0L000>

Item 4.4 SE/13/01770/OUT The New Inn, 75 St Johns Hill, Sevenoaks TN13 3NY

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MODFH4BK8V000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MODFH4BK8V000>

Item 4.5 SE/13/02245/PAE – 5 Tudor Crescent, Otford, Sevenoaks TN14 5QS

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MQP3ENBK0L000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MQP3ENBK0L000>

