

DEVELOPMENT CONTROL COMMITTEE

24 April 2014 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

Apologies for Absence

Pages

1. **Minutes** (Pages 1 - 4)
To approve the minutes of the meeting of the Committee held on 27 March 2014, as a correct record.
2. **Declarations of Interest or Predetermination**
Including any interests not already registered
3. **Declarations of Lobbying**
4. **Planning Applications - Chief Planning Officer's Report**
 - 4.1. **SE/13/03131/FUL - The London Hire Stadium, Lower Road, Hextable BR8 7RZ** (Pages 5 - 16)
Installation of fencing to include 3 no. gates to the perimeter of the site. Installation of 2 no. 100 seated spectator stands. Installation of 1 no. covered standing terrace. Installation of pitch floodlighting sourced by 6 no. 14m high pylons. Alteration to existing car park to allow for additional car parking spaces.
 - 4.2. **SE/13/03718/FUL - Land West Of Dairy House, Shoreham Road, Shoreham TN14 7UD** (Pages 17 - 34)
Demolition of an outbuilding within the curtilage of Dairy House, subdivision of the plot and the erection of a four bedroom dwelling with two parking spaces. As amended by revised Location Plan received 13/2/2014.

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 Thursday, 17 April 2014.

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.

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 27 March 2014 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Miss. Thornton

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

Apologies for absence were received from Cllrs. Brown, Mrs. Dawson, Orridge and Underwood

Cllrs. Ayres and Grint were also present.

122. Minutes

Resolved: That the minutes of the meetings of the Development Control Committee held on 27 March 2014 and 5 March 2014 be approved and signed by the Chairman as a correct record.

123. Declarations of Interest or Predetermination

There were none.

124. Declarations of Lobbying

All Members of the Committee declared that they had been previously lobbied in respect of Minute 126, SE/13/03178/FUL Land North of Oak Tree Farm, London Road, Badgers Mount Halstead TN14 7AB.

The Chairman adjourned the meeting at 7.05 p.m. in order to allow Members additional reading time to consider the Late Observation papers tabled by Officers, especially the submission by Councillor Searles concerning the enforcement item on the agenda 310/08/042 The Grove Café, The Grove, Swanley BR8 8AJ. The meeting reconvened at 7.10 p.m.

CHANGE IN ORDER OF AGENDA ITEMS

With the agreement of the Committee, the Chairman moved forward consideration of agenda item 5.1.

Enforcement of Planning Control

125. 310/08/042 - The Grove Cafe, The Grove, Swanley BR8 8AJ

In November, 2010, the Council received a complaint that the café at the above location had been extended by the erection of a conservatory type extension together with a small

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rear store, without the benefit of planning permission. A retrospective planning application was submitted in August, 2011, and made valid in November, 2011. The application was withdrawn on 29 January 2014 as concerns were raised by the adjacent landowner that the development had encroached into land that he owned. Officers had sought Legal advice which advised that the boundary of a site was a private law matter for the property owners and the exact boundary was rarely a material planning issue.

The matter had been referred to the Committee at the request of Councillor Searles, to consider the impact of the development on the surrounding area.

Members' attention was brought to the late observations sheet and a submission by Councillor Searles who was unable to attend the meeting.

A Member asked whether the potential breach of a planning condition mentioned in the statement, to do with hours of operation, was an issue before the Committee or whether that could be investigated separately. It was confirmed that it was a condition of the original planning consent and that Officers could investigate this. Cllr Thornton requested that enforcement investigate potential breach of hours of operation condition of the café

Resolved: That

- a) authority be given to take no further action in respect of the extension and rear store to the café, on the grounds that enforcement action was not expedient.

For The Following Reasons:

The development is considered to have no adverse impact on the amenities of adjacent properties or the visual amenities of the area. As the Highway Officer has raised no objection to the development, it is considered that the proposal is acceptable on highway and parking grounds; and

- b) enforcement action be investigated regarding apparent un-authorised storage uses on the site and if expedient enforcement action be taken.

Reserved Planning Applications

The Committee considered the following planning applications:

126. SE/13/03178/FUL - Land North Of Oak Tree Farm, London Road, Badgers Mount Halstead TN14 7AB

The proposal sought demolition of one building and a silo; change of use of land for the erection of a new crematorium, memorial garden, fencing, landscaping and car parking, together with new entrance gateway off internal access road. The item had been deferred at the January meeting of the Development Control Committee to allow Officers time to consider the details and implications of the proposed S.106 Obligation. The consultation period for that document was due to expire the day of the meeting of Committee, and in order to ensure that any representations submitted on the final day were considered it was recommended that a decision should not be taken and issued until the day after Committee (28 March 2014).

Members' attention was brought to further information contained within the late observations sheet, but did not propose any amendments or changes to the recommendation before the Committee.

The Committee was addressed by the following speakers:

Against the Application:	Mr. E. Firth
For the Application:	Mr. A. Marshall
Parish Representative:	Parish Cllr. T. Brooker
Local Member:	Cllr. Grint

Members asked questions of clarification from the Speakers and Officers. Cllr. Grint had raised some questions within his address. In response the Case Officer advised that a Lawful Development Certificate had been provided for the the recycling activities taking place on site; that a section 106 obligation was a legally binding contract; and that the access would be used by both crematorium clientele and the commercial activities on site and whether this would be acceptable would be up to the operator of the crematorium. Mr. Marshall added that a number of funeral directors and operators had been spoken to and had confirmed that the access arrangements as acceptable. The proposal had also been deigned so that the public areas faced away from the 'business' part of the operation i.e. both areas were separated by a dividing wall.

The Case Officer advised of an error in the report, the word "not" needed to be added before 'considered' in paragraph 221 line 6. The Officer clarified that it was only one building and one silo being removed, and in line with paragraph 15 of the Planning Inspectorate's appeal decision on Land South of Orchard Barn, L08 of the Core Strategy should also be cited as a reason for refusal.

It was moved by the Chairman and duly seconded that the recommendation in the report subject to the addition of L08 of the Core Strategy being added as a reason for refusal, be agreed.

Whilst the need was acknowledged Members did not feel that it outweighed the harmful impact and urbanisation the development would have on the green belt. It was also pointed out that the building and chimney height was 1m higher than the building refused on appeal at Land South of Orchard Barn. Flooding concerns from run off were also raised. Members were concerned that enforcement action should be taken against any un-authorized activities currently taking place on site.

The motion was put to the vote and it was

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Resolved: That

- a) subject to no new issues being raised during the consultation process that authority be delegated to Officers to REFUSE permission for the following reason:

The proposal would have an urbanising effect on the Green Belt. The need for the proposal does not amount to very special circumstances that would clearly outweigh the demonstrable harm to the character and openness of the Green Belt contrary to Policies GB1 and EN1 of the Sevenoaks District Local Plan Policy, LO8 of the Sevenoaks District Core Strategy and paragraphs 79, 80, 81, 89 of the NPPF;

- b) enforcement action be taken against any un-authorized activities on the site.

THE MEETING WAS CONCLUDED AT 7.57 PM

CHAIRMAN

4.1 – SE/13/03131/FUL Date expired 13 February 2014

PROPOSAL: Installation of fencing to include 3 no. gates to the perimeter of the site. Installation of 2 no.100 seated spectator stands. Installation of 1 no. covered standing terrace. Installation of pitch floodlighting sourced by 6 no. 14m high pylons. Alteration to existing car park to allow for additional car parking spaces.

LOCATION: The London Hire Stadium, Lower Road, Hextable BR8 7RZ

WARD(S): Hextable

ITEM FOR DECISION

This application has been referred to Development Control Committee by Councillor Morris for consideration of the impact of the proposed development on the openness of the Green Belt.

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

The land lies within the Metropolitan Green Belt where strict policies of restraint apply. The proposed floodlights would be inappropriate development harmful to the maintenance of the character of the Green Belt and to its openness and by reason of their number, size and design would be harmful to the character and appearance of the surrounding countryside. The Council does not consider that the special circumstances put forward in this case are sufficient to justify development that would be contrary to the National Planning Policy Framework, policies SP1 and L08 of the Core Strategy (2011) and policy EN1 of the Sevenoaks District Local Plan (2008).

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),

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- 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) Working in line with the NPPF, the application was refused as the proposal failed to improve the economic, social or environmental conditions of the area.

Description of Proposal

- 1 Full planning permission is sought for the erection of two 100 person seated spectator stands adjacent to the northern boundary and one covered standing terrace adjacent to the eastern boundary of the existing football pitch. It is proposed to install six 14m high floodlights. The proposals also include the installation of perimeter fencing to all boundaries and alterations to facilitate more on site car parking provision.

Description of Site

- 2 The site comprises 3.87ha of land located within the valley on the north side of Lower Road approximately 240m east of the defined built confines of Hextable. The site is owned by Hextable Parish Council and immediately surrounded by parcels of open land demarcated by informal hedging and shrubbery. The nearest residential development are the dwellings located on higher land to the north of the site on Top Dartford Road (located over 130m from the rear gardens and 175m from the dwellings themselves) and the dwellings located along the valley within Fens Way, which is over 250m to the west of the site. Over 200m to the west of the site there are several other residential buildings and two Gypsy and Traveller sites (one permanent and one temporary) located on the southern side of Lower Road. Proposals for 5 additional pitches at the permanent site and proposals to make the single temporary pitch permanent are contained within the Gypsy and Traveller Site Options Consultation document.
- 3 The majority of the site is laid to grass and is mostly level with the exception of a strip of land at the northern boundary which slopes up to dense vegetation. The east and west boundaries comprise relatively dense planting which effectively screens the site from the adjoining parcels of land. Lower Road lies higher than the site at the southern boundary and features a number of mature trees and informal scrub.
- 4 The centre of the site is occupied by a single football pitch surrounded by a low perimeter fence. The built form is limited to a single storey pavilion building located in the south west corner of the site, two small shelters located immediately adjacent to the southern boundary of the football pitch and 6 floodlights on the west boundary. Vehicular access is via a gated entrance from Lower Road in the south east corner of the site and informal parking provision is provided on an unmade surface along the southern boundary.

- 5 The whole of the site lies within the Metropolitan Green Belt. There is a Public Right of Way approximately 38m to the east of the site linking Lower Road with Goss Hill.

Constraints

- 6 Metropolitan Green Belt

Policies

Sevenoaks Core Strategy

- 7 Policies - SP1, LO8

Sevenoaks District Local Plan

- 8 Policies - EN1, EN31, VP1

Other

- 9 NPPF
- 10 Sevenoaks Countryside Assessment (2011)

Planning History

- 11 PA/11/00988: Pre-application advice in connection with erection of floodlights and spectator stand.

87/0160/HIST: Provision of pavilion. GRANTED 18/11/1987.

85/01764/HIST: Erection of community centre with car parking facilities. REFUSED 12/03/1986.

80/00147/HIST: Use of land as public open space (renewal of temporary planning consent TH/5/73/634). GRANTED 23/05/1980.

Consultations

KCC Highways

- 12 'I could not identify any principle highway reason to object to the proposal which would be viewed from a highway perspective as a potential intensification of an existing permitted use, thus the principle has already been established albeit with some modification being appropriate with regard to the intensification.

Whilst there are no local or network capacity issues in respect of the proposals, the access is not particularly suitable in its current form for the potential number of vehicle movements which it will be accommodating (in respect of both its layout and its general state of repair). I would therefore recommend a condition requiring the access (and crossover) to be improved to a suitable standard to accommodate in and out movements to and from the new car park and associated with both potential visitor and servicing movements with the access to be hard surfaced to a suitable standard to accommodate such vehicle movements and with a plan showing how such improvements are proposed to be achieved to be submitted to LPA for approval prior to the new facilities coming

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into use. The associated crossover will also require approval from KCC Highways and Transportation prior to construction.

I would also recommend a condition requiring the applicant to provide an appropriate wheel washing facility on site throughout the construction period.'

Dartford Borough Council

- 13 'The Borough Council would wish to raise no objection to the proposals. Subject to highway and residential amenity impacts being satisfactorily mitigated'.

Parish Council

- 14 No comments received.

Representations

- 15 Neighbour notification letters were sent to occupiers of 48 properties surrounding the application site. A site notice and press notice were also displayed. The statutory consultation period ended on 22.12.2013. 9 written representations received (including 1 support, 4 objections and 4 making comments only) as summarised below:

- Pavilion has been used late into the evening on various occasions. Request hours of use be limited and site vacated and closed by 11pm Sun-Thurs and by 12 midnight Fri-Sat to ensure no intrusive noise late into the night;
- Request functions in club house finish before midnight;
- Spectator stands should be at ground (pitch) level so as to not be visible from Top Dartford Road;
- No sections to show how development relates to topography of land;
- Concern about impact on bats;
- Concern about impact on birds of prey;
- No pavements to site, concern about safety and parking from additional cars;
- Impact on openness of the Green Belt, query whether other sites considered;
- Concern that development is first step in process to gain residential planning;
- Query where cars are going to go. Cars parking in lanes not ideal;
- Query whether lights would be green or ugly metal silver;
- Query whether lights would be in addition to or instead of existing ones;
- Impact of lights on surrounding houses;
- Concern about littering and noise pollution;
- Support proposals; good to see an amenity made full use of after years of neglect and misuse. Security fence would prevent reoccurrence of an invasion of

travellers. Welcome development as promoting Hextable and fosters community spirit.

Chief Planning Officer's Appraisal

- 16 The main issues relate to
- The principle of the development in the Green Belt, including whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - The effect of the proposal on the openness of the Green Belt and the character and appearance of the area;
 - If it is inappropriate development, whether the harm by reason of inappropriateness, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development;
 - Impact on residential amenity;
 - Impact on highway safety;
 - Impact on biodiversity and ecology.

Whether the proposal is inappropriate development:

17 Current Government advice, in the form of the NPPF, supports the protection of the Green Belt and seeks to restrict development. Paragraph 79 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The advice states that there is a general presumption against inappropriate development within the Green Belt. Such development should not be approved, except in very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt.

18 Paragraph 89 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt, but lists a number of exceptions including the:

'provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it'.

19 The proposed development comprises a number of parts. It is considered that the proposed spectator stands, floodlights, perimeter fencing and extension to the car park could all be deemed to be *'appropriate facilities'* for outdoor sport and subject to consideration of the impact on openness (considered below) are capable of constituting appropriate development for the purposes of the NPPF.

Effect on openness and the character and appearance of the area:

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- 20 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. Saved policy EN1 of the Local Plan 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. Saved policy EN31 of the Local Plan requires lighting to be designed as an integrated part of any related development scheme, to be no greater intensity than required, to be low energy and to minimise glow/spillage. Proposals for lighting schemes within areas of open countryside will not be permitted unless the lighting is essential for safety or security reasons for the facility in question. Policy L08 of the Council's Core Strategy also applies and states that the extent of the Green Belt will be maintained. The policy also 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. Development should cause no adverse impact on the character of the countryside or the openness of the Green Belt.
- 21 The application site lies within the Hextable Fringe as identified within the Sevenoaks Countryside Assessment which describes the landscape as a 'gently undulating rural-urban fringe area. The topography provides a strong sense of enclosure, which is emphasised by the strong pattern of small scale rectangular fields'. The description also refers to 'urban highways turn into narrow winding lanes with steep banks, as they leave urban fringe areas and enter the rather unkempt adjacent countryside – the latter visibly deteriorating in terms of maintenance and coherent management'. Reference is also made to some fields on the urban fringe becoming amenity facilities including playing fields. Notwithstanding that the sensitivity of the landscape as a whole is designated as low, it is considered that the distinctiveness of the application site and particularly its rural valley setting mean that its ability to absorb change in the form of new development is limited.
- 22 The proposed spectator stands would be located at ground level directly adjacent to the football pitch. The two seated spectator stands (including disabled viewing area) would be located on the north side of the pitch approximately 24m from the north boundary and 28m apart. They would measure 14.5m in length, 3.3m in depth and 4.6m in height. The single standing spectator stand would be located on the east side of the pitch approximately 14m from the east boundary. This would be smaller than the seated stands, measuring 10.1m in length, 3m in depth and 3m in height. In terms of design, the stands would be roofed steel structures and feature open fronts and sides. The stands would be visible in short distance public views through the vegetation on the boundary with Lower Road and in longer views from surrounding land. By reason of the stands being positioned some distance from the existing pavilion, which constitutes the main built form within this otherwise open landscape, they would have an inevitable impact on openness. Notwithstanding this, the impact of the stands would be partly mitigated by the gradient of the land rising directly behind and the dwellings on Top Dartford Road which dominate the skyline and in my view would preserve the openness of the Green Belt. It follows that the spectator stands would be appropriate development for the purposes of the NPPF. The stands would have some impact on the character and appearance of the area; however this would not amount to substantial harm by reason of their limited size and minimum site coverage.

- 23 The proposed floodlighting would consist of six 14m high metal pylons located on the southern and northern edges of the football pitch some distance from the site boundaries. Each pylon would support two luminaires. At 14m high the pylons would be equivalent in height to a four storey building. They would significantly exceed the height of any other structures on the site (including the existing floodlights on the west boundary) and would appear visually intrusive and overly dominant during daylight hours. They would also exceed the height of the majority, if not all of the surrounding vegetation and represent an urbanising feature in a predominantly open valley landscape. When lit, the floodlights would provide a box of light of a significant height in an area of no street lighting contrary to paragraph 125 of the NPPF which states that by encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. I consider that the floodlights would fail to preserve the openness of the area. They would therefore constitute inappropriate development for the purposes of the NPPF. The floodlights would also be harmful to the character and appearance of the rural surroundings, both during daylight hours and when in operation after dark.
- 24 There are two options for the proposed perimeter fencing; a 2.2m high metal palisade fence or a 1.8m high open welded mesh fence. The welded mesh fence would appear more permeable than the palisade fence and would not constitute such a strong barrier to visibility. The fence would be located within the existing site confines and in terms of the north, east and west elevations would be observed against the backdrop of the adjacent hedges and scrub. The mesh fence would be further visually subsumed against its surroundings by reason of its green finish. The visual impact of the fence adjacent to the southern boundary would be limited by virtue of the difference in ground level between the site and Lower Road. The fences and gates would have very little negative impact and would preserve the openness of the Green Belt and character and appearance of the surroundings. For this reason the proposed fencing would constitute appropriate development for the purposes of the NPPF. The proposed fence would be located to the rear of the existing pavilion and on the basis that it would secure the entire site it is recommended that the existing palisade fence surrounding the pavilion be removed. The removal of this section of unsightly metal fencing would enhance the openness and improve the appearance of this corner of the site.
- 25 The proposed enlargement of the existing car parking area would comprise the removal of an 82m long low bund and extension of the area available for car parking by approximately 850sqm. The extended parking area would be appropriate development by reason of being related to the recreational use of the site and whilst the parking of cars on the land would impact on openness this would be a transitory rather than a permanent impact; the hardstanding itself would not impact on openness. Notwithstanding this, the introduction of a significant area of tarmac hard surface would starkly contrast with the predominantly soft green character of the existing playing field and be harmful to the appearance of the area. It is considered that the harm to the character of the area could be appropriately mitigated by the use of an alternative surface material, for example grasscrete. Details could be secured by planning condition.
- 26 In summary the proposed floodlights would be harmful to the openness of the Green Belt and thereby constitute inappropriate development in the Green Belt for the purposes of the NPPF.

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Impact on residential amenity:

- 27 Saved policy EN1 of the Local Plan identifies the broad range of criteria against which most planning proposals will be tested and includes issues of amenity. Specifically criteria 3 requires proposed development to not have an adverse impact on the amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements. Saved policy EN31 of the Local Plan also states that proposals to floodlight sports fields will not be permitted if they would result in a significant loss of privacy or amenity for nearby residential properties.
- 28 The nearest residential development are the dwellings located on higher land to the north of the site on Top Dartford Road (located over 130m from the rear gardens and 175m from the dwellings themselves) and the dwellings located along the valley within Fens Way, which is over 250m to the west of the site. There are several other residential buildings located on the southern side of Lower Road; however all of them are located over 200m from the site.
- 29 By reason of its relatively isolated location, the proposed operational development would have no adverse impact on residential amenity in terms of form, scale, height or outlook. The development would make sheltered provision for 300 seated and standing spectators where there is currently no sheltered spectator accommodation. The proposed floodlights would also facilitate longer use (albeit the hours of use could be controlled by condition), particularly on shorter days in the winter months. However in the context of there being no existing restrictions on spectator capacity (current average attendance on match days is 60 people) or on hours of use of the football pitch, and subject to appropriate conditions to prevent light spillage, the proposed development would have little material impact on the nearest residential occupiers in terms of noise or light intrusion.
- 30 The proposed development would be likely to result in a more intensive use of the site in terms of increasing the hours of use and the numbers of people attending, both of which have the potential to increase the levels of vehicular and pedestrian movements in the area. Given the sites relatively isolated location and proposed provision of additional on-site car parking it is likely that any additional vehicular or pedestrian activity could be readily absorbed and would not be so harmful to the amenities of surrounding occupiers as to justify a refusal of planning permission on this basis.

Impact on highway safety:

- 31 Criteria 6 of policy EN1 of the Local Plan requires proposed development to ensure satisfactory means of access for vehicles and pedestrians and provides parking facilities in accordance with the Council's approved standards. Criteria 10 requires proposed development to not create unacceptable traffic conditions on the surrounding road network and is located to reduce where possible the need to travel.
- 32 It is proposed to retain the existing vehicular access onto Lower Road and to reconfigure and formalise the existing parking area (which has capacity for approximately 45 cars) to facilitate parking for 73 cars. Provision would also be made for 2 disabled parking spaces and cycle parking. There are no approved car parking standards relating to uses such as this and the proposed provision is considered to strike an acceptable balance between providing sufficient parking

spaces and retaining the open and accessible nature of the land. Some residents have raised concerns regarding cars parking on Lower Road; however in the absence of any parking restrictions in this location is permissible and is not considered to present a significant highway safety issue.

- 33 Subject to a condition requiring further details of the amendments necessary to accommodate the additional vehicle movements and to secure appropriate wheel washing facilities, the development is considered acceptable in this regard.

Impact on biodiversity and ecology:

- 34 Policy SP11 of the Core Strategy states that the biodiversity value of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity. The site is not located within or adjacent to a Site of Special Scientific Interest, Local Wildlife Site or other identified site of biodiversity value.
- 35 Notwithstanding this, the proposed development would not be harmful to biodiversity. Particular consideration has been given to the potential impact of the proposed floodlights on bats, which one resident has raised concerns about. The Bat Conservation Trust has produced guidance on bats and lighting and highlights that artificial illumination has the potential to harm bat roosts and bats' feeding and flying behaviours. It states that the time of lighting should be limited to provide some dark periods and that stretches of identified flying routes should be retained unlit.
- 36 By reason of the isolated location of the proposed lighting, avoidance of spillage and the restricted hours of operation, it is not considered that the proposed floodlighting or any other aspects of the development would be harmful to nature conservation or the biodiversity value of the site.

Very special circumstances:

- 37 The proposed floodlights would not maintain openness and would therefore constitute inappropriate development in the Green Belt. The floodlights would also be harmful to the character and appearance of the area.
- 38 The applicants, Sutton Athletic Football Club, have been a member of the Kent Invicta League since 2010 and relocated to the application site in 2012. Participation in the league requires the applicants to meet certain ground criteria as set by the Football Association. The criteria includes enclosure of the site by perimeter fencing, installation of spectator stands and floodlighting. The Planning Statement sets out the benefits of the development including increased use of the facilities by the wider community in a centralised and compact location and specifically development of youth football (including provision of three additional teams).
- 39 The provision of floodlights would deliver the criteria required for participation in the Kent Invicta League, increase the capacity of the site by allowing a higher number of matches to be played and reduce the risk of season extensions due to games postponed due to bad light. Illuminating the football pitch would also increase the period over which the club could play and provide an opportunity for use in the winter months helping to support youth development at the club. In this context, external lighting may be seen as an essential component to the growth and success of the club and to the aspirations of facilitating youth development.

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- 40 Whilst it is acknowledged that the hours of illumination could be controlled by condition it is considered that the scale of the proposed lighting columns would be such that they would be unacceptably intrusive and harmful to the character and appearance of the area, both during daylight when not in use and when illuminated after dark. Notwithstanding this, it has not been demonstrated that external lighting cannot be provided in a way that would be more appropriate to this sensitive location and would not result in the harm outlined above and thus there are no very special circumstances to clearly outweigh the harm in principle way of inappropriateness and the harm to the openness of the Green Belt.

Other matters:

- 41 A number of residents have requested that the hours of use of the pavilion be restricted by planning condition. However; on the basis that there are no existing restrictions on the operation of the pavilion and that no alterations are proposed to this building as part of this application it would not be reasonable to impose conditions of this nature.
- 42 With regards to the site there is no requirement in the Development Plan to show that the development could not take place elsewhere.

Conclusion

- 43 The proposed floodlights would cause harm to the openness of the Green Belt. The NPPF makes clear that substantial weight should be given to harm to the Green Belt. Additional, albeit more limited harm would be caused to the rural character and appearance of the area. Whilst the provision of the proposed floodlighting would help fulfil the criteria required by the Football Association and thereby contribute to the growth and success of the existing football club it has not been demonstrated that such benefits could not be gained with a more sensitive development. Whilst this is a positive factor it is not considered sufficient, to clearly outweigh the identified harm. It is therefore concluded that the very special circumstances required to clearly outweigh the harm to the Green Belt do not exist in this case.

Recommendation: Refuse planning permission

Contact Officer(s): Matthew Durling Extension: 7448

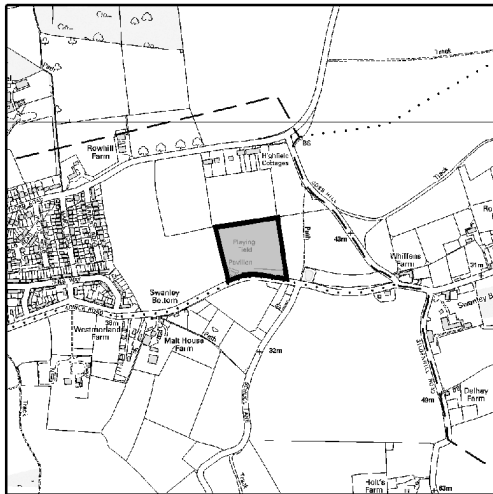
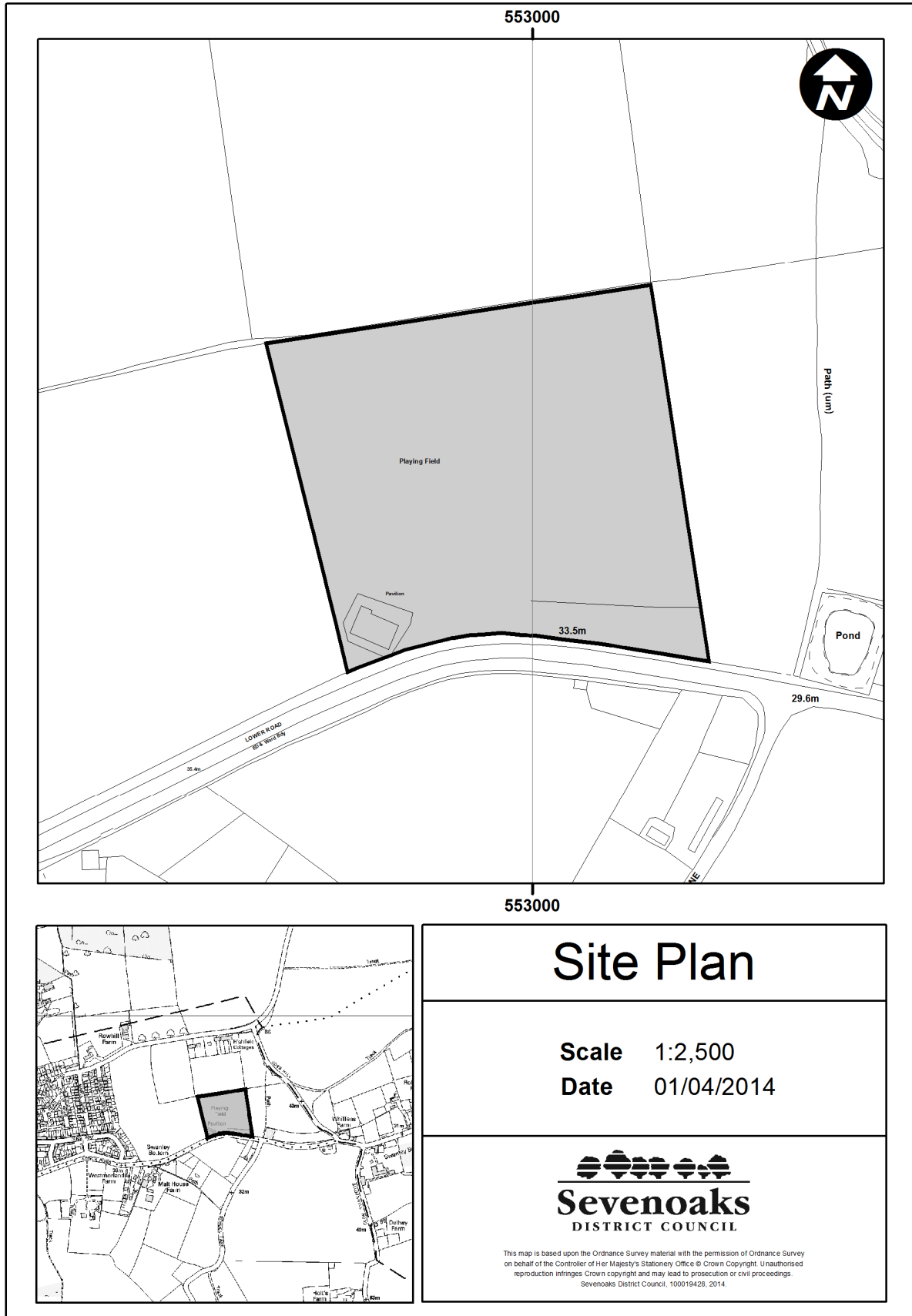
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MV29THBK0L000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MV29THBK0L000>

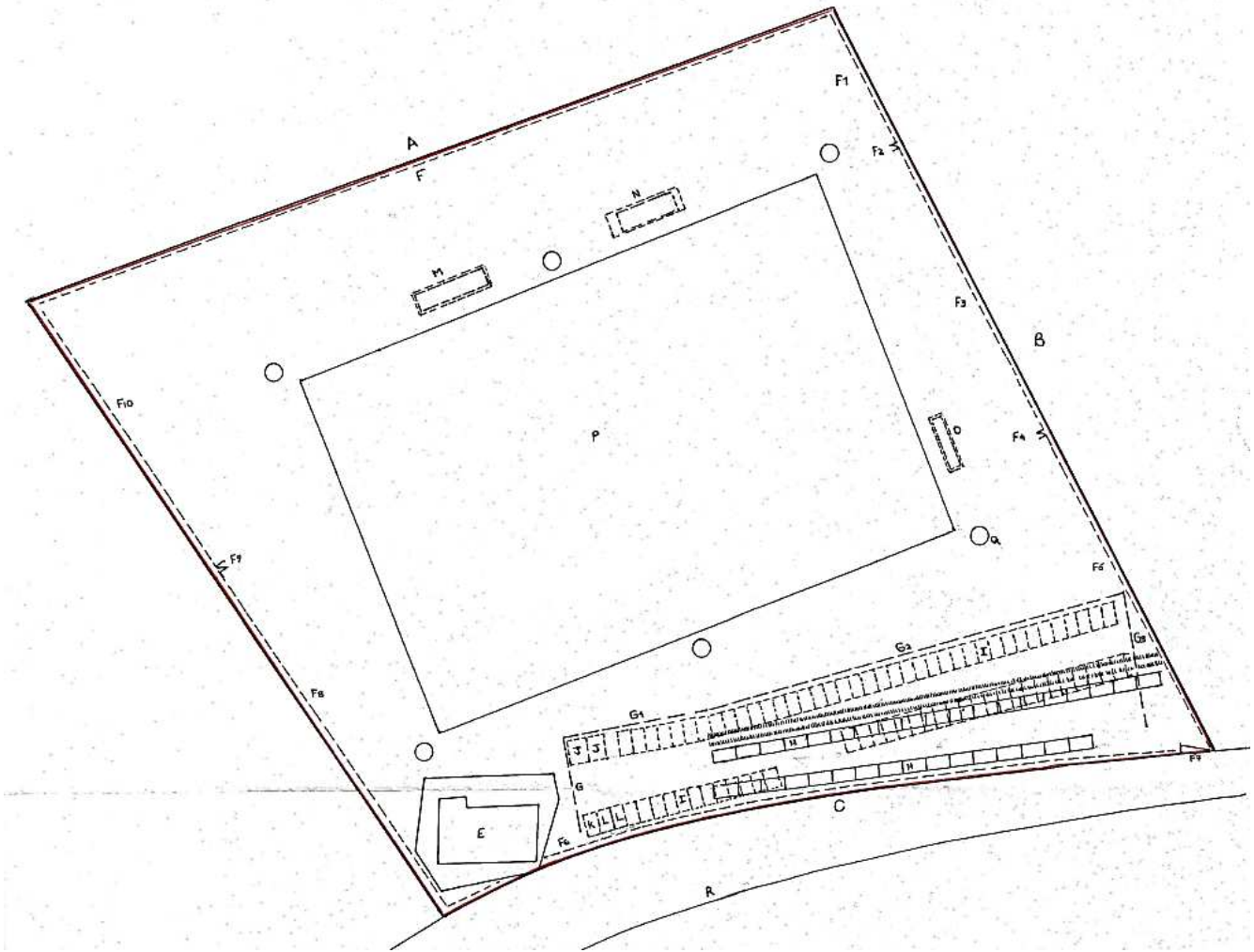


Site Plan

Scale 1:2,500
Date 01/04/2014



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 Sevenoaks District Council, 100019428, 2014.



NOTES:

- A - 163m
- B - 159m
- C - 152m
- D - 141m
- E - EXISTING PAVILLON
- F - -- PROPOSED FENCE 160m
- F1 - -- PROPOSED FENCE 27m
- F2 - GATE 1m
- F3 - -- PROPOSED FENCE 60m
- F4 - GATE 1m
- F5 - -- PROPOSED FENCE 69m
- F6 - -- PROPOSED FENCE 136m
- F7 - ENTRANCE GATE 6.1m
- F8 - -- PROPOSED FENCE 75m
- F9 - GATE 1m
- F10 - PROPOSED FENCE 60m
- G - CAR PARK - 18m
- G1 - CAR PARK - 28m
- G2 - CAR PARK - 82m
- G3 - CAR PARK - 26m

- H - EXISTING CAR PARK SPACES 35
- I - PROPOSED CAR PARK SPACES 73
2.4m x 4.8m
- J - DISABLED PARKING BAYS 2
3.6m x 4.8m
- K - CYCLE BAYS 1
2.4m x 4.8m
- L - MOTOR CYCLE BAYS 2
2.4m x 4.8m
- M - EXISTING GRASS MOUND to be removed to accommodate new bays
- M - 1st Spectator Seated stand with Disabled seating area
14.5 x 3.3m (100 seats).
Stand to measure 14m x 3.3m
- N - 1st Spectator Seated stand
14.5m x 3.3m (100 seats)
Stand to measure 11.6 x 3.3m
- O - 1st Standing Spectator Terrace
10.1m x 3m Base for (100 seats).
Stand to measure 9.9m x 1.4m
- P - Football Pitch 105m x 72m
- Q - 6th 11m Floodlights
- R - LOWER ROAD.

4.2 – SE/13/03718/FUL Date expired 10 April 2014

PROPOSAL: Demolition of an outbuilding within the curtilage of Dairy House, subdivision of the plot and the erection of a four bedroom dwelling with two parking spaces. As amended by revised Location Plan received 13/2/2014.

LOCATION: Land West Of Dairy House, Shoreham Road, Shoreham TN14 7UD

WARD(S): Otford & Shoreham

ITEM FOR DECISION

This application has been referred to the Development Control Committee by Councillor Lowe due to concerns about the function, design and location of the proposed development and the absence of any very special circumstances.

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

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

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans: S13/3878/01, S13/3878/02, 4576-PD-010 Rev C; 4576-PD-011 Rev B; 4576-PD-012 Rev A; 4576-PD-013.

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

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

To ensure that the appearance of the development enhances the character and appearance of the site and Kent Downs Area of Outstanding Natural Beauty as supported by Policy EN1 of the Sevenoaks District Local Plan.

4) Before the use or occupation of the development hereby permitted, the car parking and turning areas shown on the approved drawing 4576-PD-010 Rev C shall be provided and shall be kept available for the parking of cars at all times.

In the interests of highway safety and visual amenity as supported by policies EN1 and VP1 of the Sevenoaks District Local Plan.

5) A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:

a) soft plantings, including trees, grass and turf areas, shrub and herbaceous areas; their location, species (use of native species where possible) and size;

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- b) enclosures: including types, dimensions and treatments of walls, fences, pedestrian and vehicular gates, screen walls, barriers, rails, retaining walls and location, species and size of hedges;
- c) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, steps and if applicable synthetic surfaces; and
- d) any other landscaping feature(s) forming part of the scheme. All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

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

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

To prevent inappropriate development in the Green Belt as supported by policy EN1 of the Sevenoaks District Local Plan.

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

To prevent inappropriate development in the Green Belt as supported by policy EN1 of the Sevenoaks District Local Plan.

- 8) The development hereby approved shall achieve a minimum of Code for Sustainable Homes Level 3. Evidence shall be provided to the Local Planning Authority:
 - i) Prior to the commencement of development, of how it is intended the development will achieve a minimum of Code for Sustainable Homes Level 3 or alternative as agreed in writing by the Local Planning Authority; and
 - ii) Prior to the first occupation of the development, that the development has achieved a minimum of Code for Sustainable Homes Level 3 or alternative as agreed in writing by the Local Planning Authority.

In the interests of environmental sustainability and reducing the risk of climate change in accordance with policy SP2 of the Core Strategy (2011).

- 9) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority. The development shall be carried out strictly in accordance with the details so approved.

To ensure that historic building features are properly examined and recorded in accordance with policy EN25A of the Sevenoaks District Local Plan.

- 10) No development shall take place until the applicant, or their agents or successors

in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority. The development shall be carried out in strict accordance with the details so approved.

To ensure that historic building features are properly examined and recorded in accordance with policy EN25A of the Sevenoaks District Local Plan.

11) Details of any outside lighting shall be submitted to and approved in writing by the Council before the first occupation of the development. Despite any development order, outside lighting shall only be provided in accordance with the approved details.

To mitigate the impact of development on nature conservation and to preserve the visual appearance of the area as supported by policies EN1 and EN17B; of the Sevenoaks District Local Plan.

12) Prior to the commencement of development, full details of appropriate measures to mitigate and enhance the biodiversity and nature conservation value of the site shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in full accordance with the details so approved prior to the first occupation of the development.

In order to enhance the biodiversity value of the site in accordance with policy SP11 of the Core Strategy (2011), policies EN1 and EN17B of the Sevenoaks District Local Plan and the National Planning Policy Framework.

13) No development shall take place until a bat mitigation strategy has been submitted and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the details so approved.

In order to mitigate the impact of the development on nature conservation site in accordance with policy SP11 of the Core Strategy (2011), policies EN1 and EN17B of the Sevenoaks District Local Plan and the National Planning Policy Framework.

14) The hereby approved roof lights shall be conservation-style and fitted flush with the slope of the roof.

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

Informatives

1) Please be aware that this development is also the subject of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990.

2) Your attention is drawn to the comments of KCC Public Rights of Way on this application in addition to the comments below.

3) A public right of way may be affected by this proposal and planning permission does not authorise its stopping up or diversion (even temporarily). There is a separate and sometimes lengthy procedure to deal with this and you should contact this Council for further information. It is an offence to obstruct a public right of way.

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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 that led to improvements to the acceptability of the proposal.

Description of Proposal

- 1 Full planning permission is sought for the demolition of an existing outbuilding within the curtilage of Dairy House, subdivision of the plot and the creation of a new dwelling. Permission is also sought for reconfiguration of the driveway, erection of post and rail fence and paved side access.

Description of Site

- 2 The site is located within the Darent valley to the west of the A225 Shoreham Road and forms part of the historic complex of Preston Farm. The site shares an access road with Preston Farm. The application site comprises an old barn situated immediately to the west and within the curtilage of Dairy House (a residential dwelling), immediately north of Preston Farm and immediately east of an oast in use as an office building. The site benefits from open and panoramic views to the north. There are no trees of significant size or amenity value in close

proximity to the site. The existing building is not statutorily listed and is not located within a designated conservation area.

Constraints

- 3 Metropolitan Green Belt
- 4 Kent Downs Area of Outstanding Natural Beauty
- 5 Area of Archaeological Potential

Policies

Sevenoaks Core Strategy

- 6 Policies - SP1, SP2, SP3, SP11, L01, L08.

Sevenoaks District Local Plan

- 7 Policies - EN1, EN17B, VP1

Other

- 8 National Planning Policy Framework
- 9 Sevenoaks Countryside Assessment SPD
- 10 Kent Downs AONB Management Plan
- 11 Affordable Housing SPD
- 12 Natural England Standing Advice

Planning History

- 13 13/02972/FUL: Demolition of outbuilding within the curtilage of Dairy House, subdivision of plot and the creation of a new dwelling, relaying of the driveways, erection of post and rail fence and paved side access to barn. WITHDRAWN 29.11.2013

Dairy House:

- 14 13/00671/LDCEX: Residential occupation of Dairy House, Preston Farm in non compliance with condition (iii) of planning permission SW/5/72/462(A) (agricultural occupancy condition). Granted 30-Apr-2013.

Consultations

Shoreham Parish Council:

- 15 Shoreham Parish Council objects to the proposed development for the following reasons:

Strict guidelines of constraint are applicable within the Green Belt.

The proposed development is a new building, not a replacement or a conversion.

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1. Function - It is residential as opposed to an agricultural barn.
2. Design - The proposal is a total departure from the style of the existing barn.
3. Location - The proposal repositions the property within plot and will not be within the existing footprint.
4. There are no special circumstances to support the erection of a new property at this location.

Kent County Council Archaeology Officer:

16 The site is part of the historic complex of Preston Farm which is identifiable on the 1st Ed OS map. This farm was a courtyard farm of at least 19th century date and may have earlier origins. The building to be demolished is one of the outbuildings identifiable on the 2nd Ed OS map and is potentially one of the few surviving remnants of the post medieval farm complex. Dairy House seems to be of modern build and is not part of the historic farm complex. The English Heritage Farmstead Survey records this farm as being of interest but does state that only half of the original form survives. The demolition of the outbuilding would increase the loss of historic components of the Preston Farm. The introduction of a residential building would change the historic character of the application site. In view of the past gradual loss of historic farm buildings across this site, I have no archaeological objections to this proposal. However, in view of the historic post medieval farming interest of the outbuilding, I recommend a brief programme of historic building recording work is undertaken prior to demolition, followed by monitoring of ground works for the new build.

17 The following conditions would address these recommendations:

AR7 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that historic building features are properly examined and recorded; and

AR4 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

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

Kent County Council (Highways):

18 No response received. However response to previously withdrawn application: *'Having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority'*.

Kent County Council (Public Rights of Way and Access):

- 19 Public Rights of Way Footpath SR19 crosses the vehicle access track at its southern corner. I do not anticipate that it will be affected by the development other than a slight increase in the amount of vehicular traffic. There is good visibility at this point as long as the tree at the south-eastern corner of the field is kept cut well back. I enclose a copy of the Public Rights of Way network map showing the line of this path for your information. 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.
- 20 This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials 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.
- 21 The Design and Access and Planning Statement says in 4.21 that the existing road to the barn will be re-laid with a permeable surface. The applicant should ensure that there is no change of level between the road surface and the verge, at the point where the footpath crosses the drive, which could present a trip hazard. A footpath width of two metres should be maintained at the crossing point. I would also advise the applicant to put up signage to make demolition and construction drivers aware that pedestrians may be crossing the track at this point.

Kent County Council (Ecological Advice Service) (in summary):

- 22 We have reviewed the ecological information which has been submitted for comments and we are satisfied with the information which has been provided and we require no additional information to be provided prior to determination of the planning application.
- 23 Bats: The submitted bat survey reports have detailed that bats have been recorded roosting within the barn that is proposed to be demolished. The submitted reports have provided an outline of the mitigation which is required – however if planning permission is required we recommend that a detailed mitigation strategy is submitted for comment as a condition of planning permission. Lighting can be detrimental to roosting, foraging and commuting bats. We advise that the Bat Conservation Trust's Bats and Lighting in the UK guidance

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is adhered to in the lighting design (see end of this note for a summary of key requirements).

- 24 **Breeding Birds:** There is suitable habitat present on site to be used by breeding birds. All breeding birds and their young are legally protected against disturbance under the Wildlife and Countryside Act 1981 (as amended). As such, if planning permission is granted, the work should be carried out outside of the breeding bird season (March – August inclusive). If that is not possible an ecologist must examine the site prior to works starting and if any nesting birds are recorded all works must cease in that area until all the young have fledged.
- 25 **Enhancements:** One of the principles of the National Planning Policy Framework is that “opportunities to incorporate biodiversity in and around developments should be encouraged”.
- 26 The report has not recommended any mitigation/enhancements which can be incorporated in to the site. As such we recommend that further information is submitted for comment detailing ecological enhancements which are appropriate and can be incorporated in to the site.

Natural England:

- 27 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. Natural England has previously commented on this proposal and made comments to the authority in our letter dated 21 October 2013. The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal. The proposed amendments to the original application relate largely to design, and are unlikely to have significantly different impacts on the natural environment than the original proposal.

Thames Water (in summary):

- 28 **Waste Comments:** Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.
- 29 **Water Comments:** On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

Representations

- 30 The site plan was amended during the course of the application and statutory consultation has been carried out twice. Neighbour notification letters were sent to occupiers of properties surrounding the application site. Site notices and press notices were published and displayed on 06/01/2014 and 10/01/2014. No written representations received.

Chief Planning Officer's Appraisal

- 31 The main issues relate to
- The principle of the development in the Green Belt, including whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - The effect of the proposal on the openness of the Green Belt and the character and appearance of the area;
 - If it is inappropriate development, whether the harm by reason of inappropriateness, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development;
 - Design and impact on the character and appearance of the AONB;
 - Impact on archaeology;
 - Impact on residential amenity;
 - Impact on highway safety;
 - Impact on biodiversity and ecology;
 - Affordable housing.

Whether the proposal is inappropriate development:

32 Current Government advice, in the form of the NPPF, supports the protection of the Green Belts and seeks to restrict development. Paragraph 79 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The advice states that there is a general presumption against inappropriate development within the Green Belt. Such development should not be approved, except in very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt.

33 Paragraph 89 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, except for a limited number of exceptions, including

“the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;”

or:

“limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.”

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34 The existing barn lies within the established residential curtilage of the Dairy House (as evidenced by the Lawful Development Certificate reference 13/00671/LDCEX) and is in use as an outbuilding in connection with the residential use of the Dairy House (as evidenced by the affidavit by the applicant). Notwithstanding whether the replacement building would be materially larger than the existing, a self-contained dwelling would not be the *same use* as an ancillary outbuilding. Therefore, whilst the specific circumstances of the use in this case may be a material consideration for the purposes of considering whether any very special circumstances exist; it does not make the development appropriate.

35 With regards to the second exception to inappropriate development listed above, Annex 2 of the NPPF defines previously developed land as:

“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.”

36 Notwithstanding the existing use of the barn as an outbuilding ancillary to the residential use of the Dairy House, the existing barn clearly has agricultural origins and was historically used in conjunction with the agricultural use of the adjacent Preston Farm. Under both exceptions listed in paragraph 89 of the NPPF, the replacement of the barn with a dwelling would constitute inappropriate development, which by definition is harmful to the Green Belt.

Effect on openness and the character and appearance of the area:

37 Policy L08 of the Core Strategy also applies and states that the extent of the Green Belt will be maintained. The policy also 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. Development should cause no adverse impact on the character of the countryside or the openness of the Green Belt.

38 In light of paragraph 79 of the NPPF, which makes it clear that the essential characteristics of Green Belt are their openness and permanence, it is considered reasonable that any assessment of openness is based on a comparison of the existing and replacement buildings in terms of their footprint, size, height, bulk, volume and design and whether any of these elements, either individually or combined, would result in unacceptable harm to the openness of the Green Belt. The following table compares the existing and proposed buildings.

	Existing barn	Proposed dwelling	Difference
Footprint (sqm)	118.23	115	-3.23
Depth (north to south) (m)	6.6	8	+1.4
Length (east to west) (m)	18	13.7	-4.3

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Height to ridge (m)	7	7.6	+0.6
Height to eaves (north) (m)	3.2 - 3.8	2.5	-0.7-1.3
Height to eaves (south) (m)	3 - 3.6	5.1	+1.5-2.1
Volume (m ³)	549.5	632.79	+15%

- 39 The existing barn has been reduced from its original size but now comprises a simple rectangular form with dual pitched roof. The replacement dwelling would comprise a similar rectangular form albeit with a deeper plan and shallow projecting full-height bay on the front (southern elevation). The roof would comprise a dual pitch with hips at either end. In terms of footprint, the proposed building (115sqm) would occupy a marginally smaller area than the existing barn (118.23sqm) and in terms of size would be 4.3m narrower (east to west) and 1.4m deeper (north to south). The replacement building would also be reoriented on the plot to be set further away from the adjacent Dairy House building.
- 40 In terms of height the ridge of the proposed building would be 0.6m higher than that of the existing barn; however by reason of the proposed incorporation of hips, the ridge would be 3.5m narrower at that height than the ridge of the existing barn. The height of the eaves of the most prominent (north facing) elevation would be 2.5m which would be lower than the eaves of the existing barn (which vary between 3.2m and 3.8m in height). The eaves of the front (south facing) elevation would be higher than the existing barn and would be equivalent to the eaves height of the adjacent oast and Dairy House buildings.
- 41 Whilst the proposed building would occupy a 15% greater volume than the existing barn; it would appear less bulky than the existing from the most prominent rear elevation by reason of the lower eaves height and long sloping roof. The front (south facing) elevation would appear bulkier by reason of the higher eaves and full-height central bay; however by reason of its limited projection from the main building line (1.2m) and the incorporation of a hipped roof to match the main roof it would only result in a very small reduction on the openness of the Green Belt as appreciated from within the former Preston Farm complex. The barn would be appropriately scaled, traditionally designed and in terms of materials the timber weather-boarded elevations would respect the origins of the existing barn and its rural setting.
- 42 The proposed residential curtilage would be wholly taken from the existing residential curtilage of the adjacent Dairy House which means there is no increase in the area of land in residential use as a result of the development. Subject to appropriate conditions to prohibit further development in terms of extensions or alterations or erection of outbuildings, the development would not result in any greater harm to openness than that resulting from the established residential use of the land associated with the Dairy House.
- 43 The proposed replacement building would not be materially larger than the existing building and by reason of its revised orientation, form and design the impact on the openness in the Green Belt would be little changed.

Design and impact on the character and appearance of the AONB:

- 44 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

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the area in which it is situated. Policy EN1 of the Local Plan 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 adjoining buildings and incorporate materials and landscaping of a high standard.

- 45 The site is located within the Kent Downs Area of Outstanding Natural Beauty. The Countryside and Rights of Way Act 2000 states that the Local Planning Authority should conserve and enhance Areas of Outstanding Natural Beauty. Designating an Area of Outstanding Natural Beauty protects its distinctive character and natural beauty and can include human settlement and development. Policy L08 of the Core Strategy states that the distinctive character of the Kent Downs Area of Outstanding Natural Beauty will be conserved and enhanced.
- 46 The existing building is of a modest scale reflecting its functional, agricultural origins; however in terms of size, design and materials has been altered over time. In particular a substantial part of the original barn has been removed from the north elevation and the former opening bricked up in exposed blockwork. In terms of design, materials and detailing the proposed building would be of high quality and respond to the traditional form of the existing building, particularly as appreciated in long views from the north. The Kent Downs AONB Management Plan identifies that the Kent Downs has a rich tradition of half-timbered and weather-boarded buildings and the proposed development would be consistent with this. The building would incorporate appropriately scaled door and window openings and modest roof lights (it is recommended conservation-style roof lights be secured by condition) and whilst the installation of glazed elements would make the building more prominent than the existing it would not be of such significance as to have a harmful visual impact either in long views from the public highway or shorter views from the public right of way that passes through Preston Farm. The proposed development would not be harmful to or detract from the character, appearance or landscape and scenic beauty of this part of the Kent Downs AONB.

Impact on archaeology:

- 47 The site is located within an area of archaeological potential where policy EN25A of the Local Plan is relevant and seeks to preserve and protect sites and where appropriate, the settings, of all archaeological remains. The Kent County Council Archaeology Officer has identified that the application site is part of the historic complex of Preston Farm, a courtyard farm dating from at least 19th century and that the barn itself is potentially one of the few surviving remnants of this post medieval farm complex. Whilst no archaeological objections are raised to the proposal it is recommended that a brief programme of historic building recording work is undertaken prior to demolition, followed by monitoring of ground works for the new build. It is recommended that this be secured by condition.

Impact on residential amenity:

- 48 Policy EN1 of the Local Plan lists a number of criteria to be applied in the consideration of planning applications. In particular, criteria 3 states that proposed development, including changes of use, does not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels, including vehicular or pedestrian movements.

- 49 The proposed dwelling would have no harmful impact on the residential amenities of occupiers of the Dairy House, located immediately to the east of the site. This is by virtue of the proposed building being set further away than the existing barn and behind the established building line. Subject to conditions to secure an appropriate boundary treatment with the Dairy House and to obscure glaze the ground floor level windows in the flank elevation the development would have an appropriate relationship with that building. The only other residential building in the vicinity of the site is the farmhouse located approximately 20m south of the site. Again by virtue of the separation distance and respective orientations of the two buildings the development would not result in any harm to the amenities of the occupiers.

Impact on highway safety:

- 50 Policy EN1 of the Local Plan requires that proposed development should ensure the satisfactory means of access for vehicles and provides parking facilities in accordance with the relevant standards. The development would provide safe vehicular access via the shared access drive from Shoreham Road consistent with the Dairy House and other dwellings and commercial uses within the former Preston Farm complex. The development would benefit from dedicated forecourt parking for 2 cars in compliance with relevant parking standards and would not cause any harm to highway safety.

Impact on biodiversity and ecology:

- 51 Section 11 of the NPPF relates to conserving and enhancing the natural environment and includes discussion relating to biodiversity. Paragraph 118 explains that the planning system should protect and enhance valued landscapes, minimise impacts on biodiversity and provide net gains in biodiversity where possible. When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity and if significant harm resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 52 A bat survey has identified that the existing barn is used as a roost for bats, albeit is of low significance. The Kent Ecology Officer is satisfied with the details provided subject to appropriate conditions relating to further details of proposed mitigation, details of suitable ecological enhancement measures and details of proposed external lighting.
- 53 Subject to appropriate conditions suitable soft and hard landscaping would be provided in accordance with policy EN1 of the Local Plan.

Affordable housing:

- 54 Policy SP3 of the Core Strategy requires that proposals involving the provision of new housing should also make provision for affordable housing. In the case of residential development of less than 5 units that involve a net gain in the number of units, a financial contribution based on the equivalent of 10% affordable housing will be required towards improving off-site affordable housing provision. The proposed development makes provision for an affordable housing contribution of £28,445 which is consistent with the requirements of policy SP3 and the Affordable Housing SPD and the development would be acceptable in this regard.

Agenda Item 4.2

Very special circumstances

- 55 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved, except in very special circumstances (paragraph 87).
- 56 The existing Dairy House benefits from permitted development rights that would enable the erection of additional outbuildings beyond the rear building of the Dairy House and within the northern part of the application site adjacent to the fields. A grant of planning permission for the proposed development would be subject to a condition to remove permitted development rights from the new dwelling and would thereby prevent the potential for additional ancillary development within this prominent part of the Green Belt and Kent Downs AONB.
- 57 The fact that the existing barn lies within the established residential curtilage of the Dairy House (as evidenced by the Lawful Development Certificate reference 13/00671/LDCEX) and is in use as an outbuilding in connection with the residential use of the Dairy House (as evidenced by the affidavit by the applicant) is a material consideration. Whilst I disagree with the applicant that the existing use of the barn makes the proposed development appropriate for the purposes of the NPPF, it is relevant to note that were it not for its historic use related to agriculture, the development could be capable of being appropriate in the Green Belt, and it would only have a very small impact on the openness of the Green Belt.
- 58 The applicant has emphasised that the new building would be well designed, sympathetic to the character of the area and site and designed to minimise visual intrusion into the landscape, specifically in terms of use of materials, scale and landscaping. Whilst these factors weigh in favour of the scheme they do not in themselves amount to the very special circumstances required. However, I consider that combined with the specific circumstances of the existing use of the building and curtilage and the opportunity to remove permitted development rights, the necessary very special circumstances exist to clearly outweigh the harm to the Green Belt resulting from the inappropriate nature of the development and the very small impact on openness.

Other matters

- 59 In order to comply with policy SP2 of the Core Strategy (Sustainable Development), it is recommended that a requirement to achieve minimum Code for Sustainable Homes Level 3 be secured by condition.

Conclusion

- 60 The proposed replacement building would constitute inappropriate development in the Green Belt and cause a very small reduction of openness in comparison with the existing building which it replaces. However the specific circumstances of the site, including the ancillary residential use of the outbuilding and extent of existing residential curtilage are considered to amount to the very special circumstances required to outweigh this harm. The development is considered to be acceptable in all other regards, including in terms of preserving the character and appearance of the Kent Downs AONB, mitigating impacts on biodiversity,

ecology and nature conservation and in terms of highways safety and affordable housing provision.

Recommendation: Approve subject to conditions

Contact Officer(s): Matthew Durling Extension: 7448

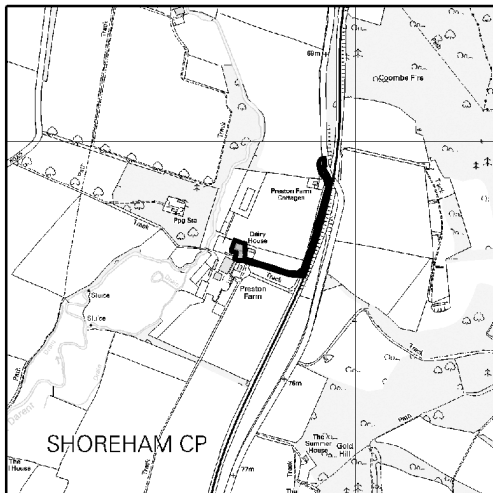
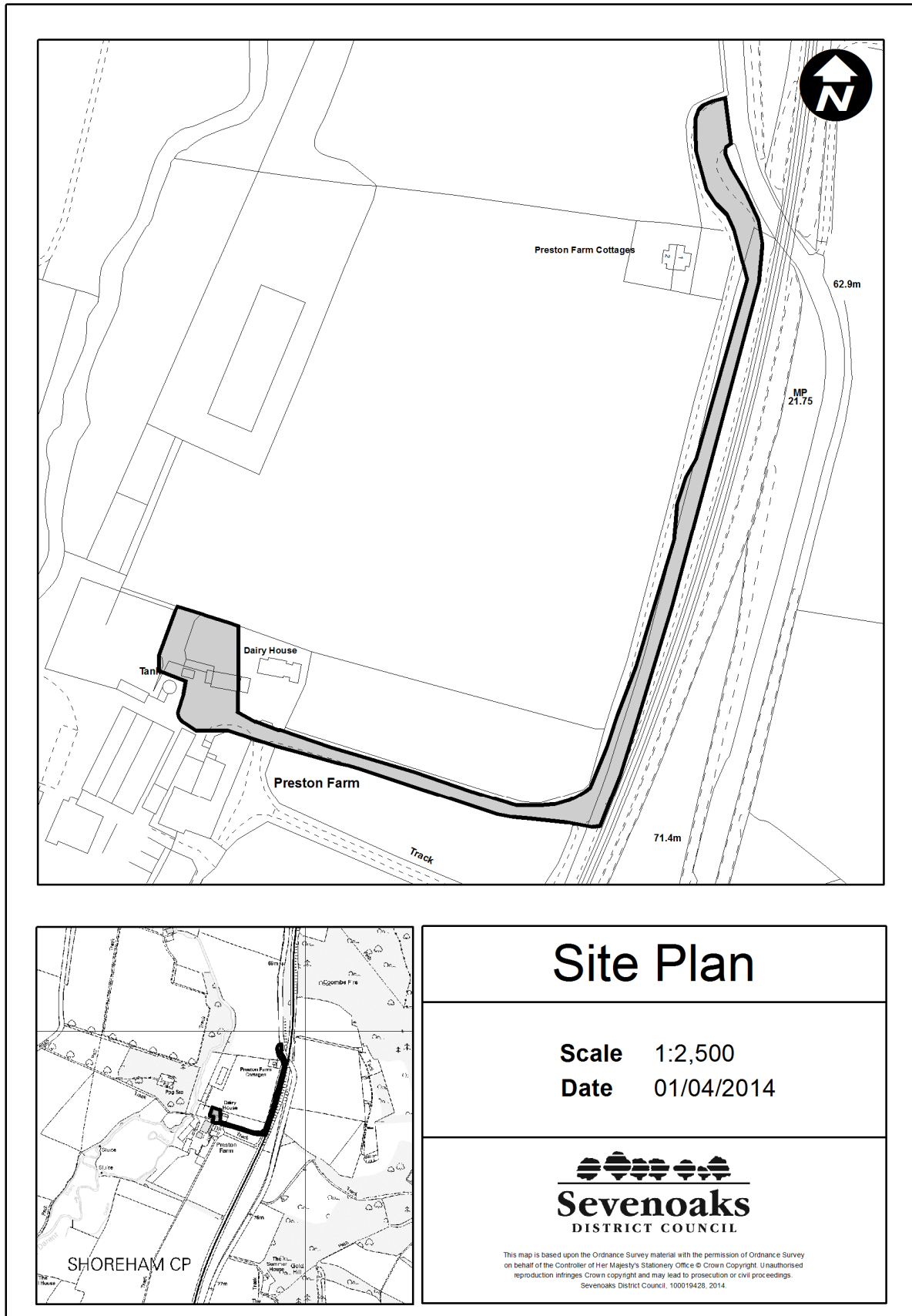
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MX00YNBK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MX00YNBK8V000>

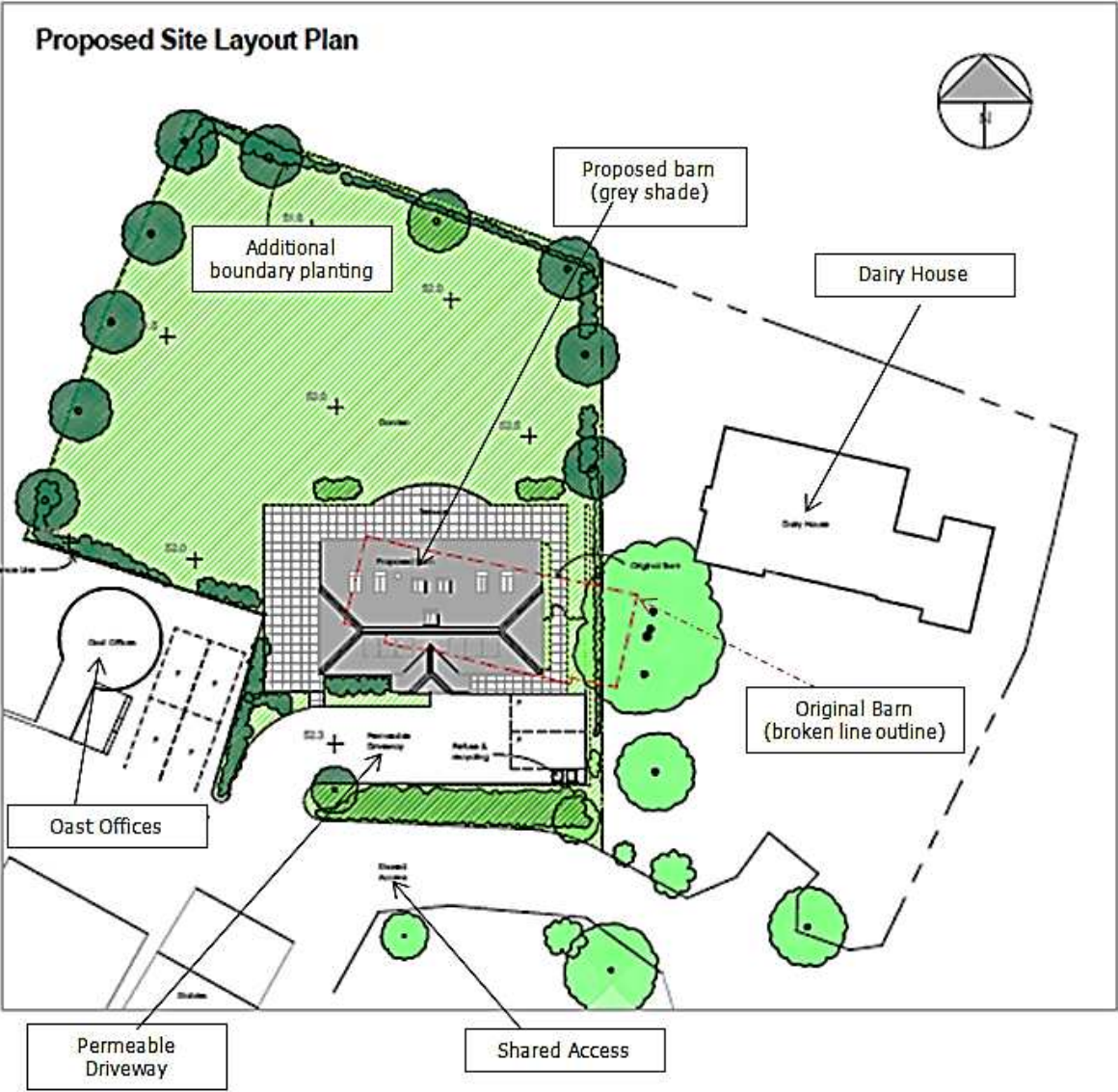


Site Plan

Scale 1:2,500
Date 01/04/2014



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Planning Application Information on Public Access – for applications coming to DC
Committee on Thursday 24 April 2014

Item 4.1 – SE/13/03131/FUL The London Hire Stadium, Lower Road, Hextable BR8 7RZ

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MV29THBK0L000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MV29THBK0L000>

Item 4.2 – SE/13/03718/FUL Land West of Dairy House, Shoreham Road, Shoreham
TN14 7UD

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MX00YNBK8V000>

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