

DEVELOPMENT CONTROL COMMITTEE

18 December 2014 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks

AGENDA

Membership:

Chairman: Cllr. Williamson

Vice-Chairman Cllr. Miss. Thornton

Cllrs. Mrs. Ayres, Bosley, Brookbank, Brown, Clark, Cooke, Edwards-Winsler, Firth, Gaywood, McGarvey, Neal, Orridge, Mrs. Parkin, Raikes, Miss. Stack, Underwood and Walshe

Pages

Apologies for Absence

1. Minutes

To approve the minutes of the meeting of the Committee held on 27 November 2014, as a correct record.

To follow

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/14/02527/OUT - Former Unigate Dairies Ltd And Devonia, Main Road, Edenbridge TN8 6HZ

(Pages 1 - 24)

Outline application for Erection of 5 x 4 Bedroom Terraced Houses and 2 x 3 Bedroom semi detached houses with associated access and parking on former Dairy Crest Milk depot & Devonia, residential dwelling site with some matters reserved.

4.2. SE/14/02630/FUL - 1 & 2 Cross Cottages, Valley Road, Fawkham DA3 8LX

(Pages 25 - 44)

Demolition of existing dwellings and outbuildings, erection of two replacement dwellings, change of use of part of site to be incorporated as residential curtilage and creation of vehicular access on to Valley Road.

- 4.3. **SE/14/02526/FUL - 16 Egerton Avenue, Hextable BR8 7LQ** (Pages 45 - 56)
Demolition of existing garage to facilitate erection of a 2 storey end of terrace 2 bedroom dwelling with ancillary parking.
- 4.4. **SE/14/03165/FUL - Rosebay, 44 Cherry Tree Grove, Knatts Valley TN15 6YG** (Pages 57 - 66)
The Proposed installation of 16 free standing solar panels and A Frames.
- 4.5. **SE/14/02966/HOUSE - The Oast House, Shoreham Road, Otford TN14 5RL** (Pages 67 - 78)
Erection of a two storey side and rear extension.

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 227247)

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 227247 by 5pm on Monday, 15 December 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.

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4.1 - SE/14/02527/OUT Date expired 30 September 2014

PROPOSAL: Outline application for Erection of 5 x 4 Bedroom Terraced Houses and 2 x 3 Bedroom semi detached houses with associated access and parking on former Dairy Crest Milk depot & Devonia, residential dwelling site with some matters reserved.

LOCATION: Former Unigate Dairies Ltd And Devonia, Main Road, Edenbridge TN8 6HZ

WARD(S): Edenbridge North & East

ITEM FOR DECISION

This application has been referred to Development Control Committee by Councillor Jill Davison on the grounds of design and dangerous access, and by Councillor Scholey on the grounds of inadequate parking, conflict between the site access and cars parked on Hillcrest Road, and the undesirable and unneighbourly impact of the position of the site access.

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

1) Details relating to the scale and appearance of the proposed building(s) and the landscaping of the site (hereinafter called the "reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced.

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

2) 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.

3) 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.

4) The reserved matters shall incorporate an eaves height and ridge height for the proposed dwellings to be no higher than shown on the indicative elevation drawings submitted with this application (numbered 914:1010/PL105 and 914:1010/PL/204).

To protect the character and appearance of the locality, and the amenities of neighbouring properties, as supported by Policies EN1 of the Sevenoaks District Local Plan, SP1 of the Sevenoaks Core Strategy, and EN1 and EN2 of the emerging Sevenoaks Allocations and Development Management Plan.

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

To protect the character and appearance of the locality, as supported by Policies EN1 of the Sevenoaks District Local Plan, SP1 of the Sevenoaks Core Strategy, and EN1 of the emerging Sevenoaks Allocations and Development Management Plan

6) Despite the provisions of any development order, no extension shall be carried out to any dwelling hereby permitted.

To protect the amenities of existing neighbouring properties and future occupants of the development, in accordance with Policy EN1 of the Sevenoaks District Local Plan and Policy EN2 of the emerging Sevenoaks Allocations and Development Management Plan.

7) Prior to the commencement of the development, a scheme of sound insulation and noise reduction for the development shall be submitted and approved in writing by the Local Planning Authority. The scheme shall be designed to conform to Table 4: Indoor Ambient Noise Levels For Dwellings, identified by BS 8233: 2014 - Guidance on sound insulation and noise reduction for Buildings, so that $L_{Amax, F}$ during the period 2300 to 0700 shall not exceed 45dBA for each unit. If mechanical acoustic ventilation needs to be provided, self- noise must not cause the internal noise levels to exceed the BS 8233 criteria. The development shall be carried out in accordance with the approved details prior to the occupation of the dwellings and shall be retained thereafter.

In order to protect occupants of the proposed dwellings from undue noise disturbance, in accordance with Policies EN1 of the Sevenoaks District Local Plan and EN2 of the emerging Sevenoaks Allocations and Development Management Plan.

8) Prior to the commencement of development, full details of the position and extent of acoustic fencing required shall be submitted to and approved in writing by the Local Planning Authority. The acoustic fencing shall be designed to meet a nominal density of 20Kg/m². The development shall be carried out in accordance with the approved details.

In order to protect occupants of the proposed dwellings from undue noise disturbance, in accordance with Policies EN1 of the Sevenoaks District Local Plan and EN2 of the emerging Sevenoaks Allocations and Development Management Plan.

9) No development shall commence until a contaminated land assessment in accordance with BS 10175:2011+A1:2013 "Investigation of potentially contaminated sites", has been submitted to and approved in writing by the Local Planning Authority. The details shall include a desk study detailing the history of the site uses, and proposals for a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the local planning authority prior to investigations commencing on site (ref1). A remedial strategy, together with a timetable of works, shall then be submitted to the local planning authority for approval. These must be in accordance with the CLEAea guidelines and methodology and shall include:

1) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, to be carried out by a suitably qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology (ref 2).

2) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed

remediation strategy shall be submitted to the local planning authority. Prior to any remediation commencing on site, approval shall be obtained from the local planning authority of any such remedial works required. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

3) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance (ref 3). If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the local planning authority.

4) Upon completion of the works, this condition shall not be fully discharged until a closure report has been submitted to and approved by the local planning authority. The closure report shall include details of the proposed remediation works and the quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. This shall include photographic evidence. Details of any post remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report, together with the necessary documentation detailing what waste materials have been removed from the site and evidence of the final point of disposal of any contaminated material, i.e. waste transfer notes. Further information on compliance with this condition can be obtained from environmental health services. Ref 1 : contaminated land research report no. 2, 3 & 4 (doe)Ref 2 : contaminated land research report no. 1 (doe)Ref 3 : ciria vols 1-12 contaminated land series and ciria "building on derelict land"

To ensure the site is fit for residential use, in accordance with the National Planning Policy Framework.

10) No infill material shall be imported onto the site, unless from a certified source to ensure that it is not contaminated in terms of its intended end use. No importation of material shall take place until the relevant certification documents have been submitted to and approved in writing by the local planning authority. Such material shall only consist of naturally occurring rocks, sub-soils and soils (including those containing <20% organic matter) and recycled construction and/or demolition materials (but excluding those containing bricks and concrete >70mm, metal, plasterboard, asbestos cement or other contaminated materials). No sludges or slurries may be used. Analytical evidence shall be provided to verify that imported soils are suitable for the proposed end use. This will require characterisation of the source and target sites in accordance with BS ISO 15176:2002 and subsequent relevant soil analyses. The sampling protocols and soil guideline values to be used for assessment of suitability will be dependent on the source of the soil and the proposed use of the target site and this shall be agreed with the Local Planning Authority prior to any importation of material on the site. As a minimum, for large volumes of homogenous natural soils for use in non-sensitive areas, such as commercial end uses, sampling frequency shall be at least one per thousand cubic metres (1:1000m³). Soils for use in sensitive areas, such as domestic gardens, and where imported soils are less homogenous, the sampling frequency shall be greater (i.e. up to one per hundred and fifty cubic metres (1:150m³)). A closure report shall be submitted once remediation works have been completed. This shall include results of all sampling undertaken and certification of imported soils. This condition shall not be discharged until a closure report has been submitted to and approved by the Local Planning Authority. Ref 1. R&D publication clr8 (2002) 'potential contaminants for the assessment of land' (Defra and the Environment Agency)Ref 2. BS ISO 15176:2002 'soil quality - characterisation of excavated soil and other materials intended for re-use.'

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To ensure the site is fit for residential use, in accordance with the National Planning Policy Framework.

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

In the interest of highway safety as supported by Policy EN1 of the Sevenoaks District Local Plan and T2 of the Sevenoaks Allocations and Development Management Plan..

12) No dwelling shall be occupied until the existing dropped kerb access points onto Main Road have been removed and made good.

In the interest of highway safety as supported by Policy EN1 of the Sevenoaks District Local Plan and T2 of the Sevenoaks Allocations and Development Management Plan..

13) No development shall commence until a construction management plan specifying access and parking provision during construction and wheel washing facilities has been submitted to and approved in writing by the local planning authority. No heavy goods vehicles shall reverse into or out of the site unless under the supervision of a banksman. The development shall be undertaken in accordance with the approved details.

In the interest of highway safety as supported by Policy EN1 of the Sevenoaks District Local Plan and T2 of the Sevenoaks Allocations and Development Management Plan..

14) The landscaping details required under the reserved matters shall incorporate -- planting plans (identifying existing planting, plants to be retained and new planting);-a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities); and-a programme of implementation. The development shall be carried out in accordance with the approved details. If within a period of 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, Policy SP1 of the Sevenoaks Core Strategy, and Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

15) Before development commences, details of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority, and no building hereby permitted shall be occupied until such drainage works have been implemented in accordance with the approved details. Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, and the results of the assessment shall be provided as part of the drainage scheme to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory

undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. The development shall be carried out in accordance with the approved details.

To ensure the provision of an appropriate surface water drainage system, in accordance with Policy SP2 of the Sevenoaks Core Strategy.

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

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

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

17) Units 6 and 7 shall not be occupied until the bin collection point as shown on the approved plans has been provided for use. The area shall thereafter be retained for such purposes.

To provide suitable facilities for occupants of the development, in accordance with Policies EN1 of the Sevenoaks District Local Plan and EN2 of the Sevenoaks Allocations and Development Management Plan.

Informatives

1) The developer is advised to contact Southern Water to discuss the matters raised in their letter dated 21/10/14.

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,

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- 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 updated of any issues after the initial site visit.
- 2) The applicant was provided the opportunity to submit amendments to the scheme/address issues.
- 3) The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Description of Proposal

- 1 This application seeks outline planning permission for development of the former dairy site, to accommodate 7 dwellings. The application includes details of the site layout and access to be considered at this stage, with matters relating to appearance, scale and landscaping reserved for future consideration. However indicative plans have been submitted to show how the elevations and scale of the buildings may be designed.
- 2 The site layout has been designed with a terrace of 5 dwellings fronting Main Road, and two semi detached units located towards the rear of the site. Access to the site would be via Hillcrest Road.
- 3 The indicative plans show the terrace to accommodate 5 x 4 bed units set over three floors, with the top floor in the roofspace. The height of the terrace would be approximately 8.5 metres.
- 4 The indicative plans also show the semi detached properties to the rear to consist of 3 bed units over two storeys with an overall height of 7 metres.
- 5 The scheme proposes 14 parking spaces within the development site.

Description of Site

- 6 The application site consists of a former dairy depot and a single storey residential unit, located on the junction of Main Road and Hillcrest Road within the town confines of Edenbridge. The site has been largely cleared of buildings and is in a derelict state. It is roughly L shaped and around 1,600 sqm (0.16ha) in area.
- 7 The site is located at a transition point on Main Road where more densely built development to the south of the junction consisting largely of terraced housing, gives way to lower density housing to the north of the junction, consisting of detached and semi detached properties. On Hillcrest Road, a church centre and steel clad building are sited opposite the site, with housing of a more suburban character further down the road.

- 8 A bungalow known as Tralee is located immediately to the north of the site. Immediately to the south of the site and set back from the road is a single storey building in use as office premises.

Constraints

- 9 Area of archaeological potential

Policies

Sevenoaks District Local Plan

- 10 Policies - EN1, EN25A

Sevenoaks Core Strategy

- 11 Policies - L01, L06, SP1, SP2, SP3, SP5, SP7, SP8

Sevenoaks ADMP

- 12 Policies - EN1, EN2, T2

Relevant Planning History

- 13 SE/12/00243 - Development of 7 x 3 bedroom dwellings, comprising 2 pairs of semi-detached and 1 terrace of 3 on former Dairy Crest milk depot & Devonia - Refused. Dismissed on appeal (see attached Appendix A).

SE/10/01851 - Demolition of former Dairycrest milk depot and Devonia, and the erection of 11 No. apartments (8 No x 2 bed & 3 No x 1 bed), associated access and parking - Refused. Dismissed on appeal.

SE/09/02628 - Demolition of former dairycrest milk depot and Devonia and the erection of No14 apartments (No8 x 1 bed, No5 x 2 bed & No1x3 bed) access and parking - Refused.

SE/00/02668 - Replacement single storey dwelling - Approved

Consultations

Edenbridge Town Council

- 14 Original Plans - Members object to this application on the multiple grounds of access, lack of parking, the height and mass of the buildings, poor design, out of keeping with the surrounding properties and overbearing, causing loss of light to Tralee. Members wish the Officers attention to be drawn to the fact that there is no available off street parking and that the vacant site is currently used by the residents of the Row who will now be seeking parking in the surrounding streets. The Community Hall is used regularly in the evenings and houses a vibrant nursery school
- 15 The development will need to provide the Kent maximum parking allowance and provision for visitors as there is no available off street parking.
- 16 The current on street parking situation makes the proposed exit on Hillcrest Road almost impossible. The Highways accident report has not been provided, but

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members recall recent incidents in Highfields Road so this should be carefully checked.

- 17 The proposed dwelling are higher than Eccles House and those proposed in the previously declined application. Members consider them out of keeping and the semis are overbearing and likely to cause loss of light to Tralee.
- 18 The proposal does not contain surface water drainage plans and with the semis positioned in the lowest part of the site this needs planning in advance.
- 19 Amended plans - Members object to this application and all the comments previously submitted on this still stand. Members also wish to stress the concerns over the area behind Devonia which they believe will suffer from surface water issues. The mixed design of the frontage on main road is also considered out of keeping.

Kent Highways

- 20 Road safety:

1. Our most recent crash records (for the five year period 1-7-2009 to 30-6-2014) show no personal injury crashes in Hillcrest Road within that period. The records show two crashes on B2026 Main Road within 100m of the junction with Hilders Lane, but neither of them involved vehicles leaving Hillcrest Road.

2. In the process of assessing this application we have discussed the junction of Main Road and Hillcrest Road and especially the restrictions of visibility caused by shrubbery overhanging the highway from the nursery site. Following these discussions the shrubbery has been cut back and the visibility improved.

- 21 Access:

It is noted that the development would be served by a vehicular access from Hillcrest Road, at the same location as the access to the former property "Devonia".

- 22 Parking:

The development is located in suburbia where parking restrictions are limited in extent. For this type of location Interim Guidance Note 3 on residential parking specifies a minimum of 1.5 parking spaces per 3-bedroom house, and 2 spaces per 4 bedroom house. Therefore the site would be required to provide a minimum of 13 parking spaces. In fact 14 places are shown on the plans.

In conclusion I do not intend to raise any objection to the proposals, subject to any permission granted being subject to the following conditions:-

1. As the applicants are planning to access their site from Hillcrest Road, they must be required to remove the dropped-kerb accesses to the site from Main Road;
2. Applicants to submit a construction management plan specifying access and parking during construction, wheel washing facilities, and an undertaking that no

heavy goods vehicles are to reverse into or out of the site unless under the supervision of a banksman.

Informative:

Any works affecting the public highway (including works on the footway) must be carried out under a Section 278 Agreement between the applicants and the Highway Authority.

Environmental Health

- 23 Original comments - The acoustic assessment makes reference to BS 8233:1999, unfortunately this was withdrawn and replaced by BS 8233:2014 in February 2014 and should be used for this assessment in conjunction with the National Planning Policy Framework(2012), Paragraph 123 and the Noise Policy Statement for England(2010). Furthermore reference is made to Planning Policy Guidance note 24 this has been superseded by the documents mentioned previously. The aforementioned documents also link to the World Health Organisation Community Noise Guidelines and the WHO Night Noise Guidelines for Europe 2009.
- 24 Therefore the acoustic assessment should be revised having regard for these standards and guidance.
- 25 Whilst the site may have already had some form of contaminated land assessment and/or remediation, the applicant should submit contaminated land assessment to the code of practice BS 10175:2011+A1:2013 Investigation of potentially contaminated sites.
- 26 Further comments -I refer to the above revised application which has been passed to this team for comment and the previous comments made by this team. I would ask that the following conditions added.

1) *Noise Impact Assessment*

- 27 The acoustic report suggests that the internal noise levels within the residential units created will conform to Table 4: Indoor Ambient Noise Levels for Dwellings, identified by BS 8233: 2014 – Guidance on sound insulation and noise reduction for Buildings subject to the installation of the proposed acoustic mitigation and mechanical ventilation. However the amended document does not make sufficient reference to the World Health Organisation Community Noise Guidelines and the WHO Night Noise Guidelines for Europe 2009.
- 28 Therefore should you be minded to grant this application I would ask that prior to the commencement of the development the scheme currently proposed (to conform to Table 4: Indoor Ambient Noise Levels For Dwellings ,identified by BS 8233: 2014 –Guidance on sound insulation and noise reduction for Buildings) be amended so that $L_{Amax, F}$ during the period 2300 to 0700 should not exceed 45dBA. Such a scheme shall be submitted and approved by the Local Planning Authority.

Work specified in the approved scheme shall then be carried out in accordance with the approved details prior to the occupation of the premises and be retained thereafter. If mechanical acoustic ventilation needs to be provided, self- noise must not cause the internal noise levels to exceed the BS 8233 criteria

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The acoustic fence proposed by the applicant to protect the amenity of the residential gardens should be conditioned to meet a nominal density of 20Kg/m².

Reason : In order to protect the occupiers of the dwelling from undue noise disturbance.

2) Contaminated Land

- 29 Whilst the site may have already had some form of contaminated land assessment and/or remediation, it is not considered that this conforms to the code of practice BS 10175:2011+A1:2013 Investigation of potentially contaminated sites.
- 30 Therefore prior to the commencement of the development the applicant should submit a contaminated land assessment (in accordance with cl11).
- 31 The contaminated land assessment shall include a desk study to be submitted to the local planning authority for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the local planning authority prior to investigations commencing on site (ref1).
- 32 A remedial strategy, together with a timetable of works, shall then be submitted to the local planning authority for approval. These must be in accordance with the CLEA guidelines and methodology and should include:
- 1) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology (ref 2).
 - 2) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the local planning authority. Prior to any remediation commencing on site, approval shall be obtained from the local planning authority of any such remedial works required. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
 - 3) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance (ref 3). If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the local planning authority.
 - 4) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the local planning authority. The closure report shall include details of the proposed remediation works and the quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. This shall include photographic evidence. Details of any post remediation sampling and analysis to show the site has reached the

required clean-up criteria shall be included in the closure report, together with the necessary documentation detailing what waste materials have been removed from the site and evidence of the final point of disposal of any contaminated material, i.e. waste transfer notes. Further information on compliance with this condition can be obtained from environmental health services.

33 Ref 1 : contaminated land research report no. 2, 3 & 4 (doe)

Ref 2 : contaminated land research report no. 1 (doe)

Ref 3 : ciria vols 1-12 contaminated land series and ciria "building on derelict land"

"if any infill material is to be brought onto the site, only naturally occurring rocks, sub-soils and soils (including those containing <20% organic matter) and recycled construction and/or demolition materials (but excluding those containing bricks and concrete >70mm, metal, plasterboard, asbestos cement or other contaminated materials) shall be used. This shall be from a certified source to ensure that it is not contaminated in terms of its intended end use. The relevant certification documents shall be sent to the local planning authority (lpa) prior to any development commencing on the site. No development shall commence until the lpa has given written approval of the documents. No sludges or slurries may be used. Analytical evidence shall be provided to verify imported soils are suitable for the proposed end use. This will require characterisation of the source and target sites in accordance with bs iso 15176:2002 and subsequent relevant soil analyses. The sampling protocols and soil guideline values to be used for assessment of suitability will be dependent on the source of the soil and the proposed use of the target site and this shall be agreed with the lpa prior to any development commencing on the site. As a minimum, for large volumes of homogenous natural soils for use in non-sensitive areas, such as commercial end uses, sampling frequency shall be at least one per thousand cubic metres (1:1000m³). Soils for use in sensitive areas, such as domestic gardens, and where imported soils are less homogenous, the sampling frequency shall be greater (i.e. up to one per hundred and fifty cubic metres (1:150m³)).

A closure report shall be submitted once remediation works have been completed. This shall include results of all sampling undertaken and certification of imported soils. This condition shall not be discharged until a closure report has been submitted to and approved by the lpa.

Ref 1. r&d publication clr8 (2002) 'potential contaminants for the assessment of land' (defra and the environment agency)

Ref 2. bs iso 15176:2002 'soil quality – characterisation of excavated soil and other materials intended for re-use.'

Southern Water (summarised)

34 No objection subject to a condition, but point out that a sewer crosses part of the site and consent will be required for development in close proximity to it.

Representations

35 14 letters of objection received:

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- Access from Hillcrest Road onto Main Road is poor
- Hillcrest Road is too narrow
- Conflict with proximity to playgroup
- Not enough car parking
- Development over three floors would be excessive
- Overdevelopment of site, as evidenced by small garden sizes
- The scale of the terrace immediately adjacent to the road edge is aesthetically unattractive
- The church hall / community centre is very busy with resultant congestion and parking problems
- Increased traffic would raise safety concerns regarding children and their parents / carers using the church hall
- The Main Road/ Hilders Lane junction is dangerous and the site of many accidents
- Loss of residential amenity and privacy
- Increase in noise
- The three storey houses are overpowering and ugly and out of keeping with surrounding buildings.
- The development will overlook Tralee and cause loss of light / sunlight
- The proposed houses will suffer from road noise
- Inadequate access for waste vehicles
- The proposals do not offer any improvements to the previous schemes that have been turned down
- The plot is too small for so many houses
- Overlooking into properties opposite the site
- Parking in the area is already stretched, as evidenced by the number of people parking their cars on the application site.
- The amendments do not resolve any of the concerns previously raised

Ward Members

- 36 Cllr. Jill Davison – Whatever KCC says the access is lethal and the design, albeit only indicative, is atrocious.
- 37 Cllr. John Scholey - I disagree with Kent Highways that the parking and access is acceptable. The KCC adopted parking standards includes a minimum and maximum provision and the proposal is for slightly above the minimum standard. Now that permission for converting the shop in The Row into offices and housing has been approved, the local pressure on on-street parking means that all new housing developments in this area need to be at the KCC maximum, i.e. 2 parking spaces per dwelling.

Due to the parking pressure in this area Hillcrest Road frequently has one lane fully occupied with parked cars, some of which are serving a nursery. In such circumstances the proposed access for the development would be onto, in reality, a single track road. Changing the access from that which was used by the dairy onto Main Road to Hillcrest Road is very undesirable and un-neighbourly if not overtly dangerous and likely to trigger future anti-social behaviour.

Chief Planning Officer's Appraisal

Background and Principle of development

- 38 The site is located within the built confines of Edenbridge where the principle of development is generally accepted. Policy LO6 of the Core Strategy seeks to make provision for housing development within the town on a range of sites suitable for residential use, avoiding areas liable to flood.
- 39 The site represents brownfield land and the NPPF (Para 111) states that planning policies and decisions should encourage the effective use of such land, provided it is not of high environmental value.
- 40 The site has been subject to a number of recent planning applications for residential development which have all been refused, and two appeals which have been dismissed, the most recent of which was in 2013 and for a development of 7 dwellings but, in a different form to the current proposal. In dismissing the appeal, the Inspector made the following comments that should carry weight in the consideration of the current application –
- That the site represented a transition point between lower density housing to the north and higher density housing to the south.
 - That the principle of a development of terraced and semi detached houses would not be out of keeping with the area as a whole.
 - That the proposal for 3 narrow terraced houses fronting Hillcrest Road, of 9 metres in height with a dormer in the roofspace, would be over-dominant, and prominent on a visually important corner plot
 - That the surrounding area is almost exclusively two storey, and that the proposed terrace would be noticeably higher than terraced housing to the south
 - That the housing fronted Hillcrest Road and did not present a sufficiently high quality design to Main Road
 - That the design approach may need to respond to noise concerns arising from traffic on Main Road
 - That the development would not result in any unacceptable impacts upon the living conditions of surrounding properties, including the relationship between plots 6 and 7 and the bungalow known as Tralee.
 - No objection to loss of employment land, drainage, traffic generation, parking provision, highways safety, or potential contamination.
- 41 A copy of the appeal decision is attached as an appendix to this report. (Appendix A)
- 42 The current application has sought to address the concerns raised by the appeal inspector by amending the site layout to accommodate a terrace of 5 dwellings fronting onto Main Road rather than Hillcrest Road. As a result, the vehicular access to the site has been moved from Main Road onto Hillcrest Road. The implications of the proposed layout, design and other planning issues are considered further below.

Impact upon character / appearance of area

- 43 As stated earlier, the junction of Main Road and Hillcrest Road lies at a transition point where higher density housing to the south gives way to lower density

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housing to the north. The application site lies on the south side of Hillcrest Road, and the principle of a mix of terraced and semi detached housing would be in keeping with the higher density form of development to the south.

- 44 The proposed layout would accommodate a row of 5 terraced dwellings fronting Main Road. This terrace would be set back a short distance from the pavement edge, on a similar building line to the neighbouring property at Eccles House, whilst the terraced houses on the opposite side of Main Road front directly onto the pavement. The illustrative plans show that the terrace could be designed with a ridge height of 8.5 metres, the same height as Eccles House and approx. 80cms taller than the terraced units opposite. The indicative elevation drawing shows that the terrace could be designed in a mixture of brickwork, tile hanging and exposed timber detailing, using feature gables to break up the terrace. Such materials are evident on other buildings in the area and the gable features are specifically evident on Eccles house and Deeside to the south of the site. The terrace would extend to a length of 28 metres and at 8.5 metres in height it would be in scale with surrounding buildings. As a result it would avoid the design shortcomings of the previous application relating to the narrow but tall terraced houses proposed in that scheme fronting Hillcrest Road. The proposal does include the use of the roofspace as a third storey, however this does not increase the height of the building to a point where it would be out of character with the scale of surrounding buildings, and the dormer windows proposed on the front elevation are shown to be subservient to the roofscape.
- 45 Taking the above into account, I am of the opinion that the development would provide a suitable frontage in response to Main Road. Whilst the detailed design would be subject to a reserved matters application, the indicative plans show that a good quality design can be achieved at an appropriate scale and height.
- 46 The semi detached units shown to the rear of the site are of very similar footprint, scale and height to the semi detached units proposed in the same position under the last application. The design and impact of these units did not form part of the Council's reasons for refusal under the last scheme, nor was it subject to criticism from the appeal inspector. The units would be subservient to the proposed terraced units fronting Main Road and set back from Hillcrest Road behind a bungalow known as Tralee, and would not cause harm to the character and appearance of the area.
- 47 In my opinion, the current application proposes a scheme that overcomes the harm identified in the last application to the character and appearance of the area. Although in outline form, the application has demonstrated that a good quality design can be achieved, in keeping with the scale and pattern of development in the local surroundings. This would be in accordance with policies EN1 of the local plan, SP1 of the Core Strategy and EN1 of the ADMP. The density of the development would be around 45 dwellings per hectare, broadly consistent with Policy SP7 of the Core Strategy.

Impact upon the amenities of surrounding occupants and future occupants of the development

- 48 Policies EN1 of the local plan and EN2 of the ADMP seek to ensure that developments do not result in unacceptable impacts upon the living conditions of surrounding properties, as well as ensuring that suitable living environments are provided for future occupants of developments.

- 49 The proposed terrace containing units 1-5 would front Main Road and would face towards the side of the property at 1 Spring Cottages. A distance of around 22 metres would be maintained between these buildings and across a busy road. In my opinion, this would be sufficient to maintain acceptable living conditions.
- 50 A gap in the region of 11 metres would be maintained between the flank wall of unit 5 and the flank wall of Eccles House to the south. This property appears to be in use as offices, with a door in the flank wall and a window above. The development would not impact upon light provision to this window given the separation distance involved.
- 51 Unit 5 in the terrace would be set forward of the single storey building known as Eccles End to the south and east of the site. This building currently appears to be in use as an office, although planning permission was previously granted in 2010 to convert the premises to a dwelling. This has now expired, but in any case the layout of the dwelling was designed with main windows facing away from the application site. The development would be unlikely to cause a loss of amenity to this property even if it was converted to dwelling in the future.
- 52 The proposed semi detached properties (plots 6 and 7) are very similar in scale, siting and footprint, to the units proposed in the same location under the last application. The impact of a pair of semi detached units on surrounding properties (Tralee, Derwent, Rustlings and Eccles End) was considered acceptable by both the Council and the appeal inspector under the last application (paragraphs 16-18). Given the similarities between the two schemes in relation to plots 6 and 7, I do not consider that any further impacts would arise that would now make this relationship unacceptable. A gap in excess of 25 metres would be provided between the rear wall of units 1-5 and the front wall of units 6 and 7, which I consider to be a suitable separation.
- 53 The proposed terrace would be sited to the north east and not directly opposite the existing terrace on Main Road. Whilst some views of the proposed terrace would be attained from the existing terrace, given the relationship between the two terraces this would be unlikely to cause any unacceptable impacts on living conditions.
- 54 With regard to future occupants of the proposed development, it has been identified that road noise arising from Main Road has the potential to detract from living conditions. The previous appeal inspector specifically stated that measures to reduce road noise through the use of fixed shut glazing applied to main living room windows would not be a solution - and that such a requirement would detract from living conditions.
- 55 As a solution, the layout of the terrace has been designed with living rooms at the rear of each property to avoid fronting onto Main Road. A number of bedrooms have also been designed to face the rear of the site or, in the case of the accommodation in the roof, the opportunity exists to provide a layout with bedrooms either directly facing the rear or benefiting from secondary windows in the rear roof plane. However at first floor level one bedroom per unit would face Main Road and would be likely to require some form of alternative mechanical ventilation.
- 56 In this respect, the Environmental Health Officer has not objected to the scheme based upon current guidance on noise levels, but does recommend conditions to

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ensure that appropriate noise levels are not exceeded, including the potential for mechanical ventilation to be used as an alternative to opening windows at night time.

- 57 The matter of disturbance through road noise Vs provision of an appropriate frontage to Main Road is a balanced one. However given the lack of objection from Environmental Health and the solution to provide living rooms at the rear of each property, I am content that this proposal would not lead to unacceptable living conditions for future occupants.
- 58 Overall, I am satisfied that the development would comply with policies EN1 (3) of the local plan and EN2 of the ADMP.

Highways safety

- 59 Policy EN1 (6&10) of the local plan seeks to ensure that developments do not create unacceptable highways conditions on the local network, and that suitable access and parking provision is made. Policy T1 of the ADMP seeks to ensure that new development does not cause unacceptable traffic impacts on congestion and safety, and Policy T2 of the ADMP states that vehicle parking should be made in accordance with current KCC parking standards contained within Interim Guidance Note 3.
- 60 A large proportion of the objections received relate to highways impacts. These specifically include the suitability of the proposed access onto Hillcrest Road, the potential conflict with users of the community centre / pre-school opposite and particularly the safety of children, the suitability of the junction of Main Road and Hillcrest Road, and the adequacy of parking proposed within the development.
- 61 Members will note the detailed comments from Kent Highways as set out earlier in the report. Kent Highways do not raise objection to the access point to the development on Hillcrest Road, and it is noted that the road is straight, with a grass verge next to the pavement which would aid visibility for vehicles exiting the site and for pedestrians on the pavement. Similarly, no objection is raised by Kent Highways to the increased use of the Hillcrest Road / Main Road junction on the basis that visibility is adequate (it has recently been improved through the cutting back of shrubbery overhanging the highway) and crash data shows that no accidents have occurred at this junction over the last 5 years. Given that the access point to the site is acceptable to Kent Highways, as is the junction of Hillcrest Road and Main Road, there is no evidence that the development would result in harm to highways safety, including the safety of pedestrians using the community centre / pre school opposite.
- 62 In terms of parking, the development would provide 14 off street parking spaces. The Kent Interim Guidance note for residential parking states that in suburban locations such as this area, 1.5 spaces for 3 bed units and 2 spaces for 4 bed units should be provided. On this development, this would equate to 13 spaces in total with an additional space for visitor parking. No objection is raised by Kent County Council to the level of parking provision as proposed.
- 63 On the basis of the above, I am of the opinion that the development would not cause congestion of highways safety issues, and would provide a suitable level of parking, in accordance with the above-mentioned policies.

Affordable Housing

- 64 On 28 November 2014 the Government amended the National Planning Practice Guidance (NPPG) to restrict the circumstances where contributions for affordable housing should be sought. Under the new guidance, other than in designated rural areas, contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1000sqm. As a result Policy SP3 of the Core Strategy and the Affordable Housing SPD are no longer consistent with the NPPG in relation to developments below the new NPPG size threshold and are not likely to be supported on appeal.
- 65 This proposal is for a development below the NPPG threshold and a contribution to affordable housing cannot therefore be sought.

Other matters

- 66 Drainage – concern has been raised over the lack of surface water drainage plans. However drainage was not raised as ground of refusal under previous planning applications, nor did the inspector consider it to be a significant factor in his consideration of the last scheme. Appropriate drainage of surface water can be controlled via a planning condition.
- 67 Access for waste vehicles – bin storage will be provided in the front gardens of dwellings fronting Main Road, so collections can be made in the same way as existing dwellings on the road. A bin store is to be provided next to the vehicular entrance to the site for units 6 and 7, and this can be collected from Hillcrest Road, where refuse vehicles will already collect from existing properties.
- 68 CIL – this development would be CIL liable

Conclusion

- 69 I consider the principle of the development, layout and access to be acceptable. The applicant has also demonstrated that a suitable development can be achieved in terms of height, scale and design, and this would be controlled under a reserved matters application. The highways impacts arising from the scheme are acceptable to Kent Highways.
- 70 On this basis I would recommend that planning permission is granted.

Background Papers

Site and Block plans

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

Richard Morris
Chief Planning Officer

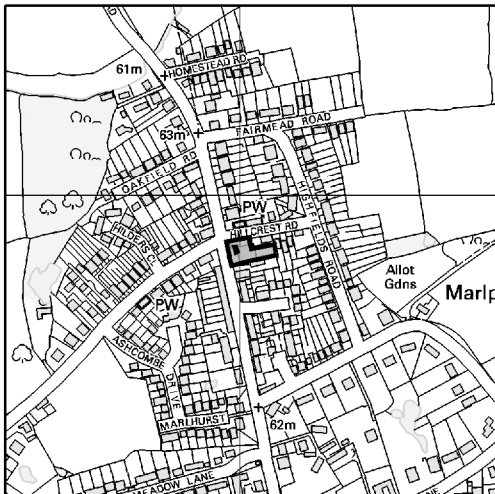
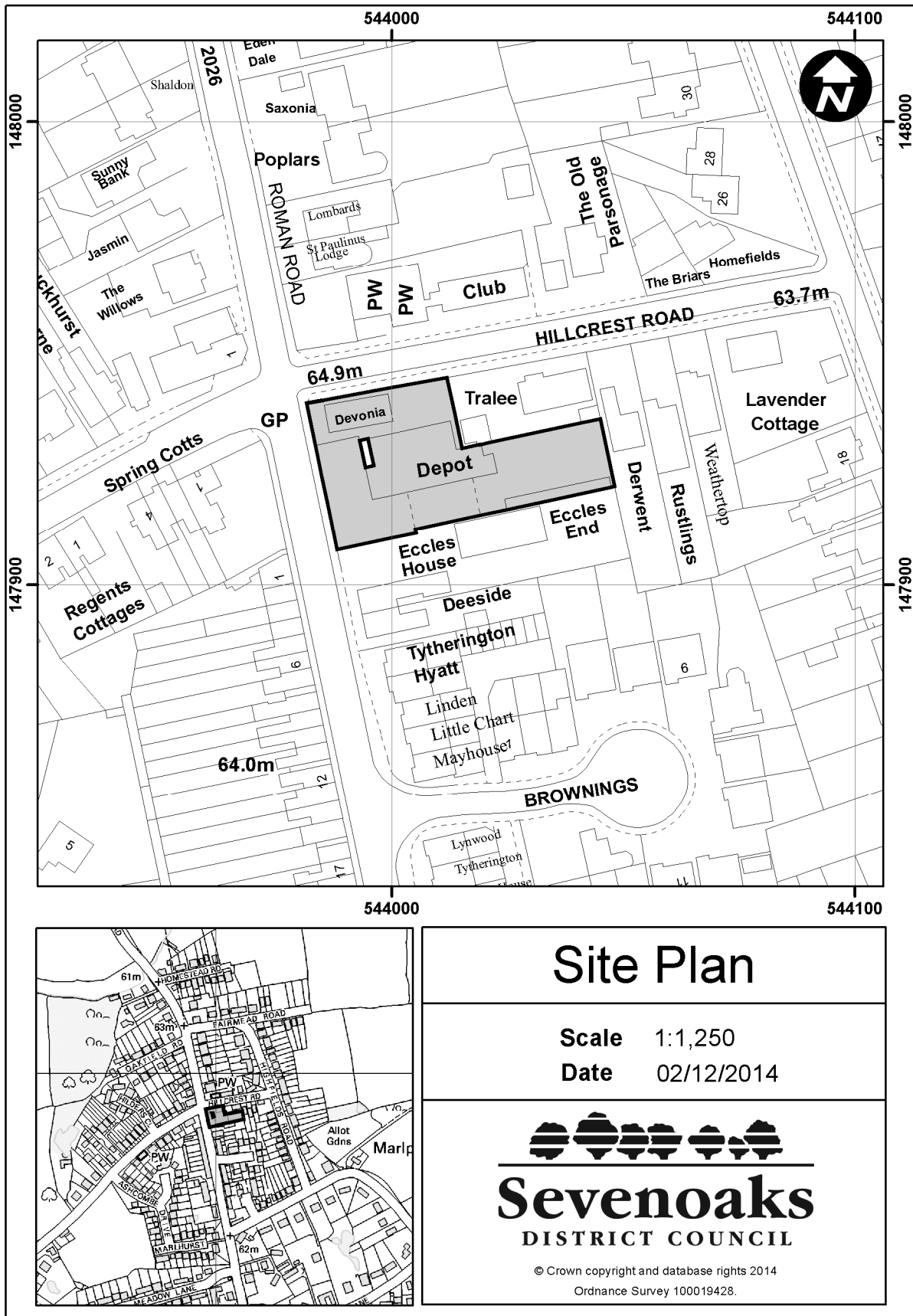
Link to application details

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N9TNJQBKGRG00>

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Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=N9TNJQBKGRG00>



Site Plan

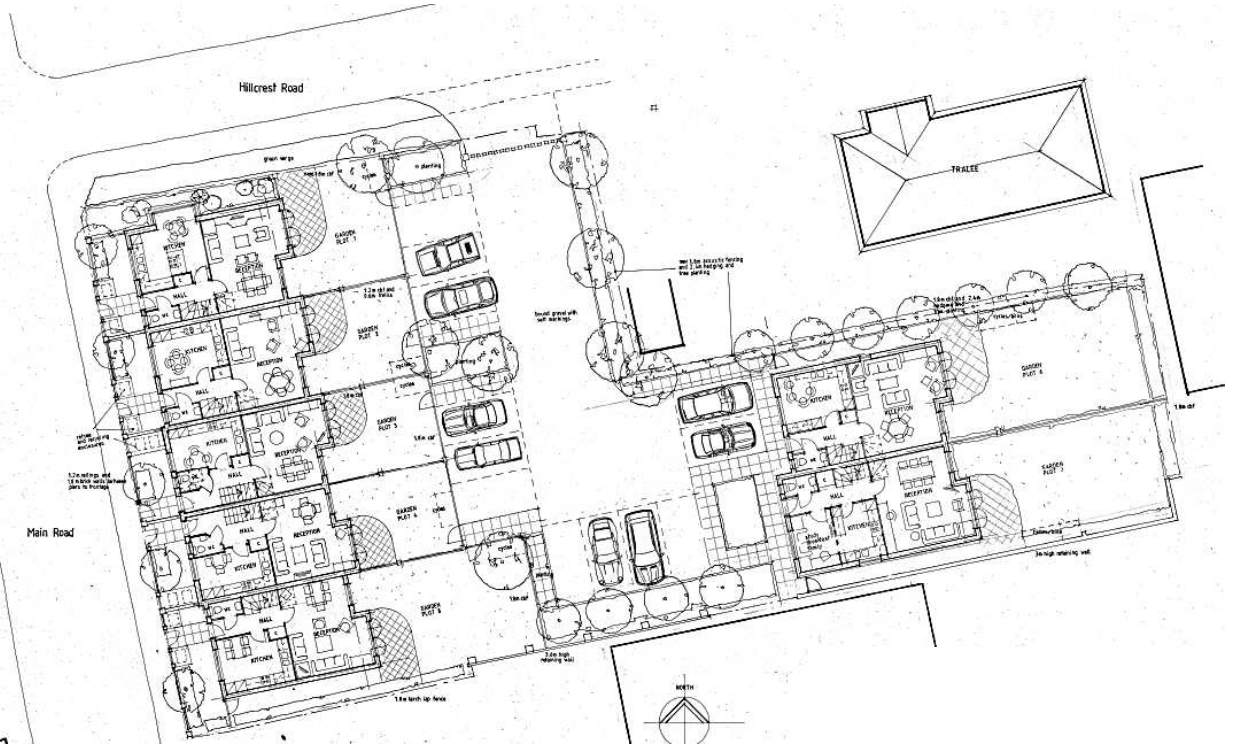
Scale 1:1,250

Date 02/12/2014



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Ordnance Survey 100019428.

Block Plan



Appeal Decision

Site visit made on 9 January 2013

by **David Reed BSc DipTP DMS MRTPI**

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

Decision date: 13 February 2013

Appeal Ref: APP/G2245/A/12/2181406

**Former Dairy Crest Milk Depot and Devonian (demolished),
Main Road/Hillcrest Road, Edenbridge, Kent, TN8 6HZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Dunmore Property Developments Ltd against the decision of Sevenoaks District Council.
 - The application Ref SE/12/00243/FUL, registered on 30 January 2012, was refused by notice dated 31 May 2012.
 - The development proposed is 7 x 3-bedroom dwellings, 2 pairs semi-detached and 1 terrace of 3 on former Dairy Crest Milk Depot and Devonian, residential dwelling site.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the street scene; and
 - Whether the proposal would make adequate provision in relation to affordable housing.

Reasons

Character and appearance

3. The appeal site, which has now been cleared of buildings in preparation for a redevelopment scheme, lies on the south eastern corner of the Main Road/Hillcrest Road junction about a mile north of the centre of Edenbridge. The junction represents the transition on Main Road between the higher density development to the south, comprising mainly two storey terraced housing close to the road, and the lower density housing to the north, consisting of detached and semi-detached properties set back behind good sized front gardens. The proposal for semi-detached and terraced properties on the appeal site reflects the density of development to the south rather than the north in accordance with the role of the junction as the beginning of the more intensively built up area when approaching the town centre.
4. Facing the appeal site on the opposite side of Hillcrest Road are a church centre and steel clad building whilst to the east along both sides of Hillcrest Road lies detached housing of a suburban character. The appeal proposal would not lead

to an incursion of higher density development into the eastern section of the road and the pleasant suburban character of that part of the road would be unaffected. The appeal site could be developed with higher density housing as the western end of the road changes in character as it approaches Main Road.

5. The proposal includes a line of five properties, three terraced and a pair of semi-detached houses, fronting onto Hillcrest Road between Main Road and Tralee, a bungalow to the east. The transition from higher to lower density with terraced properties on the corner, semi-detached properties and then the bungalow would be an appropriate form of development. The narrow plot widths would be similar to Spring Cottages on Hilders Lane to the west and many of the terraced houses fronting Main Road to the south, consequently they would not be out of character with the area as a whole. The houses would also be sited close to the road in a similar way to these other properties and would align with Tralee. Whilst closer to the road than the detached houses along the eastern section of Hillcrest Road the character of the road changes beyond Tralee.
6. However, the three terraced houses would be very tall in relation to their width with dormer windows serving a third bedroom in the roofspace. They would be about 9 metres (m) high to the ridge which would be an over dominant form of development compared to the semi-detached properties alongside. These would have a pyramidal roof rising to a central point only about 7.5m high. The conjunction of the terrace and pair of semi-detached houses would be a discordant feature on this section of Hillcrest Road. Although the terrace roof would be hipped at each end the terrace would be about 13m long and with its flank close to Main Road would result in an overly prominent building on a visually important corner plot on a main road.
7. The development surrounding the site, for example Spring Cottages and the building on the opposite corner of the crossroads, is exclusively two storey in character with few if any examples of dormer windows. It is not clear from the evidence how the ridge height of the proposed terrace would relate to these properties but the site survey plan suggests that it would be noticeably higher than the ridge height of the terraced housing to the south along Main Road. The relative height difference would add to the over prominence of the building in the street scene.
8. The orientation of the terrace leaves only a side elevation facing Main Road together with an access road leading to the parking spaces and rear gardens of the properties facing Hillcrest Road and a further pair of semi-detached properties at the eastern end of the site. The frontage to the main thoroughfare of Main Road is important in the street scene and I share the Council's concern that this aspect of the proposal does not represent a sufficiently high quality design. The side elevation of the terrace facing Main Road would have a bay window and two others on the ground floor but it is unclear how many windows there would be at first floor level, three being shown on the elevation drawing but only one on the first floor plans. The tall gable end would add to the visual impact on this prominent corner site.
9. The remainder of the frontage to Main Road would comprise garden fencing and the access road serving the development. This would present an undeveloped gap along Main Road in contrast to the built up frontage of terraced housing on both sides of the road to the south. Whilst not ideal in street scene terms it is recognised that the appellant has proposed a housing

layout fronting Hillcrest Road rather than Main Road to take account of the noise concerns arising particularly from daytime traffic. I agree with the appellant that requiring single aspect main living room windows facing Main Road to be fixed shut would significantly detract from the living conditions of future occupiers. If the noise levels arising from Main Road require this approach it is appropriate for the housing layout to respond accordingly.

10. I have taken careful account of the previous appeal decision which concerned a scheme for a single block of 11 apartments on the site¹. The current proposal represents a significantly different form of development which is more in keeping with the area but nevertheless aspects of the scheme would harm the character and appearance of the street scene.
11. In conclusion for these reasons the proposal would cause significant harm to the character and appearance of the street scene in conflict with policy SP1 of the Sevenoaks Core Strategy 2011 (the Core Strategy) and policy EN1 of the Sevenoaks District Local Plan 2000 which seek to ensure new development is designed to a high quality and responds to the character of the area in terms of scale, height and density. The proposal also conflicts with paragraphs 56 and 57 of the National Planning Policy Framework which place great importance on the design of the built environment including individual buildings together with public and private spaces.

Affordable housing

12. Policy SP3 of the Core Strategy states that in the case of schemes between five and nine units in size 20% of the units should be affordable. The Council's Supplementary Planning Document: Affordable Housing 2011 confirms the requirement in the case of a seven unit scheme is one social rented/affordable rent unit.
13. The appellant in this case does not dispute the need to provide an affordable housing unit and submitted a draft Section 106 agreement to the Council to seek to resolve the matter prior to the determination of the application. It is not clear whether a response was received but there is no signed legal agreement or unilateral undertaking before me. The appellant requests that the matter be dealt with by imposing a condition requiring that a scheme for the provision of affordable housing be entered into prior to development commencing. This approach was supported by the previous inspector and I agree an appropriate Grampian style condition would secure an affordable housing unit should I allow this appeal.
14. The proposal would potentially therefore make adequate provision in relation to affordable housing in accordance with policy SP3 of the Core Strategy.

Other matters

15. A number of residents living in neighbouring properties have raised concerns regarding the effect of the proposal on their living conditions should the scheme go ahead. The Council does not consider, on balance, that the proposal would have an unacceptable effect in this respect and did not include a reason for refusal on those grounds. Notwithstanding this, during my site visit I carefully assessed the potential impact of the scheme to reach my own conclusions.

¹ Appeal APP/G2245/A/11/2146689 dated 14 June 2011

16. The appeal site comprises an "L" shape around the bungalow Tralee which would have two pairs of semi-detached properties located to the south and west. The pair to the south would be only about 6m from the rear of Tralee but staggered so that only the kitchen window of Tralee would face directly towards the pair. There would be a loss of daylight and afternoon sunlight to the windows and garden but the new houses would sit at a lower level with a pyramidal roof, 25° roof pitch and low eaves height which would all help to reduce the impact. The pair to the west would be significantly further away, about 17m from the side of Tralee. Although adjacent to the garage and drive they would lead to some loss of daylight and late afternoon sunlight to the garden but they would also have a pyramidal roof. In both cases there would be no windows in the flank elevations leading to a loss of privacy although there would be limited oblique overlooking from the first floor rear bedroom windows of the southern pair into a corner of the garden. Overall there would certainly be some loss of outlook and daylight/sunlight for the residents of Tralee as it occupies a relatively small plot but I agree with the Council that on balance the impact is acceptable.
17. Derwent is a detached house with a flank wall close to the eastern boundary of the appeal site and Rustlings an adjacent similar property staggered to the rear. The side elevations of these properties would be about 12m and 20m respectively from the rear elevation of a pair of semi-detached houses but they have only obscure glazed windows to a landing facing the site so no inter-window privacy issues would arise. The orientation of the new houses means there would be only limited loss of light to the rear gardens of Derwent and Rustlings and the distance is such that with suitable screening an acceptable level of privacy to the patio areas would be maintained.
18. It is not clear if Eccles End, a single storey building close to the southern boundary of the appeal site, is an office or residential property. In any event, although only about 3m from the side of a new semi-detached house there would be no windows in either flank wall to cause a loss of privacy and the rear facing windows would not be affected by a significant loss of light or outlook.
19. I have considered all the other arguments put in favour and against the proposal. These include the benefits of new housing, the use of previously developed land, the sustainability of the location, drainage, traffic generation, parking provision, highway safety, loss of employment land and potential contamination. I also considered the scheme on the corner of Main Road and Swan Lane. However, in my view none of these points are of sufficient weight to be considered significant factors in the determination of this appeal.

Conclusion

20. In view of my findings on the first main issue I conclude that the appeal should be dismissed.

David Reed

INSPECTOR

4.2 – SE/14/02630/FUL Date expired 21 October 2014

PROPOSAL: Demolition of existing dwellings and outbuildings, erection of two replacement dwellings, change of use of part of site to be incorporated as residential curtilage and creation of vehicular access on to Valley Road.

LOCATION: 1 & 2 Cross Cottages, Valley Road, Fawkham DA3 8LX

WARD(S): Fawkham & West Kingsdown

ITEM FOR DECISION

The planning application has been referred to Development Control Committee at the request of Councillor Parkin on the unusual history of the site and the need to redevelop it.

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 replacement dwellings and associated curtilages, by reason of their siting, size and form would constitute inappropriate development harmful to the maintenance of the character of the Green Belt and to its openness contrary to the National Planning Policy Framework, policy H13 of the Local Plan (2008) and emerging policy GB4 of the Allocations and Development Management Plan (Draft Submission 2013).

The proposed development, by reason of its inappropriate siting, size and form would result in visual intrusion into the existing rural landscape which would be harmful to the open and rural character of this part of the site, contrary to the National Planning Policy Framework, policy L08 of the Core Strategy (2011), policies EN1 and H13 of the Local Plan (2008) and emerging policies EN1 and GB4 of the Allocations and Development Management Plan (Draft Submission 2013).

In the absence of appropriate ecological or habitat surveys and details of necessary mitigation or enhancement, the proposed development would fail to conserve or enhance biodiversity contrary to the NPPF, paragraph 99 of Government Circular (ODPM 06/2005), policies SP11 of the Core Strategy (2011) and EN17B of the 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

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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) 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 Demolition of existing semi-detached dwellings and outbuildings, erection of two detached dwellings, change of use of part of site to be incorporated as residential curtilage and creation of vehicular access on to Valley Road.
- 2 The proposals comprise the creation of two separate residential plots. Plot 1 would comprise a four-bedroom two-storey detached dwelling located at the northern end of the application site, positioned approximately 24m from Valley Road and 30m from Pennis Lane. The proposed dwelling would be located further back on the application site than the existing cottages and marginally further north. The dwelling would face Pennis Lane. With the exception of the inclusion of a small part of the vacant land adjacent to Pennis Lane, the proposed residential curtilage would utilise part of the existing residential curtilage of Cross Cottages. Access to Plot 1 would be via an existing access from Pennis Lane. The existing woodland to the rear of the plot would be retained.
- 3 Plot 2 would comprise a five-bedroom two-storey detached dwelling located approximately 76m south of Plot 1 on part of the existing agricultural land. The dwelling would be set back from Valley Road by over 20m and accessed via a new vehicular access onto Valley Road approximately 5m south of the existing access on the opposite side.
- 4 A comprehensive landscaping scheme is proposed, to include provision of new trees across the site, including a band of trees directly north of Plot 2 and south of the overhead power lines. Land not forming part of a residential curtilage would be retained as open grassland.
- 5 The application differs from application reference 13/01064/FUL in a number of ways. In terms of design the previous proposal was for formal mock-Georgian style dwellings. The proposed residential curtilages have been reduced in size.

Description of Site

- 6 The application relates to approximately 1.76 hectares of land located on the southeast side of Valley Road, a relatively narrow country lane which winds

through the shallow sided valley between Longfield and Fawkham. The majority of the site is screened from the road by dense hedgerow.

- 7 The site is elevated above Valley Road by approximately 1m and comprises a number of parts. At the northern end are two semi-detached dwellings fronting Valley Road with garden areas and two single storey outbuildings, on an area measuring approximately 45m in width by 80m in length. The outbuildings comprise a detached garage and workshop (originally approved as a loose box under application TH/5/59/130) both of which are located within the extended residential curtilage of no.2 Cross Cottages. Historic maps show that Cross Cottages were originally three dwellings.
- 8 To the NE of no.1 Cross Cottages is a vacant plot of land that bounds Pennis Lane. This land is not residential curtilage and measures approximately 35m in width by 45m in length. To the rear of this is an area of established woodland, measuring 35m by 45m.
- 9 To the SW of no.2 Cross Cottages is a large field, measuring approximately 40m by 80m and a stable block. To the SW of this is a further parcel of land measuring 95m by 80m and a pig sty. There is no record of any planning permission for the pig sty.
- 10 Two overhead power lines cross from the SE to NW of the site and over the existing stable building adjacent to the curtilage of no.2 Cross Cottages.

The site is located in the Green Belt and in an area of archaeological potential.

Constraints

- 11 Metropolitan Green Belt
- 12 Area of Archaeological Potential

Policies

Sevenoaks Core Strategy

- 13 Policies - L01, L08, SP1, SP11

Sevenoaks District Local Plan (SDLP)

- 14 Policies - EN1, EN17B, EN25A, H13, VP1

Emerging Allocations and Development Management Plan (ADMP)

- 15 Emerging Policies – EN1, EN2, EN4, EN5, GB4, T1, T2

Other

- 16 National Planning Policy Framework (NPPF)
- 17 National Planning Practice Guidance (NPPG)

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Planning History

- 18 13/01064/FUL: Demolition of existing dwellings and erection of two replacement dwellings, change of use of adjacent land to incorporated within in residential curtilage and creation of vehicle access on Valley Road. REFUSED 18.09.2013

Reason for refusal 1: The land lies within the Green Belt where strict policies of restraint apply. The proposal would be inappropriate development harmful to the maintenance of the character of the Green belt and to its openness. The Council does not consider that the special circumstances put forward in this case are sufficient to clearly outweigh the harm to the Green Belt in principle and to its openness. The proposal is therefore contrary to policies H13 of the Sevenoaks Local Plan, LO8 of the Sevenoaks Core Strategy and the National Planning Policy Framework.

Reason for refusal 2: The proposal would detract from the character and appearance of that area. This conflicts with policy LO8 of the Sevenoaks Core Strategy and the advice and guidance within the National Planning Policy Framework.

Reason for refusal 3: The site is considered to have some ecological value. In the absence of an ecological appraisal the applicant has failed to demonstrate that the development would not have an adverse impact on biodiversity. This would be contrary to SP11 of the Sevenoaks Core Strategy and the advice and guidance in the NPPF.

- 19 TH/5/59/133: Alterations to access. Granted 9th June 1959 (This relates to 2 Cross Cottages)
- 20 TH/5/59/130: Proposed loose boxes. Granted 5 May 1959. (This permission relates to the building that is identified as a workshop and the stable block adjacent)

Consultations

Fawkham Parish Council:

- 21 'Support: Improves housing stock. Appears to have addressed previous concerns regarding the physical volume of the development (i.e. appears now to comply with policy H14A). Provides a nicer look with increased hedging. Improves safety for residents. Supportive of the curtilage as proposed (with improved safety and hedging).

Kent County Council (Highways):

- 22 'There are no objections in principle to this proposal subject to the new vehicle access works and works on or adjacent to the highway associated with the closure of the existing vehicle accesses being carried out to the requirements of KCC Highways under appropriate licence or agreement and prior to the new houses being occupied.
- 23 I would also recommend an appropriate condition in respect of the following: Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.

INFORMATIVE: It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.'

Tree Officer: (comments pertaining to application reference 13/01064/FUL)

- 24 'The proposals for Plot 1 appear to locate the footprint of the new build within what is mostly an open area of land. The loss of an amount of vegetation between the existing open land and the rear garden of number 1 will be necessary but not overly an issue. Suitable landscaping consisting of existing or new planting should be provided and agreed. The existing vehicular access should be closed as part of the overall landscaping. The proposal for Plot 2 will necessitate the creation of an opening within the existing mature hedging. I can to a degree except such work but have concerns regarding the effects of the need to create sight lines. Although this part of the road is marked at a low speed. Vehicles do tend to drive along at a much faster rate. I can accept the cut through to create a 2.4 metre opening but would be interested to know the Highway Officers view on the amount of vegetation that will need to be cut back to create the 70 metre vision along the road, which equates to 140 metres when both directions are cut back. Hard and soft landscape details will be required along with boundary treatment details please, inclusive of details of the new woodland.'

KCC Ecology:

- 25 '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.
- 26 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."
- 27 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."
- 28 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.

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- 29 We have reviewed the ecological information which has been provided and we require additional information to be provided prior to determination of the planning application.

Bats

- 30 The ecological scoping survey has detailed the following:

- Evidence of bats within the stables
- Moderate to high roosting potential within cross cottages.

The survey has recommended that emergence surveys are required – as the ecological scoping survey was carried out in June 2014 it is very disappointing that the bat surveys were not carried out during the 2014 bat survey season (Optimal bat survey season is May – August). As detailed protected species are a material consideration within the planning process and as such we advise that the surveys must be carried out prior to determination of the planning application.

The survey results will enable us to identify what mitigation is required to ensure that the proposed development does not result in the loss of a bat roost. We are aware that the applicants have stated that they are willing to incorporate bat tiles and bricks within the building to create new roosting opportunities. However until the bat surveys have been carried out we are unable to confirm if this is sufficient mitigation.

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

Dormice

- 31 The ecological scoping survey has detailed that the hedgerows provided optimum habitat for dormice. The site plans show that a section of hedgerows will be removed to create a new access in to the site. As such we require additional information assessing the impact the proposed works will have on dormice. We realise that it is only a small section of hedge being lost but as it will result in part of the hedgerow becoming isolated we require this information to be provided prior to determination of the planning application.

Reptiles

- 32 The ecological survey has highlighted that there is suitable habitat within the site for reptiles – however it is not clear how much suitable habitat is present within the site. To enable us to fully understand how the reptiles will be impacted by the proposed development, please provide the following:

- A map of the site clearly showing where the suitable reptile habitat is located.
- Clarification if these areas will be impacted by the proposed development.

If it is only a small area to be impacted it may be appropriate to use a precautionary approach to clear the site. However if a larger area of suitable reptile habitat will be lost as a result of the proposed development a reptile survey

will need to be carried out. We advise that if a reptile survey is required it must be carried out prior to determination of the planning application.

Breeding Birds

- 33 There is suitable habitat within the site to be used by breeding birds. All nesting birds and their young are legally protected under the Wildlife and Countryside Act 1981 (as amended) as such if planning permission is granted we advise that the buildings and vegetation is removed outside of the breeding bird season (March to August). If that is not possible an ecologist must examine the site prior to works starting and if any nesting birds are present all works must cease until all the young have fledged.

Enhancements

- 34 One of the principles of the National Planning Policy Framework is that “opportunities to incorporate biodiversity in and around developments should be encouraged”. Enhancements are over and above any mitigation which is required. As such we suggest that enhancements to be incorporated in the site are decided, once the above information has been provided and it is known what mitigation is required.’

Natural England:

Statutory nature conservation sites – no objection

- 35 Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Protected species

- 36 We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a ‘reasonable likelihood’ of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

Local sites

- 37 If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

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Biodiversity enhancements

- 38 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'.

Representations

- 39 Notification letters were sent to the occupiers of 16 residential properties surrounding the site. A press notice was published on 11.09.2014 and a site notice was displayed on 12.09.2014. The statutory consultation period ended on 09.10.2014.
- 40 3 objections received. Summary of objections below:
- Object to demolition of existing buildings;
 - Existing buildings make positive contribution to environment;
 - Retention of existing buildings more sustainable;
 - Attempt to bypass Green Belt restrictions;
 - Openness of Green Belt would be reduced by development of Plot 2;
 - Development of agricultural land outside existing residential curtilage would be harmful to Green Belt and contrary to planning policy;
 - Query validity of including size of existing outbuildings in calculations;
 - Replacement dwellings should be on site of the demolished and of a similar size;
 - Proposed buildings bear no relation to local style;
 - Proposed buildings visually larger than existing;
 - Loss of affordable housing stock;
 - Harm to road safety;
 - Loss of hedgerow and harm to wildlife;
 - Loss of hedgerow and harm to character of the road;
 - Lack of special circumstances.

Chief Planning Officer’s Appraisal

Principle of development in the Green Belt:

- 41 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.
- 42 However, paragraph 89 of the NPPF confirms that, providing the openness of the Green Belt is preserved and that there is no conflict with the purposes of including land within the Green Belt, then exceptions include:
- the replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces.
- 43 The proposed development involves the demolition of two semi-detached dwellings (and outbuildings) and their replacement with two detached dwellings. For the proposed development to be considered appropriate under this exception the replacement buildings must not be materially larger and must be in the same use as the existing. On this basis the only buildings that can be assessed (under this specific element of paragraph 89) are the existing and proposed dwellings, as these are the only buildings that are in the same use. Whilst the applicant has included the built form of the existing workshop and garage to the rear of No.2 CC for the purposes of calculating the built form, there is no policy justification for including these outbuildings, which are located over 15m to the south of No.2 CC. This consideration therefore falls to be assessed as part of any case for very special circumstances. The existing stables and pig sty building are not in the same use as the proposed dwellings and accordingly their floor area, bulk and scale cannot be used to justify in whole or part any redevelopment under this part of the NPPF.
- 44 The following assessment will compare the footprint, floor area and heights of existing dwelling No.1 against the proposed dwelling comprising Plot 1 and the footprint, floor area and heights of existing dwelling No.2 against the proposed dwelling comprising Plot 2.

	Existing No.1 CC	Proposed Plot 1	Difference
Footprint (sqm)	82.89	98.8	+15.91 (+19.2%)
Floor area (GIA) (sqm)	147.8	202.3	+54.5 (+36.91%)
Depth (front to back) (m)	9.9	9.9	0
Width (m)	8.7	12.2	+3.5
Height to ridge (m)	6.3	6.8 - 7.2	+0.5 - 0.9
Height to eaves (front and rear) (m)	3.3	4.1 - 5	+0.8 - 1.7
Height to eaves (side) (m)	3.5	4.1	+0.6

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	Existing No.2 CC	Proposed Plot 2	Difference
Footprint (sqm)	92.46	150.9	+58.4 (+63.2%)
Floor area (GIA) (sqm)	146.7	318.8	+172.1 (+117.3%)
Depth (front to back) (m)	10.2	9.4	-0.8
Width (m)	9.4	17.5	+8.1
Height to ridge (m)	6.3 - 6.8	6.8 - 7.5	+0.7 - 1.2
Height to eaves (front and rear) (m)	3.3	4.1 - 5	+0.8 - 1.7
Height to eaves (side) (m)	4.2	4.1	-0.1

- 45 The combined total footprint of the two replacement dwellings (249.7sqm) would represent a 42.4% increase over the combined total footprint of the two existing dwellings. The combined total floor area of the replacement dwellings (521.1sqm) would represent a 77% increase over the combined total floor area of the two existing dwellings.
- 46 Whilst the depth of the replacement buildings would be the same or less than the existing, they would both be considerably wider (by 3.5m and 8.1m). The ridge height of the replacement buildings would only be marginally higher than the ridge height of the existing.
- 47 No definition of ‘materially larger’ is provided in the NPPF; however saved policy H13 of the SDLP and emerging policy GB4 of the ADMP sets out the criteria against which proposals for replacement dwellings in the Green Belt need to be assessed. Of particular relevance to the issue of size is criterion 4 of policy H13 which requires *‘the gross floor area of the replacement dwelling not to exceed the gross floor area of the ‘original’ dwelling by more than 50%’*. Criterion (d) of emerging policy GB4 also states that the gross floor area of a replacement dwelling can be up to 50% greater than the floor area of the ‘original’ dwelling (measured externally).
- 48 On the basis of the above calculations, and specifically the increase in footprint and floor area of Plot 2 over the existing floor area of No.2 CC, and the combined increase in floor area of both Plots 1 and 2 over the combined floor area of the original dwellings exceeding 50%, it is considered that the replacement buildings would be materially larger than the existing. In summary, the substantial increase in floor area, combined with the increase in width and increase in overall built form would attract the description of ‘materially larger’ and therefore constitute inappropriate development.
- 49 A further exception to the construction of new buildings being inappropriate in the Green Belt and stated at paragraph 89 of the NPPF relates to:
- 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.

50 Annex 2 of the NPPF sets out the definition of previously developed land as follows:

Previously developed land: 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.

51 In order to ascertain whether the application site constitutes previously developed land for the purposes of the NPPF it is necessary to look at the history of the site and existing buildings. The previous case officer identified that the site appeared to be informally divided into five parcels of land comprising:

- The residential properties and gardens of Nos. 1 and 2 CC (over the passage of time this has included an extension of the curtilage which now incorporates the former loose box, identified on the plan as a workshop);
- Stables and surrounding area of land;
- Vacant land on the corner of Pennis Lane and Valley Road (this land contains no buildings);
- Wooded land to the rear of the corner plot (this land contains no buildings);
- The pig sty and surrounding land.

52 The table below shows the floor area and heights of all existing buildings identified as to be demolished.

	Existing No.1 CC	Existing No.2 CC	Garage (in curtilage of No.2 CC)	Workshop (in curtilage of No.2 CC)	Stables	Pig Sty	Total
Floor Area (sqm)	147.8	146.7	34.1	64.64	86.8	67.32	547.36
Height (m)	6.3	6.3	2.6	3.6	2.5	2.5	

53 The existing dwellings are capable of constituting previously developed land, as are the garage and workshop which are now located within the residential curtilage of No.2 CC. However, even accounting for these two single storey buildings as existing floor area, the proposed development would still represent a 32.5% increase over the existing floor area.

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- 54 The stables and pig sty are not located within any residential curtilage and although there is a record of planning permission for the stables, there is no record of planning permission for the pig sty. It is considered reasonable to assume the stables, pig sty and surrounding land in the centre of the site could have been used for agricultural purposes. Although it is not clear whether there was a change of use of the land from agriculture to horsiculture (in relation to the stables) the stables have blended into the landscape in the process of time and for this reason would not constitute previously developed land. In the case of the pig sty and land associated, it is quite reasonable to assume that this would have been used for agricultural purposes as this would have been a building/land for the keeping of livestock, in this case pigs.
- 55 In summary I am of the opinion that the stables, pig sty and land associated with these structures do not fall within the definition of previously developed land. These specific buildings cannot therefore be used as a trade off in terms of their floor space, bulk or massing when considering whether the proposed development would be appropriate in the Green Belt under this part of the NPPF.
- 56 In summary, the replacement buildings would be materially larger than the existing. In addition the southern end of the application site does not comprise previously developed land. The proposed development does not fall within the list of exceptions set out in paragraph 89 of the NPPF, and therefore when assessed against the wording of the NPPF the proposal would constitute inappropriate development that is, by definition, harmful to the Green Belt, in conflict with the aims of the NPPF. Paragraph 88 of the NPPF is clear that *'substantial weight should be given to any harm to the green belt and that very special circumstances will not exist unless the potential harm to the green belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.'*

Impact on openness of the Green Belt

- 57 The NPPF makes clear that the essential characteristics of the Green Belt are its openness and permanence. Openness is not reliant upon degree of visibility but upon an absence of built development. The purpose of the Green Belt is also to protect land against unrestricted sprawl and safeguard countryside from encroachment.
- 58 As existing, the majority of built form including the semi-detached dwellings and ancillary outbuildings are concentrated towards the northern end of the site such that the mass and bulk of existing built form is relatively consolidated. With the exception of the existing two-storey dwellings, the other buildings are single storey. Three of the four outbuildings have ridge heights no greater than 2.6m; the workshop has a ridge height of 3.6m.
- 59 As proposed the development would be redistributed across the site, with the largest of the two buildings (comprising Plot 2) located on largely open land towards the southwest. The replacement dwellings would be marginally higher than the existing dwellings (6.8-7.5m) and significantly higher than the outbuildings. The replacement buildings would be greater in terms of footprint, size, height, bulk and volume than the existing buildings and together with the residential curtilage of plot 2 in particular would plainly result in a significant reduction in the openness of the Green Belt. This would be contrary to the NPPF and to criteria b of emerging policy GB4 of the ADMP which states that the design

and volume of replacement dwellings should not materially harm the openness of the Green Belt through excessive scale, bulk or visual intrusion.

- 60 In summary, harm to the Green Belt in this case would be caused both by virtue of the inappropriateness of the development proposed and by virtue of the harm caused to openness. An examination of whether any very special circumstances exist to outweigh the harm by reason of inappropriateness and any other harm will be considered at the end of the report.

Design and impact on the character and appearance of the surrounding area:

- 61 Paragraph 56 of the NPPF states that the Government attaches great importance to the design of the built environment; *'Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'*. 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. Outside settlements, priority will be given to the protection of the countryside and any distinctive features that contribute to the special character of the landscape and its biodiversity will be protected and enhanced where possible.
- 62 Policy L08 of the Core Strategy recognises the importance of the visual quality of the landscape and requires development to respect the countryside by having no detrimental impact upon the landscape character. Policy EN1 of the SDLP and emerging policy EN1 of the ADMP state 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. Policy H13 of the SDLP is also relevant and states that replacement dwellings should be well designed, sympathetic to the character of the area and designed so as to minimise visual intrusion into the landscape.
- 63 The local area is inherently rural, located outside of the village of Fawkham. The general grain of development in the area is of large, relatively isolated detached dwellings and small groups of buildings, including former farmsteads. There is little consistency in terms of size, design or materials. Cross Cottages were formerly agricultural workers cottages. Notwithstanding their architectural merit they are neither statutorily or locally listed and are not located within a conservation area. No consent is required for their demolition.
- 64 The proposed dwellings would be substantial in size; however would be of high quality, comprising well articulated and considered elevations comprising traditional materials (clay tiles, brick, timber windows, lead and oak) and in terms of scale, form and design would not appear inappropriate in the context of the surrounding buildings. In this respect the development represents an improvement over the previously refused planning application.
- 65 By reason of the proposal to extend the hedgerow across the existing opening adjacent to Cross Cottages, the proposal to incorporate a generous set back from Valley Road and also to reduce the extent of residential curtilage in this location, it is considered that the replacement building comprising Plot 1 would have no greater impact on the character or appearance of the area than the existing building.

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- 66 Notwithstanding the merits of the design of the building comprising plot 2, it would result in the introduction of a large building where minimal built form currently exists. Plot 2 would also include a modest curtilage to the front, side and rear. Although the building would be set back from the front of the site it would be visible from Valley Road. The new vehicular access, residential garden and building beyond would depart from the current consolidated nature of development on the site and intrude into the existing rural landscape which would be harmful to the open and rural character of this part of the site.
- 67 The introduction of a new residential curtilage in this location would also be contrary to saved policy H13 of the SDLP and emerging policy GB4 of the ADMP which requires replacement dwellings to adhere to the 'original' dwelling curtilage. The applicant states that the proposal to create a new residential curtilage would be of benefit to the locality, to the openness of the Green Belt and to each replacement dwelling. Benefits to highway safety are cited, specifically through the removal of the existing vehicular crossovers to both nos. 1 and 2 Cross Cottages onto Valley Road and through trimming hedges at the junction of Pennis Lane and Valley Road to improve sightlines. Whilst these works may be beneficial to highway safety, it has not been demonstrated that this same benefit could not be achieved without the associated harm to the Green Belt, particularly caused through the creation of Plot 2. Benefits to be gained from infilling the existing gap in the hedgerow to the front of Cross Cottages are also cited; however this could also be achieved without causing the harm by creating Plot 2. The applicant also states that the creation of two distinct residential curtilages would be more consistent with the general grain of development in the area. Notwithstanding that the existing site comprises abutting curtilages this is also not considered to represent a benefit that would outweigh the harm to the openness of the Green Belt from creating Plot 2.

Impact on residential amenity:

- 68 Paragraph 17 of the NPPF identifies a set of core land use planning principles that should underpin decision making. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Policy EN1 of the SDLP and emerging policy EN2 of the ADMP requires that any development should not have an adverse impact on the amenities of neighbours and also ensures a satisfactory environment for future occupants.
- 69 The nearest residential dwellings to the north, Cross House, are separated from the application site by a screen of substantial trees and Pennis Lane. The nearest residential dwelling to the east, Foxborough, is separated by woodland. Those to the south (Scudders Farm) are a considerable distance away and separated by open grassland and trees. The proposed development would not result in any harm in terms of loss of light, outlook or privacy to any surrounding occupiers and would comply with relevant policy.

Impact on highways:

- 70 Policy EN1 of the SDLP requires that proposed development should ensure the satisfactory means of access for vehicles and provides parking facilities in accordance with the relevant standards. Emerging policy T1 of the ADMP requires new developments to mitigate any adverse travel impacts. Emerging policy T2

relates to vehicle parking, including cycle parking and requires provision in accordance with advice from the Highway Authority.

- 71 The proposed access to Plot 1 via an existing access from Pennis Lane would be acceptable. The proposed parking arrangements would comply with relevant policies and would not cause harm to highway safety. The proposed access to Plot 2 would be via a new access onto Valley Road. The Highways Officer raises no objection to either the access or the parking provision and the proposals are therefore acceptable in this regard.

Trees and landscaping:

- 72 Policy EN1 of the SDLP and emerging policy EN1 of the ADMP requires the layout of new development to respect the topography of the site and retain important features including trees, hedgerows and shrubs. New landscaping and boundary treatment will be required in appropriate cases. As existing the site is well landscaped, particularly along the northwest edge adjacent to Valley Road. Although it would be necessary to remove an existing section of hedge (approximately 11.5m) to create the access to plot 2, this would be offset by the proposal to infill the existing (32m) 'gap' in front of Cross Cottages with indigenous plant species. It is also proposed to reinforce existing hedgerow planting adjacent to Pennis Lane and to plant small areas of woodland between the two plots within the site. The Tree Officer's comments relate to the previous application; however in light of the fact that they did not previously object, and that the landscaping has been improved as part of this submission, they remain valid. In summary the proposal to retain the majority and, where necessary, compensate for the loss of existing landscaping and plant new trees will result in an overall enhancement of the site in accordance with relevant policy.

Biodiversity and ecology:

- 73 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.
- 74 In order to address the previous reason for refusal the applicant has submitted an ecological scoping survey which identifies evidence of bats within the stables and moderate to high roosting potential within Cross Cottages. Whilst the survey recommended that emergence surveys be required none were carried out. KCC Ecology, in accordance with guidance contained in the Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System, advise that bat surveys and additional information relating to the presence of reptiles and dormice be made available prior to determination of the planning application in order to inform the extent of mitigation that may be required.
- 75 Notwithstanding that the applicant is proposing to provide some mitigation Government guidance is clear that the nature and extent of mitigation has to be informed by full and proper surveys. The application fails to adequately address the immediate and wider ecological implications of the development and, in the absence of such information, fails to comply with policies SP11 of the Core Strategy or EN17B of the SDLP.

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Archaeology:

- 76 The site is located within a designated Area of Archaeological Potential. Policy EN25A of the SDLP and emerging policy EN4 of the ADMP seek to ensure the preservation of important archaeological remains. The proposals would entail development on largely undeveloped land where archaeological remains could exist and it is therefore considered appropriate that details of appropriate screening be secured by condition.

Very special circumstances:

- 77 The NPPF states that very special circumstances to justify inappropriate development will not exist unless the harm because of inappropriateness, and any other harm, is clearly outweighed by other considerations. The applicant has put forward a number of very special circumstances to justify inappropriate development in the Green Belt, including:

Improvement in openness;

- 78 The applicant contends that the proposed development would represent a 4.8% reduction in floor area, 36% reduction in footprint and 4% reduction in elevational area to Valley Road over all the existing structures on site and that this would improve openness. This calculation involves counting the non-residential structures against the new development. Openness is not however limited to an assessment of floor area, footprint or elevational area. As concluded above it is considered that the development would, by reason of its siting, scale and bulk, be visually intrusive and harmful to the openness of the Green Belt. I therefore accord this no weight.

- 79 History of murder at the site;

It is a known fact that a murder was committed and suicides occurred at no.2 Cross Cottages. The applicant contends that for this reason 'the replacement dwellings should be located as far away from the site of the existing dwellings as is reasonably practical having regard to current planning policy.' Although I concur that the history of the site is a compelling reason for its redevelopment, it has not been demonstrated that this could not be achieved via appropriate development in the Green Belt. I therefore accord this limited weight.

Presence of overhead power lines;

- 80 The applicant has submitted various newspaper articles regarding research on the relationship between power lines and health. There is however no definitive evidence of any link. Whilst it is acknowledged that there are overhead power lines that cross the site and that these represent a genuine constraint on redevelopment, there are understood to be no physical constraints beyond respecting the 'safe working zones' extending by 6m either side of the power lines. The proposed dwellings would be sited considerably beyond these zones; plot 2 would be located 35m south and plot 1 would be located 23m to the north, as opposed to the existing dwellings which are sited within 5m and 15m. I therefore accord this fact limited weight.

No proposal to enlarge residential curtilages;

- 81 It is acknowledged that there would be no enlargement to the size of the residential curtilages, although the proposal involves the creation of new curtilages in different parts of the site. The applicant confirms that the curtilages have been identified based on the distance from the existing no.2 Cross Cottages, opportunities to improve highway safety by utilising the existing Pennis Lane access, retention and enhancement of existing landscaping, distance from neighbouring dwellings, ability to reflect established grain of development and distance from overhead power lines. Notwithstanding there would be no increase in size none of the above factors are considered to carry such weight as to outweigh the harm that would be caused by the relocation of the curtilages.
- 82 In conclusion, none of the above are considered to constitute the very special circumstances that would outweigh the harm in principle (by reason of being inappropriate) or the other harm, including to the openness of the Green Belt and to the character and appearance of the surrounding area.

CIL:

- 83 The application is accompanied by a CIL Additional Information Form which identifies that the development would be CIL liable. There is no application for, or intention to apply for an Exemption or Relief.

Conclusion:

- 84 The site lies within the Metropolitan Green Belt where there is a presumption against inappropriate development. The proposed development has been found to be inappropriate, which by definition is harmful to the Green Belt. In addition the proposed development has been found to be harmful to openness and to the rural character and appearance of the area. In such circumstances the applicant is required to demonstrate that very special circumstances exist that would outweigh the harm to the Green Belt by reason of inappropriateness and any other harm in order to justify such development. The justifications advanced by the applicant are not considered to constitute the very special circumstances required and do not clearly outweigh the harm that would be caused.
- 85 Whilst the proposals represent an improvement over the previously refused planning application, specifically in terms of more appropriate form and design and reduced residential curtilages, the principle of this development in the Green Belt remains unacceptable and contrary to planning policy and guidance. The application also fails to adequately address the immediate and wider ecological implications of the development. There are no other issues that could not be satisfactorily addressed by appropriate planning conditions.

Recommendation: Refuse

Contact Officer(s): Matthew Durling Extension: 7448

Richard Morris
Chief Planning Officer

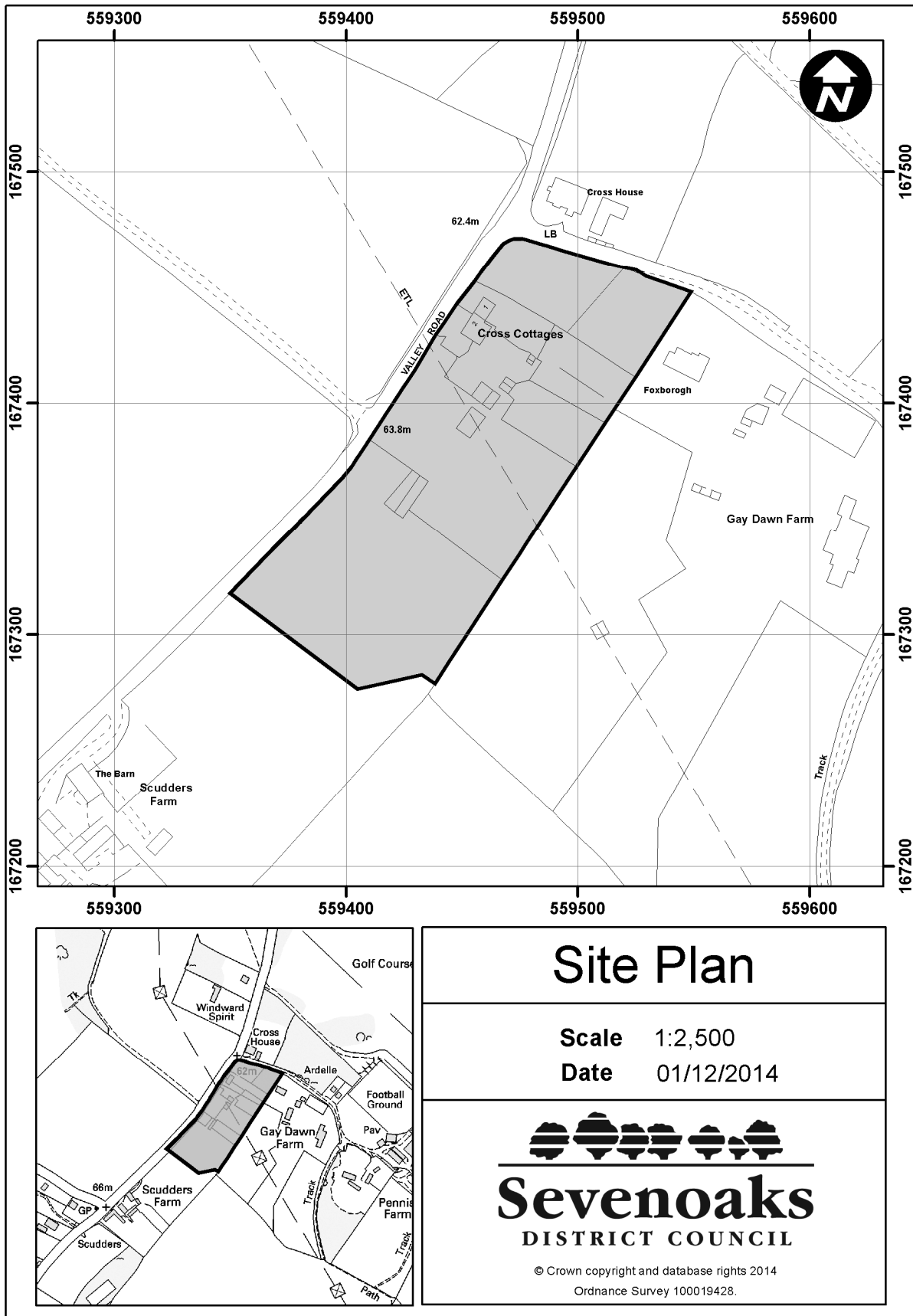
Link to application details

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NA8WECBKOL000>

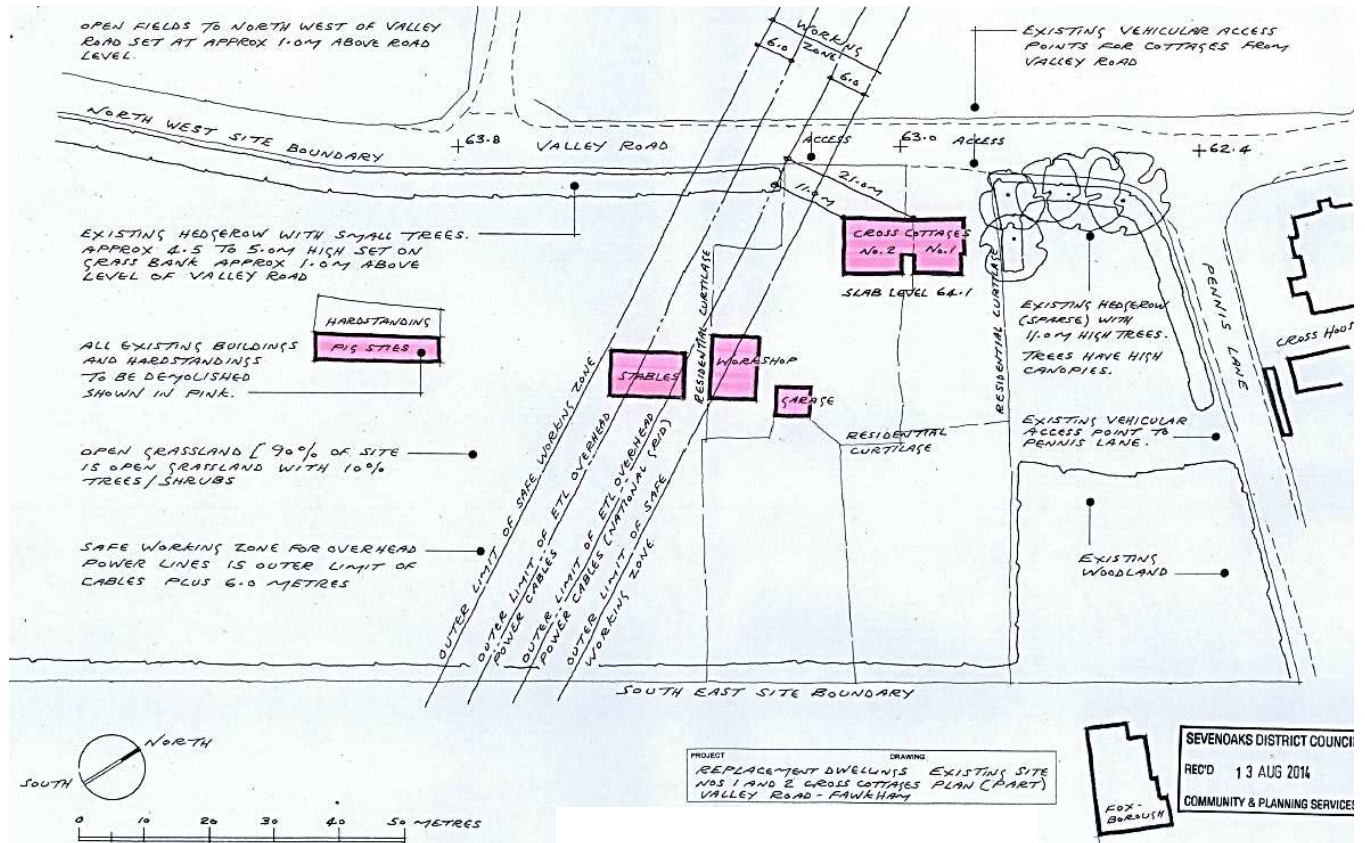
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Link to associated documents

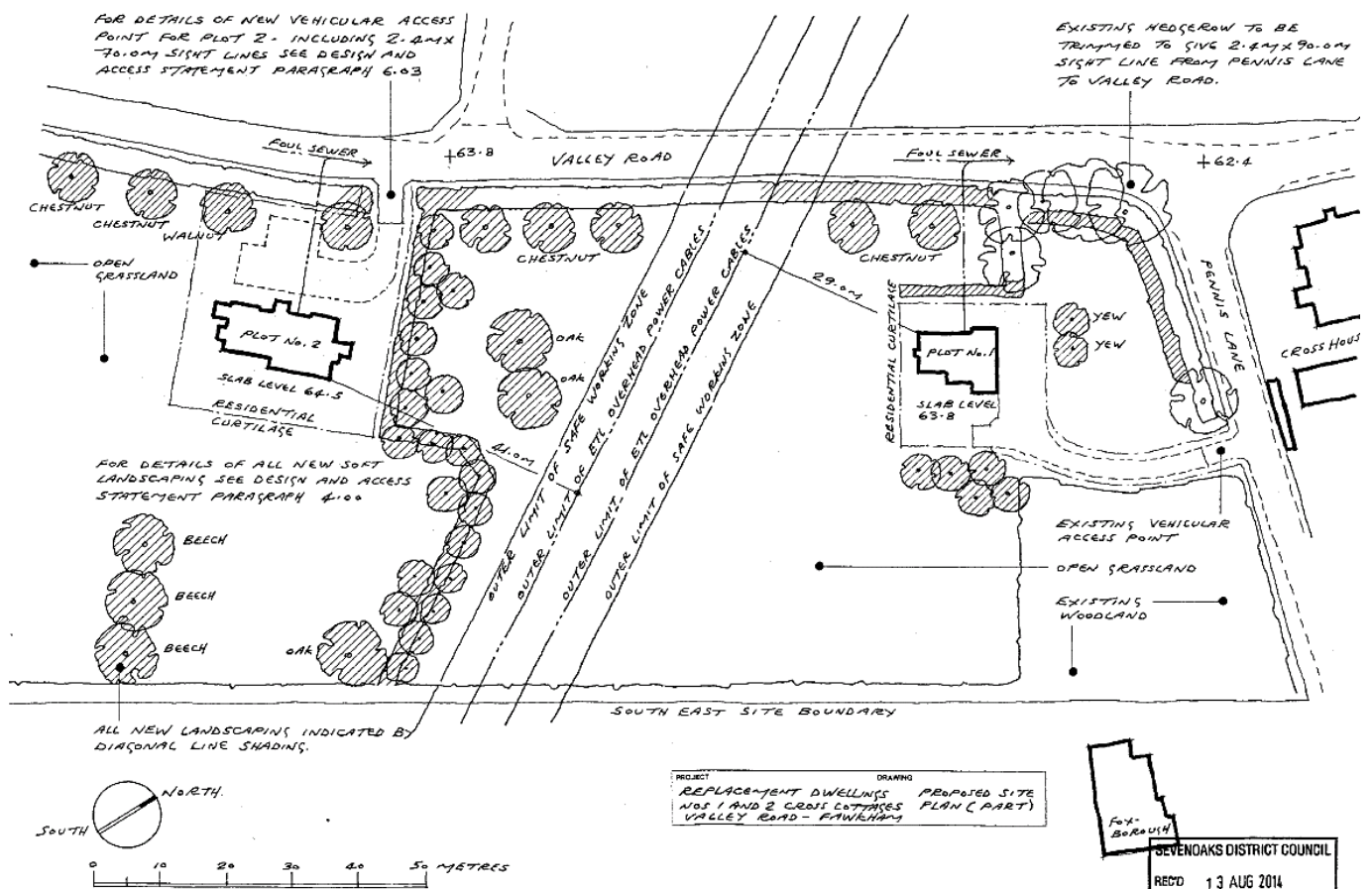
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Block Plan - Existing



Block plan - Proposed



4.3 – SE/14/02526/FUL Date expired 8 December 2014

PROPOSAL: Demolition of existing garage to facilitate erection of a 2 storey end of terrace 2 bedroom dwelling with ancillary parking.

LOCATION: 16 Egerton Avenue, Hextable BR8 7LQ

WARD(S): Hextable

ITEM FOR DECISION

Councillor Mrs Ayres referred this application to Development Control Committee so that the impact of the proposed development on the streetscene and amenity could be considered.

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: 3842-PD-12 and 3842-PD-12

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

3) 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).

4) 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;
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

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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

5) 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 adjacent conservation 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 safeguard the visual amenity of the area and the amenities of the occupiers of surrounding properties; as supported by Policy EN1 of the Sevenoaks District Local Plan.

7) No development shall take place until details of the two parking spaces materials and surfacing have been submitted and approved in writing to the Local Planning Authority. The parking spaces shall be formed in accordance with the approved details and made available for use before the first occupation of the dwelling hereby approved.

In the interest of Highways Safety

Informatives

1) Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters' pipes. The developer should take account of this minimum pressure in the design of the proposed development.

2) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

3) New footway vehicular crossing to KCC specification to be agreed and constructed prior to parking area in front of existing property off Egerton Avenue is brought into use. The applicant will need to apply to KCC for permission to construct this crossover. In the

interest of highways safety.

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) The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Description of Proposal

- 1 Planning permission is sought for the erection of a new dwelling adjoining onto number 16 and 14 Egerton Avenue, a pair of semi detached dwellings. The proposed dwelling would be two storey with a hipped roof measuring 7.5m to the ridge and 4.7m to the eaves. The dwelling would have a bay window at ground floor level to the side and canopy porch over the front door. It would have a depth of 7.6m and width (excluding the bay window) of 4.2m. The proposal seeks to provide a rear and side garden and vehicular access with parking for one car.

Description of Site

- 2 The site lies to the south of Hextable Village within a residential area. The application site is set on a corner plot where New Road meets Egerton Avenue. To the north of the site lies a neighbouring dwelling number 2 New Road, to the east the adjoining neighbour number 16 Egerton Avenue which forms a pair of semi detached dwellings. To the west of the site across New Road lies number 18 Egerton Avenue. The site lies in an area with no land constraints.

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Constraints

- 3 No land constraints

Policies

Sevenoaks Local Plan:

- 4 Policies - EN1, H6B, Appendix 4 Residential Extensions

Sevenoaks Core Strategy:

- 5 Policies - SP1, LO1, LO7, SP2 and SP3

Allocations and Development Management Plan, Draft submission (Nov 2013)

- 6 Policies - SC1, EN1, EN2 and T2

Other

- 7 National Planning Policy Framework (NPPF) and associated technical guidance

- 8 National Planning Practice Guidance (2013 – BETA)

Planning History

- 9 12/02487/HOUSE - The erection of two storey side extension REFUSE
15/11/2012

13/02622/HOUSE - The erection of two storey side extension. GRANT
24/10/2013

Consultations

Parish/Town Council

- 10 Hextable Parish Council – Object. Overdevelopment, loss of amenity space and change of street scene

Thames Water

- 11 It is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary.
- 12 Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - To ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- 13 Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your

neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership.

- 14 Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at www.thameswater.co.uk
- 15 Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.
- 16 Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

KCC Highways Authority

- 18 I refer to the above planning application and confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-
- 19 1 new footway vehicular crossing to KCC specification to be agreed and constructed prior to parking area in front of existing property off Egerton Avenue is brought into use. The applicant will need to apply to KCC for permission to construct this crossover. And recommend an informative (5.11.2014).

Representations

- 20 No comments received.

Chief Planning Officer's Appraisal

Principle of development

- 21 One of the core principles within the NPPF is achieving sustainable development and encouraging high quality design. Emerging policy SC1 (presumption in favour of sustainable development) seeks to ensure that there is a presumption in favour of sustainable development. Similarly, policy SP1 of the Core Strategy supports in principle new development subject to a number of requirements being met including design and ensuring that new development does not have any undue harm to neighbouring properties.
- 22 The remaining issues to consider in the determination of this application are:
 - The principle of a new dwelling within the area;
 - Visual Impact on the character of the area/streetscene;
 - The impact upon amenity of neighbouring occupiers
 - Highways; and
 - Affordable housing.

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Principle of a new dwelling

- 23 The NPPF Paragraph 53 states that Local Planning Authorities plans should resist inappropriate development of residential gardens where it could harm the local area. In addition Sevenoaks Core Strategy Policy requires development to be set mainly within the built confines of existing settlements including service village such as Hextable subject to the development complying with the provisions of other policies. Policy LO7 continues to state that small scale infilling maybe appropriate if untaken in an acceptable manner taking into account the limited range of facilities and services available.
- 24 In this case, as the proposal is for one single dwelling set within the built up confines of Hextable would be acceptable in principle subject to complying with the provisions of the policies and other policies assessed below.

Visual Impact on the character of the area/streetscene

- 25 The NPPF attaches great importance to and encourages good design due to its indivisible link with sustainability. Paragraph 56 seeks for development to 'contribute positively to making places better for people' through the implementation of high quality and inclusive designs. Policy SP1 of the Sevenoaks Core Strategy also seeks to ensure that all new development is designed to a high quality and reflect the character of the area in which it is located.
- 26 Saved Local Plan policy EN1 states that *'the form of the 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'* to receive support. This policy broadly conforms with the NPPF and therefore can be afforded weight in this assessment. Emerging policy EN1 (Design Principles) of the ADMP will in part replace adopted policy EN1 (Development Control: General Principles) of the Local Plan this policy also requires high quality design.
- 27 The character of the streetscene is relatively mixed along Egerton Avenue with a number of detached and semi detached dwellings varying in size and design. New Road is more regular with semi detached dwellings similar in size and design to number 14 and 16 Egerton Avenue, these properties line New Road with uniform spaces between dwellings.
- 29 It is noted that a new dwelling has recently been granted planning permission in 2013 for a detached dwelling in the garden land of number 12 Egerton Avenue which is also modest in scale.
- 30 Planning permission was also granted for a two storey extension to number 16 Egerton Avenue (13/02622/HOUSE) which had a similar design, form and size to the proposed new dwelling. This extension was not considered to have an adverse impact on the character of the area or streetscene when assessed at this time.
- 31 The proposed new dwelling is set on a corner plot and has been positioned to retain the existing open character of the streetscene within the corner plot due to its size and position. With regards to the design, there are a mixture of rooflines and materials within the streetscene, as such it is not considered that the proposal would have an adverse impact on the character of the area. To ensure a satisfactory appearance of the property a condition relating to hard and soft landscaping is considered to be appropriate.

- 32 In light of the above, the proposed dwelling by reason of its design, size and position is not considered to have an adverse impact on the character of the area or streetscene.

Impact on Neighbouring Amenity

- 33 Paragraph 17 of the NPPF identifies a set of core land-use planning principles that should underpin decision-taking. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 34 Saved Policies EN1 and H6B of the Sevenoaks District Local Plan require that proposals do not have an adverse impact on the amenity of the neighbouring properties and that new development ensures that a satisfactory environment of the original dwelling is maintained for future occupants. Both policies confirm in broad with the NPPF and therefore can be afforded some weight in the assessment of the proposal. Emerging policy EN2 seeks to safeguard the amenities of existing and future occupants of nearby properties, including from excessive noise, activity or vehicle movements and can be given moderate weight in this assessment.
- 35 As the proposed new dwelling would be set in the existing residential garden of 16 Egerton Avenue a division of the land and alterations to both sites is proposed. As such, the applicant has demonstrated that both dwellings would have a private rear amenity space and adequate parking spaces in line with KCC guidance. The proposal therefore demonstrates that an amenity space for each dwelling can be achieved as part of the proposal. A condition will be applied to ensure that each are provided prior to first occupation of the property.
- 36 With regards to overbearing or loss of light due to the siting, size (with a height of 7.5m to the ridge and 4.7m to the eaves) and relationship of the proposed dwelling in relation to the neighbouring properties (attached to the flank wall of number 16 Egerton Avenue and set 7.8m away from 2 New Road's side wall) it is not considered that the proposed dwelling would introduce an adverse impact to these properties. With regards to overlooking to the rear of number 16 Egerton Avenue and number 2 New Road a current level of overlooking across the rear gardens of the properties already exists. The introduction of the windows proposed on the new dwelling are, therefore, not considered to significantly exacerbate the existing overlooking between the properties to introduce a detrimental overlooking impact. The proposed dwelling is located close to neighbouring properties, as such it considered reasonable to remove permitted development rights on the property to protect the amenity of the neighbouring properties.
- 37 As such, the proposal complies with the above policies.

Highways

- 38 The NPPF seeks to ensure that developments provide 'safe and suitable access to the site' and encourages sustainable transport. Saved Local Plan policy EN1 seeks to ensure that that development has safe and satisfactory means of access and parking. Emerging T2 (Vehicle Parking) seeks to ensure that parking provision are in accordance with the Kent County Council.

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- 39 The applicant has demonstrated that one off street parking space can be provided for the new dwelling and two parking spaces for number 16 Egerton Avenue. KCC highways authority has been consulted on the development and has no objection subject to an appropriate condition and informative being added on to any subsequent planning permission. As such, I am satisfied that there would be adequate parking provision on both sites and that the proposal would not have a detrimental impact on highways safety.

Affordable housing

- 40 The applicant has submitted a S106 unilateral undertaking to make a financial contribution of £11,000 towards the provision of off-site affordable housing. Notwithstanding this, on 28 November 2014 the Government amended the National Planning Practice Guidance (NPPG) to restrict the circumstances where contributions for affordable housing should be sought. Under the new guidance, other than in designated rural areas, contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1000sqm. As a result Policy SP3 of the Core Strategy and the Affordable Housing SPD are no longer consistent with the NPPG in relation to developments below the new NPPG size threshold and are not likely to be supported on appeal.
- 41 This proposal is for a development below the NPPG threshold and a contribution to affordable housing cannot therefore be sought.

Sustainable Development

- 42 The Core Strategy Policy SP2 seeks to ensure that all new dwellings achieve a minimum of Code for Sustainable Homes Level 3. As such, it is considered to apply a condition to ensure this level is achieved for the dwelling proposed.

Other matters

- 43 With regards to water and sewage an informative has been added as recommended by the comments received from Thames Water.

CIL

- 44 The proposal is CIL liable the applicant has submitted CIL forms to accompany the application.

Conclusion

- 44 The proposed new dwelling is considered to be acceptable in principal. The proposed new dwelling is not considered to have a significant adverse impact on the character or appearance of the streetscene due to the mixture of dwellings within the road. In addition the proposed dwelling is not considered to introduce an unacceptable level of amenity to the neighbouring properties or within the proposed dwelling and site itself. Subject to an informative and condition the dwelling does not raise any highways objections. In addition sustainable homes code level three can be secured by condition and CIL and affordable housing have also been addressed. As such, the proposal is considered to comply with the above policies and the recommendation is therefore for approval.

Contact Officer(s):

Erin Weatherstone Extension: 7290

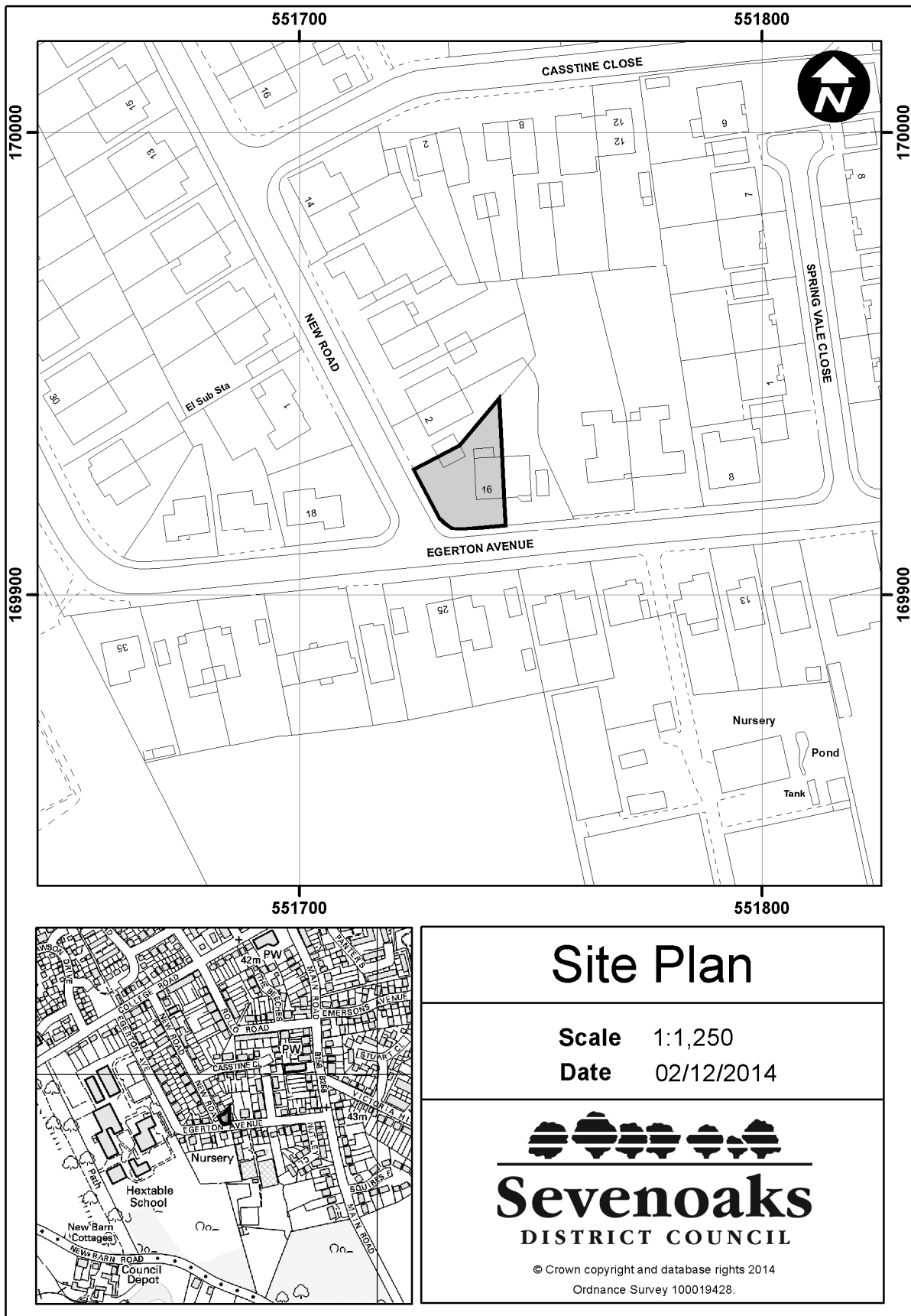
Richard Morris
Chief Planning Officer

Link to application details

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N9SL6WBKOL200>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=N9SL6WBKOL200>



Block Plan



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4.4 – SE/14/03165/FUL Date expired 5 December 2014

PROPOSAL: The Proposed installation of 16 free standing solar panels and A Frames

LOCATION: Rosebay, 44 Cherry Tree Grove, Knatts Valley TN15 6YG

WARD(S): Fawkham & West Kingsdown

ITEM FOR DECISION

Councillor Mrs Bosley and Councillor Bosley referred this application to Development Control Committee to consider the acceptability of this proposal in the Green Belt.

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) When no longer needed for microgeneration the solar panels hereby permitted should be removed as soon as reasonably practicable and the land should, as far as reasonably practicable, be restored to its condition before the development took place, or to the condition agreed in writing between the local planning authority and the developer.

To protect the character of the area in accordance with Saved Local Plan policy EN1.

3) No development shall be carried out on the land until full details of both hard and soft landscape works have been submitted to and approved in writing by the Council. Those details shall include:-planting plans (identifying existing planting, plants to be retained and new planting),-written specifications (including cultivation and other operations associated with plant and grass establishment),-schedules of new plants (noting species, size of stock at time of planting and proposed number/densities where appropriate), and-a programme of implementation.

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

4) The development hereby permitted shall be carried out in accordance with the following approved plans: block plan and Dwg July2014Baker001

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

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;

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- 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) The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Description of Proposal

- 1 Planning permission is sought for the installation of 16 free standing solar panels. This would consist of two rows of 8 panels positioned off the northern boundary of the parcel of land. Each row of panels would measure 8m in width by 1.5m in depth with a height to the highest part measuring 1.2m.

Description of Site

- 2 The site forms a parcel of paddock land measuring 0.35 hectares in area which wraps around the garden land of dwelling 44 Cherry Tree Grove to the north and west. The site is enclosed by mature trees designated as ancient woodland on the western and southern boundary. Cherry Tree Grove road lies to the south eastern boundary. To the north of the site lies 45 Cherry Tree Grove.
- 3 The site is enclosed by a close boarded fence along the northern boundary and open fencing elsewhere. There is an existing outbuilding on the application site positioned in the farthest south west corner of the land. The site lies within the Kent Downs Area of Outstanding Natural Beauty (AONB) and Metropolitan Green Belt. A public footpath runs along Cherry Tree Grove along the eastern boundary of the site. A second outbuilding shown on the block plan adjacent to the solar panels has been removed.

Relevant Planning History

- 4 76/00489/HIST – Alterations and erection of a brick outer skin to dwelling new roof and extensions to sides. Grant – 20/07/1976.
- 76/01115/HIS – Detached domestic garage at side. Grant – 01/11/1976.
- 79/00750/HIST – Extension to side of dwelling. Grant – 26/06/1979.
- 82/00007/HIST – Dormer window to dwelling. Grant – 17/02/1982.
- 00/01495/FUL – Rebuild roof over dormer to master bedroom, entrance porch and conservatory. Refuse – 07/08/2000.
- 00/01918/FUL – Rebuild roof over dormer to master bedroom, entrance porch and conservatory. Grant – 12/10/2000.
- 06/02617/FUL – Conversion of garage into a habitable room. Grant – 15/12/2006.
- 06/03079/FUL- Detached barn/garage to side of existing house. Refuse – 23/01/2007.
- 07/00385/FUL – To demolish and remove old stables and build a new barn/garage. Refuse – 03/04/2007.
- 14/02078/FUL – Proposed installation of 16 free standing solar panels and A frames. Refuse – 04/09/2014.

Policies

Sevenoaks District Local Plan:

- 5 Policy - EN1

Sevenoaks Core Strategy:

- 6 Policies - SP1, SP2, SP11, LO8.

Allocations and Development Management Plan, Draft submission (Nov 2013):

- 7 Policies - SC1, EN1

Other

- 8 National Planning Policy Framework (NPPF) and associated technical guidance

- 9 National Planning Practice Guidance

Constraints

- 10 Metropolitan Green Belt
- 11 Kent Downs Area of Outstanding Natural Beauty (AONB)
- 12 Public right of way along Cherry Tree Grove

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Consultations

Parish/Town Council

- 13 Members object to this proposal this is inappropriate development in this Greenbelt and AONB location which would set a precedent and Members see no strong evidence for special circumstances for this application

Councillors Comment

- 14 This is a very important case and feel that it should go to the committee

Representations

- 15 No comments received.

Chief Planning Officer's Appraisal

- 16 The main consideration of this proposal include:
- Renewable energy in the Green Belt
 - Impact on the character of the area and wider Area of Outstanding Natural Beauty (AONB)
 - Impact on neighbouring properties, amenity; and
 - Any very special circumstances.

Green Belt/Renewable Energy

- 17 One of the core principles within the NPPF is identified in para. 17 is to 'support the transition to a low carbon future in a changing climate and encourage the use of renewable resources (for example, by the development of renewable energy)'. Section 10 continues to state that 'Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure'. In addition Sevenoaks Core strategy Policy SP 2 seeks to encourage the construction of low carbon energy generation. In continues to state that schemes will be generally supported where they do not adversely impact the openness of the Green Belt and are consistent with AONB policies. Emerging policy SC1 (presumption in favour of sustainable development) also seeks to ensure that there is a presumption in favour of sustainable development.
- 18 With regards to national policy the Government attaches great importance to the Green Belt. The NPPF seeks to maintain the openness of the Green Belt and identifies development which is considered to be inappropriate development within the Green Belt.
- 19 The NPPF identifies that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF seeks to ensure that the Green belt does not wash over villages, Local Plan Policy LO8 of the Core Strategy states that 'the extent of the Green Belt will

be maintained' therefore there are no changes proposed to the current limits of the Green Belt within Sevenoaks District.

- 20 When within the Green Belt many elements of renewable energy projects are considered to be inappropriate development, as the erection of new structures is by definition considered to be inappropriate development in the Green Belt by the NPPF.
- 21 Paragraph 91 of the NPPF does however state that 'in such cases {where development is inappropriate} developers will need to demonstrate very special circumstances if projects are to proceed'. It continues to say that 'such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources'.
- 22 In this case 'very special circumstances' would need to be submitted to overcome the potential harm of the proposed development by reason of its inappropriateness. In addition it is the responsibility of the applicants to demonstrate why permission should be granted and set out any circumstances which they believe amount to 'very special circumstances'. In the absence of any 'very special circumstances' to outweigh the harm to the Green Belt there would be an in principle objection to any development with regards to Green Belt policy.
- 23 At present the proposed development, is by definition inappropriate development within the Green Belt which is in principle harmful to the open character of the area.
- 24 Notwithstanding the above, the applicant has provided information to confirm that the solar panels are to meet the energy needs for Roseby 44 Cherry Tree Grove therefore, the siting of the panels located within a distance of this property is required in this specific case to connect the energy created to the dwelling. In addition the supporting information states that this siting (close to the northern boundary of the paddock) is the only realistic place the panels can be accommodated due to the paddock land and domestic curtilage of the dwelling being set closer to the mature woodland to the southern boundary of the site and therefore in a more susceptible position for greater over shadowing in the winter and afternoons. In addition, the applicant has confirmed that roof of the main property would not face south. As such, these positions would not provide the same benefits of the siting proposed under this application as these alternative positions would not result in a maximum level of sunlight required to allow the solar panels to work most efficiently.
- 25 The proposed siting of the solar panels would be positioned away from the main house within the close to the northern boundary of the site. The development would have a height of 1.2m and form two rows of solar panels.
- 26 In conclusions, due to the fact that the solar panels are to serve the dwelling Roseby 44 Cherry Grove and are in a position and number justified by the supporting information in this case, the proposal is site specific which is considered in this case to add towards 'very special circumstances' as identified within paragraph 91 of the NPPF. Notwithstanding this other matters are assessed below.

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Visual Impact on the character of the area

- 27 The NPPF attaches great importance to and encourages good design due to its indivisible link with sustainability. Paragraph 56 seeks for development to 'contribute positively to making places better for people' through the implementation of high quality and inclusive designs. Policy SP1 of the Sevenoaks Core Strategy also seeks to ensure that all new development is designed to a high quality and reflect the character of the area in which it is located. Saved Local Plan policy EN1 states that *'the form of the 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'* to receive support. This policy broadly conforms with the NPPF and therefore can be afforded weight in this assessment. Emerging policy EN1 also carries significant weight and seeks to ensure good design. The site also lies within the Kent Downs AONB.
- 28 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. The NPPF (para.155) states that great weight should be given to conserving landscape and scenic beauty in areas such as the AONB as they have the highest protection. Policy LO8 of the Core Strategy also seeks to ensure that *The distinctive character of the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings, will be conserved and enhance*'.
- 28 The paddock site where the solar panels are proposed to be sited is enclosed by mature trees on three sides and a hedge along the front boundary of the paddock area. To the east of the site along Cherry Tree Grove runs a public footpath. As such, views of the site do exist from the public realm but appear limited with clear views only available within close proximity to the site on the approach to the site from along Cherry Tree Grove. Currently along the northern boundary of the site lies a close boarded fence, which is identified on the photographs as the neighbour's fence. The applicant has however proposed that landscaping scheme could be introduced along this boundary to provide a softer boundary treatment. In addition, it may be appropriate to extend any landscaping to assist in reducing the view point currently available from street and public right of way.
- 29 The proposed solar panels are set away from the main dwelling and therefore do appear to be slightly divorced on the site from the main dwelling, but lie close to the northern boundary of the site. Notwithstanding this however, the proposed panels are not considered to have an adverse impact on the AONB and seek to conserve the character of the area due to the low level and position of the proposed panels and the existing pattern of ribbon development along Cherry Tree Grove.
- 30 The proposal is therefore considered to comply with the above policies as it is not considered to have an adverse impact on the character and appearance of the area.

Impact on Neighbouring Amenity

- 31 Paragraph 17 of the NPPF identifies a set of core land-use planning principles that should underpin decision-taking. One of these principles is that planning

should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

- 32 Saved Policies EN1 require that proposals do not have an adverse impact on the amenity of the neighbouring properties and that new development ensures that a satisfactory environment of the original dwelling is maintained for future occupants. Both policies confirm in broad with the NPPF and therefore can be afforded some weight in the assessment of the proposal. Emerging policy EN2 also seeks to safeguard the amenities of existing and future occupants of nearby properties, including from excessive noise, activity or vehicle movements.
- 33 Due to the position of the proposed panels set within the paddock area with a height of 1.2m and the existing boundary treatment it is not considered that the proposed panels would have an adverse impact on the amenity of neighbouring property's amenity.
- 34 It is therefore concluded that the proposal is considered to comply with the above policies as it is not considered to have an adverse impact on the amenity of the neighbouring properties.

Very Special Circumstances

- 35 The Parish Council has objected to the proposed panels as they consider that it would constitute inappropriate development within the Green Belt for which there are no 'very special circumstances' to outweigh the harm to the Green Belt. In addition there are concerns that this decision would set a precedent however each application is judged on its merits.
- 36 Since the previous application the applicant has provided further justification which identifies why this is the best technology for the site and reasoning behind the number and the siting of the panels to ensure that sufficient energy is provided for the dwelling. The previous application lacked this level of detailing and as such at this time the proposal could not be identified as specific to this site and therefore amount to 'very special circumstances' to outweigh the harm by reason of inappropriateness to the Green Belt. In addition the siting of the solar panels has been altered since the previous application to move the panels closer to the northern boundary of the site.
- 37 In this case the applicant has submitted a detailed report which under takes a sequential test to justify why the solar panels are the best renewable energy solution for the site and identified why this position is the best available to achieve maximum sunlight and minimum visual harm. In addition, as the solar panels are only to serve the dwelling Roseby 44 Cherry Tree Grove this would introduce a case specific reason for the panels in connecting distance to the dwelling. In this case, it is considered that the information submitted by the applicant outweighs the harm that the proposal introduces to the Green Belt by reason of its inappropriateness.
- 38 At this time it is considered that the arguments put forward by the applicant have constituted to be 'very special circumstances' in this case which outweighs the harm to the Green Belt by reason of its inappropriateness in line with Paragraph 91 of the NPPF.

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Conclusion

- 39 The proposal constitutes inappropriate development for which there are 'very special circumstances' to outweigh the in principle harm caused to the openness of the Green Belt. In addition the proposal is considered to conserve the wider Kent Downs Area of Outstanding Natural Beauty and streetscene. The proposal is not considered to impact on the amenity of the close neighbours. As such, the proposal is recommended for approval.

Recommendation

Grant.

Contact Officer(s): Erin Weatherstone Extension: 7290

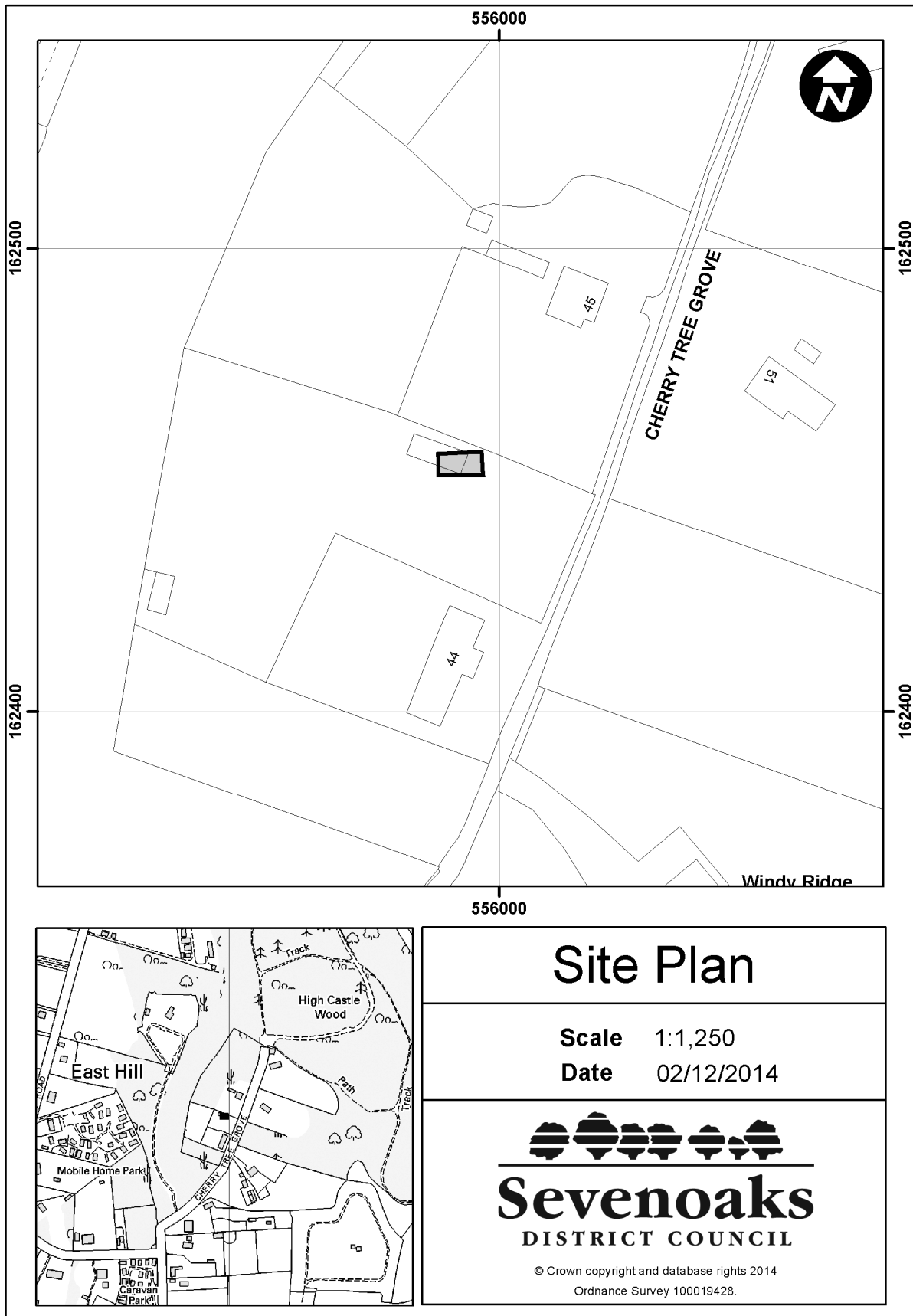
Richard Morris
Chief Planning Officer

Link to application details

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NCT2ERBKHBK00>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NCT2ERBKHBK00>





4.5 - SE/14/02966/HOUSE Date expired 18 November 2014

PROPOSAL: Erection of a two storey side and rear extension.

LOCATION: The Oast House, Shoreham Road, Otford TN14 5RL

WARD(S): Otford & Shoreham

ITEM FOR DECISION

This application has been referred to Development Control Committee by Councillor Lowe who considers the proposal incorporates an acceptable design with limited additional bulk and materials which are in keeping with the existing property.

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

The proposed development through adding a two storey side extension with a hipped and flat roof set in front of the existing oasts would create an incongruous feature which would have a detrimental impact upon the design of the building, adding additional bulk which would further elongate the property impacting detrimentally upon the street scene and the Area of Outstanding Natural Beauty. This would conflict with the National Planning Policy Framework, policies EN1 and H6B of the SDLP, policies SP1 and LO8 of SDC's Core Strategy, policies EN1 and 2 of SDC's ADMP and the Residential Extensions SPD.

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 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) 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 Erection of a two storey side and rear extension.
- 2 The proposed two storey extension extends 4.6m to the south-east of the dwelling with a depth of 8.5m. The front 5.9m of the proposed extension rises to a height of 8.5m with a hipped ridged roof with the rear 3.0m of the extension incorporate a flat roof with a maximum height of 5.5m which also extends across an existing single storey rear extension to the rear of the existing dwelling.
- 3 The materials would comprise of roof tiles to match the existing dwelling with a lead roof with wood roll on the mono pitched roof. The first floor would comprise of white render and oak to match the front gable of the existing dwelling with the ground floor comprising of reclaimed brick in Flemish bond with Flemish bond corners to match the existing dwelling.

Description of Site

- 4 The Oast House is a substantial property located to the north of Otford village in a prominent location on the approach out of Otford village on the A225 within a ribbon of development close to the junction with Station Road. The Oast House is a traditional Kentish style converted agricultural building with intact cowls.

Constraints

- 5 Area of Outstanding Natural Beauty
- 6 Area of Archaeological Potential

Policies

Sevenoaks District Local Plan (SDLP)

- 7 Policies - EN1, H6B, Appendix 4

SDC Core Strategy (SDCS)

- 8 Policies - SP1, LO8

SDC Allocations and Development Management Plan (ADMP) (Submission draft)

(Following the examination of the Allocations and Development Management Plan. (ADMP), policies within the ADMP are in the final stages of preparation and are now attributed weight in decision making.)

- 9 Policies - EN1 & EN2 Significant weight

Other

- 10 National Planning Policy Framework (NPPF)
- 11 National Planning Policy Guidance (NPPG)
- 12 SDC Residential Supplementary Planning Document
- 13 Otford Village Design Statement 2014

Planning History

- 14 76/00689/HIST Detached domestic garage at rear. Grant 23/07/1976
76/01486/HIST Detached domestic garage. Grant 26/01/1977
82/01372/HIST Replacement detached double domestic garage and store.
Grant 11/01/1983
99/02183/FUL Erection of a single storey conservatory. Grant 20/12/1999
08/02523/FUL Erection of dwelling in garden of The Old Oast House. Refuse
27/02/2009
09/00643/FUL Erection of dwelling in garden of The Old Oast House. Grant
26/06/2009
11/00659/FUL Erection of first floor rear extension, demolition of existing single
dwelling (The Oast House Bungalow) to facilitate erection of detached garage with
first floor Granny Annexe and single storey link canopy. Grant 23/05/2011
11/02555/FUL Erection of a detached dwelling with alterations from previous
application SE/09/00643/FUL including change of access, repositioning of
dormers, additional window to east elevation, repositioning of fenestration,
alterations to sun room roof, lantern light replaced with velux over stairs,
alteration to ridge height to west wing only and addition of tube lights. Grant
16/02/2012
11/02806/FUL The erection of a two storey side extension, first floor rear
extension and rear canopy. Refuse 04/01/2012
APP/G2245/D/12/2170335 The erection of a two storey side extension, first
floor rear extension and rear canopy. Dismissed 07/08/2012

Consultations

Otford Parish Council

- 15 'Support. In proportion to building, front is set back and roof line is reduced in
accordance with the residential extensions guidance.'

Representations

- 16 None received.

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Chief Planning Officer's Appraisal

Background

- 17 Pre-application advice was sought in respect to this application which raised concerns in respect to the extension not reflecting the proportions of the main dwelling and that the addition may jar with the host property due to its design and position.
- 18 Whilst changes have been made to the fenestration and materials, the bulk of the proposal other than reducing the width of the rear elevation by 0.2m remains unchanged from that considered at pre-application.
- 19 A previous application 11/02806/FUL was refused and an appeal was subsequently dismissed in 2012 (Appendix 1). This application related to the erection of a two storey side extension with a first floor rear extension extending from the dwelling by 5.9m with a depth of 8.9m. The main bulk was set back with a forward projection in line with the existing dwelling with the extension incorporating a lower ridge height than the existing dwelling.
- 20 The Inspector concluded that "the extensions, particularly when seen from the front and the side, would harm the character and appearance of the building and the street scene, and hence the appearance of the AONB", which would be contrary to national, local planning and design policies.
- 21 At the time of this appeal decision, The Oast House Bungalow, which previously existed to the south east of the Oast House had been demolished and the access to a new dwelling, Orchard Cottage had been created.
- 22 Since this decision was made the Allocations and Development Management Plan has more weight, with policies EN1 and EN2 which relate to Design Principles and Amenity Protection possessing significant weight. These policies incorporate similar policies to those as set out within policy EN1 of SDLP. The appeal decision would accordingly represent a material consideration in the determination of this application.

Impact upon the street scene and Area of Outstanding Natural Beauty

- 23 The NPPF states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
- 24 Policy EN1 of the SDLP identifies a broad range of criteria to be applied in the consideration of planning applications. Criteria 1 states that the form of the proposed development, including any buildings or extensions should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard. Policy EN1 of the ADMP incorporates similar policies to those outlined above for Policy EN1 of the SDLP.

- 25 SDC's Residential Extensions SPD states that an extension should be limited in size and respect the original dwelling with careful design. The scale, proportion and height of an extension should respect the character of the existing building unless there is a strong justification for an alternative approach and should fit unobtrusively with the building and its setting. The form of an extension should be well proportioned and present a satisfactory composition with the house. The extension should normally be roofed to match the existing building in shape. A flat roof extension would normally be unacceptable unless flat roofs are already a characteristic of the locality. The Otford Village Design Statement states that extensions which are perceived to give a terracing effect are not encouraged.
- 26 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.
- 27 The NPPF paragraph 115 states that Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.
- 28 Policy L08 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. The distinctive character of the Kent Downs Area of Outstanding Natural Beauty and their settings will be conserved and enhanced.
- 29 The Oast House is a converted agricultural dwelling with two oasts reflecting the historical design of the building. As viewed from the south east the current dwelling clearly emphasises the two oasts with the current two storey dwelling set forward in the street scene with the chimney set against the side of the property. The proposal would add a two storey side extension with a hipped roof, with oak boards and render below and a two storey flat roofed extension behind set partly above an existing single storey extension and partially as a new two storey extension.
- 30 This would change the character of the property by adding additional bulk and form which would compete with the simplicity of the oasts reducing their impact when read with the building as currently viewed from the south east. In consequence this would have a detrimental impact upon the design of the dwelling as it currently exists contrary to advice in the Residential Extensions Supplementary Planning Document and policies EN1 and H6B of the SDLP, SP1 of the SDCS and EN1 and EN2 of ADMP.
- 31 As viewed from the southwest, Oast House and 1-4 Appledore Place to the north appears as one continuous built form, with the latter property being of a modern design and limited architectural benefit. By extending Oast House to the south east the proposal would further elongate the extent of the properties built form, adding additional bulk and form within the street scene. This would be further impacted upon by the creation of a flat roofed two storey rear extension which would be visible from the south east and would create an incongruous feature as

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viewed from the street creating an unsympathetic form to the building in conflict with guidance as set out within the Residential Extensions SPD.

- 32 These features would jar with the existing proportions of Oast House and would harm the character and appearance of the building, impacting detrimentally upon the street scene and in consequence the proposal would fail to conserve the appearance of the wider Area of Outstanding Natural Beauty.

Impact upon local amenities

- 33 Policy EN1 of the SDLP lists a number of criteria to be applied in the consideration of planning applications. In particular, Criteria 3) of policy EN1 of the SDLP states that the proposed development must not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements. Policy EN2 of the ADMP incorporates similar policies to those outlined above for Policy EN1 of the SDLP.
- 34 The proposed development would extend the property to the southeast. Due to an access drive being located to the side and rear of the dwelling and the separation distance between the extension and the nearest adjacent property Kennels Cottage being 25m the proposal would not have a detrimental impact in respect to a loss of light, privacy or overshadowing. If permission were to be granted a condition could be imposed preventing the addition of any first floor windows on the south eastern elevation to ensure no future overlooking of the occupants of Kennel Cottage to the south east.
- 35 In consequence the proposal would meet the requirements of policy EN1 of the SDLP and policy EN2 of the ADMP.

Impact upon the Area of Archaeological Potential

- 36 Section 12 of the NPPF relates to conserving and enhancing the historic environment and identifies that heritage assets are a 'irreplaceable resource'. As such, paragraphs 131-132 seek to ensure that development makes a positive contribution to local character and distinctiveness and that great weight is given to asset's conservation including 'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'. Emerging policy EN4 (Heritage Assets) of the ADMP seeks to relate to proposals which affect a heritage asset or its setting it supports proposals where the character, appearance and setting of the asset is conserved or enhanced. Assessment will relate to the significance of the asset, prominence and any elements to be lost or replaced.
- 37 The proposed works would increase the footprint of the property by approximately 40m². A condition imposing a watching brief could be imposed to ensure the protection of any potential archaeology on site.

Community Infrastructure Levy

- 38 With regard to Community Infrastructure Levy (CIL) liability, as set out in the CIL Regulations, this development is not creating floor area of more than 100m². Accordingly, this residential development is not CIL liable.

Conclusion

- 39 The proposed development through adding a two storey side extension with a hipped and flat roof set in front of the existing oasts would create an incongruous feature which would have a detrimental impact upon the design of the building, adding additional bulk which would further elongate the property, impacting detrimentally upon the street scene and the Area of Outstanding Natural Beauty. This would conflict with the National Planning Policy Framework, policies EN1 and H6B of the SDLP, policies SP1 and LO8 of SDC's Core Strategy, policies EN1 and 2 of SDC's ADMP and the Residential Extensions SPD.

Background Papers

Site and Block plans

Contact Officer(s): Guy Martin Extension: 7351

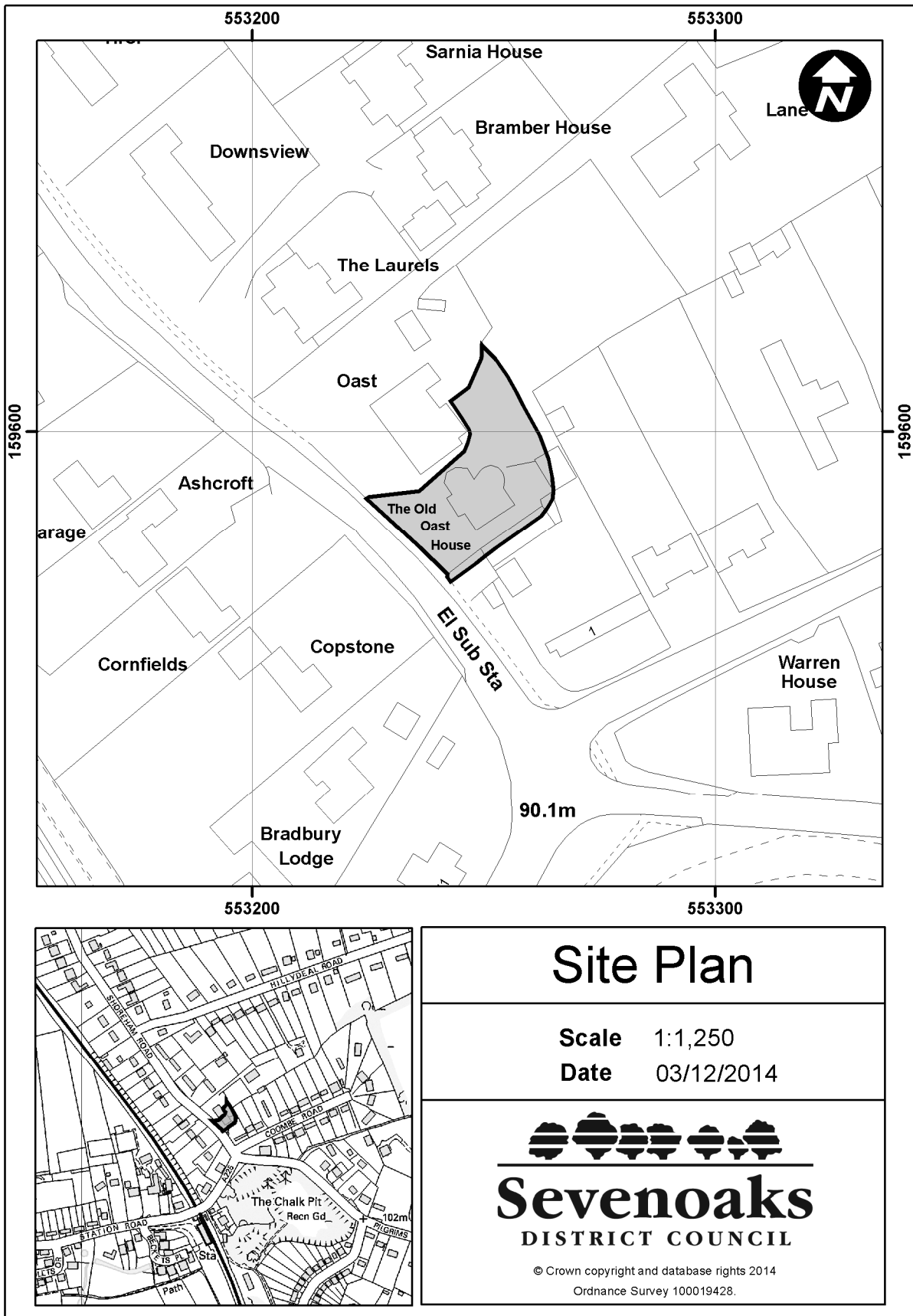
Richard Morris
Chief Planning Officer

Link to application details

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NBXKWOBKH4I00>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NBXKWOBKH4I00>



Site Plan

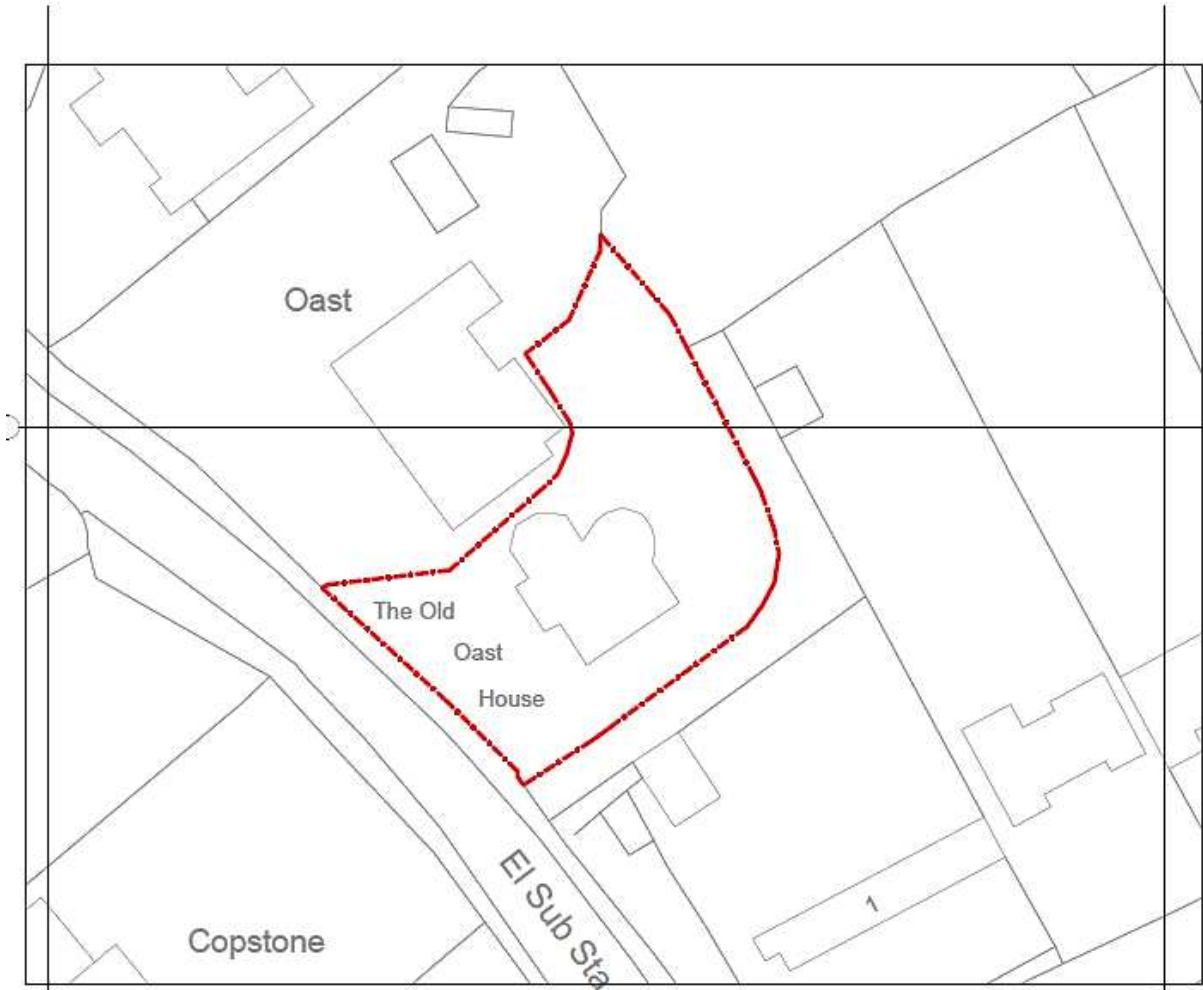
Scale 1:1,250

Date 03/12/2014



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Ordnance Survey 100019428.

Block Plan





Appeal Decision

Site visit made on 7 August 2012

by **P Dobsen MA (Oxon) DIPTP MRTPI FRGS**

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

Decision date: 14 August 2012

Appeal Ref: APP/G2245/D/12/2170336

The Oast House, Shoreham Road, Otford, SEVENOAKS, Kent, TN14 5RL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Andrew Wellington against the decision of Sevenoaks District Council.
 - The application (Ref SE/11/02806/FUL) was refused by notice dated 4 January 2012.
 - The development proposed is "two storey side extension, first floor rear extension and rear canopy".
-

Decision

1. The appeal is dismissed.

Main issue

2. The main issue in the appeal is the effect of the proposed extensions (particularly at the front and side) on the character and appearance of the house, and on the street scene.

Reasons

3. The Oast House is a substantial and attractive 3 bedroom dwelling house sited on the east side of Shoreham Road within a ribbon of development close to its junction with Station Road in Otford. The locality lies within the Kent Downs AONB (Area of Outstanding Natural Beauty).
4. The building comprises 2 storeys, but with some rooms in the roof spaces. It was converted to residential use from traditional Kentish oasts some time ago, and to my mind and eye appears pleasingly well-proportioned, particularly when viewed from Shoreham Road, in which it is visually prominent and conspicuous. There is a garden area on the south side of the house, and beyond that a newly built and fenced access to a detached house which is currently under construction nearby to the north east.
5. The main element of the proposal is a largely full-depth extension, some 5.7m. in width, to be constructed on the garden area on the southern side of the building. This would accommodate a garage on the ground floor with access from the existing front parking area, and several additional habitable rooms with gallery space above. Details of the proposed design are intended to replicate certain elements of the existing building, with its prominent front bay, and its use of traditional external materials including bricks and tiles.

www.planningportal.gov.uk/planninginspectorate

6. New development is expected both by national¹ and by local planning policies to conserve the landscape and scenic beauty of the AONB, and, in general, to achieve a high standard of design. Relevant development plan policies in the Sevenoaks District Local Plan (particularly saved policies EN1 and H6B) and in the Sevenoaks Core Strategy (adopted 2011), also address design matters more generally, and are backed up by the guidance and advice in the Council's Residential Extensions supplementary planning document (2009), as detailed in the Council's Officers' report. The South East Plan is also mentioned therein, but its policies are more strategic in nature and are not very relevant to this appeal.
7. On the main issue, I agree in essence with the assessment and conclusions of the Officers' report. I find that by reason of its scale, height and bulk the proposed extension would not appear appropriately subservient to the existing building, but would undesirably upset its existing proportions and create an incongruously elongated main frontage. Thus the building would no longer appear to "sit comfortably" within its site. That would occur despite the aforementioned use of matching details of design and materials. To my mind and eye, the overall effect of the extensions, particularly when seen from the front and the side, would harm the character and appearance of the building and the street scene, and hence the appearance of the AONB. That would be contrary to the aforementioned national and local planning and design policies, and is the reason why the appeal must fail.
8. The written representations refer to a grant of planning permission for another form of extension to the house. I have not seen the approved drawings, and have assessed the appeal scheme on its own merits.
9. I have considered the views of all consultees at the application stage. There are no 3rd party representations on the main issue, and no other matters in the appeal which alter or outweigh my findings upon it.

P. Dobsen

INSPECTOR

¹ In the National Planning Policy Framework (esp. Section 7 and para. 115), published in March 2012

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