

DEVELOPMENT CONTROL COMMITTEE

30 July 2015 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks

AGENDA

Membership:

Chairman: Cllr. Williamson

Vice-Chairman Cllr. Thornton

Cllrs. Ball, Barnes, Bosley, Brown, Clark, Cooke, Edwards-Winsor, Gaywood, Hogg,
Mrs. Hunter, Kitchener, Layland, Parkin, Purves, Raikes and Miss. Stack

Pages

Apologies for Absence

1. **Minutes**

To approve the minutes of the meeting of the Committee held on 9 July 2015, 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/14/03874/CONVAR - Holly Mobile Home Park, Hockenden Lane, Swanley BR87QH** (Pages 1 - 22)

Retention of change of use to caravan site for stationing of 5 caravans (3 mobile homes and 2 touring caravans) for Travellers, with retention of associated hardstanding, septic tank, sheds and fencing (retrospective). Two utility blocks are proposed on the site approved under reference SE/11/2120/CONVAR. Amendment to vary condition 1 (temporary period for permission), condition 2 (occupation of site) and condition 3 (number of caravans to be kept on site) to allow permanent permission or extension of temporary permission, to amend the occupants of the site and to increase to 4 static/mobile homes and 4 touring caravans.

(If Members wish to raise any issues with regards to the information contained in the confidential appendix the committee will need to resolve to exclude the press and public)

- 4.2. **SE/15/00722/FUL - 49A College Road, Hextable BR8 7LN** (Pages 23 - 32)
Use of the building with no restrictions on occupancy. Erection of extension to existing store building and new fenestration details to flank wall of office.
- 4.3. **SE/15/00236/HOUSE - 55 Bradbourne Road, Sevenoaks TN13 3PZ** (Pages 33 - 42)
Proposed extension & internal alterations and alterations to fenestration.
- 4.4. **SE/15/01200/HOUSE - Karapara, London Road, Swanley BR8 7AQ** (Pages 43 - 52)
Raising of the roof to accommodate full height first floor. Erection of a part one/part two storey front, side and rear extension.
Proposed parking to the front of the property.

EXEMPT ITEMS

Consideration of Exempt Information

Recommendation: That, under section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting when considering the appendix to agenda item 4.1 on the grounds that likely disclosure of exempt information is involved as defined by Schedule 12A, paragraph 1 (Information relating to an individual)).

4.1 Confidential Appendix

Pages 53 - 54

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, 27 July 2015.

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/14/03874/CONVAR Date expired 5 February 2015

PROPOSAL: Retention of change of use to caravan site for stationing of 5 caravans (3 mobile homes and 2 touring caravans) for Travellers, with retention of associated hardstanding, septic tank, sheds and fencing (retrospective). Two utility blocks are proposed on the site approved under reference SE/11/2120/CONVAR. Amendment to vary condition 1 (temporary period for permission), condition 2 (occupation of site) and condition 3 (number of caravans to be kept on site) to allow permanent permission or extension of temporary permission, to amend the occupants of the site and to increase to 4 static/mobile homes and 4 touring caravans.

LOCATION: Holly Mobile Home Park, Hockenden Lane, Swanley BR87QH

WARD(S): Swanley St Mary's

ITEM FOR DECISION

Former Councillor Fittock had referred this application to Development Control Committee as any changes in the development will affect provision of local amenities such as school places and health services, the site is already overcrowded and concerns on highway safety matters.

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

1) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Traveller Sites (2012).

In order that the site remains allocated for the occupation for gypsy and travellers.

2) The occupation of the site hereby permitted shall be carried on only by Mrs T B Nolan and her dependants, Mrs J Casey and her dependants, Katerina Casey and her dependants and Pamela O'Driscoll and her dependants. When the land ceases to be used by the residents and their dependants, the use hereby permitted shall cease to all caravans, utility building, structures, hardstanding, materials and equipment brought on to the land in connection with the use hereby approved, shall be removed and the site shall be restored to its previous condition, or restored in accordance with a scheme that has been submitted to and approved in writing by the Council.

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

3) No more than 8 caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 4 shall be a static caravan or mobile home) shall be stationed on the site at any time.

Given that the very special circumstances in this case clearly outweigh the harm to the

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openness of the Green Belt and any other harm, in accordance with Policy EN1 of the Allocations and Development Management Plan and Policy SP1 and LO8 of the Core Strategy.

4) No commercial activities shall take place on the land, including the storage of materials for the duration of this permission.

To preserve the visual appearance of the area as supported by EN1 of the Allocations and Development Management Plan and Policy SP1 and LO8 of the Core Strategy.

5) No building, enclosure or temporary structures other than those on approved block plan Rev. A received on 15th December 2014 shall be erected or placed on the site.

To preserve the visual appearance of the area as supported by EN1 of the Allocations and Development Management Plan and Policy SP1 and LO8 of the Core Strategy.

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) Did not require any further assistance.

Description of Proposal

- 1 Under planning reference SE/11/02120/CONVAR, temporary planning permission was granted for the variation of condition 1 of SE/07/03543/FUL - (Change of use to caravan site for stationing of 5 caravans (3 mobile homes and

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2 touring caravans) for Travellers, with retention of associated hardstanding, septic tank, sheds and fencing (retrospective). Two utility blocks are proposed on the site.) To either make the site permanent or renew the time limited condition for a further temporary period.

- 2 This is a Section 73 application that seeks to vary condition one (temporary period for permission), condition 2 (occupation of the site) and condition 3 (number of caravans to be kept on site, to allow to allow permanent permission or extension of temporary permission, to amend the occupants of the site and to increase from 3 to 4 static/mobile homes and from 2 to 4 touring caravans.
- 3 This application proposes the additional number of caravans and other built form within the site by comparing this proposal to the previous scheme as shown in the table below:

	SE/11/02120/CONVAR	SE/14/03874/CONVAR (Current)	Difference
No. of Plots	2	4	+2
No. of Mobile Homes	3	4	+1
No. of Touring Caravans	2	4	+2
No. of Utility Blocks	2	3	+1

- 4 It is important to note that the site area remains unchanged.

Description of Site

- 5 The site is a triangular parcel on the main road to the west of Swanley on the corner of Hockenden Lane and London Road, opposite the Premier Inn Hotel and Beefeater Restaurant. There are hedgerows on both road boundaries and a coniferous hedge on part of the south-western boundary.
- 6 The application is in retrospect with a large part of the site now covered in hardstanding material and the area subdivided by low level close boarded fences. It is occupied by mobile homes and touring caravans.
- 7 The site is within the Metropolitan Green Belt. It is visible from the main road to the west of Swanley.
- 8 At present the occupants have strengthened the north-eastern boundary by soft landscaping planting.
- 9 The nearest neighbours are Russet House, the Gospel Church and a residential flat adjacent the site.
- 10 There are now four static mobile homes, 4 touring caravans and three utility blocks on site.

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Constraints

- 11 Metropolitan Green Belt

Policies

Sevenoaks Core Strategy

- 12 Policies – SP1, SP6, SP8, L08

ADMP:

- 13 Policies - EN1, EN2, EN6, GB6, T1, T2

Other

- 14 National Planning Policy Framework (NPPF)
- 15 Ministerial Statements dated 01 July 2013 & 17 January 2014
- 16 National Planning Practice Guidance (NPPG)
- 17 Planning Policy for Travellers (PPTS)

Planning History

- 18 00/00162 Outline application for proposed erection of eight nursery workshop units - REFUSED and DISMISSED APPEAL.
- 03/00029 Proposed erection of 5 detached chalet style dwellings with double garages - REFUSED.
- 19 Planning permission was refused (SE/04/02643) for the change of use of the land to a residential caravan site for two Gypsy families with 4 caravans and one transit pitch. A subsequent appeal was dismissed and an enforcement notice was upheld but with a longer period (24 months from 29 November 2005) for compliance. The notice required removal of the caravans and associated development and reinstatement of the land. The applicants were the same.
- 20 07/03543 - Change of use to caravan site for stationing of 5 caravans (3 mobile homes and 2 touring caravans) for Travellers, with retention of associated hardstanding, septic tank, sheds and fencing (retrospective). Two utility blocks are proposed on the site – GRANTED (Temporary Permission)
- 21 11/02120 - Variation of condition 1 of SE/07/03543/FUL - (Change of use to caravan site for stationing of 5 caravans (3 mobile homes and 2 touring caravans) for Travellers, with retention of associated hardstanding, septic tank, sheds and fencing (retrospective). Two utility blocks are proposed on the site.) To either make the site permanent or renew the time limited condition for a further temporary period – GRANTED (Further three year temporary permission)

Consultations

Swanley Town Council

- 22 Objects for the following reasons:

“Swanley Town Council objects to this application on the grounds that there should be no further changes at this site until the outcome of the Gypsy and Traveller consultation on site options within Sevenoaks District is known. In addition the Town Council considers this application will lead to an over intensification of the site resulting in the loss of agricultural land and the creation of on-site parking difficulties. The Town Council also objects on highway grounds as a result of an increase in the number of traffic movements, particularly in and around Hockenden Lane.”

Kent Highways Services

23 No objection

SDC – Environmental Health Officer

24 No objection

SDC Gypsy Liaison Officer

25 No comment received

KCC Gypsy Liaison Officer

26 No comment received.

Representations:

27 9 Letters of objection received, objecting on the following grounds:

- Highways safety matters
- Inappropriate development in the green belt
- Abuse of existing planning conditions
- Would appear that the travellers are permanently living there.

Chief Planning Officer’s Appraisal

Principal Issues

28 This is a Section 73 application to allow the variation or removal of a condition of a specific planning permission. This will effectively allow the consideration of the variation(s) and allow further conditions to apply if it is considered reasonable and necessary in accordance with guidance in the National Planning Practice Guidance (NPPG). This report will discuss relevant material considerations that apply to them.

Variation/removal of Condition 1 of planning permission SE/11/02120/CONVAR.

29 It states:

“This planning permission is granted for a temporary period of three years only, from the date of this permission. By the date this permission expires, all caravans, utility building, structures, hardstanding, materials and equipment

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brought on to the land in connection with the use hereby approved, shall be removed and the site shall be restored to its previous condition, or restored in accordance with a scheme that has been submitted to and approved in writing by the Council.

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

Variation/removal of Conditions 2 & 3 of planning permission SE/11/02120/CONVAR

30 Conditions 2 & 3 of planning permission SE/11/02120/CONVAR states:

Condition 2

“The occupation of the site hereby permitted shall be carried on only by Mrs E O'Donahue and her dependants, Mrs T B Nolan and her dependants and Mrs J Casey and her dependants and whilst they comply with the definition of gypsies and travellers set out in paragraph 15 of ODPM Circular 01/2006. When the land ceases to be used the residents and their dependants, or at the end of the expiry of temporary permission, whichever is the sooner, the use hereby permitted shall cease to all caravans, utility building, structures, hardstanding, materials and equipment brought on to the land associated with the use hereby permitted.

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

Condition 3

“No more than 5 caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 3 shall be a static caravan or mobile home) shall be stationed on the site at any time.

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

31 The main considerations for the variation/removal of the conditions are:

- Gypsy Status and personal circumstances
- Planning Policy
- Impact upon the Green Belt
- Impact upon character and appearance of surrounding area
- Highway Safety
- Sustainability
- Balancing Exercise/Very Special Circumstances in varying/removing the relevant conditions.

Gypsy Status & personal Circumstances

- 32 The gypsy status of the proposed occupiers is not relevant unless the decision maker finds it necessary to consider personal circumstances when determining the application.
- 33 This application is for the development of land to allow residential occupation by those that fall within the definition of 'gypsies and travellers' as cited Paragraph 1 of Annex 1 of the Planning Policy for Travellers Sites March 2012 (PPTS) It states:
"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependant's educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show-people or circus people travelling together as such".
- 34 It has been accepted on all previous submissions that Mrs Tersea Nolan complies with the definition of Gypsy status. Mrs Nolan resides at Plot 3b with her 6 children.
- 35 Plot 3a is a newly created plot and is resided by Katherina Casey aged 32, (daughter of Mrs Casey and sister of Theresa Nolan) with her three children:
- 36 Plot 2 to be occupied by Mrs Eileen O'Donaghue and her family but has left the site. That plot is now occupied by extended Nolan/ Casey family, Pamela O'Driscoll, aged 25 (who was married to Patrick Casey, son of Josephine Casey and brother of Theresa, John, Francis, Simon and Katherina) and her three children.
- 37 The families still travel for work. The last two years they have spent most of the summer in Scotland (Dunblane, Edinburgh, Aberdeen, Elgin) with other Irish Traveller families (Cash, Maughan, Rooney, Hanrahan) and Scottish Travellers Mcfee stopping on waste ground and laybys. The men do mostly ground work and collecting/recycling of scrap metal.
- 38 The families have not given up their travelling way of life. The young children are still being brought up in this tradition but clearly they have need to be settled at this time due to their personal circumstances for health and educational needs.
- 39 With regard to condition one, planning permission reference SE/11/02120/CONVAR allowed for the continued temporary occupation of the site by Mrs T Nolan, Mrs J Casey and Mrs O Donaghue, together with their resident dependants due to the special circumstances presented by the applicant. Since the 2011 permission, Mrs O'Donaghue has left the site and now Pamela O'Driscoll and Katherina Casey, together with their dependants wish to continue to reside on site, as they are bloodline relatives of the applicant. As a result an additional plot within the site has been created and another mobile home with associated paraphernalia resides within the site.
- 40 Upon considering the personal circumstances of the families above, it is recognised that they need continued access to healthcare and educational facilities. Upon considering this there are undoubtedly educational benefits for the all children on the site to remain in a stable education. These education and health benefits are material considerations that weigh in favour of the development.

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Planning Policy

- 41 National policy is set out in Planning Policy for Traveller Sites (PPTS) adopted March 2012. Paragraph 25 states that local authorities cannot demonstrate an up-to-date five year supply of deliverable sites; this should be a significant consideration when determining applications for the grant of temporary permission.
- 42 In August 2011, the Council commissioned a new Gypsy, Traveller and Travelling Show-person Accommodation Assessment to provide an update on the current need in the District and to consider how the issues in the emerging national policy on local and historic demand could be addressed. This has been completed.
- 43 The Assessment draws a distinction between those households that identify themselves as having current and/or future needs for pitches and those that identify a need for a pitch and meet the planning definition of ‘gypsies and travellers’ or ‘travelling show-people’ as set out at Annex 1 of the PPTS.
- 44 The different levels of need identified are set out below:

Period	Applying planning definition
2012 - 2016	40
2017 - 2021	15
2022 - 2026	17
2012 - 2026	72

- 45 The GTAA concluded that there is a total need for 40 additional pitches between 2012 and 2016, with a further 15 pitches in the next five year period and from 2022 to 2026 17 pitches. The report highlighted (as noted in the table above) that it would be possible to meet a significant proportion of the accommodation needs in the first five years by 2016, where acceptable. This site falls into this category. It is acknowledged there is a substantial level of unmet need in the District and this carries significant weight in favour of the proposal.
- 46 Given the need identified in the 2006 and 2011 assessments, the Council has, in accordance with national policy (previously in Circular 01/06 and now in PPTS), given favourable consideration to the grant of temporary planning permission for Gypsy and Traveller sites that are inappropriate because they constitute development in the Green Belt but are otherwise acceptable. This is intended to ensure that gypsies and travellers have some security in their accommodation until such time as sites are allocated for gypsy and traveller pitches in the Local Development Framework (LDF).
- 47 In August 2012 a “call for sites” was carried out. This involved contacting Gypsy and Travellers living in the District, Gypsy and Traveller organisations and all those who registered an interest in the issue through consultations on the LDF. Parish and Town Councils were also contacted for their views on any potential within their areas. This work was carried in preparation in formulating a Gypsy and Traveller Site Allocation Development Plan Document (DPD).
- 48 Significant progress has been made. This work in forming the DPD has focused on the assessment of the existing temporary and unauthorised sites and a review of the non-Gypsy and Traveller allocations proposed in the Allocations and

Development Management Plan. This assessment identifies whether any of the proposed allocations are appropriate locations for new pitches and whether the existing temporary pitches should be made permanent. The same assessment will be made of any new sites proposed.

- 49 As mentioned previously, on the 14 September 2014 the Government published a consultation document: "Proposed changes to national planning policy and Planning Policy for Traveller Sites". The consultation document proposes to change the definition of "traveller" for planning related purposes so that it would exclude those who have permanently ceased from travelling. Furthermore it proposes changes to planning policy to deal with the intentional unauthorised occupation of sites, so that if a site were to be intentionally occupied without planning permission, that this would be a material consideration in any retrospective planning application for that site. However, given that the proposals are subject to consultation, little weight can be given to it in the determination of this application.
- 50 In a January 2014 written ministerial statement the Government sought to re-emphasise existing policy that "unmet need, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the green belt and other harm to constitute the "very special circumstances" justifying inappropriate development in the green belt." Regard must be had to the Written Ministerial Statements of 1 July 2013 and 17 January 2014.
- 51 Also noted, changes have been made in National Planning Policy Guidance issued on 6 October 2014. This change to the NPPG lowers the emphasis to be placed on the weight afforded to the unmet need of traveller sites within the Green Belt. Therefore upon considering the guidance in the PPTS and the absence of available sites, significant weight can be afforded to this, whereas less weight can be given to the unmet need of the sites within the District.
- 52 At present the drafting of the Gypsy and Traveller Plan has been put 'on hold' until the outcome is known with regard the recent Government consultation relating to changing the planning definition of a gypsy traveller. However in the background, site assessment will still be undertaken by the Council's Planning Policy Team.
- 53 At present there is no real prospect of providing the gypsy/traveller families accommodation needs on an alternative sites. There are no available spaces on public sites and there are long waiting lists for vacant pitches at Barnfield Park, Ash and Polhill KCC sites and the turnover of pitches are low. It is likely the families would have to double up on another site or result in moving onto other unauthorised encampments or the roadside.
- 54 The existing development plan does not identify any land suitable for traveller sites other than those previously mentioned. High value land within settlements is unlikely to be affordable and all areas outside settlements are Green Belt sites.
- 55 It is clear now that until additional sites are identified through a DPD, there is no realistic prospect that an alternative site will become available for the applicant /families. There is acknowledgement that there have been delays preparing the DPD which have come about through the revocation of the South East Plan, but there is a good prospect of permanent sites being identified through the DPD process, to which the families could then seek to move or this site being allocated

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through the 'plan-led' process. However this does represent the failure to meet the need for pitches for Gypsies and Travellers due to the absence of such DPD.

- 56 This is compounded by not being able to demonstrate a 5 year supply of deliverable land to accommodate such families as cited by the PPTS.
- 57 Considering the above, that there is a clear and immediate need of sites, however the delivery of permanent sites are being considered in a 'plan-led' approach in accordance with Government Guidance as part of the Gypsy Traveller site consultation.
- 58 Gypsy Traveller sites identified through the DPD process would be assessed against the criteria in Core Strategy policy SP6. Apart from its location within the Green Belt, it is considered that the proposal would meet all the criteria in policy SP6, as it requires sites to be located within or close to existing settlements with a range of services/facilities and access to public transport (criterion a). There should also be a safe and convenient vehicular and pedestrian access to the site (criterion c). Compliance with policy SP6 is afforded substantial weight, to which this site does and is likely to be allocated through the DPD 'plan-led' process.

Impact upon the Green Belt

- 59 Para.79 of the NPPF, states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of Green Belts are their openness and their permanence.
- 60 Para. 87 of the NPPF 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. The construction of new buildings inside the Green Belt is inappropriate unless, amongst other things, it is for agricultural and forestry, sports facilities, infilling, redevelopment of Brownfield sites as stated in para. 89.
- 61 Other forms of development not considered to be inappropriate in the Green Belt are set out in paragraph 90 of the NPPF. However, the proposed use of the site as a residential caravan site for the families and associated development would not fall within any of the above exceptions, or those contained in paragraph 90 of the NPPF. This includes material changes in the land use which do not maintain openness. Indeed, the PPTS (paragraph 14) confirms that "Traveller sites (temporary or permanent) in the Green Belt are inappropriate development".
- 62 If the proposal is deemed to be considered as inappropriate development is, by definition, harmful to the Green Belt. Then it is for the applicant to show why permission should be granted. Very Special Circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, substantial weight should be given to the harm to the Green Belt when considering any planning application concerning such development, as cited in para. 87 of the NPPF and supported by written ministerial statements dated July 2013 and January 2014 and the NPPG.

Extent of harm

- 63 The proposed retention of the stationing of four twin unit caravans (mobile homes) and four touring caravans, together with the fencing, hardstanding and utilities/shed that have already been erected, have a detrimental impact upon the openness of the Green Belt.
- 64 The introduction of the additional caravans, vehicles and other residential paraphernalia associated with the residential pitches diminishes the otherwise open nature of the site. The development encroaches into the countryside beyond the urban built confines of Swanley. As such, it clearly conflicts with one of the purposes of including land in the Green Belt.
- 65 The development overall, results in a loss of openness, which is the most important attribute of the Green Belt. As such, and in accordance with paragraph 89 of the NPPF and paragraph 14 of the PPTS, the proposal constitutes inappropriate development. Inappropriate development is by definition harmful to the Green Belt.
- 66 The weight to be attributed to the harm to openness and the conflict with one of the purposes of including land in the Green Belt due to encroachment is substantial.
- 67 This does not outweigh the presumption against inappropriate development, in order for inappropriate development to be permitted, very special circumstances need to be demonstrated which clearly outweigh the harm by reason of inappropriateness and any other harm. This will be considered after all other matters.

Impact on character and appearance of surrounding area

- 68 Policy EN1 of the ADMP requires that development respects and takes opportunities to enhance the character and distinctiveness of the locality. The form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality.
- 69 Policy SP1 of the Sevenoaks Core Strategy seeks for all new development to be of high quality and respond to the distinctive local character of the area.
- 70 Policy LO8 of the Sevenoaks Core Strategy requires that the countryside should be conserved and the distinctive features that contribute to its character protected and enhanced.
- 71 The site whilst it is located within the green belt, it is not a significant distance from the main residential development of Swanley. In addition, this site is not covered by any specific landscape designation. To the north west of the site lies a small collection of commercial/agricultural outlets and seasonal agricultural workers accommodation, which when viewed cumulatively, the impact of the low level buildings proposed to be retained is limited on the wider landscape character.
- 72 The site does have some visual impact from outside the site, however the low level structures, together with good established mature landscaping fronting the site along Maidstone Road and the small change in ground levels, limits the visual

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harm, particularly within the context of rural, residential and commercial uses within close proximity. The retention of the proposed use would in part comply with the above policies and would preserve the character of the area.

- 73 Being mindful of the established landscaping in and around the site and taking into consideration of the above paragraph, the impact of the additional built form would be very limited upon the character and appearance of the wider landscape. Therefore limited weight is attached to the impact on the character and appearance of the area.

Highway Safety

- 74 Policy T1 of the ADMP requires that development should ensure satisfactory access for vehicles and pedestrians. The Kent Highway Services have raised no objection to the existing access or its use based on Highway Safety.
- 75 The Kent Highway Authority has raised no objection to the existing access or its use based on Highway Safety being in close proximity to the junction of Hockenden Lane and Maidstone Road.
- 76 On considering the above, the development would accord with Policy T1 of the ADMP.

Sustainability

- 77 Paragraph 11 of the PPTS and Policy SP6 of the Core Strategy seeks to ensure that traveller sites are sustainable economically, socially and environmentally. Policies should promote peaceful and integrated co-existence between the site and local community, promote access to appropriate health services, ensure that children can attend school regularly, provide a settled base that reduces the need for long distance travelling and possible environmental damage caused by unauthorised roadside encampments and reflect the extent to which traditional lifestyles can contribute to sustainability.
- 78 In this case, it is clear that the site would continue to provide a settled base which in itself would facilitate access to medical facilities and education for the children. By the very nature of a nomadic way of life, the applicants travel to areas of work and stay for periods of time. Moving on the families from the site would result in them using unauthorised roadside encampments and unlawful doubling up on pitches on other sites. As a result would facilitate the families need to travel further and as a result, the potential for further environmental damage would be increased.
- 79 Notwithstanding the above, it is acknowledged that the site is within easy walking distances of shops and other facilities, it would nevertheless provide many of the other sustainable benefits referred to in PPTS. These include addressing the need for a settled base thereby facilitating access to health care, regular education for the children and the reduction in the possible environmental roadside encampments. These benefits outweigh the negative aspects relating to the location of the site in terms of sustainability and can be afforded moderate weight.

Human Rights and Equality Duty

80 Paragraph 3 of the Government's Planning Policy for Traveller Sites (March 2012) provides that:-

"The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community."

81 When considering an application for planning permission for the use of land as a residential gypsy caravan site, the Council needs to consider whether Article 8(1) of the European Convention on Human Rights (ECHR) is engaged. Article 8(1) provides that everyone has the right to respect for his private and family life, his home and his correspondence.

82 Case law has established that Article 8(1) of the ECHR is engaged in applications for planning permission for residential gypsy caravan sites, irrespective of whether the applicants are occupying the site as their home at the time the application is made.

83 Article 8(2) of the ECHR allows interference by a public authority with the right to respect where the interference accords with the law and is necessary in a democratic society for the wider public interest, in terms of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals or for the protection of rights and freedoms of others.

84 Case law has also established that the greater the interference with ECHR rights, the greater will be the need to justify that interference by reference to necessity and proportionality. The concept of proportionality can be equated to the balancing exercise which should be undertaken by all decision makers and in the case of applications for gypsy sites, any action must be evenly balanced and fully considered in order to avoid the criticism that it is disproportionate relative to the harm caused.

85 In making its decision the Council must also have regard to its public sector equality duty (PSED) under Section.149 of the Equalities Act. The duty is to have due regard to the need (in discharging its functions) to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s);
- Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding;

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- The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 86 The PSED must be considered as a relevant factor when considering its decision but does not impose a duty to achieve the outcomes in s.149. The level of consideration required (i.e. due regard) will vary with the decision including such factors as:
- The importance of the decision and the severity of the impact on the Council's ability to meet its PSED;
 - The likelihood of discriminatory effect or that it could eliminate existing discrimination.
- 87 The Council should give greater consideration to decisions that have a disproportionately adverse impact on a protected characteristic and this impact may be unintentional. In appropriate cases, this may involve an understanding of the practical impact on individuals so affected by the decision. Regard should be had to the effect of mitigation taken to reduce any adverse impact. Further, the PSED is only one factor that needs to be considered when making a decision and may be balanced against other relevant factors. The Council is also entitled to take into account other relevant factors in respect of the decision, including financial resources and policy considerations. In appropriate cases, such countervailing factors may justify decisions which have an adverse impact on protected groups.
- 88 Having regard to the balance of considerations outlined above and the effect of the proposal upon the public interest, it is considered that the refusal of this application would have a disproportionate effect upon the rights of the children and the rights of the families under the provisions set out above. For the reasons given above it is considered that the appropriate balance would be struck between the rights of the individuals and the protection of matters of acknowledged public interest by the grant of a permanent permission, such that the action would not be disproportionate and would not result in a violation of the occupiers rights and nor would it raise any equalities issues. Consideration has been given to the grant of a temporary permission, however such an action would not appear to meet the tests.

Balancing Exercise/Very Special Circumstances in varying/removing the relevant conditions

- 89 The retention of the land as a traveller site would represent inappropriate development within the green belt, with an associated harmful impact upon openness.
- 90 The applicant's agent recognised that the application amounts to inappropriate development in the Green Belt and submitted the following considerations as a case of Very Special Circumstances:
- Unmet need for Gypsy sites in Sevenoaks
 - Failure of policy not delivering a five year supply
 - PPTS does not preclude sites being located within the Green Belt

- Absence of alternative provision in Kent as a whole
- Personal need of the applicants and education for their children
- Realistically any site in Sevenoaks District would be in the Green Belt
- PPTS encourages Gypsy Travellers to self provide where there is a shortage of plots.

- 91 The special circumstances are summarised as above, the families' gypsy traveller status, the unmet need for pitches in the district, lack of alternative sites, the need to prepare/adopt a site allocation DPD, and matters of human rights and race equality. The personal circumstances of the occupants should also be considered as is considering the children's best interest which is a primary consideration.
- 92 On the other hand, and as specified earlier, there is a clear unmet need for Gypsy sites in the District. This is coupled with the fact that the District currently has no identified or allocated land for such provision within no green belt sites even though the Council has been actively seeking them since 2010. The circumstances of the occupants also weigh in favour of the development that remained in existence for the past ten years.

Temporary Permissions

- 93 Further consideration has been given to the use of temporary conditions. National Planning Policy Guidance states it will rarely be justifiable to grant a second temporary permission – further permissions should normally be granted permanently or refused if there is clear justification for doing so. This site has already been subject to 2 temporary permissions and was set in the hope that site would be allocated to meet the need for travellers' sites which was preferably hope to be in 2016. In the light of another delay in identifying sites for travellers, the resolution to produce a separate DPD and the lack of progress in the past, the need for specific identified sites for travellers is afforded significant weight, even more so when development of the DPD being put 'on hold' at present.
- 94 There is recognition that the proposal would cause some harm by reason of inappropriateness, loss of openness and conflict with one of the purposes that the Green Belt serves. It would cause negligible harm to the character and appearance of the area with the retention of the existing landscaping within the site. Substantial weight in favour of the development is afforded in respect of compliance with Core Strategy policy SP6. Some weight in favour of the development is given to the collective educational, medical and personal needs of the occupiers.
- 95 By allowing the continued/permanent occupation of the site will allow the families to continue upon their daily lives without fear of the possibility of planning enforcement action to displace them from the site. It has been accepted on all previous submissions that Mrs Tersea Nolan and Mrs J Casey complies with the definition of Gypsy status. It is also accepted that Katherina Casey and Mrs O'Driscoll also comply with the definition. In addition, it is accepted that there is an unmet need in the provision of providing allocated site for Gypsy/Travellers and no 5 year supply of allocated sites as already stated in previous paragraphs above. Favourable consideration has been given to the variation of condition one for an extended period, however, there is uncertainty to when the Council will deliver the Gypsy/Traveller Site Allocation DPD. To continue granting further

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temporary permissions in this instance could be deemed unreasonable in light of NPPG. In light of the circumstances, the number of temporary permissions granted on this site and Government advice on using further temporary permissions is no longer justified, it would be reasonable to allow permanent occupation of the site.

- 96 Overall, the harm associated with the permanent retention of the mobile homes and other paraphernalia within the site by reason of its inappropriateness and harm caused to the openness of the green belt is clearly outweighed by other material considerations and the fact that a further temporary permission is no longer justified. Very special circumstances do exist that would justify a permanent permission in this instance. If accepted, this would not set precedence for other sites to follow, as each application is judged on its own merits.

Other Matters

- 97 It is not considered that by allowing the continued occupation of the families on site would place a burden upon the existing provision of health and education services. In any event both families already have children who attend local educational establishments and have been for some years.
- 98 The opportunity has been undertaken to review the planning conditions of the 2011 permission. It is recommended that a further condition should be included that reflects current government guidance in relation to the definition of gypsy travellers. As it has been found that that a permanent permission is justified in this instance, it follows that conditions 2 & 3 can be varied to reflect the change in the situation to reflect the quantum of development on site and reflect the changes in occupation due to permission has been granted on the basis of the personal circumstances of the occupiers.

Conclusion

- 99 This application has been determined on its merits in the light of the development plan and all material considerations. It has been recognised that very special circumstances do exist for the occupiers together with other material considerations that outweigh the harm caused to the green belt and justify the recommendation for permanent permission.

Confidential Appendix Further to the Officer's Report personal circumstances are capable of being a material consideration to be assessed as part of a planning application.

Background Papers

Site and Block plans

Contact Officer(s):

Sean Mitchell Extension: 7349

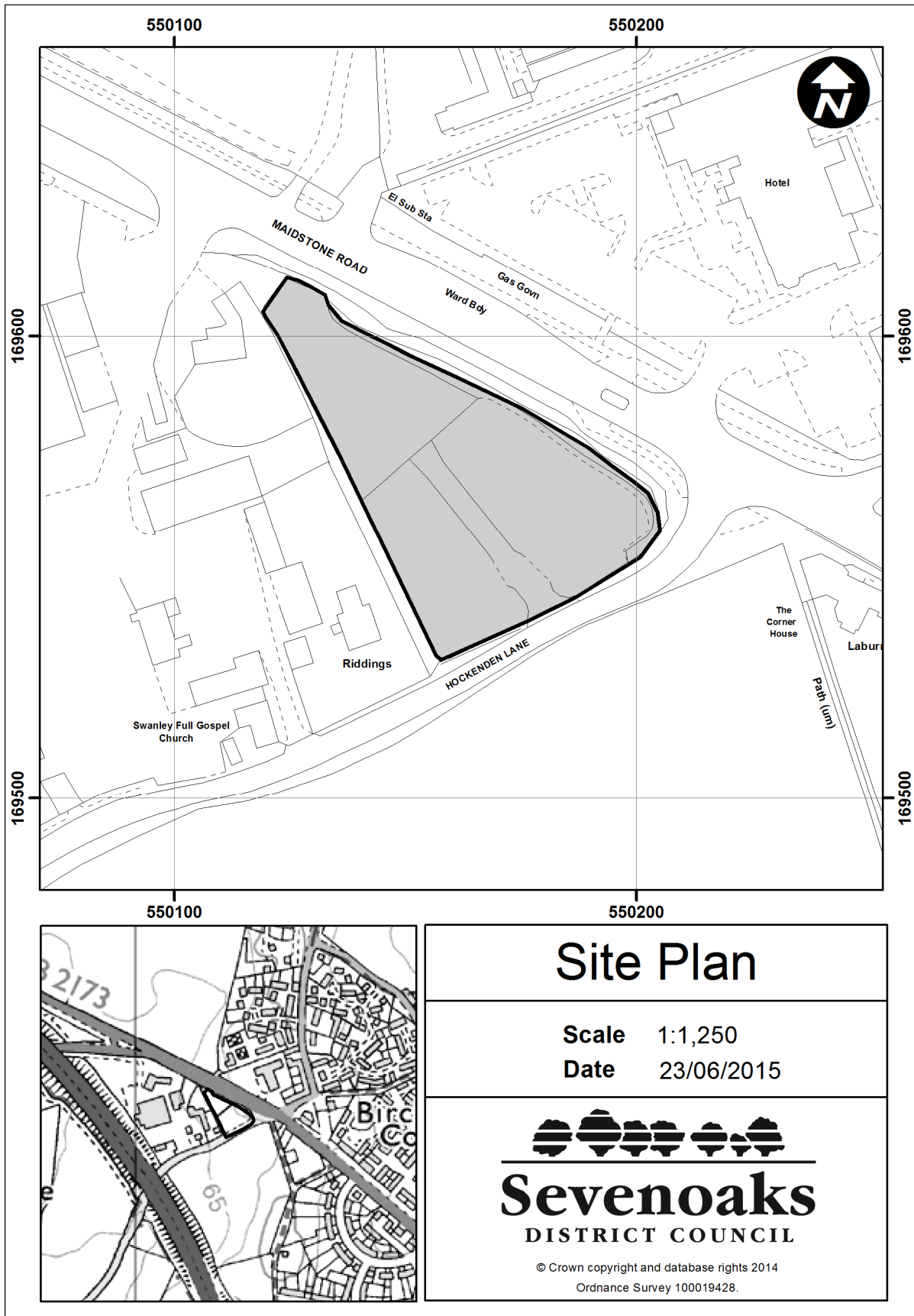
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NGERNMBKION00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NGERNMBKION00>



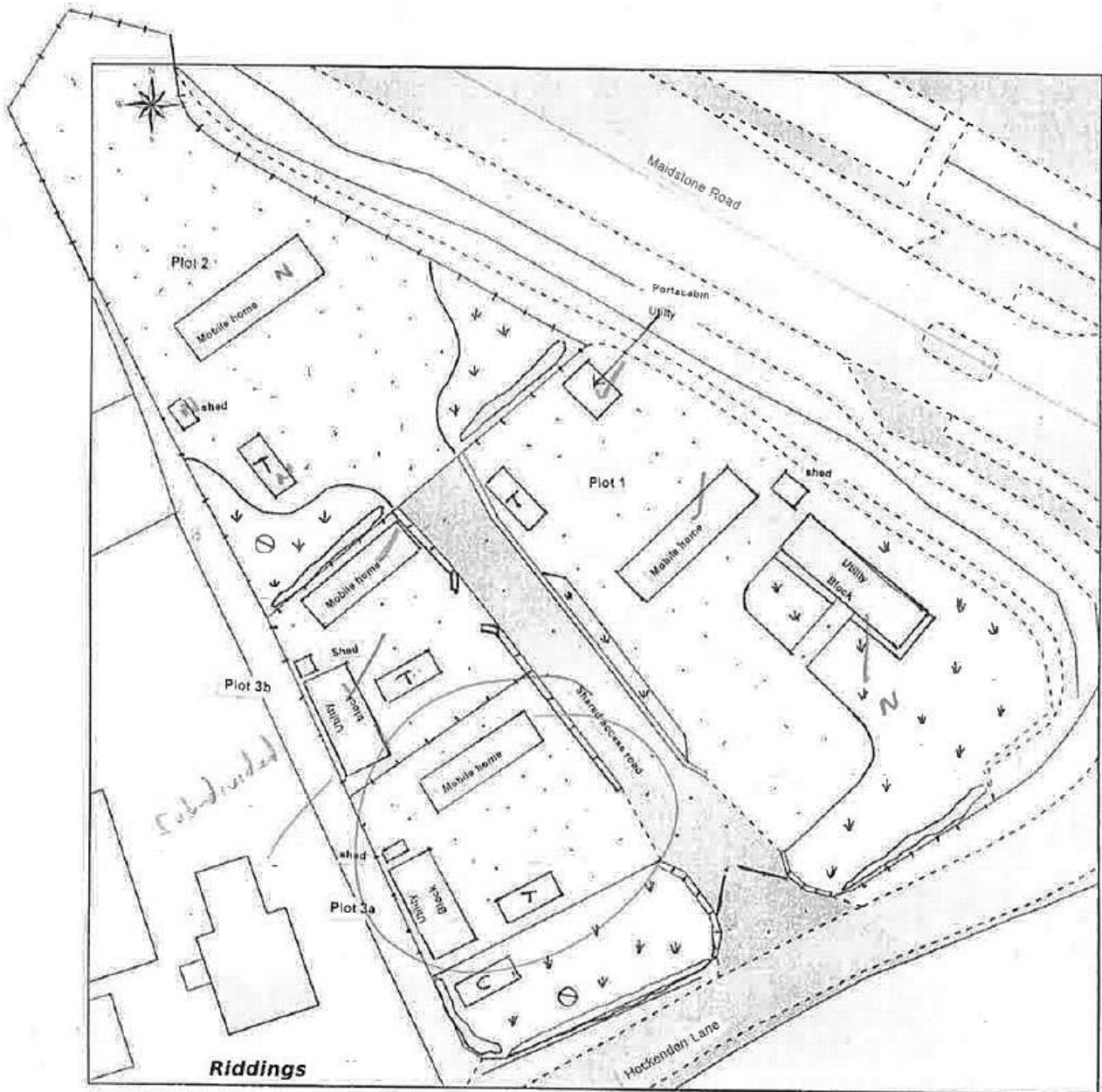
Site Plan

Scale 1:1,250
Date 23/06/2015



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Ordnance Survey 100019428.

Proposed Block Plan



Key			
T	Touring caravan	⊗	Septic tank
→	Timber fence	—	brick wall
C	container	⌋	hedgerows
		⬆	hard standing
		⬆	grassed area

Deputy Chief Executive and
Director of Community and Planning Services:
Kristen Paterson



Ms T Nolan and Mrs E O'Donaghue
C/O Heine Planning Consultancy
10 Whitehall Drive
Harthford
Northwich
Cheshire
CW8 1SJ

SE/11/02120/CONVAR
Valid on 15th August 2011

**TOWN AND COUNTRY PLANNING, ENGLAND
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (ENGLAND) ORDER 2010**

GRANT OF PLANNING PERMISSION

Site : Land South West Of Deja Vu Nightclub London Road Swanley
Kent

Development : Variation of condition 1 of SE/07/03543/FUL - (Change of use to caravan site for stationing of 5 caravans (3 mobile homes and 2 touring caravans) for Travellers, with retention of associated hardstanding, septic tank, sheds and fencing (retrospective). Two utility blocks are proposed on the site.) To either make the site permanent or renew the time limited condition for a further temporary period.

Sevenoaks District Council, as the District Planning Authority, pursuant to powers in the above mentioned Act and Order, HEREBY GRANTS PLANNING PERMISSION for the development described above, to be carried out in accordance with the application and plans submitted therewith, SUBJECT TO THE CONDITIONS set out below :-

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

In order that any other proposal for the use of the land for a longer period is the

Chief Executive: Robin Hales
Community & Planning Services, P.O. Box 183, Argyle Road, Sevenoaks, Kent TN13 1GN
e-mail: community&planning.services@sevenoaks.gov.uk www.sevenoaks.gov.uk
Telephone: 01732 227000 Fax: 01732 451332 DX 30006 Sevenoaks
Switchboard Times: Monday - Thursday 8.45 a.m. - 5.00 p.m. Friday 8.45 a.m. - 4.45 p.m.



subject of a separate application, to be determined on its merits, having regard to the harm to the Green Belt, the status of the Local Development Framework and the allocation of sites for Gypsies and Travellers.

2) The occupation of the site hereby permitted shall be carried on only by Mrs E O'Donahue and her dependants, Mrs T B Nolan and her dependants and Mrs J Casey and her dependants and whilst they comply with the definition of gypsies and travellers set out in paragraph 15 of ODPM Circular 01/2006. When the land ceases to be used the residents and their dependants, or at the end of the expiry of temporary permission, whichever is the sooner, the use hereby permitted shall cease to all caravans, utility building, structures, hardstanding, materials and equipment brought on to the land associated with the use hereby permitted.

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

3) No more than 5 caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 3 shall be a static caravan or mobile home) shall be stationed on the site at any time.

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

4) No commercial activities shall take place on the land, including the storage of materials for the duration of this permission.

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

5) No building, enclosure or temporary structures other than those shown on the approved block plan Rev. A received on 15th August 2011 shall be erected or placed on the site.

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

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

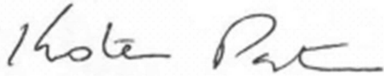
The South East Plan 2009 - Policies SP5, CC6, H4
Sevenoaks District Local Plan - Policies EN1
Sevenoaks District Core Strategy 2011 - Policies LO8, SP6

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

The following very special circumstances exceptionally outweigh any harm by reason of inappropriateness and any additional harm to the Metropolitan Green Belt by reason of other factors:

-
- a) the applicants are considered to be Gypsies;
 - b) there is a clear and immediate need for accommodation within Sevenoaks District and a backlog of unmet need as established by the Gypsy and Traveller Accommodation Assessment; and
 - c) a temporary permission would not result in a permanent adverse impact on the openness and character of the Green Belt.

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



Kristen Paterson
Community and Planning Services Director DATED THIS: 16th day of December 2011

4.2 – SE/15/00722/FUL Date expired 25 June 2015

PROPOSAL: Use of the building with no restrictions on occupancy.
Erection of extension to existing store building and new fenestration details to flank wall of office.

LOCATION: 49A College Road, Hextable BR8 7LN

WARD(S): Hextable

ITEM FOR DECISION

Councillor Kitchener has referred the application to Development Control Committee on the basis the site has been vacant for a number of years and the use should therefore be considered on its merits and in the context of the residential location and its potential impact on neighbours.

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: 49A-COLLEGE-ROAD-03/A; 04/A.

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

3) The materials to be used in the construction of the development shall be those indicated on the planning application form.

To ensure that the appearance of the development is in harmony with the existing character of the surroundings as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan..

4) No operations shall take place on the premises except between 0730 and 1800 Monday to Friday and 0830 and 1300 on Saturdays and no operations shall take place on Sundays or Bank or Public Holidays.

To safeguard the residential amenity of surrounding residential occupiers..

5) The premises shall be Class B1 use only and no changes of use, extensions or external alterations shall be carried out, despite the provisions of any Development Order.

To safeguard the amenities of the occupiers of surrounding properties as supported by Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

6) No part of the site shall be used for any external storage of any kind.

To safeguard the appearance of the area and the amenities of the occupiers of

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surrounding properties as supported by Policy EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan.

Note to Applicant

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

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

In this instance the applicant/agent:

- 1) Was updated on the progress of the planning application.

Description of Proposal

- 1 Use of the building with no restrictions on occupancy. Erection of extension to existing store building and new fenestration details to flank wall of office.

Description of Site

- 2 The application site comprises a single storey building attached to the end of a terrace of two-storey dwellings on the south side of College Road. Vehicular access exists to the side of the building to an area of hardstanding that wraps around the rear boundary of 49 College Road and runs parallel with the rear boundaries of dwellings located in New Road. There is also a detached single storey storage building located to the rear of the site. The site is not located within the Green Belt or AONB and it is not located within a Conservation Area.

Constraints

- 3 Urban confines of Hextable

Policies

Core Strategy

- 4 Policies - SP1 and SP8

Allocations and Development Management Plan

- 5 Policies – EN1, EN2, EN6, EMP5, T1, T2

Other

- 6 National Planning Policy Framework

- 7 National Planning Practice Guidance

Relevant Planning History

- 8 03/02037/CONVAR: Variation of condition 2 of SE/91/1600 to allow occupation of rear of premises by another occupier, being Mr M Gill, Accountant. GRANT 06/01/2004

84/01315/HIST: CHANGE OF USE FROM STORAGE AND WASHING MACHINE REPAIRS TO UPHOLSTERY REPAIR WORKSHOP. GRANT 12/12/1984

85/01706/HIST: USE OF PREMISES BY BUILDING/ELECTRICAL/PLUMBING CONTRACTOR FOR STORAGE AND OFFICE. GRANT 19/02/1986

85/01165/HIST: REBUILDING AND ENLARGING EXISTING SINGLE STOREY UNIT AND THE SITING OF A DOUBLE GARAGE. GRANT 07/03/1986

Consultations

Hextable Parish Council:

- 9 *'Objection. The Parish Council strongly objects as this property is attached to a residential property in different ownership and occupied by a family. It is in a quiet residential road in a compact residential area with terraced houses attached and neighbouring at rear plus houses adjacent and opposite. B1 use may be industrial and this would not be appropriate in this confined residential area. The building has been an accountants for many years and there would be no objection to office use but not industrial use which could mean noise, fumes, smells and traffic. The previous use was a personal use so perhaps this site needs to be regarded as nil use and a fresh view needs to be considered. Residential use is preferred by the parish council with office use also fine but industrial use is not acceptable to the residents opposite, adjacent and particularly behind. The parish council is concerned because the actual use isn't specified which if it were a personal use with specific conditions could be considered.'*

Representations

- 10 Notification letters were sent to the occupiers of 11 properties surrounding the site. A site notice and press notice were displayed. The statutory consultation period ended on 16.06.2015.

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- 11 4 letters of objection received as summarised below:
- More details of proposed use required;
 - Concerns regarding light industrial use;
 - Noise disturbance in quiet neighbourhood;
 - Parking of large vans would restrict light and privacy;
 - Extension to storage facility would abut whole width of rear garden at close proximity;
 - Impact on visual amenity;
 - Query regarding land ownership.

Chief Planning Officer's Appraisal

- 12 The main issues relate to
- Principle of development;
 - Design and impact on the character and appearance of the surrounding area;
 - Residential amenity;
 - Highways;
 - Other.

Principle of development:

- 13 The site comprises an existing office building, hardstanding and detached store building within the settlement confines of Hextable. Policy L07 of the Core Strategy is relevant and permits small scale development taking account of the limited scope for development to take place in an acceptable manner and the limited range of services and facilities available. This and policy EMP5 also states that existing suitable employment sites will be retained with the opportunity for regeneration and redevelopment to better meet the needs of business. Policy SP8 seeks to retain business uses.
- 14 The site comprises an established Class B1 employment use. Class B1 business uses fall into three categories comprising a) offices, b) research and development of products and processes and c) any light industrial process. The Use Classes Order makes the important proviso that to fall within the B1 Class a use has to be capable to being carried out without detriment to the amenity of any residential area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. Thus any use that cannot comply with this definition would not normally be considered a Class B1 use. Article 3 of the Use Classes Order provides that where a building or land is used for a purpose in any class, the use of that building/land for any other purpose of the same class will not involve development. As such any change between these three categories does not constitute development for the purposes of the Town and Country Planning Act 1990 and would not normally require planning permission.

- 15 Since 1986 the use of the site has been restricted to named occupiers. The site is currently vacant and although it is not clear when the use by the named occupiers ceased, it is not considered that the use has been abandoned. The test of abandonment is whether a reasonable person would conclude in the circumstances that the use has been abandoned and the following considerations will be relevant: i) the physical condition of the building; ii) the period of non-use; iii) whether there has been any other use; and iv) the owner's intentions.
- 16 As to i) the physical condition of the building, on the information available, it appears that the former office building and store is in good physical condition both externally and internally, and at the time the commercial agents were instructed to market the site in December 2013 it was occupied (albeit not by the named occupiers) and therefore of a standard as to allow active use of the building. There is no evidence that any of the buildings has fallen into dereliction or disrepair and there is nothing in its physical condition to suggest to the reasonable person that the use of the building has been abandoned.
- 17 As to ii) the period of non-use, it is not clear how long the site has been vacant for; however it is known from the planning records that it was occupied, at least in part, from 2004 (according to the Parish Council 'for many years') and that it was occupied in December 2013, albeit it is not clear how long it had been occupied for by that individual or company. I consider it very unlikely that the period of non-use would have been long enough to suggest that the use of the site has been abandoned, particularly in circumstances where the site has been marketed. By way of comparison, in appeal decisions [1978] J.P.L. 651 and 653 the Secretary of State found that there had been no abandonment of an existing use although dwelling-houses had been out of use for 35 and 25 years respectively.
- 18 As to iii) whether there has been any other use, there is no evidence that it has been used for any use other than that falling within Class B1.
- 19 As to iv) the owner's intentions, I am not aware of any intention by the owners of the site to abandon the use as an employment site. The site has been actively marketed since at least December 2013 as an office premises and the current planning application indicates a positive intention to continue to use the building for B1 purposes. On this basis I do not consider that the use has been abandoned or extinguished and as such the lawful use of the site remains Class B1 use, with restrictions on the occupier.
- 20 This application seeks permission for the continued use of the site for Class B1 use without restriction to a named individual or company. In assessing the acceptability of the proposal it is necessary to consider the National Planning Policy Guidance (NPPG) which states that '*unless the permission otherwise provides, planning permission runs with the land and it is rarely appropriate to provide otherwise*'. The guidance states that there may be exceptional circumstances where on personal or compassionate grounds a permission may be restricted to a named person, however this is generally where a proposed development would otherwise be unacceptable in principle (for example the erection of a new house in open countryside required to support an agricultural use).
- 21 Former Circular 11/95, now superseded by the NPPG advises that local occupancy conditions limiting occupancy to local firms can act undesirably to protect local businesses against fair competition, and may hinder the movement

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of industry in response to economic demand. *“If a service, or the employment it generates, is needed in an area, there is no planning reason why it should be provided by one firm rather than another. Commercial and industrial buildings will not become more acceptable because their occupancy is restricted, nor will the expansion of a local firm necessarily lead to less pressure for further development (e.g. housing) than the arrival of a firm from outside. The Secretaries of State therefore regard such conditions as undesirable in principle.”*

- 22 The personal occupancy condition previously imposed was not attached for either personal or compassionate grounds. The existing condition does not limit the intensity of the Class B1 use nor the number of employees and is therefore not necessary to maintain highway safety or the amenity of local residents. The condition is unduly restrictive on the employment use of the land and the owner's ability to dispose of it.
- 23 Planning should confine itself as far as possible to considerations of the impact of land use, and not how that use is managed or by whom. The personal occupancy condition now only exists as a vetting procedure for the Local Planning Authority and fails to meet the six tests required for imposing a condition. Specifically the condition is unnecessary and unreasonable and other conditions are capable of being imposed, including to safeguard neighbour amenity (discussed below). The NPPF sets the six tests for conditions and in terms of necessity states that a condition must not be imposed unless there is a definite planning reason for it (i.e. it is needed to make the development acceptable in planning terms). It is also states that if a condition is wider in scope than is necessary to achieve the desired objective it will fail the test of necessity. It is considered that there is no definite planning reason for it and that it is wider than necessary to achieve the desired objective, which in this case is to protect neighbour amenity. In terms of reasonableness the NPPF states that conditions which place unjustifiable and disproportionate burdens on an applicant will fail the test of reasonableness. It is considered that the occupancy condition is unduly restrictive on the use of the land and the owner's ability to dispose of it.
- 24 The Council has a variety of enforcement powers it could use in the event that the site is used for any other use not falling within Class B1. In this instance, and taking account of the restricted size of the site and buildings, it is considered that the removal of the personal occupancy condition and extension of the existing store is acceptable in principle.

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

- 25 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. 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.
- 26 The proposal includes the erection of a 6m deep extension to the rear of the existing single storey store building at the back of the site. The extension would

occupy an overgrown area of land and replicate the existing building in terms of height and form (flat roof). Although the extension would substantially increase the floor area of the store and would be visible from the gardens and properties of surrounding dwellings, it would not by reason of its modest height (2.75m) have such a harmful visual impact that would warrant refusal of planning permission.

- 27 The replacement of existing windows in the flank elevation of the office building at the front of the site with windows of the same size and design as others in the building would also not have any harmful visual impact on the streetscene consistent with planning policy.

Residential amenity:

- 28 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 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.
- 29 The site has an existing Class B1 use and although the occupier is controlled by condition it does not limit the intensity of the Class B1 use nor the number of employees and is therefore not necessary to maintain the amenity of local residents, which a Class B1 use, by definition, is required to do. As existing the hours of use of the site are controlled by condition and prohibit operation except between 0730 and 1800 Monday to Friday and 0830 and 1300 on Saturday. Given the location of the site in a residential area it is considered that residents should be given reasonable respite from lawful activities at the site for the enjoyment of their homes and gardens and on this basis it is recommended that the same condition restricting the hours of operation be imposed on any future planning permission.
- 30 The proposed extension to the existing store would be located adjacent to the rear boundary with 46 New Road. Approximately 50cm of the top of the existing rendered store is visible over the timber fence, as would be the extension and this would run the entire length of the rear boundary. Although the additional built form would be located in close proximity to the boundary and be visible from the garden and rear of the house, it would have a modest height and simple form. It would not be so overbearing or visually intrusive and would not cause any loss of daylight or sunlight that would justify refusal of planning permission. It is not proposed to alter the existing hardstanding or parking area within the site and as such the occupation of the premises by a person other than the previously named occupiers would not result in any additional harm, including in terms of activity levels in accordance with relevant planning policy.
- 31 The objections related to impact on amenity are noted. As discussed above the site benefits from a Class B1 use, which by definition is a use compatible with a residential area. Even the use of the site for a light industrial use would, by reason of its small size and layout, and subject to conditions regarding hours of operation, be capable of preserving residential amenity including in terms of noise and disturbance. As also discussed above it is not reasonable to require details of a proposed occupier prior to their occupation of an employment site. This application does offer the opportunity for additional benefits to be secured by condition, including in relation to the removal of permitted development rights

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(permitting changes of use to Class B8, and extensions and alterations to existing buildings) and restrictions on external storage.

Highways:

- 32 Policy T1 of the ADMP requires new developments to mitigate any adverse travel impacts. Policy T2 relates to vehicle parking, including cycle parking and requires provision in accordance with advice from the Highway Authority. No alterations to the existing vehicular access or hardstanding areas are proposed. The existing condition does not limit the intensity of the use, the number of employees or vehicle numbers and size and as such the use of the site for Class B1 purposes by any another occupier would not pose any greater harm to highway safety in accordance with relevant policy.

Other matters:

- 33 The issue of land ownership is not a material planning consideration. The applicant has completed Certificate A on the planning application form confirming that there are no other legal interests in the land subject of the application and the Local Planning Authority has to accept this in good faith.

Conclusion

- 34 The personal occupancy conditions imposed on the previous planning permissions for the site are contrary to current guidance and fail to meet the relevant tests. I do not consider that the Class B1 employment use has been abandoned or extinguished and as such the lawful use of the site remains B1 use. Subject to conditions restricting the hours of operation, permitted development and external storage, the modest extension and continued use of this Class B1 employment site by an unnamed occupier is considered acceptable in principle and capable of protecting neighbour amenity and highway safety.

Recommendation: Grant planning permission subject to conditions

Contact Officer(s): Matthew Durling Extension: 7448

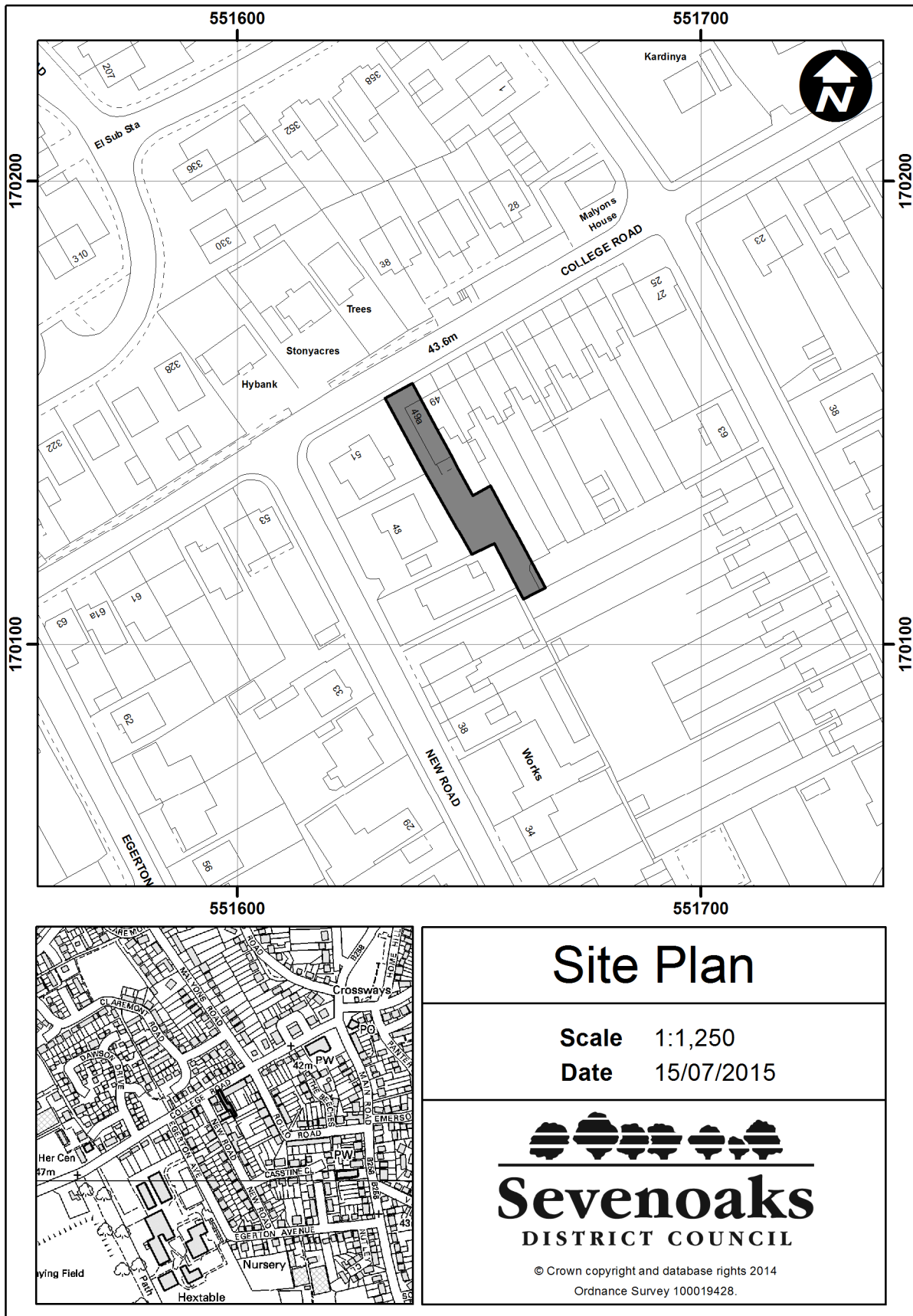
Richard Morris
Chief Planning Officer

Link to application details

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NKYFBHBKIY700>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NKYFBHBKIY700>



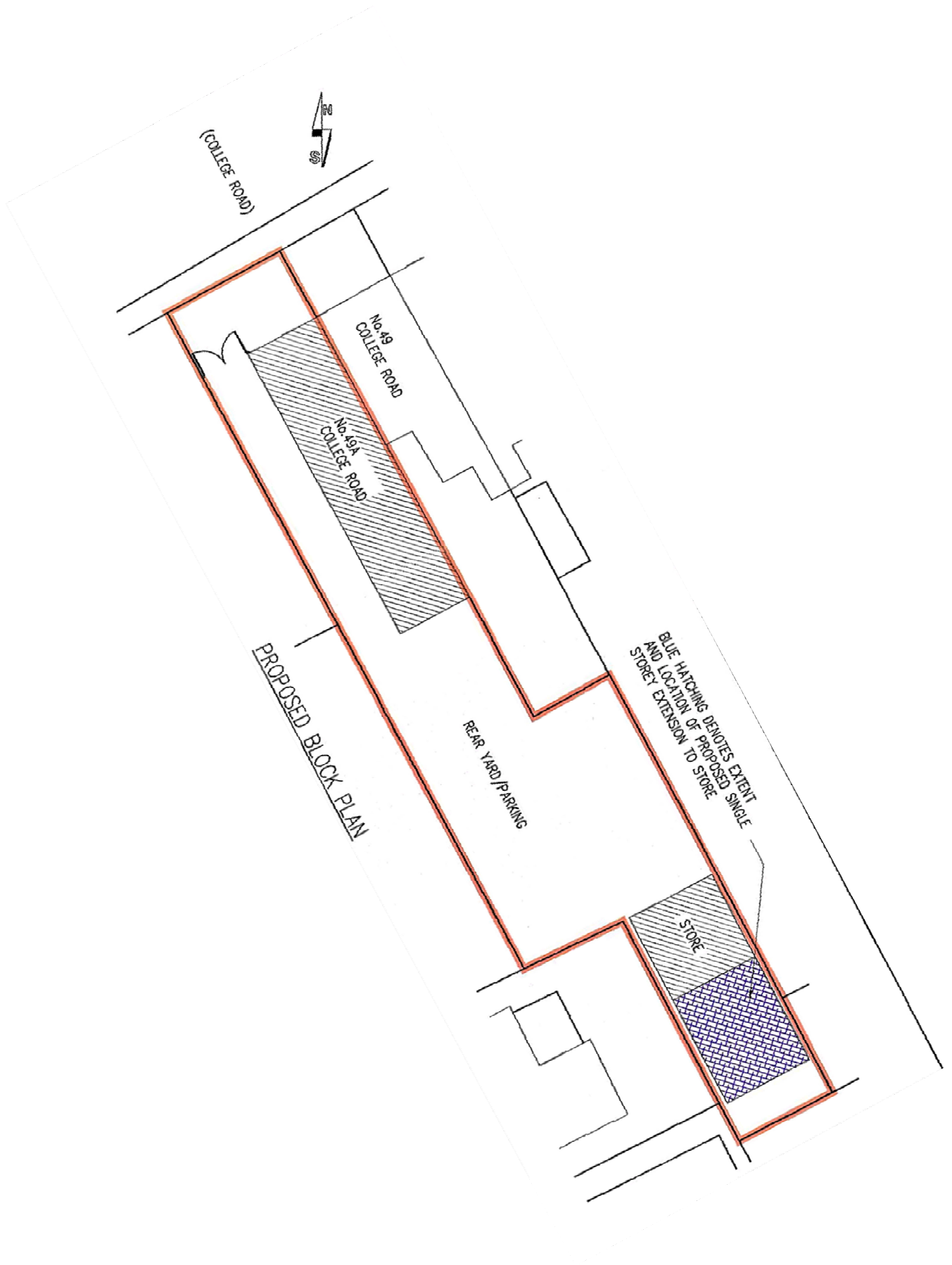
Site Plan

Scale 1:1,250

Date 15/07/2015



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Ordnance Survey 100019428.



4.3 – SE/15/00236/HOUSE Date expired 1 July 2015

PROPOSAL: Proposed extension & internal alterations and alterations to fenestration.

LOCATION: 55 Bradbourne Road, Sevenoaks TN13 3PZ

WARD(S): Sevenoaks Town & St Johns

ITEM FOR DECISION

The application has been referred to Development Control Committee by Councillor Clack for the following reasons: The design of the scheme is acceptable, with the rear extension not visible from the street scene, other examples of glazing in the area, high quality design, unobtrusive on property, not overbearing or detrimental visually, difference in pitch non-material, examples of non-matching eaves in the locality.

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

The proposed two rear gable end projections create a harmful addition to this building of interest through the introduction of a higher eaves level, a different pitch to the host property, and an excessive level of glazing used which is out of character with the character and appearance of the host property. This would not provide for a form of development which would be acceptable in terms of the character and appearance of the host property. As such the proposal is contrary to the NPPF, policy SP1 of the Sevenoaks Core Strategy, EN1 of the Sevenoaks Allocations and Development Management Plan, the Sevenoaks Residential Character Area Assessment SPD, and the Residential Extensions SPD.

Informatives

1) In order for clarity it has been noted that the existing front (north-east) elevation titled 'Elevation Bradbourne Road - North - Existing' SO/01/02 does not measure correctly. With the proposed front (north-east) elevation measuring to scale, it has still been possible to undertake a full assessment.

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

Agenda Item 4.3

(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 Proposed extension & internal alterations and alterations to fenestration'

It is proposed to erect a two storey side (north-west) extension which also projects past the rear (south-west) elevation and wraps around the rear elevation. These rear elements create two gabled end features on the rear elevation. It is also proposed to erect two dormers on the front elevation and one dormer on the rear elevation. Fenestration changes are proposed to the front elevation. The garden wall separating the parking area and rear garden is to be slightly re-positioned.

Description of Site

- 2 The application site comprises a two storey semi-detached property located on the south-western side of Bradbourne Road, Sevenoaks. The site is situated within the ward of Sevenoaks Town and St. Johns. The property is an attractive Victorian building, which has been identified as a building of interest in the Sevenoaks Residential Character Area Assessment. The building includes a high quality detailing and a bell tower.

Constraints

- 3 None

Policies

Sevenoaks District Core Strategy

- 4 Policies – LO1, SP1

Sevenoaks District Allocations and Development Management Plan (ADMP)

- 5 Policies – SC1, EN1, EN2, T2

Other

- 6 The National Planning Policy Framework (NPPF)

- 7 Residential Extensions Supplementary Planning Document (SPD)
- 8 Sevenoaks Residential Character Area Assessment Supplementary Planning Document (SPD)

Planning History

- 9 97/00323/HIST - First floor extension – Granted.

Consultations

Town/Parish Council

- 10 Sevenoaks Town Council recommended approval.

This consultation response was received outside of the formal consultation period.

KCC Highways

- 11 ‘Thank you for your request for consultation comments. However, it appears that this application was sent to us in error, as so far as I can see there is no change to the access from the public highway or any other highway safety issue. The application therefore falls outside the consultation protocol. Nevertheless if you are aware of any highway safety issue please could you let me know and provide further details.’

Representations

- 12 One neighbour letter has been received objecting to the planning application. The reasons for concern are:

Overlooking of 53 Bradbourne Road from upper rooms with large windows
– request obscure glazing.

Chief Planning Officer’s Appraisal

Principle issues

Impact on character and appearance of the area

- 13 The NPPF states that the Government ‘attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.’ (para 56). 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. Policy EN1 of the ADMP states that the form of proposed development should respond to the scale, height, materials and site coverage of the area. This policy also states that the layout of proposed development should respect the topography and character of the site and the surrounding area.
- 14 The Sevenoaks Residential Character Area Assessment Supplementary Planning Document outlines that this property is a townscape feature of this area of

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Sevenoaks. The SPD outlines that 'The bell tower and the former Bradbourne Estate buildings form an historic townscape feature set close to Bradbourne Road.' The SPD outlines that in this section of Sevenoaks positive features include houses set on a regular building line, simple roof lines, repeated designs, designs varied by bays, gables and materials, harmonious range of limited materials, vertical sash windows, and traditional detailing. The application site is also outlined as a positive feature. Negative features include some replacement windows, doors and roof slates, high boundary fencing, and loss of gardens to parking. The design guidance outlines that regular building lines should be respected, materials should be respected and traditional windows and doors and detailing should be retained or reinstated. The design guidance outlines that the character of the bell tower on the former Bradbourne Estate buildings should be retained.

- 15 It is proposed to erect a two storey side (north-west) extension. The Residential Extensions SPD outlines that a side extension should not dominate the original building, which can be helped by reducing the bulk of the extension, setting it back from the front elevation and introducing a lower roof. The Residential Extensions SPD outlines that where there is a pattern of gaps between properties within a street, as a guide a minimum of 1 metre between the side wall of the extension and the boundary should be retained in order to allow a continuation of the pattern of gaps when viewed from the street. The proposed side extension would match the ridge height of the host property, would be in line with the front elevation at ground floor and set back 0.4 of a metre at first floor. A gap of well over 1 metre would be retained with the boundary to the north-west. Whilst not being set down at ridge height or significantly back from the front elevation it is considered that the proposed side extension would not dominate the host property, with the design complimenting the host property.
- 16 On the front (north-east) elevation this extension would match in character and appearance the host property, with the use of matching materials and with the roof line falling in line with the existing higher eaves height of the existing north-west side extension in place. It is considered that the design on this element would have been improved through bringing the eaves of the proposed and existing extensions down to fall in line with the eaves height of the original building. However, it is considered that from the front (north-east) elevation, the proposed side extension would not harm the character and appearance of the host property or street scene. From the side (north-west) elevation which is readily visible from the street scene this element of the proposed extension matches in materials and detailing the host property, particularly with the use of traditional window detailing.
- 17 In addition to projecting off the side elevation, the proposed extension would also project past the original rear (south-west) elevation and wrap around the rear of the existing property. This creates two gable end features on the rear (south-western) elevation. The Residential Extension SPD outlines that a two storey extension should have a pitched roof to match the existing dwelling. The roofs of these elements would have a steeper pitch than the existing property, with the ridge set below the ridge of the host property. The eaves of these elements would be higher than the eaves of the host property. It is considered that the introduction of two large rear gable end projections with eaves set higher than the host property and a different pitch to the host property would be detrimental to the character and appearance of the host property. In addition, whilst the north-western most gable end uses traditional detailing to match the host property, the

south-eastern most gable end would be entirely glazed on the south-western and south-eastern elevations, which would be at odds with the main building. The use of higher eaves height, a different pitch and the use of a high level of glazing creates a dominant addition to the property which is out of character with this characteristic dwelling. The use of contrasting and unbalanced eaves heights is also readily visible on the north-western elevation which is highly visible from the street scene.

- 18 Two half-dormers are proposed on the front (north-east) elevation and one half-dormer is proposed on the rear (south-west) elevation. The Residential Extensions SPD outlines that a dormer should be proportionate in scale to the roof plane, be set in line with existing doors and windows in the original house, set below the highest part of the roof and set back a minimum of 20 centimetres from the eaves and sides to maintain the visual appearance of the roof line. The proposed half-dormers would not be set in line with existing windows in the property and would break the eaves of the property. However, they are set well down from the ridge line and are relatively small scale and of a good design. It is considered that these elements would not dominate the roof of the application dwelling.
- 19 A number of fenestration changes are proposed to the front elevation, with windows being enlarged and additional windows inserted at ground floor. The altered windows use matching detailing to the host property and would be acceptable.
- 20 The submitted plans indicate that the garden wall separating the parking area and rear garden is to be slightly re-positioned. The height of the relocated wall would be the same as the existing wall. It is considered that this alteration would be acceptable.
- 21 A comparison of the proposed and existing front elevations provided by the applicant indicated that the garden wall located between the application site and Bradbourne Road is to be raised in height. From checking the submitted plans it is considered that the existing front elevation provided has not been drawn correctly. The applicant has been contacted and has confirmed that no works are proposed to this wall. In order to overcome any concerns with the raising in height of this wall, a condition could be attached requiring further information on this element or ensuring the wall matches in height that existing.
- 22 The Sevenoaks Residential Character Area Assessment Supplementary Planning Document outlines that this property is a townscape feature of this area of Sevenoaks which is a positive feature and the character should be retained. Whilst it is considered that the proposal would not harm the character and appearance of the wider street scene, the proposal would still harm the character and appearance of this building of interest, with the proposed rear extensions being a harmful addition to the character and appearance of this building.
- 23 When considering the proposal as a whole it is considered that whilst the appearance of the property would not be harmed from the street scene as a result of these works, the proposed alterations to the rear elevation are harmful to the character and appearance of this building of interest. The two rear gable projections introduce higher eaves heights than the host property, and this combined with the non-matching roof pitch and high level of glazing results in an addition which is harmful to the character and appearance of the host property and would not be an acceptable addition.

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Impact on neighbouring amenity

- 24 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. Policy EN2 of the Allocations and Development Management Plan outlines that proposals will be permitted where they would provide adequate residential amenities for existing and future occupiers of the development, and would safeguard the amenities of existing and future occupants of nearby properties by ensuring that development does not result in excessive noise, vibration, odour, air pollution, activity or vehicle movements, overlooking or visual intrusion and where the build form would not result in an unacceptable loss of privacy, or light enjoyed by the occupiers of nearby properties.
- 25 It is considered that the new windows on the front (north-east), rear (south-west) and side (north-west) would not result in unacceptable overlooking. On the south-eastern side elevation the two storey glazed rear projection would present a large level of glazing looking towards the neighbouring property 53 Bradbourne Road. It is considered that the first floor windows in this element should be conditioned to be obscure glazed and non-opening below 1.7 metres from floor level in order to overcome any potential privacy issues.
- 26 The Council's Residential Extensions SPD indicates that a '45 degree' test should be applied to assess whether the proposal would lead to a significantly harmful loss of light to habitable rooms of neighbouring properties. For a significant loss of light to occur, the proposal would need to fail the 45 degree test on both plan and elevation form. The proposed alterations pass the 45 degree test on plan and elevation form.
- 27 The development would not result in an unacceptable loss of privacy or daylight. As such it is considered that there will not be an objectionable harm to neighbouring amenity.

Other issues

Error with plans

- 28 For clarity it has been noted whilst assessing the application that the existing north elevation plan does not measure correctly. With the proposed north elevation plan measuring correctly a full assessment of the application has still been possible.

Off-street vehicle parking provision

- 29 The proposal would not result in an increase in the number of bedrooms at this property. In any case there is ample parking available on site.

Access issues

- 30 There will be no change to access.

Conclusion

- 31 I consider that the proposed development would not harm neighbouring amenity, but would harm the character and appearance of the property. Consequently the proposal is not in accordance with the development plan and therefore the Officer's recommendation is to refuse.

Background Papers

Site and Block Plans.

Contact Officer(s): Hannah Weston Extension: 7387

Richard Morris
Chief Planning Officer

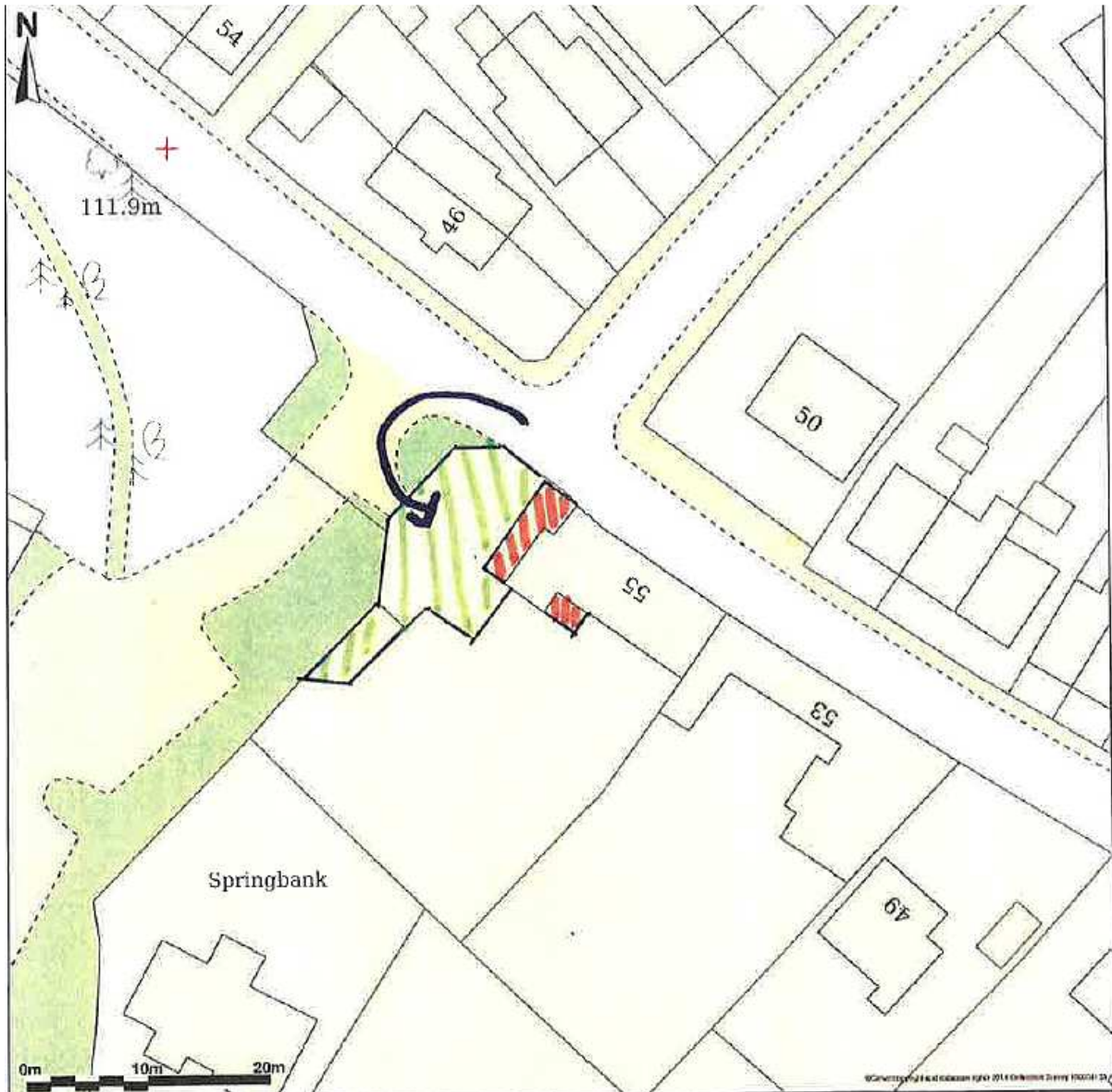
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Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NISEYJBK0L000>

BLOCK PLAN



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4.4- SE/15/01200/HOUSE Date expired 25 June 2015

PROPOSAL: Raising of the roof to accommodate full height first floor. Erection of a part one/part two storey front, side and rear extension. Proposed parking to the front of the property.

LOCATION: Karapara, London Road, Swanley BR8 7AQ

WARD(S): Swanley St Mary's

ITEM FOR DECISION

This application is being referred to Development Control Committee by Councillors Dyball and Hogg as they are concerned that this scheme is out of character of the area and overdevelopment of the site and would cause congestion.

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

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

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

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

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan..

3) The area shown on the approved plan as car parking space shall be provided and shall be kept available for such use at all times, and no permanent development shall be carried out in such a position as to preclude vehicular access to these parking spaces.

In the interests of highway safety.

4) No development shall take place until full details of both hard and soft landscaping have been submitted to and approved by the Local Planning Authority. These details shall cover as appropriate: Proposed finished levels or contours; Hard surfacing materials; Planting plans; Written specification (including cultivation and other operations associated with plant and grass establishment); Schedules of plants, noting species, planting sizes and proposed numbers/densities, and Implementation timetables.

Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality in accordance with Policy EN1 of the Local Plan.

5) The development hereby permitted shall be carried out in accordance with the following approved plans: Dwg nos. BEX/15012/P 1 of 2 and BEX/15012/P 2 of 2

Agenda Item 4.4

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;

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

In this instance the applicant/agent:

- 1) Was updated on the progress of the planning application.
- 2) Did not require any further assistance as the application was acceptable as submitted.

Description of Proposal

- 1 It is proposed to raise the roof of an existing bungalow to create a new first floor level. This part of the scheme will introduce a new eaves height of approximately 5.5m and introduced a dual pitched roof with a ridge height of approximately 8.8m. Further works will be to increase the footprint of the dwelling by the introduction of a single storey lean to extension to the front of the property and extend its length by approximately 1m. This side projection will be two storeys in height and will extend from the original rear wall of the property by approximately 4.8m. As a result the existing single storey rear projections will be demolished. To the rear, a new single storey lean-to projection will be created from the new rearmost two storey extension which will be inset by approximately 2.9m. The development will create a four bedroomed property and provide approximately 89.7m² of additional habitable floorspace.

Description of Site

- 2 The application site is located on the south west side of London Road and currently comprises a detached bungalow (Karapara), with off street parking and with a modest rear garden.
- 3 The site adjoins the boundaries with several residential properties located on London Road, Lesley Close and in Oliver Road. To the south east the site adjoins the boundary with an existing commercial garage which fronts London Road. Beyond the rear of the site are two semi-detached, two storey dwellings that have recently been completed and occupied, permitted under planning references: APP/G2245/A/13/2192195 & SE/13/02450/REM. These dwellings are sited upon higher ground levels than Karapara and are approximately sited between 6 to 12m away from the curved rear boundary of the site.
- 4 Access to the application site and the two properties to the rear, is from an existing access from London Road. An access track runs parallel to the south eastern boundary of the site.
- 5 The surrounding residential environment is predominately characterised by two storey dwellings which vary in terms of their age and overall design.
- 6 The site is located within the built confines of Swanley, in an area where there are no site specific or environmental/landscape constraints.

Constraints

- 7 Built confines of Swanley

Policies

Core Strategy

- 8 Policy – SP1.

Allocations and Development Management Plan

- 9 Policies - EN1, EN2 and T2

Other

- 10 SDC Residential Extensions SPD
- 11 National Planning Policy Framework
- 12 National Planning Practice Guidance

Relevant Planning History

- 13 13/02450/REM - Reserved matters (appearance and landscaping) pursuant to conditions 2, of SE/12/02629/OUT allowed on appeal under reference APP/G2245/A/13/2192195/NWF, 'Outline application for residential development of two additional houses at land at Karapara with primary access off London Road with some other matters reserved' – GRANTED

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12/02629/OUT - Outline application for residential development of two additional houses at land at Karapara with primary access off London Road with some other matters reserved – REFUSED – APPEAL ALLOWED

12/00696/OUT - Outline application for the demolition of one single storey dwelling and construction of three, 2 storey, 4 bedroomed houses with associated access drive and car parking with all matters reserved - WITHDRAWN

Consultations

Swanley Parish Council

- 14 'Objection.... on the grounds of overdevelopment of the site causing loss of amenities to the immediate neighbours, the proposal being a back land development, as well as having an adverse impact on the street scene and the potential highway issues with cars having access from to London Road.'

Representations

- 15 No third party representations received.

Chief Planning Officer's Appraisal

- 16 The main considerations of this application are:
- Design and impact on the character and appearance of the surrounding area;
 - Residential amenity;
 - Highways;
 - Other

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

- 17 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.
- 18 Policy EN1 of the ADMP states that the form of proposed development should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.
- 19 A number of properties within the immediate locality have already been extended/alterd including the application property. However, none of these existing extensions/alterations are significantly damaging to the character and appearance of the original buildings to which they relate. On the whole, existing extensions and alterations are generally relatively modest in scale with simple yet

traditional layouts and outlines which reflect the scale and form of the original dwellings.

- 20 The scheme wishes to extend the existing dwelling by raising its roof to accommodate a first floor level and erect a part one/part two front, side and rear extensions. By doing so would increase the footprint of the dwelling by approx. 1m forwards of its forward-most wall and extend approx. 1m to the rear of the rearmost wall of the dwelling. A new pitched roof will be created and its roof ridge height would be approx. 2.5m higher than the existing roof of the bungalow.
- 21 The existing dwelling is sited between two storey buildings either side of it. As such the proposed height of the development would assimilate itself within the existing roofscape and would not appear prominent or out-of-character. It is acknowledged that the overall appearance of the completed development would change, however the mix of architectural styles and types of building within the surrounding area, the proposed development would not appear out of context.
- 22 With regard to the proposed two storey side extension, although, it would extend the entire width of the existing dwelling, the extension would maintain 1 metre from the boundary of the site and consequently, the proposal would not create a terracing effect or harm the established irregular pattern of gaps between building plots when viewed along London Road.
- 23 The scheme does propose off-street parking to its frontage with additional landscaping. No details of the landscaping have been submitted but this can be secured by the imposition of an appropriate condition. In terms of the visual impact of the parking area to its front, this would be acceptable as parking areas to the frontages of dwellings along this part of London Road are common features.
- 24 Overall, it is considered that the development is acceptable in terms of its appearance. Traditional pitched roofs incorporating gables are a common theme of design and notwithstanding the alteration to the form of the roof, the overall scale of the resultant dwelling proposed remains consistent and in proportion with neighbouring buildings and the general scale and of development in the area. Furthermore, the introduction of an enlarged single storey wrap around extension at ground floor assists with the articulation of the building by breaking up its built form. The property will retain a reasonable amount of garden space and its footprint will not be too dissimilar to that of surrounding buildings. Consequently, there are no concerns relating to density or site coverage and no overdevelopment of the site.
- 25 In viewing the proposal in the context of its setting, the proposal would have a minimal impact on it. This proposal would conform to policy EN1 of the ADMP and policy SP1 of the Core Strategy.

Residential amenity:

- 26 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.

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- 27 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.
- 28 In terms of loss of light/ overshadowing, due to the orientation of the development it is not considered that the new extensions and the raising of the roof height would cause harm to the amenities of adjacent occupier, namely Linscott, as the other occupier is a commercial premises. It is noted that there are two first floor flank obscured windows to the northeast elevation of Linscott. These two windows appear to serve non-habitable rooms, being a staircase and bathroom. A loss of light and overshadowing assessment using the 45° assessment as outlined in the residential extensions SPD, has been undertaken and it appears that these flank windows of Linscott would not be unduly affected by the development proposed. In any event these windows serve non-habitable rooms.
- 29 The two dwellings to the rear would be unaffected in terms of overshadowing and loss of light due to the separation distance involved.
- 30 With regard to loss of privacy, as previously mentioned, the two dwellings to the rear are sited upon a higher level than the existing bungalow. With these dwellings they have one ground floor window that serves a kitchen and the two first floor windows serve bedrooms. Consideration has been given to the extended height of the development as the rear facing windows would overlook into the frontages of these properties. The window to window distances between these properties would be in excess of 20m which is considered to be sufficient and due to the changes in the levels, any view from the rear first floor windows of Karapara to the rear two dwellings would be oblique so there would be some inter-visibility caused. As such it's not considered that the proposal would cause undue loss of privacy to neighbouring properties.
- 31 For all of the reasons above, it is concluded that this proposal would not have a materially harmful effect on the living conditions of the occupiers of adjoining dwellings. It would not, therefore, conflict with Policy EN2 of the ADMP.

Highways:

- 32 Policy T2 relates to vehicle parking and requires provision in accordance with advice from Appendix 2 of the ADMP.
- 33 Firstly there are no alterations to the existing vehicular access. The frontage of Karapara provides off-street parking for two vehicles which accords to the level provision required for a property of this size, in accordance of appendix 2 of the ADMP. However this level of provision could be reduced as the site is in very close proximity to the town centre with good public transportation link.
- 34 In terms of access to the site, the property would use the existing lawful access that also serves the properties to the rear. There maybe be a slight increase in vehicular movements from the site, but it is not considered to be significant to justify a reason for refusal.
- 35 With the amount of off-street parking proposed, it is considered that this development would comply with Policy T2 of the ADMP.

Other matters:

- 36 The proposed scheme would not be liable for Community Infrastructure Levy (CIL), as it is less than 100m².

Conclusion

- 37 In conclusion, the proposed development would have no adverse impact on the amenities of adjacent properties and considered to be acceptable, as it would have no adverse impact on the character and appearance of the area.
- 38 On considering the above, it is recommended that this application should be approved as it conforms to the relevant Development Plan policies and there are no other overriding material considerations to suggest otherwise.

Recommendation: Grant planning permission subject to conditions

Contact Officer(s): Sean Mitchell Extension: 7349

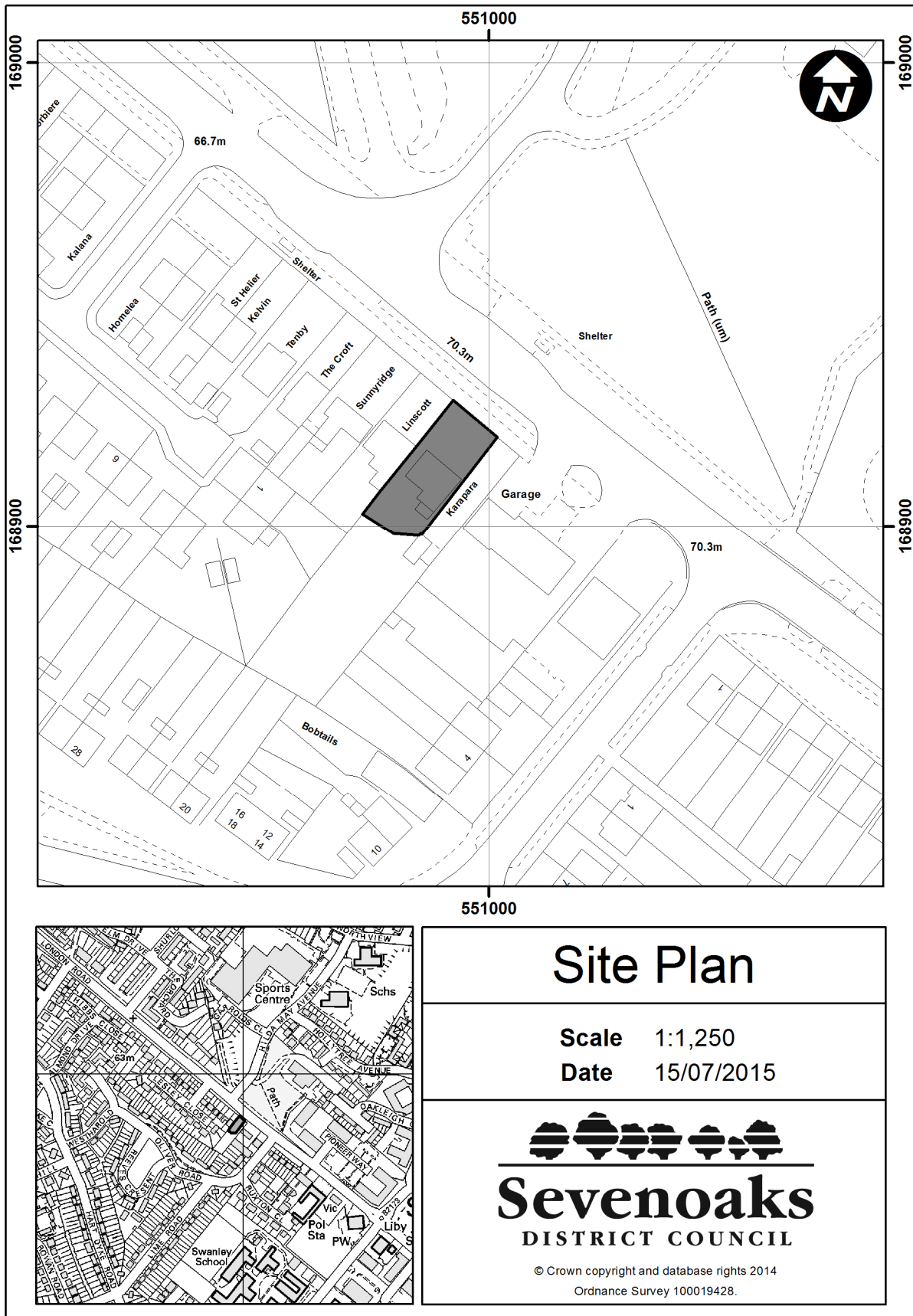
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NN7TX8BKJFS00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NN7TX8BKJFS00>



Site Plan

Scale 1:1,250

Date 15/07/2015



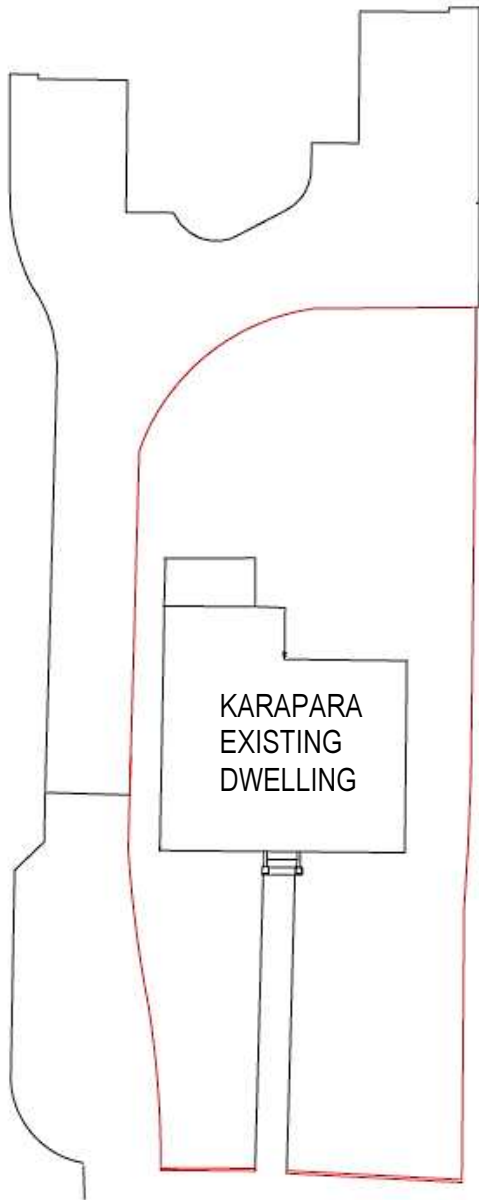
Sevenoaks

DISTRICT COUNCIL

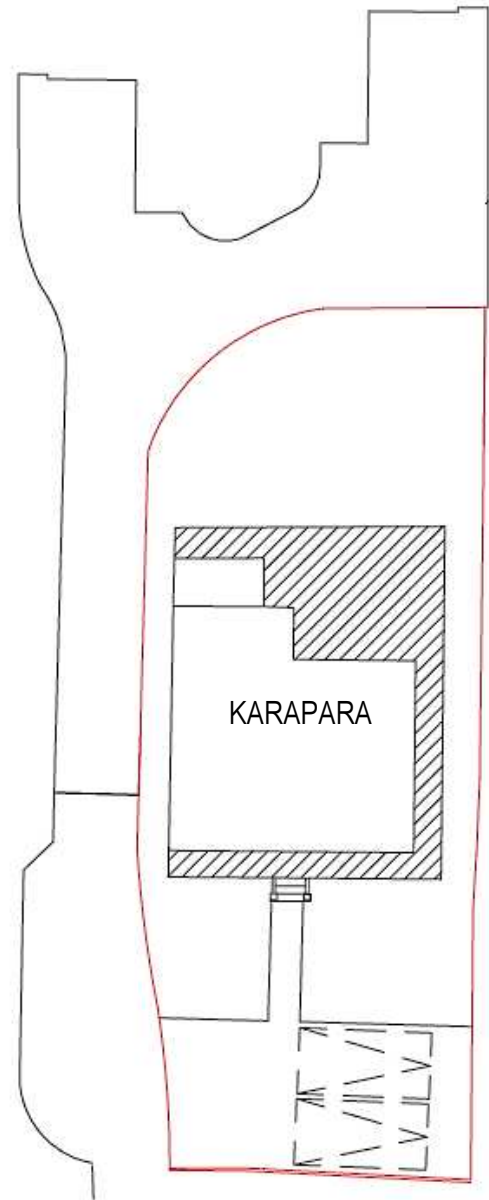
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Ordnance Survey 100019428.

Block Plan



EXISTING SITE PLAN



PROPOSED SITE PLAN

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Agenda Item

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Planning Application Information on Public Access – for applications coming to DC
Committee on Thursday 30th July 2015

**Item 4.1 – SE/14/03874/CONVAR Holly Mobile Home Park, Hockenden Lane, Swanley
BR8 7QH**

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NGERNMBKION00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NGERNMBKION00>

Item 4.2 SE/15/00722/FUL 49A College Road, Hextable BR8 7LN

Link to application details

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NKYFBHBKIY700>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NKYFBHBKIY700>

Item 4.3 – SE/15/00236/HOUSE 55 Bradbourne Road, Sevenoaks TN13 3PZ

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NISEYJBKOL000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NISEYJBKOL000>

Item 4.4 – SE/15/01200/HOUSE Karapara, London Road, Swanley BR8 7AQ

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NN7TX8BKJFS00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NN7TX8BKJFS00>

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