

DEVELOPMENT CONTROL COMMITTEE

01 October 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, Horwood,
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 10 September, 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/15/00118/FUL United House, Goldsel Road, Swanley BR8 8EX** (Pages 1 - 38)

Demolition of existing industrial and office buildings and redevelopment of site for 201 dwellings with associated parking and public open space. Creation of a layby with 3 No parking spaces on Goldsel Road. Revised details received relating to location of layby, noise impacts, ecology, public open space and affordable housing.

4.2. **SE/15/02085/FUL Lady Boswells C Of E Primary School, Plymouth Drive, Sevenoaks TN13 3RP** (Pages 39 - 48)

Erection of single storey, timber clad modular building to be used as a pre-school and wraparound care for Lady Boswell's School.

4.3. **SE/15/00722/FUL 49A College Road, Hextable BR8 7LN** (Pages 49 - 58)

Use of the building with no restrictions on occupancy and alterations

to fenestration on side wall of office.

4.4. **SE/15/02261/HOUSE 32 Bullfinch Lane, Riverhead TN13 2EB** (Pages 59 - 68)

Removal of existing conservatory and demolition of existing porch and the erection of an infill extension and first and attic floors to the existing bungalow.

4.5. **SE/15/01983/HOUSE 11A Hillydeal Road, Otford TN14 5RT** (Pages 69 - 78)

Erection of a two storey side extension.

4.6. **SE/15/01998/HOUSE Charhurst, Chart Lane, Brasted TN16 1LU** (Pages 79 - 88)

Demolition of existing garage and existing single storey side and rear extension. Erection of a single storey side and rear extension. Installation of rooflights and alterations to fenestration.

EXEMPT ITEMS

(At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.)

To assist in the speedy and efficient despatch of business, Members wishing to obtain factual information on items included on the Agenda are asked to enquire of the appropriate Contact Officer named on a report prior to the day of the meeting.

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

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

For any other queries concerning this agenda or the meeting please contact:
The Democratic Services Team (01732 227247)

Any Member who wishes to request the Chairman to agree a pre-meeting site inspection is asked to email democratic.services@sevenoaks.gov.uk or speak to a member of the Democratic Services Team on 01732 227247 by 5pm on Monday, 28 September 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/15/00118/FUL Date expired 29 April 2015

PROPOSAL: Demolition of existing industrial and office buildings and redevelopment of site for 201 dwellings with associated parking and public open space. Creation of a layby with 3 No parking spaces on Goldsel Road. Revised details received relating to location of layby, noise impacts, ecology, public open space and affordable housing.

LOCATION: United House, Goldsel Road, Swanley BR8 8EX

WARD(S): Swanley Christchurch & Swanley Village

ITEM FOR DECISION

This application is referred to Development Control Committee by Councillor Searles to consider the impact of the development on the operation of Swantex Paper Mill, the density of the development and its impact on highways and local infrastructure.

RECOMMENDATION A: That planning permission be GRANTED subject to:

- a) The conditions set out below, subject to officers being authorised to make any appropriate amendments arising following negotiations and/or in the light of legal advice.
- b) A satisfactory legal agreement made under section 106 of the Town and Country Planning Act 1990 (as amended) and any other appropriate legislation being completed no later than 30 October 2015 (PROVIDED THAT if officers are satisfied that the applicant has agreed in writing to the extension of the statutory period for determination, officers are authorised to agree to the extension of the time for completion of the legal agreement and the issue of the decision notice.
- c) The S106 legal agreement shall include the following requirements:
 - i) 16% affordable housing provision;
 - ii) Provision, protection and maintenance of public open space.

and 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: 01/R; 02/A; 20/C; 21/C; 22/D; 33/A; 34/A; 35/A; 36/A; 40/C; 41/B; 42/B; 43/B; 44/C; 45/C; 46/B; 47/B; 48/B; 49/B; 50/C; 51/B; 52/B; 53/B; 54/B; 55/C; 60/A; 70; 71; 72; 73; 74; 75; 76; 77; 78; 79; 80; 81; 82, 83, 84, 5630/100/C, LON.0005_16; 17; 18A; 19B; 20; 21A; 22A; 23A, sk11/A, Design and Access Statement

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(dated January 2015), Planning Statement (dated January 2015), Landscape and Visual Appraisal (ref. LON.0005), Flood Risk Assessment (dated January 2015), Noise Assessment (dated 22 May 2015), Extended Phase 1 Habitat Survey (dated December 2014), GCN and Reptile Survey (dated April 2015), Archaeological Desk-Based Assessment (dated 12/12/2014), Site Waste Management Plan (dated January 2015), Sustainability and Energy Statement (dated 7 January 2015), Transport Assessment (dated January 2015), Arboricultural Report, impact Assessment and Draft Tree Protection Plan (dated 12 January 2015).

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

3) No development shall be carried out on the land until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Council. No development shall take place other than in accordance with the approved details.

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. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

4) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority. No development shall take place other than in accordance with the approved details.

To ensure that features of archaeological interest are properly examined and recorded as supported by Policy EN4 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

5) No development shall be carried out on the land until a scheme of measures to minimise the risk of crime according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The measures so approved shall be implemented prior to the first occupation of any of the residential units and retained thereafter.

To ensure the creation of a safe and secure environment in accordance with policy EN1 of the Sevenoaks Allocations and Development Management Plan.

6) No development shall be carried out on the land until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The detailed drainage scheme shall demonstrate that both the rate and volume of run-off leaving the site post-development will be restricted to that of the existing site during any rainfall event (up to and including the climate change adjusted 100yr critical storm). No development shall take place other than in accordance with the approved details.

To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions in accordance with the National Planning Policy Framework. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

7) No development shall be carried out on the land until it has been appropriately demonstrated that the existing on-site surface water flow-routes and accumulation points will not be altered in such a way that the development places property at risk from flooding during any rainfall event, up to and including the climate change adjusted critical 100yr storm.

To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions in accordance with the National Planning Policy Framework. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

8) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) a timetable for its implementation, and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

No development shall take place other than in accordance with the approved details.

To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions in accordance with the National Planning Policy Framework. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

9) No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. No development shall take place other than in accordance with the approved details.

To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

10) No development shall be carried out on the land until a phased contaminated land investigation comprising a Phase 1 (desk top) study, Phase 2 (intrusive) investigation and remediation strategy has been submitted to and agreed in writing by the Local Planning Authority. No development shall take place other than in accordance with the approved remediation strategy.

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In the interests of pollution prevention and safety and to comply with the National Planning Policy Framework. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

11) No occupation of any of the residential units shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan and certificates for removed material and imported soils to demonstrate that the site remediation criteria have been met. No development shall take place other than in accordance with the approved details.

In the interests of pollution prevention and safety and to comply with the National Planning Policy Framework.

12) No development shall be carried out on the land until a detailed and comprehensive scheme of acoustic protection, to include the position, construction details and density of any noise barrier and details of acoustic ventilation and glazing for all residential units has been submitted to and approved in writing by the Local Planning Authority. No development shall take place other than in accordance with the approved details.

To ensure the provision of adequate residential amenities for future occupiers and to safeguard the ongoing operation of the adjacent industrial premises in accordance with paragraph 123 of the National Planning Policy Framework and policies EN2 and EN7 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

13) No occupation of any of the residential units shall take place until a verification report demonstrating completion of the approved acoustic protection measures and the effectiveness of those measures has been submitted to and approved in writing by the Local Planning Authority.

To ensure the provision of adequate residential amenities for future occupiers and to safeguard the ongoing operation of the adjacent industrial premises in accordance with paragraph 123 of the National Planning Policy Framework and policies EN2 and EN7 of the Sevenoaks Allocations and Development Management Plan.

15) No development shall be carried out on the land until full details of the access road, including footways, cycleways, lighting and drainage as shown on drawing 5630/100C has been submitted to and approved in writing by the Local Planning Authority. No such works shall be carried out other than in accordance with the approved details prior to first occupation of any residential unit on the application site.

In the interest of highway safety as supported by policy T2 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

16) No development shall be carried out on the land until full details of the internal roads, including footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture has been submitted to and approved in writing by the Local Planning Authority. No such works shall be completed other than in accordance with the approved details prior to first occupation of any residential unit on the application site.

In the interest of highway safety as supported by policy T2 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

17) Prior to the first occupation of any of the hereby approved residential units a final Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include the appointment of a Travel Plan co-ordinator, targets for non-car modes of travel and details of the arrangements for promotion of the Travel Plan. The Travel Plan shall be implemented in accordance with the details so approved and monitored at yearly intervals and the results, including an annual report, together with any amendments to the Travel Plan, shall be submitted to the Local Planning Authority.

To promote and encourage sustainable modes of transport, in accordance with policy SP1 of the Core Strategy and the National Planning Policy Framework.

18) The parking spaces, turning areas and means of access shown on the hereby approved plans shall be provided prior to first occupation of any of the residential units hereby approved and be kept available for such use at all times and no development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 or not, shall be carried out on that area of land or to preclude vehicular access thereto.

In the interest of highway safety as supported by policy T2 of the Sevenoaks Allocations and Development Management Plan.

19) No development shall be carried out on the land until details for the provision of electric vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points shall be installed in accordance with the details so approved prior to the first occupation of any of the residential units hereby approved.

In order to mitigate and adapt to climate change in accordance with policies EN1 and T3 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

20) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Statement shall stipulate a scheme for:- the parking of vehicles of site operatives and visitors;- loading and unloading of plant and materials;- storage of plant and materials used in constructing the development;- the erection and maintenance of security hoarding;- measures to control the emission of dust and dirt

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during construction;- a scheme detailing the measures to be employed to minimise construction noise disturbance during term time at High Firs Primary School;- a scheme for recycling/disposing of waste resulting from demolition and construction works. No development shall take place other than in accordance with the approved details throughout the construction period.

In the interests of highways safety and the amenities of the surrounding area during the construction phase, in accordance with policies EN1 and T1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

21) No development shall take place, including any site clearance works, until details of wheel-washing facilities have been submitted and approved in writing by the Local Planning Authority. No development shall take place other than in accordance with the approved details and shall be retained and utilised throughout the construction of the development.

To mitigate the impact during construction relating to highways safety and neighbouring amenities, in accordance with policy EN1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

22) No development shall be carried out on the land until details of secure cycle storage for all residential units has been submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be provided in accordance with the details so approved prior to the first occupation of the relevant residential units.

To promote and encourage sustainable modes of transport, in accordance with policy SP1 of the Core Strategy and the National Planning Policy Framework. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

23) No development shall be carried out on the land until details of refuse and recycling storage for all parts of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling storage shall be provided in accordance with the details so approved prior to the first occupation of the relevant residential units.

To ensure satisfactory provision of refuse and recycling facilities and to safeguard residential amenity in accordance with policies EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

24) No development shall be carried out on the land until an energy strategy, to include details of how the 'fabric first' approach set out in the hereby approved Sustainability and Energy Statement (dated 07 January 2015), or other approach as may be agreed in writing by the Local Planning Authority, shall secure at least a 10% reduction in the total carbon emissions over the requirements of Part L of the Building Regulations has been

submitted to and approved in writing by the Local Planning Authority. No development shall take place other than in accordance with the approved details.

To ensure the creation of a sustainable development, in accordance with policy SP2 of the Core Strategy and the National Planning Policy Framework. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

25) The first floor level windows in the side elevations of unit nos. 165 and 171 shall be obscure glazed and fixed shut below 1.7m from finished floor level and shall be retained and maintained as such thereafter.

In order to safeguard the residential amenities of surrounding occupiers in accordance with policy EN2 of the Sevenoaks Allocations and Development Management Plan.

26) No extensions or external alterations shall be carried out to any of the dwellings hereby approved, despite the provisions of any Development Order.

In order to safeguard the residential amenities of existing and future occupiers of the development and surrounding properties in accordance with policy EN2 of the Sevenoaks Allocations and Development Management Plan.

27) No development shall be carried out on the land until details of the specific locations of the proposed reptile fence has been submitted to and approved in writing by the Local Planning Authority. The reptile mitigation strategy shall be implemented in accordance with the recommendations contained in the hereby approved Reptile Survey (dated April 2015) and no development shall take place other than in accordance with the approved details.

In order to enhance the protect and enhance the biodiversity value of the site in accordance with policy SP11 of the Core Strategy, policies EN1 and GI1 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

28) No development shall be carried out on the land until details of reptile enhancement works and a management plan for the proposed pond and surrounding open space has been submitted to and approved in writing by the Local Planning Authority. No development shall take place other than in accordance with the management plan and approved details.

In order to enhance the biodiversity value of the site in accordance with policy SP11 of the Core Strategy, policies EN1 and GI1 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

29) No development shall be carried out on the land until full details of appropriate measures to enhance the biodiversity and nature conservation value of the site, including

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for breeding birds and bats shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place other than in accordance with the approved details prior to the first occupation of the development.

In order to enhance the biodiversity value of the site in accordance with policy SP11 of the Core Strategy, policies EN1 and GI1 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

30) No development shall be carried out on the land until details of proposed external lighting, including street lighting, lighting to be attached to the buildings and any external lighting proposed elsewhere within the site, shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include siting, angles, levels of illumination, timing and any shields. No development shall take place other than in accordance with the approved details.

To safeguard neighbour residential amenity and the visual amenity and biodiversity value of the area in accordance with policies EN1, EN2, EN6 and GI1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

31) No development shall be carried out on the land until a landscaping scheme consistent with the hereby approved Landscape Strategy (101/B) shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include the following details:

- a) trees and shrubs to be retained (including details of appropriate tree protection measures for the existing trees and shrubs shown to be retained);
- b) soft plantings, including trees, grass and turf areas, shrub and herbaceous areas; their location, species (use of native species where possible), density and size;
- c) enclosures: including types, dimensions and treatments of walls, fences, pedestrian and vehicular gates, screen walls, barriers, rails, retaining walls and location, species and size of hedges;
- d) hard landscaping: including ground surfaces (including the Public Right of Way through the site), kerbs, edges, ridge and flexible pavings, unit paving, steps and if applicable synthetic surfaces; and
- e) any other landscaping feature(s) forming part of the scheme.

All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within fifteen years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season. No development shall take place other than in accordance with the approved details and

shall be maintained as such thereafter.

To enhance the visual appearance and green infrastructure of the area as supported by policies EN1 and GI1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

32) No works of excavation shall take place until full details of the foundation design and no dig construction method for the hereby approved footpath/cycleway on the southern side of the access road has been submitted to and approved in writing by the Local Planning Authority. No development shall take place other than in accordance with the approved details.

To secure the retention and long term health of existing trees as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

33) No development shall be carried out on the land until impact studies of the existing water supply infrastructure have been submitted to and approved in writing by the Local Planning Authority. The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point. No development shall take place other than in accordance with the approved details.

To ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand.

34) No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority. No development shall take place other than in accordance with the approved details.

The proposed works will be in close proximity to underground water utility infrastructure and piling has the potential to impact on local underground water utility infrastructure.

Informatives

1) The proposed development has been assessed and it is the Council's view that the CIL IS PAYABLE. Full details will be set out in the CIL Liability Notice which will be issued with this decision or as soon as possible after the decision.

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

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arise in the processing of their application,

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

In this instance the applicant/agent:

- 1) Was provided with pre-application advice that led to improvements to the acceptability of the proposal.

Or/

RECOMMENDATION B: If the S106 legal agreement is not signed in accordance with the above recommendation, then planning permission be refused on the following grounds:

- 1) The proposal fails to make provision for affordable housing and it is therefore contrary to policy SP3 of the Sevenoaks District Council Core Strategy and the Sevenoaks Affordable Housing Supplementary Planning Document and the National Planning Policy Framework.
- 2) The proposal fails to make provision for open space and the management of it contrary to policies SP3, SP9 and SP10 of the Sevenoaks District Council Core Strategy, and Policies H2, GI1 and T1 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.

In this instance the applicant/agent:

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

Description of Proposal

- 1 Demolition of existing industrial and office buildings and redevelopment of site for 201 dwellings with associated parking and public open space. Creation of a layby with 3 No parking spaces on Goldsel Road. Revised details received relating to location of layby, noise impacts, ecology, public open space and affordable housing.

Description of Site

- 2 The site comprises 3.46ha of previously developed land located directly south of Swanley town centre and to the east of Swanley rail station. The site is located on the east side of the B258 (Goldsel Road). A separate section of Goldsel Road leading from the main section provides access to the site.
- 3 The site is enclosed to the west by the large buildings associated with the Swantex Paper Mill, to the north by the railway line and to the south and east by residential development in Court Crescent and Waylands. The High Firs County Primary school also adjoins the site along a section of its southern boundary. The site upon which United House stands falls gently from west to east, before falling more steeply towards the eastern boundary.
- 4 The site currently comprises an area of existing commercial and industrial buildings. A considerable area of hard standing wraps around the depot building for loading and car parking. The site also includes a small area of greenspace along its south-eastern edge; this comprises amenity grassland, dense scrub vegetation (including an area which has overgrown the pond) and several stands of mature trees.
- 5 The site is known as and was formerly occupied by United House; a company that provides social housing, mixed use and high-end private residential new build, social housing refurbishment and urban regeneration across London and the south. Following a restructuring of the company the site is no longer required by the former occupiers and most employees have recently relocated to an office building (Media House) in Azalea Drive, Swanley.

Constraints

- 6 Urban confines of Swanley
- 7 Public Right of Way
- 8 Allocated Site

Policies

Core Strategy

- 9 Policies L01, L04, SP1, SP2, SP3, SP5, SP7, SP8, SP9, SP10, SP11

Allocations and Development Management Plan

- 10 Policies EN1, EN2, EN4, EN6, EN7, H2, EMP1, EMP5, GI1, T1, T2, T3

Other

- 11 Affordable Housing SPD
- 12 National Planning Policy Framework
- 13 Planning Practice Guidance

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Relevant Planning History

- 14 PA/14/01231: Request for a Screening Opinion (under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011) for a major residential development. Negative Screening Opinion - EIA not required.

Consultations

Swanley Town Council:

- 15 (summary) Object. Noise study inadequate, development could prejudice operation of adjacent Swan Mill, premature in advance of full traffic survey, increased traffic and congestion, additional housing would result in unacceptable pressure on local infrastructure, excessive density leading to unacceptable levels of noise, light and air pollution, unacceptable demand on school places and pressure on local facilities, concern regarding propriety and quality of housing, inadequate recreational facilities, inadequate parking, quantum of social housing too high.'

KCC Highways

- 16 (summary) In terms of traffic generation, the impact on the local highway network, and the sustainable location on the site, that I have no objection on highway grounds to the proposed development. Recommend conditions to secure construction details and provision of access road and internal roads, vehicle parking, travel plan and construction management plan.

SDC Environmental Health Officer

- 17 (summary) No objection subject to conditions to secure a phased contaminated land investigation comprising a Phase 1(desk top) study, Phase 2(intrusive) investigation, a remediation strategy and detailed verification report and a detailed comprehensive scheme of acoustic protection for the site and an acoustic verification report to demonstrate the acoustic protection measures were effective and if not they could be enhanced. Recommend a scheme detailing the measures to be employed to minimise construction noise disturbance during term time at High Firs Primary School also be secured by condition.

SDC Planning Policy

- 18 (summary) Object to the quantity, mix, type and size of affordable housing, quantity, quality and location of open space and lack of re-provision of B1(a) office floorspace.

SDC Tree Officer

- 19 (summary) No objection to removal of trees identified. Recommend conditions to secure landscaping strategy to include additional tree planting internally, and details of a no dig construction method to ensure retention of the trees adjacent to the proposed footpath/cycleway on the southern side of the access road.

SDC Environmental and Operational Services

- 20 (summary) Queries regarding accessibility of site by refuse service vehicles, suitability of road surface and location and size of refuse storage areas. Development of this size warrants a recycling bring-site for glass.

Natural England

- 21 No objection.

KCC Ecology

- 22 (summary) No objection subject to reptile mitigation strategy, recommended habitat enhancements for reptiles, breeding birds and bats and details of external lighting being secured by condition.

Kent Wildlife Trust

- 23 (summary) Recommend reptile mitigation strategy, including translocation detail and site and access management plan for the open space and details of a landscape buffer zone be secured by condition.

KCC Flood Authority

- 24 (summary) No objection subject to detailed surface water drainage scheme and details of water infiltration being secured by condition.

KCC Public Rights of Way Officer

- 25 (summary) Public Rights of Way Footpath SD89 runs along the entrance road into the site before veering off into Court Crescent. It will be directly affected by the proposal to construct a 2m way footway on the south side of the road and 3 parking spaces in a layby. I would request that as part of any Section 278 agreement with highways this should include the extinguishment of the “adopted highway” section of PROW SD89.

KCC Archaeology

- 26 (summary) Notes a number of shortcomings in the archaeological assessment and on the basis that the site has moderate potential for prehistoric remains recommends a programme of archaeological work, including geoarchaeological assessment be secured by condition.

Kent Police Authority

- 27 (summary) Recommend a condition to ensure Crime Prevention is addressed effectively.

Network Rail

- 28 (summary) No objection subject to seeking relevant consents from Network Rail Asset Protection team.

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Thames Water

- 29 (summary) No objection with regards to sewerage infrastructure capacity and recommend impact studies of existing water supply infrastructure and a piling method statement be secured via condition.

Representations

- 30 Two rounds of consultation were carried out. Notification letters were sent to the occupiers of 188 properties surrounding the site. Site notices and press notice were displayed. The statutory consultation period ended on 12.07.2015.
- 31 39 letters of objection received as summarised below:
- Development would fail to safeguard operations of adjacent industrial use;
 - Inadequate road infrastructure and increased traffic and congestion;
 - Traffic lights, roundabout or speed restrictions required;
 - Insufficient parking;
 - Likely displacement of parking into neighbouring streets;
 - Lack of emergency access;
 - Existing industrial use should be retained;
 - Inappropriate layout and density;
 - Should be separated from adjacent estate by high security wall;
 - Security concerns;
 - Poor internal space standards;
 - Query internal accessibility standards;
 - Overlooking and loss of privacy;
 - Loss of light and overshadowing;
 - Increased noise, smells and disturbance;
 - Loss of trees;
 - Pressure on local infrastructure, including schools, doctors and dentists;
 - Inadequate police presence;
 - Surface water run-off;
 - Request for drop-off area for adjacent school;
 - Impact on existing utilities, including water;
 - Impacts and disruption from demolition and construction works;
 - Query regarding ongoing maintenance of estate;
 - Concern regarding subsidence;
 - Concerns regarding removal of asbestos;
 - Impact on property values.

Chief Planning Officer's Appraisal

- 32 The main issues requiring assessment relate to the principle of redevelopment of the site, including loss of the former employment use in the context of the adopted Development Plan, the proposed housing density, housing type and size, provision of affordable housing and open space. Pertinent to the acceptability of the proposals is whether the development is capable of providing adequate living conditions in the context of surrounding noise sources, and in turn would

safeguard the existing and future operations of the adjacent industrial use, Swantex Paper Mill. Issues relating to design and layout, impact on the character of the area, local residential amenity, highways and parking, ecology, landscaping and energy also fall to be considered. Other matters, including land contamination, archaeology and infrastructure provision will be assessed.

Principle of development

- 33 The site is located within the urban confines of Swanley, the second largest town in the District. Policy L04 of the Core Strategy is relevant for development in Swanley and sets out the vision for residential development in the town over the plan period. Policy L04 refers to the allocation of specific sites for residential, employment and open space development in the town in the Allocations and Development Management Plan (ADMP).
- 34 Formerly a protected employment area in the Sevenoaks District Local Plan (2000), the site was promoted for redevelopment for housing following an Employment Land Review in 2012 which found that the supply and demand of employment land within the district is broadly in balance over the long term. The loss of office and warehouse space on this site was considered to have a minor adverse impact in terms of overall employment land supply and the preferred option was considered to be a redevelopment of the majority of the site with new office space to be provided on the existing car park closest to Goldsel Road (outside of the current application site).
- 35 ADMP policy H2(b) was adopted in February 2015 and in recognition of the sites' sustainable location with good transport links allocates the site for a high density mixed use development. The site is listed as having an indicative capacity for 185 dwellings and 2,000sqm Class B1(a) office floorspace. This planning application only addresses the residential element of the allocation. Notwithstanding that no office space is proposed as part of this application, it only relates to one of the two parcels of land forming the site allocation. The Class B1(a) business use allocated land does not form part of this application site area. The objection from Planning Policy Officers is noted; however there is no requirement that the site be brought forward in its entirety. The Class B1 element is retained for the provision of office space within the existing western car park and this is considered acceptable and not in conflict with policy SP8 of the Core Strategy.

Housing density

- 36 Whilst the proposal seeks a higher number of dwellings (201) than referred to in policy H2(b), this is indicative of the site capacity only and does not consider the proposed housing size and type (a bias towards smaller units would have a natural impact on site density figures, insofar that smaller units of accommodation normally result in a higher density figure over a development site than larger units). The proposals represent less than a 10% increase on the indicative capacity and would result in a density of 54 dwellings per hectare (dph). Subject to consideration of layout this is considered to be in accordance with policy SP7 of the Core Strategy, which expects development to achieve a density of 40dph, and in suitable locations close to Swanley town centre, higher densities are encouraged. The site is located approximately 175m from the town centre

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boundary where a higher density is acceptable. The proposed development is considered to make an efficient use of this previously developed land.

Housing size and type

- 37 Policy SP5 of the Core Strategy seeks new housing development to contribute to a mix of different housing types in residential areas taking into account the existing pattern of housing in the area, evidence of local need and site specific factors. The policy specifically seeks the inclusion of small units (less than three bedrooms) in new development schemes in suitable locations to increase the proportion of smaller units in the District housing stock. The proposed development would provide 201 dwellings, comprising 108 houses and 93 flats. The dwelling mix would be skewed towards smaller units (56% of the total would be in the form of one and two bedroom units). The development would comprise 39 1-bedroom flats, 54 2-bedroom flats, 20 2-bedroom houses, 57 3-bedroom houses and 31 4-bedroom houses. The proposed dwelling mix and type is considered wholly appropriate to the area and to its housing needs in accordance with relevant planning policy.

Affordable housing

- 38 Policy H2(b) of the ADMP refers to the requirement for affordable housing to be provided on the site in line with policy SP3 of the Core Strategy, which requires 40% affordable housing for residential developments of 15 dwellings or more, subject to viability. In addition, of the 40% affordable housing, at least 65% of the units should be social rented. The Affordable Housing SPD advises that a mix of dwelling tenure, type and size must be incorporated which reflect the site's characteristics and the development as a whole.
- 39 Following the High Court judgement (West Berkshire District Council and Reading Borough Council) v Secretary of State for Communities and Local Government [2015]), the provision of Vacant Building Credit has been removed from Planning Practice Guidance and the above planning policies therefore carry full development plan weight.
- 40 The planning application is supported by a full viability assessment carried out by Savills dated January 2015 which concludes that the development is capable of providing 15% affordable housing. The viability assessment has been independently reviewed by Adams Integra on behalf of the Local Planning Authority. The report by Adams Integra agreed with the assumptions made in the viability assessment, including in relation to the existing use value of the site, build costs and sales values. The residual land valuation (calculated by subtracting the costs of the achieving the development from the revenue generated by the completed scheme) demonstrates that the development is capable of providing 16% affordable housing, concluding: *'It is our opinion that the scheme is viable and can make a contribution to affordable housing of 16% and it is our view, therefore, that the applicant should be required to make the required contribution towards affordable housing'*.
- 41 On this basis 16% affordable housing provision equates to 32 residential units. 32 units of affordable housing are proposed comprising 16 affordable rented units (representing 50%) and 16 shared ownership (representing 50%). The units

would comprise 24 flats (8 x 1-bedroom and 16 x 2-bedroom) and 8 dwellings (4 x 2-bedroom and 4 x 3-bedroom). A Registered Provider has been identified. The units would comply with relevant HCA space standards and benefit from allocated car parking and where necessary lift provision. The units would be distributed in two separate locations across the site and be designed in such a way as to be indistinguishable from the open market housing.

- 42 Although the 50:50 tenure split does not reflect the 65:35 split referred to in policy SP3, the provision of more shared ownership dwellings reflects the reduced value of affordable housing as set out in recent budget announcements, including the reduction in rents by 1% per year till 2020 and the lowering of the Universal Credit allowance. As proposed it is considered that the affordable housing provision would reflect an appropriate mix of dwelling tenure, type and size and is supported by Housing Policy Officers.
- 43 Subject to an appropriate S106 legal agreement to secure the provision of the affordable housing the provision would comply with relevant national and local planning policy in terms of quantum and tenure mix.
- 44 The Town Council's objection to the provision of affordable housing and preference for no affordable housing on the site is noted; however the planning system has an important part to play in providing affordable housing for those unable to access the housing market. The Core Strategy acknowledges that the need to provide affordable housing is important for two main reasons; firstly to enable people who cannot afford to rent or buy on the open market to live in a home that is suitable for their needs and that they can afford, and secondly to provide housing for people working in different aspects of the local economy, thus underpinning economic activity. The provision of affordable housing on this site in the form of affordable rented and shared ownership housing would comply with national and local planning policy and would contribute to the objective of creating mixed and balanced communities.

Quantity, quality and location of open space

- 45 With regard to open space and green infrastructure the PPG states that "*...it [open space] can provide health and recreation benefits to people living and working nearby; have an ecological value and contribute to green infrastructure as well as being an important part of the landscape and setting of built development*". Policy SP10 of the Core Strategy seeks open space to serve residential development proposals in areas where there is an existing shortage in open space provision either through on site provision or a financial contribution to off site provision. The Open Space, Sport and Recreation Study (2009) identifies this area south of the railway line as deficient in parks and gardens. Additionally the Swanley area has fewest sites for children and young people. This is further identified in policy LO4 which places an emphasis on providing additional public open space where opportunities arise, acknowledging that Swanley is less well-served with open space than other parts of the District. Policy GI1 of the ADMP is also relevant and relates to the provision of green infrastructure.
- 46 Policy H2(b) refers to the requirement for open space to be incorporated into the development and laid out through the centre of the site with a safe and direct connection to the existing footpath which runs through the site. The site allocation

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also refers to the provision of a dense landscaped edge providing a suitable buffer to the adjoining use abutting the employment site to the northwest. The open space should also include landscaped amenity space and a central space for informal recreation such as a kick about area. The allocation refers to the requirement for open space to be overlooked by residential development.

- 47 Approximately 0.41 ha of open space is proposed in the form of recreational open space at the entrance to the site and biodiversity open space to the north east of the site. The quantum and layout of the open space differs from that shown on the indicative plan contained in policy H2(b), specifically in relation to the provision of a buffer strip abutting the adjoining industrial premises northwest of the site. Whilst it is important to note that the site allocation is not prescriptive and does not comprise a design brief, the applicant confirms this option was considered and discounted on the basis that it failed to provide the most appropriate design solution for the site.
- 48 Specifically the erection of buildings and creation of car parking adjacent to the boundary with the industrial site rather than open space provides a visual and acoustic buffer for the remaining development. Furthermore, the layout of the open space indicated in the site allocation would necessitate dwellings facing the industrial site to facilitate natural surveillance of the open space. Such a layout would necessarily expose dwellings to greater noise impacts from the industrial site and be unlikely to provide satisfactory internal living environments for future occupiers. This would raise the likelihood of generating noise complaints thereby prejudicing the future operations of the industrial use.
- 49 As proposed the recreational open space would be easily accessible to existing residents via the existing footpath connecting Goldsel Road and Court Crescent which would be maintained and enhanced by the provision of a new footpath/cycle way on the southern side of the road. In this location the proposed play area would also benefit from high levels of natural surveillance from the adjacent residential units.
- 50 The open space to the east would incorporate pathways and seating overlooking the enhanced pond and habitat areas and although located on sloping land would include a flat meadow area that could be used for recreational purposes. This open space would also incorporate the existing balancing pond to allow for the collection and attenuation of surface water run off. The objection from the Planning Policy Officer is noted; however the proposed layout is considered to make an efficient use of this important brownfield site and for the reasons referred to above the public open space is considered to be acceptable in terms of layout, quantum and quality and to comply with relevant planning policies.

Noise

- 51 Paragraph 123 of the NPPF advises that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. It should also be recognised that existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established. The PPG advises that, in determining noise impact, decision-takers should take into account the acoustic environment and consider

whether or not a significant adverse effect or an adverse effect is occurring or likely to occur and whether or not a good standard of amenity can be achieved. A significant adverse effect is defined in the Noise Policy Statement for England (NPSE) as the level above which significant adverse effects on health and quality of life occur. The NPSE confirms it is not possible to have a single objective noise-based measure that defines a significant adverse effect level that is applicable to all sources of noise in all situations. Consequently, the significant adverse effect level is likely to be different for different noise sources, for different receptors and at different times.

- 52 The PPG sets out a noise exposure hierarchy consistent with the NPSE. It states that in situations where there would be an observed adverse effect, where noise would be perceived as noticeable and intrusive, noise should be mitigated and reduced to a minimum. In situations where there would be a significant observed adverse effect, where noise would be perceived as noticeable and disruptive, noise should be avoided. The PPG states that where a significant adverse effect is observed, the noise can cause a material change in behaviour and/or attitude, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. There is also the potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep.
- 53 At a local level, policy EN7 of the ADMP states that development will be permitted where it would not have an unacceptable impact when considered against the indoor and outdoor acoustic environment including existing and future occupiers of the development and the amenities of existing and future occupants of nearby properties; and where development would not result in unacceptable noise levels from existing noise sources that cannot be adequately mitigated. Similarly, policy EN2 of the ADMP requires the provision of adequate residential amenities for existing and future occupiers by ensuring that development is not located in areas where occupiers of the development would be subject to, amongst other criteria, excessive noise.
- 54 Site specifically, policy H2(b) of the ADMP acknowledges the importance of protecting the operational requirements of the existing industrial use to the north-west of the site and states that the design, layout and orientation of the residential buildings will be crucial to ensuring the development of a satisfactory scheme.
- 55 The application site shares its north-west boundary with Swantex Paper Mill, an existing industrial site cited in policy EMP1(n) as one of the District's employment sites to be retained, intensified and regenerated for B1 – B8 uses. The site shares its north boundary with the railway line. Road traffic noise from the A20 is also audible from the site. To assess the impact of the existing industrial use on the proposed dwellings, a noise impact assessment has been submitted. The assessment has been undertaken in accordance with BS4142: 2014 *Methods for rating industrial and commercial sound*. The British Standard provides a method whereby the likelihood of complaints due to noise from industrial sources can be assessed.

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- 56 The parameters of the noise impact assessment, including surveys to establish baseline noise conditions at three representative locations were agreed between the applicant and a noise consultant acting on behalf of Swantex Paper Mill. In addition to baseline survey data collected over an extended period, specific noise source data was collected. The noise source data is considered to present worst case conditions of operational activities at the industrial site, including with windows overlooking the application site both open and closed and noises from reversing alarms and klaxons, clamp truck movements and loading and unloading of lorries recorded. The noise measurements provide typical day time and night time noise impacts and were deemed to reflect the worst case noise scenarios. No objection has been raised by the Environmental Health Officer to the data, assumptions or overall results predicted. The assessment indicates these specific noise source levels would be above the background noise levels and result in a likelihood of significant adverse impact, particularly at night time when the background noise levels are lower and when the Swantex Paper Mill windows are open. Although it is understood that the windows are generally only opened in the summer months when additional internal cooling and ventilation is required, there are no restrictions to prevent the windows being opened at any other time.
- 57 In order to assess the likely impact of noise on the living conditions of future occupiers of the development the assessment refers to both BS8233: 2014 *Guidance on sound insulation and noise reduction for buildings* and the World Health Organisation's (WHO) *Guidelines for Community Noise* (1999). Both documents provide recommended guideline values for internal noise levels within dwellings. To avoid unnecessary annoyance the WHO guidance recommends the maximum environmental daytime noise (0700 – 2300) does not exceed 55dB. At night time (2300 – 0700) and at sites which may be affected by individual noise events such as this, the WHO guidance suggests that good sleep will not generally be affected if external levels of 45dB (which is equivalent to an internal level of 30dB with the window partially open) are not exceeded more than 10-15 times per night.
- 58 A detailed noise modelling exercise has been undertaken to assess the likely impacts of existing noise sources on the proposed development and produces noise contours across the site. The modelling exercise demonstrates that within the daytime the majority of the site would fall below 55dB(A), increasing to between 55dB to 63dB along the site perimeters where there is greater impact from the Swantex Paper Mill, railway and A20. The model demonstrates that the installation of a 3m high acoustic barrier along the north-east and north-west boundaries with the industrial site would reduce the noise exposure levels to within the WHO guidelines. At night time, noise levels across the site indicate that appropriate mitigation would be required in order to ensure the development falls within the upper limits prescribed by the WHO.
- 59 The noise model provides further analysis of predicted noise levels at specific noise sensitive facades. During the day time, facades facing prominent noise sources such as the paper mill, railway and A20 are indicated to be in the range of 50dB(A) to 60dB(A), as opposed to elsewhere which would be in the range of 40dB(A) to 50dB(A). During the night time, facades facing prominent noise sources, including the railway to the north and A20 to the south would also be in the range of 50dB(A) to 60 dB(A), as opposed to elsewhere in the site which

would typically be in the range of 40 dB(A) to 50dB(A). Assuming a 15dB reduction from outside to inside as set out in the WHO Night Noise Guidelines this would indicate internal noise levels of 25dB(A) to 35dB(A). The modelling demonstrates that noise impacts from Swantex Paper Mill would be capable of being mitigated by the acoustic barrier along this boundary.

- 60 The noise impact assessment compares the highest night time facade noise levels against the design criteria for good noise levels set out in BS8233 to establish the level of attenuation required. The results indicate that units 9-18 and 98 and 99 would be subjected to noise from multiple sources and that with a window partially open internal noise levels would be in excess of the maximum levels described in BS8233: 2014. For these units the assessment states that it will be necessary to incorporate mitigation into the design of the building fabric. The assessment also states that as windows and ventilation openings typically represent acoustic weak points appropriate acoustic design of windows would be required to ensure dwellings achieve the internal noise limits set out in BS8233. Mechanical ventilation would also be required in order that the building does not rely on windows being opened to ensure good ventilation.
- 61 BS8233: 2014 *Guidance on sound insulation and noise reduction for buildings* provides guidance for noise in gardens and outdoor amenity space, including balconies and sets out that it would be desirable for external noise levels to not exceed 50dB, with an upper guideline of 55dB which would be acceptable in noisier environments. The British Standard acknowledges that guideline values are not achievable in all circumstances, and that in some areas *'a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces, but should be prohibited'*.
- 62 The PPG refers to potential mitigation measures for noise sensitive development, including avoiding noisy locations; designing the development to reduce the impact of noise from the local environment; including noise barriers; and, optimising the sound insulation provided by the building envelope. As required by policy H2(b) the site layout and design responds to the constraints posed by the surrounding noise sources. Specifically, the area immediately adjacent to the Swantex Paper Mill would comprise parking and the provision of higher density development towards the west of the site affords the opportunity to create an acoustic barrier with the remainder of the site. The closest residential receptors would be single aspect flats without noise sensitive windows. Combined with the additional mitigation measures proposed, including installation of a 3m high acoustic barrier, building fabric and acoustic glazing specification and alternative ventilation systems it is considered that the development is capable of safeguarding residential amenity and the operations of Swantex Paper Mill in accordance with relevant policy.
- 63 It is noted that the provision of mechanical ventilation is commonly accepted as an appropriate means of achieving a satisfactory living environment. The principle of mechanical ventilation was accepted by the Planning Inspector in determining the appeal for development at Land at Broom Hill, Swanley, stating that *'while*

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some houses may need mechanical ventilation, this could be a benefit in terms of improved thermal efficiency within the houses and not to be seen as a problem'.

- 64 The potential impact of the development on the operations of the adjacent industrial site is a material consideration and the proposal incorporates measures to reduce the potential for future conflict between the two sites. Although it is not possible to rule out the possibility of future residents of the site complaining regarding local industrial uses, it has been established that the living conditions within the proposed dwellings would be satisfactory and this is relevant to the question of whether complaints are likely. On this basis it is not considered that the proposed residential development would result in any pressure to curtail or restrict the activities of the existing industrial use in accordance with the requirements of the NPPF and policy EN7 of the ADMP.
- 65 In summary, the application site is subject to noise from numerous sources, including industrial, rail and road noise. Baseline noise surveys and detailed noise modelling using worst case operational conditions at the paper mill demonstrate that, subject to appropriate mitigation to secure adequate internal noise levels, the proposed dwellings would provide a satisfactory internal acoustic environment and that a good standard of amenity could be achieved at the site. In accordance with the recommendations of the Environmental Health Officer it is considered necessary to require submission of a comprehensive scheme of acoustic protection for the site and, prior to occupation of any of the dwellings, an acoustic verification report to demonstrate the acoustic protection measures are effective. It is considered that the necessary acoustic mitigation measures and internal living environments are capable of being achieved without requiring revisions to the layout of the development and as such these details could be secured by appropriate condition.

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

- 66 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.
- 67 The effect of the development upon the character and appearance of the area includes the effect of all buildings, car parking areas, grounds and landscaping within the development proposal. With the exception of the large buildings to the north and west of the site, the site is currently open and comprises large areas of hardstanding and scrub. The redevelopment of the southern, central and eastern parts of the site would therefore result in a fundamental change to its character and appearance; however in the context of the site having been allocated for residential development in the ADMP, there is no in principle objection to this change.

- 68 Due to a combination of the topography and boundary screening, views of the built development on site from the residential estate to the south and east are largely limited in the summer months. Similarly, the site is screened from public views from the north-west due to the presence of the buildings associated with Swantex Paper Mill directly adjoining the site. Due to the continued land fall beyond the site's boundary to the east, longer distance views of the site and its surrounding are achievable from the south and east of Swanley.
- 69 The proposal would present a hierarchy of built form with five main four-storey blocks located adjacent to the entrance to the site and adjacent to the site's western boundary with Swan Mill. The larger scale and higher density of these blocks would be compatible with the bulk of the industrial buildings to the north and would provide a strong sense of enclosure for the remaining development. The scale of built form would reduce beyond the entrance square to integrate with the established residential areas to the south and east. The built form towards these boundaries would be laid out in a perimeter block formation and comprise a mixture of two-storey terraces and detached and semi-detached dwellings, with some short three-storey town house terraces to reflect the general pattern of semi-detached and terraced dwellings in Court Crescent and Waylands.
- 70 The proposed buildings would feature a variety of plot widths, building heights and roof forms to add visual interest to individual streetscenes. The incorporation of squares and extensive landscaping would help create a strong sense of place and the use of contemporary feature elements and a limited palette of robust traditional materials (including facing bricks and slate tiles) would give the development a strong and unified identity. In summary the development would be sympathetic in terms of scale, massing and materials and would not appear incongruous or out of keeping with the wider surroundings.
- 71 The application is also supported by a Landscape and Visual Impact Assessment (LVIA) which aims to determine the likely impacts of the proposal on existing landscape character. Paragraph 007 of the Design section of the NPPG states that planning should promote local character, including landscape setting. It considers that *"Development should seek to promote character in townscape and landscape by responding to and reinforcing locally distinctive patterns of development, local manmade and natural heritage and culture, while not preventing or discouraging appropriate innovation. The successful integration of all forms of new development with their surrounding context is an important design objective, irrespective of whether a site lies on the urban fringe or at the heart of a town centre."* It also states that *"When thinking about new development the site's land form should be taken into account. Natural features and local heritage resources can help give shape to a development and integrate it into the wider area, reinforce and sustain local distinctiveness, reduce its impact on nature and contribute to a sense of place. Views into and out of larger sites should also be carefully considered from the start of the design process."*
- 72 In terms of landscape context, the site is located close to the town centre and as such forms an integrated part of the urban environment; however Swanley is located on a localised ridgeline and therefore there remains a degree of inter-visibility between the urban environment (including the site) and its setting in the wider countryside to the south-west, south, east and north. Existing road and rail

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infrastructure is also influential on the character of the area. There are no designations associated with the site; overall the landscape surrounding the town is generally considered to be a fringe landscape which is determined by local character assessment to be of varying condition and sensitivity. There are, however, some areas to the south of the town which are more sensitive in landscape terms.

- 73 The LVIA is based upon 10 representative viewpoints, all of which were agreed with the Council. These viewpoints have been used to identify potential constraints and adverse impacts arising from redevelopment of the site, including from local visual receptors (particularly local residential receptors and also receptors using the PROW network in the wider countryside). Equally opportunities have been identified, including to enhance the existing built form of the site and to provide landscape features.
- 74 The LVIA identifies that in terms of landscape impacts the proposal is likely to result in loss of some existing landscape elements on site, including a number of existing trees along the south-western edge of the site and also some smaller losses of vegetation groups within the site. Notwithstanding this limited and localised harm, the LVIA identifies that other specific changes in terms of landscape elements and features will be positive; including the implementation of strategic landscaping across the site associated with green infrastructure, open space and the street scene. Other landscape impacts will be limited to the change in the land use of the site, from the existing industrial use to that of a permanent residential use. As proposed it is considered that the site will read coherently with the existing residential areas of Swanley and will be consistent with the settlement pattern of the area. The proposed flats are likely to be larger scale than some of the surrounding built form however these will help to screen the areas of the existing industrial estates which are located to the north of the site. The LVIA concludes that the proposals would be unlikely to result in changes to the landscape character of the surrounding countryside as the wider urban environment will remain influential and any indirect impacts on these areas of character will be limited.
- 75 In terms of likely visual impacts, these would be limited to a range of receptors in the local context of the site. The LVIA identifies that there would be views of the site from the residential areas immediately adjacent to the site; however in the surrounding urban area (including both roads and residential areas) views to the site tend to be screened by the presence of other built form. Open spaces on the fringes of the area, where built form is less dense, will have partial views to the taller units of the development; however these would be seen in the existing baseline context of residential development. In the landscape surrounding Swanley there are a number of Public Rights of Way (PROW) which have views toward the urban area and the site. Views of the site currently include the existing industrial units which would be replaced with a new built form and layout which is more consistent with the wider residential character. Taller elements of the proposal will be visible however from some locations and these units will help to screen views of the retained industrial buildings immediately north of the site. Views from the northwest of the town tend to be screened by landform and vegetation. Views from the south and south west of the town tend to be more open and direct to the existing urban area and due to the modest size of the site

in comparison to the wider context of the urban area, the potential impacts will be limited.

- 76 In summary it is considered that the proposed development has been designed to respond to the local landscape, including through the appropriate definition of the development envelope, proposed layout and treatment of green infrastructure. I therefore concur with the conclusions of the LVIA that the form and scale of the proposed development offers a sensitive response to the various constraints and opportunities identified. The proposal is considered to represent a very limited impact on the site and surrounding area and as a result is considered to be acceptable in landscape and visual terms in accordance with relevant planning policy.

Residential amenity

- 77 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 safeguard the amenities of existing and future occupiers 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 built form would not result in an unacceptable loss of privacy or light.
- 78 The site is bounded to the south west by 15-43 Court Crescent and High Firs County Primary School and to the south east by 21-37 and 55-75 Waylands. To the south west there would be no additional built form beyond the rear of 15-19 Court Crescent and the proposed built form beyond the rear elevations of 21-39 Court Crescent (comprising units 1-19) would be two to three-storeys in height. These buildings would be set back beyond the footprint of the existing buildings at a distance ranging between 32m and 49m and beyond the existing access road to be retained. Units 199-201, comprising two-storey semi-detached dwellings would be located between 29m and 33m beyond the rear elevations of 41 and 43 Court Crescent. By reason of the separation distance, likely effects of existing and proposed boundary planting and orientation of buildings there would be no harm to the residential amenities of these properties in terms of loss of light, outlook, privacy or sense of enclosure. Units 171-198 would be located adjacent to the High Firs County Primary School building and playing field and the proposed development, by reason of its two-storey height would have no impact on the operation of the school. Notwithstanding the acceptability of the development once completed, it is recommended that details of a scheme to minimise construction noise disturbance during term time at the school be required by appropriate condition.
- 79 To the south east the side elevations of units 165 and 171, the rear elevations of units 166-170 and parking areas would border the rear gardens of 21-37 Waylands at a distance of between 23m and 34m from the rear elevations of the existing houses and on the same building line as 55 Waylands. The proposed buildings would be set on higher ground than the existing buildings in Waylands and would include the loss of views and change in the nature of the existing open

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aspect from the rear elevation of these dwellings into the site. Notwithstanding that there is no planning right to a pleasant view and that the land is allocated for residential development, the proposed development on this boundary would be confined to four parts (equating to 41m of built form), and retain 53.5m of open gaps, allowing longer views between. The development would not be harmful to the immediate outlook from existing dwellings and would result in a comparable relationship to those normal within residential areas and as existing between 39 and 55 Waylands and 41 and 53 Waylands. Subject to a condition requiring the first floor level windows in the side elevations of the nearest units (nos. 165 and 171) to be obscure glazed and fixed shut the development would not result in unreasonable loss of privacy, or any harmful loss of light or sense of enclosure to the residential amenities of these occupiers that would justify refusal of planning permission.

- 80 Nos. 55 and 57 Waylands are the two properties located closest to the boundary of the site; their side elevations being parallel with the boundary and set back by 4m. Units 156-165 would comprise two-storey dwellings (some with roof level accommodation) and be located at right angles to these dwellings at a distance of 16m from their side elevations. Although in relatively close proximity, any overlooking in the case of 55 Waylands would be predominantly of the front garden which is readily visible from the street, and the side elevation which contains no windows. Although some overlooking of the rear garden of this property would be possible, this would be partly mitigated by the distance, offset relationship and provision of boundary planting. In the context of the site being allocated for residential development, I conclude that any harm to the residential amenities of this property would not warrant refusal of planning permission. In the case of 57 Waylands, unit 158 (comprising a two-storey dwelling) would be located at right angles to the side elevation of this dwelling. There is a single window in the first floor side elevation of this building; however by reason of its size it is unlikely to serve a habitable room. Units 156 and 157 would be located at right angles to the rear garden at relatively close range and at a slightly elevated position. Whilst there would inevitably be some loss of privacy from the first floor level bedroom windows to the rear garden of 57 Waylands in particular, and to a lesser degree the gardens beyond, this would be tempered by the existence of a single storey outbuilding in the rear garden of this property and proposed boundary planting. On this basis the relationship is considered to be acceptable. The angles between buildings are such that there would be no loss of privacy to the rear facing windows of this dwelling.
- 81 Subject to appropriate noise mitigation, the future occupiers of the proposed dwellings would benefit from adequate internal living environments. Notwithstanding this and by reason of the layout and density of the dwellings, it is recommended that permitted development rights for extensions and external alterations be withdrawn by appropriate condition to ensure that the Local Planning Authority retains control over potential residential and visual amenity impacts from additional development on the site. The objection related to internal floor areas and accessibility is noted; however other than for affordable housing there are no minimum internal floor space standards set out in planning policy. Whilst policy SP5 of the Core Strategy seeks the provision of an increased proportion of housing designed to the lifetime homes standard that can be readily adapted to meet the needs of older people and people with disabilities this is not

a policy requirement and on the basis that it has not been offered by the applicant it cannot be secured.

- 82 The objections related to impact on amenity from local residents and the Town Council are noted and specific impacts from the built form on individual properties have been assessed. Concerns relating to the security of the development and surrounding properties can be suitably addressed through requiring details of appropriate crime prevention measures to be submitted by condition. Although the character of a residential use would be different to the existing commercial use of the site, and would have some effect upon some local residents, the intensity of the use and associated activity would be unlikely to be more harmful than the lawful use of the site. The potential impacts on residential amenity arising from noise, light and air pollution also need to be considered.
- 83 In terms of noise pollution, policy EN7 of the ADMP states that proposals will be permitted where development would not have an unacceptable impact when considered against the indoor and outdoor acoustic environment including existing and future occupiers of the development and the amenities of existing and future occupants of nearby properties. As existing the site is subject to a number of external noise sources, including from the adjacent Swan Mill commercial site and railway line. Occupiers of existing dwellings surrounding the site are subject to these noise sources as well as the potential noise that could be lawfully generated from the unrestricted use of the site itself. The redevelopment of the site to provide residential dwellings has been judged to be an acceptable use of the land and would not result in noise emissions that would cause demonstrable harm to residential amenity or give rise to significant adverse impacts on health or quality of life as required by paragraph 123 of the NPPF and policy EN7 of the ADMP.
- 84 In terms of light pollution, paragraph 125 of the NPPF states that by encouraging good design, planning decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. Policy EN6 of the ADMP states that proposals for lighting that affect the outdoor environment which meet various criteria will be permitted, including that for lighting associated with a wider development it would be well integrated within the scheme (a) and that any impact on the night sky would be minimised (b). The submitted Design and Access Statement refers to the provision of 'limited public street lighting where required, bollard lighting and on-plot security lighting'. Although no further details have been submitted it would be reasonable to require a detailed and well integrated lighting strategy, to include details of time limited and user activated lighting, provision of shielding and lighting type and intensity to be submitted for assessment. As noted above the redevelopment of the site to provide residential dwellings has been judged to be an acceptable use of the land. The site does not lie within an intrinsically dark landscape but within the urban confines of Swanley and adjacent to residential streets that benefit from street lighting and contribute to sky glow in the night sky. The principle of sensitive external lighting is considered to be acceptable and capable of safeguarding the privacy and amenity of nearby residential properties in accordance with the NPPF and policy EN6 of the ADMP.
- 85 The site does not lie within an Air Quality Management Area.

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- 86 Taking all of the above factors into account, whilst there would be impacts arising from this development in terms of factors such as outlook, noise and activity, vehicle movements and relationships between buildings, I do not consider that these impacts would be likely to cause unacceptable living conditions to existing properties. In this respect, I do not consider that the development would be in conflict with the NPPF or policy EN2 of the ADMP and that the impact of the proposal on residential amenity would be acceptable.

Highways and parking

- 87 The NPPF sets out 12 core land-use planning principles that it states should underpin plan-making and decision-taking, including actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling, and to focus significant development in locations which are or can be made sustainable.
- 88 Criteria d) of policy EN1 of the ADMP requires a satisfactory means of access for vehicles and pedestrians and for provision of adequate parking and refuse facilities. Criteria f) and g) also require the design and layout of spaces, including footways to be permeable and provide connectivity with neighbouring areas and to provide safe and secure environments. Criteria h) requires the design of new development to be inclusive and where appropriate make satisfactory provision for the safe and easy access of those with disabilities.
- 89 Policy T1 of the ADMP requires new developments to mitigate any adverse travel impacts, including their impact on congestion and safety, environmental impact, such as noise and tranquillity, pollution and impact on amenity and health. Policy T2 relates to vehicle parking, including cycle parking and requires provision in accordance with advice from the Highway Authority. Policy T3 requires the provision of electrical vehicle charging infrastructure.
- 90 It has been established that the site comprises an existing Class B1 / B2 / B8 commercial use, within the urban confines of Swanley and is suitable for residential development. The site is located in a highly accessible location within walking distance (600m) of the railway station (7.5 mins) and regular bus routes (5 mins), the town centre (9 mins) and local schools (6-15 mins). As such the site is capable of promoting less reliance on the car.
- 91 Whilst it is acknowledged that the site is now vacant, it has been active within the last two years and consideration of the traffic impact of the proposal needs to consider the additional traffic generated over and above that which could be lawfully generated by the uncontrolled employment and warehouse use, as opposed to the total generated from the new development in isolation. The fallback position of the lawful use is a material consideration.
- 92 The existing access road to the development from Goldsel Road comprises an unadopted cul-de-sac which is approximately 6m wide with a narrow footway on the north side and a wide verge and hedge on the south side. This road connects with the main section of Goldsel Road via a wide bellmouth junction. On exiting the site, visibility to the north east (towards Swanley town centre) is safeguarded by the double yellow line parking restrictions in place. Reasonable visibility is afforded to the south west (towards Crockenhill) by the parking restrictions that

extend to approximately 18m from the junction. In recognition of these circumstances and in the absence of any crash records for the junction the site is considered to benefit from adequate visibility in both directions. The bellmouth is laid out to appropriate standards and no improvements to the access are required or proposed. The main section of Goldsel Road is a classified road subject to a 30mph speed limit. The existing access road runs straight for a considerable distance and by reason of the double yellow lines restricting on-street parking encourages higher traffic speeds. The use of this access for the proposed development would be in accordance with policy H2(b) and the proposed incorporation of traffic calming in the form of a pinch point at the centre to help reduce traffic speed and enhance highways safety would be welcomed. A new shared off-carriageway cycleway / footway is also proposed along the southern side of the road to connect with the footpath leading to Court Crescent. This would encourage travel by non-car means; which in this accessible location presents a viable alternative.

- 93 The Transport Assessment includes a junction impact analysis for three key junctions, including the site access road/Goldsel Road junction, B258/Goldsel Road mini-roundabout junction and the High Street/Swanley Lane roundabout junction. The Highways Officer notes that there has been no offset or reduction of traffic flows when assessing the three junctions to account for the potential existing uses so if anything the impact given for the three junctions is very much a pessimistic forecast. Despite this the traffic impact related to existing measured traffic flows is minimal at the Goldsel Road / High Street roundabout (2.0% increase in the am peak and 3.9% increase in the pm peak) and the High Street / Swanley Lane roundabout (1.4% increase in the am peak and 2.8% increase in the pm peak) both calculated for the forecast year of 2020. It is generally accepted that any increase of less than 5% is considered insignificant and certainly not enough to cause severe congestion. Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. In this case the cumulative impacts would not be severe.
- 94 The likely trip generation from the proposed development is expected to be 95 vehicles in the am peak compared with the potential generation of 124 vehicles should the business uses be fully operational; a reduction of 23%; and similarly in the pm peak the expected trip generation in the pm peak would be 102 compared with 88 for the existing use; an increase of 16%. The percentage of HGV's included in those figures would be considerably less although it must be remembered that the primary flows will be in opposite directions i.e. am out and pm in rather than vice versa for industrial uses. However, the overall numbers mean that these changes are only minor and not significant.
- 95 The proposed layout comprises a series of linked squares, with the first entrance square acting as a transition between a more formal layout and the shared streets approach of the proposed internal layout. The layout would facilitate a low speed environment which would broadly comply with the recommendations of Kent Design and the NPPF which seeks to create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones (areas that through their design give pedestrians priority over vehicles by restricting traffic speed, including

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high quality hard paving, a strong feeling of enclosure, minimal front gardens and highway tree planting). It is recommended further details of the internal road layout be secured by condition.

- 96 Resident parking would be provided as a mixture of on-plot spaces, frontage and courtyard parking in accordance with the current Kent County Council parking standards. The parking would equate to an average of 0.93 parking spaces per flat, 1-2 spaces per 2-bed dwelling, 2 spaces per 3-bed dwelling, 2-3 spaces per 4-bed dwelling and additional visitor parking throughout the site. Secure cycle parking would also be provided. In response to consultation a layby to provide parking for three cars is proposed on the southern side of the access road adjacent to 31, 33 and 35 Goldsel Road. Whilst residential developments over 50 units should normally incorporate an emergency access, this site is landlocked and so this is not possible. However the looped form of the development layout together with the wide access makes this acceptable and KCC Highways raise no objection in this regard.
- 97 A Travel Plan Framework has been submitted setting out a long-term management strategy to deliver sustainable transport objectives on the site. Subject to a condition requiring this to be developed into a full Travel Plan prior to first occupation, with appropriate review and monitoring mechanisms, the Travel Plan would fulfil the objective of encouraging sustainable travel by non-car means.
- 98 Subject to appropriate conditions the development is capable of incorporating facilities for electric vehicle charging in accordance with policy T3 of the ADMP.
- 99 It is noted that a number of objections refer to the potential highways impacts of the development, however these concerns are not supported by the technical advice provided in the Transport Assessment or the highways authority which are consistent in their views that the development would not prejudice highways safety or result in unacceptable congestion. Swanley Town Council's concerns regarding the absence of a more comprehensive Swanley-wide traffic study are also noted; however in the absence of funding for such a study this is unlikely to be forthcoming. Nevertheless, the proposed development would replace an existing traffic generator in a highly sustainable location and would not result in an unacceptable increase in traffic movements or congestion in the local area.
- 100 In summary, the proposed development would not generate significant additional traffic movements and as a proportion of overall traffic on local roads would have a minimal impact on the operational capacity of the local highway network. In the morning peak hours there will be a small reduction in traffic to and from the site although in the evening peak hours there will be a small increase. The development would be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. The development would be designed to create safe and secure layouts which minimise conflicts between traffic and cyclists and pedestrians and establish the concept of home zones.

Ecology and biodiversity

- 101 Policy SP11 of the Core Strategy states that the biodiversity value of the District will be conserved and opportunities sought for enhancement to ensure no net

loss of biodiversity. The site is not located within or adjacent to a Site of Special Scientific Interest, Local Wildlife Site or other identified site of biodiversity value. The area surrounding the site is made up of arable farmland, a golf course, open green spaces and residential developments. Surrounding the site's red-line boundary are industrial uses, a railway, school, residential properties and associated gardens.

- 102 The application is accompanied by a Phase 1 Habitat Survey dated December 2014. The Phase 1 survey identified habitats that could be potentially used by a range of European protected species, including reptiles and great crested newts (GCNs).
- 103 In accordance with the recommendations of the Phase 1 Survey, a reptile and GCN survey has been undertaken and submitted in support of the application. No evidence of GCNs was found during the surveys undertaken in March 2015 and it is therefore concluded that the site is not constrained by GCNs and no mitigation is required. An 'exceptional' population of slow worms was however surveyed and the survey makes a number of recommendations for a suitable mitigation (including translocation) and enhancement strategy. KCC Ecology and Kent wildlife Trust are satisfied with the results of the surveys and recommend that the proposed mitigation strategy and enhancements for reptiles, breeding birds and bats, including details of a site management plan and external lighting, be secured by appropriate conditions.
- 104 Kent Wildlife Trust raise concerns regarding the absence of any functional landscape buffer zone at the northern boundary between the residential gardens and the railway line and along the northern boundary with existing residential development to the north east. Notwithstanding that the railway itself is considered to act as a form of landscape buffer, it is acknowledged that no substantive planting is proposed at the rear of units 84-99 or 162-165 and it is recommended that this could be addressed as part of the landscaping details.
- 105 Natural England have raised no objection to the development. The proposed development will not only protect but provide a net gain in biodiversity and ecological value in accordance with section 11 of the NPPF and policy SP11 of the Core Strategy.

Trees and landscaping:

- 106 Policy EN1 of the ADMP requires the layout of new development to respect the topography of the site and to retain important features including trees, hedgerows and shrubs. New landscaping and boundary treatment will be required in appropriate cases.
- 107 As existing the only areas of soft landscaping of note are the linear planting along the raised bank adjacent to the southern boundary and to a lesser extent the south eastern area of the site. The trees located on the raised bank are generally in poor condition and are shown to be removed. There are a few mature trees shown to be retained along with a planting programme which all appears to be acceptable. The south eastern area is shown to be built upon. There are no trees of amenity value located on this section and the tree officer raises no objections. New tree planting adjacent to the boundaries appears adequate for the site, but it

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is recommended details of further tree planting within the site be secured by condition. Details of how the new footpath/cycleway is to be constructed adjacent to the southern boundary of the access road is required; a no dig construction method will be required here to avoid harm to the roots of the nearby trees.

- 108 The proposed development offers the opportunity to significantly enhance the quantum and quality of soft landscaping on the site, which as existing comprises large areas of hardstanding. Subject to appropriate conditions to secure the above details and implementation of the landscaping strategy the proposed development would significantly enhance the appearance of the site and its setting.

Energy and sustainability

- 109 The core planning principles of the NPPF include supporting the transition to a low carbon future in a changing climate and encouraging the use of renewable resources. In addition, Paragraph 95 of the NPPF advises that local planning authorities should plan for new development in locations and ways which reduce greenhouse gas emissions. Significantly, it also advises that any local requirements for the sustainability of buildings should be consistent with the Government's zero carbon buildings policy and that nationally described standards should be adopted.
- 110 The most relevant nationally described standards are those in Part L of the Building Regulations, which have been subject to significant amendment by imposing more rigorous energy performance standards for buildings as part of the move towards a low carbon future. Furthermore, the Government has made clear its intention to rely on a 'Buildings Regulations only' approach, with no optional additional local standards in excess of those in Part L, most notably in the written ministerial statement and supporting note (published on 13 March 2014) setting out the outcome of the consultation on the Government's 'Housing Standards Review' and in paragraph 009 of the PPG which includes amongst its advice the provisos that any local requirements will need to be based on robust and credible evidence and that planning authorities will need to take account of Government decisions on the Housing Standards Review.
- 111 Policy SP2 of the Core Strategy is also relevant and states that the District will contribute to reducing the causes and effects of climate change by promoting best practice in sustainable design and construction to improve the energy and water efficiency of all new development and contribute to the goal of achieving zero carbon development as soon as possible. The policy seeks to achieve this through, amongst other measures, developments being required to comply with Code for Sustainable Homes standards to include at least a 10% reduction in the total carbon emissions through the on-site installation and implementation of decentralised, renewable or low-carbon energy sources.
- 112 The planning application is supported by a sustainability statement stating that the development intends to take a 'fabric first' approach. The fabric first approach would provide initial in-built construction and design measures for improving energy efficiency to reduce buildings' energy demand over their lifetime. The carbon dioxide emissions savings achieved through fabric first measures enable savings to be made throughout the lifetime of the whole development, rather than

the life of 'bolt on' renewable technologies, for example solar pv. The dwellings would therefore be designed to reduce overall energy and carbon dioxide emissions by reducing energy consumption through high quality design and material specifications, orientation, lighting, heating requirements and air tightness; and by including low energy and high energy efficient domestic appliances and heating systems.

- 113 Although not in strict accordance with the requirements of policy SP2, elements of this policy, including the specification of Code for Sustainable Homes standards and a target for energy generation from on-site renewable sources does not accord with paragraph 95 of the NPPF or recent Government advice. It is considered that the proposed fabric first approach would be capable of meeting or exceeding the national and local policy objectives in terms of achieving higher energy efficiency, greater resilience and reducing carbon dioxide emissions, than requiring 10% of the total energy requirement to come from renewable energy. The development would be capable of exceeding the current requirements of the Building Regulations and according with current national policy guidance in relation to energy efficiency and sustainability. In seeking to address the causes of climate change by reducing carbon emissions the proposal would also accord with an overall aim of policy SP2 of the Core Strategy. It is recommended that further details of the measures proposed to secure the carbon reductions set out in the statement be secured by appropriate condition.

Archaeology

- 114 The site has been identified as having potential for prehistoric remains. Policy EN4 of the ADMP seek to ensure the preservation of important archaeological remains. The site lies on Oldhaven, Blackheath and Woolwich Beds from which some Palaeolithic artefacts have been located. There are two findspots to the north west. The site also lies on the east facing slope of a dry valley, with Head Deposits to the east. This dry valley could have been a favourable area for prehistoric occupation. The application is supported by an Archaeological Deskbased Assessment by SWAT which the Archaeological Officer notes has a number of shortcomings. In view of the prehistoric potential of the site the Archaeology Officer does not agree with the recommendations of the Archaeological DBA. On the basis that there is moderate potential for prehistoric remains on the site I consider it reasonable that a programme of archaeological work, including geoarchaeological assessment would be appropriate and should be secured by appropriate condition.

Infrastructure

- 115 Policy SP9 of the Core Strategy states that development should make provision for new infrastructure where necessary. However the Community Infrastructure Levy (CIL) has now been introduced, which places a mandatory charge on new residential developments to be used to fund infrastructure projects within the District. The Council has produced the following list of infrastructure types that will be funded through CIL receipts (known as the Council's Regulation 123 List) – Transport schemes other than site-specific access improvements;

- Flood defence schemes;

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- Water quality schemes;
 - Education;
 - Health and social care facilities;
 - Police and emergency services facilities;
 - Community facilities;
 - Communications infrastructure (beyond that directly secured by agreement between the developer)
 - Green infrastructure other than site-specific improvements or mitigation measures (for example improvements to parks and recreation grounds).
- 116 This development is CIL liable and a CIL contribution in the region of £220,350 would be likely to be generated from the development, subject to any future applications for exemptions that may be applied for (in relation to social housing) which would be eligible to be used on schemes as listed above.
- 117 The CIL payment will be used to address concerns made in a number of representations at the increased pressure the development would place upon wider community infrastructure, including police, education and healthcare provision.
- 118 The developer will be required to enter into a S106 agreement to secure the provision of affordable housing and provision of, and long term management and maintenance of the public open space and play area. These works are necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind, and as such meet the “tests” for Planning Obligations.

Other matters:

- 119 With regards to flood risk and surface water run off the Government has recently passed new legislation relating to drainage, and there is now a requirement for consultation on major development sites to be carried out with the “Lead Drainage Authority”. Kent County Council is the lead drainage authority, and have been consulted on this application. A flood risk assessment has been submitted with the planning application. The applicant proposes suitable and appropriate sustainable drainage systems (SuDS), to be located within the area of open space, on some of the lower and wetter parts of the site. Subject to appropriate conditions the development is considered acceptable in this regard.
- 120 Matters relating to land contamination can be also be addressed by condition. Matters relating to subsidence and removal of asbestos are subject to separate legislation.
- 121 The provision of a drop-off point for school traffic is not proposed by the applicant as part of the application and it would not be reasonable to require it. Objections relating to the impact of development on property values are not material planning considerations.

Conclusion:

- 122 This is an allocated major development site comprising previously developed brownfield land. The redevelopment of the site to provide 201 units and public

open space would make effective use of the land and add significantly to housing stock locally and within the District. The number of units proposed, together with the type, size and layout of housing are considered to be acceptable and appropriate for this urban location. The development would deliver 16% affordable housing, making a contribution to the stock of such housing within the District. It has been demonstrated that the noise impacts from the adjacent Swantex Paper Mill and railway line are capable of being mitigated to ensure the provision of satisfactory internal living environments and would adequately safeguard the ongoing operations of this important employment site. The development would yield benefits in terms of enhanced landscaping and ecology and accessibility.

- 123 The highways implications of the development have been fully assessed and are considered acceptable. Although the impact of the development upon local infrastructure is a justifiable concern, the development would make a sizeable CIL contribution towards improvements to such infrastructure. The amount of CIL payable is set by the Council as the charging authority and is not negotiable. Taking the above factors into account, and for the reasons as set out in detail in the report, the proposal is considered to comply with national and local planning policies.
- 124 Subject to the applicant entering into a S106 agreement to secure affordable housing, management and maintenance of the public open space and play area, it is recommended that planning permission should be granted subject to necessary conditions.

Contact Officer(s):

Matthew Durling Extension: 7448

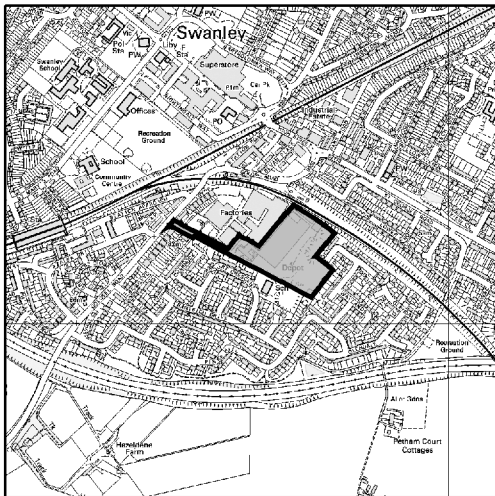
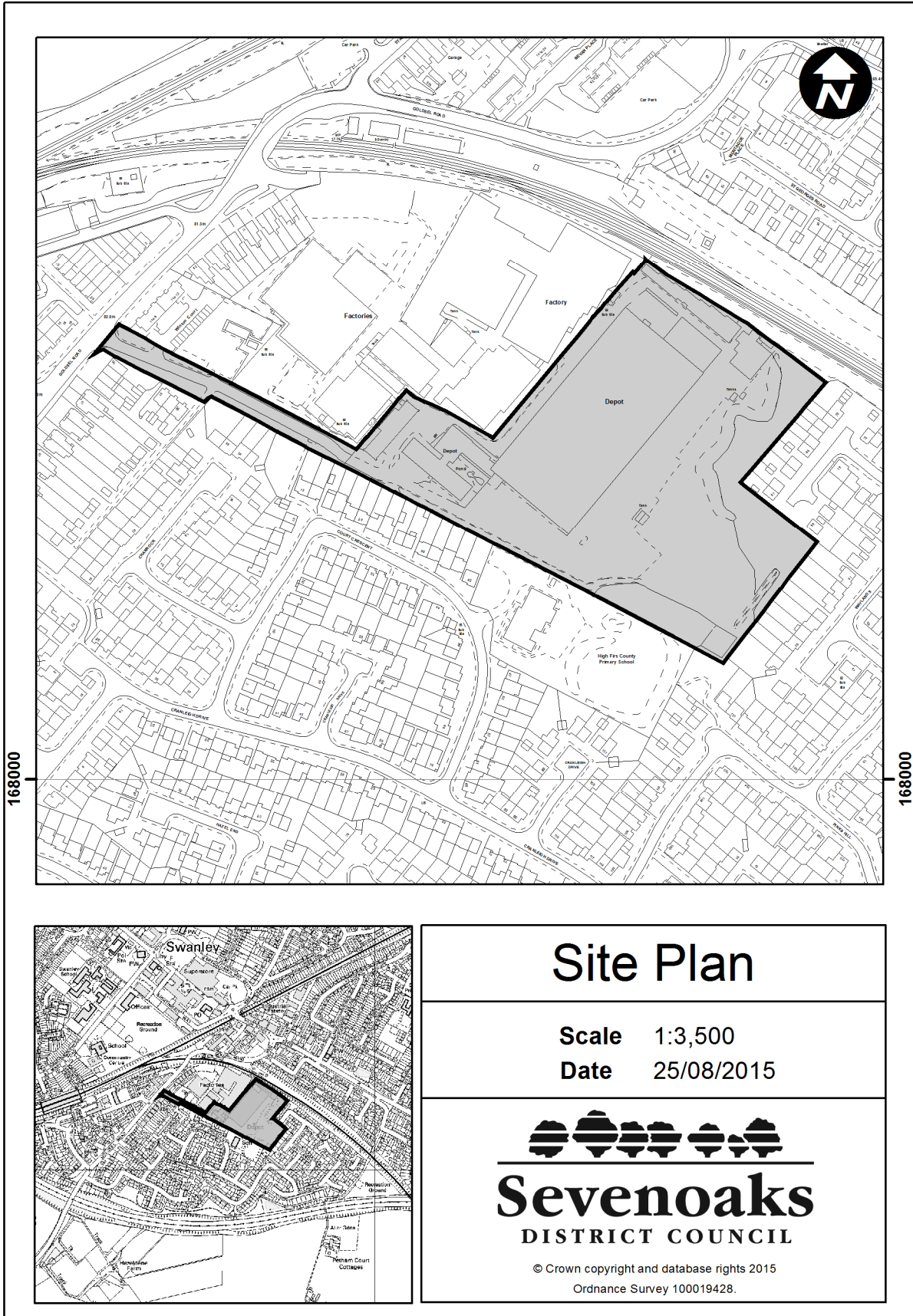
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NIA4T9BKIC300>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NIA4T9BKIC300>



Site Plan

Scale 1:3,500

Date 25/08/2015



Sevenoaks
DISTRICT COUNCIL

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4.2 – SE/15/02085/FUL Date expired 10 September 2015

PROPOSAL: Erection of single storey, timber clad modular building to be used as a pre-school and wraparound care for Lady Boswell's School.

LOCATION: Lady Boswells C Of E Primary School, Plymouth Drive, Sevenoaks TN13 3RP

WARD(S): Sevenoaks Town & St Johns

ITEM FOR DECISION

The officer's recommendation is contrary to that of the Town Council and Councillor Fleming who has requested that the item is brought to Development Control Committee to examine the case for very special circumstances.

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

The land lies within the Metropolitan Green Belt where strict policies of restraint apply. The proposal would be inappropriate development harmful to the maintenance of the character of the Green Belt and to its openness. The Council does not consider that the special circumstances put forward in this case are sufficient to justify overriding policy held within the National Planning Policy Framework and policy L01 of the Sevenoaks 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,

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- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) 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 The application seeks the approval of the erection of a single storey, timber clad modular building to be used as a pre-school and wrap around care for Lady Boswell's School.
- 2 The proposed building would be sited in the southern corner of the site adjacent to the boundary of the school site shared with the Environmental Park off Buckhurst Lane. The building would be located within the wooded area in this part of the site, just off the adjacent sports field. Due to its location six unprotected trees are required to be removed from the wooded area.
- 3 The building is proposed to be 15m long, 9m deep plus a small canopy to the front of the building and would be 2.72m high with a flat roof.
- 4 The wooded area immediately surrounding the building would be used as an outdoor space for the building.

Description of Site

- 5 The application site comprises a large school building and its associated playgrounds and sports field, located at the end of Plymouth Drive. The site is adjacent to the Environmental Park, forming part of the Knole Estate, Sevenoaks Rugby Club, the leisure centre and properties on Knole Way.

Constraints

- 6 The site lies within the Metropolitan Green Belt, an Area of Archaeological Potential and adjacent to a Site of Special Scientific Interest (SSSI).

Policies

Sevenoaks District Core Strategy

- 7 Policies – LO1, LO8, SP1 and SP11

Sevenoaks District Allocations and Development Management Plan (ADMP)

- 8 Policies – SC1, EN1, EN2, EN4

Other

- 9 The National Planning Policy Framework (NPPF)

- 10 The National Planning Practice Guidance (NPPG)
- 11 Development in the Green Belt Supplementary Planning Document (SPD)

Planning History

- 12 SE/10/03106 - Erection of single storey Pre-School – Approved 17.01.11.

SE/13/00487 - Kent County Council application for a proposed single storey building to accommodate six classrooms with associated welfare facilities, extension to the existing hall to achieve a second hall space, extension to existing classrooms, extension of playground area, upgrading of existing pedestrian access path from the leisure centre, installation of a wall mounted canopy and existing bank adaptations to provide new emergency vehicle access to the rear of the school – Objection Lodged by SDC, Granted by KCC

SE/13/01296 - Kent County Council application for a proposed single storey building to accommodate six classrooms with associated welfare facilities, extension to the existing hall to achieve a second hall space, extension to existing classrooms, extension of playground area, upgrading of existing pedestrian access path from the leisure centre, installation of a wall mounted canopy and existing bank adaptations to provide new emergency vehicle access to the rear of the school – Objection Lodged by SDC, Granted by KCC

SE/15/01173 - Re-location of proposed pre-school building (modular building 10 x 15m) – Withdrawn.

Consultations

Sevenoaks Town Council – 06.08.15

- 13 ‘Sevenoaks Town Council recommended approval subject to the planning officer being satisfied that the applicant has demonstrated the very special circumstances required to justify the development within the green belt.’

Tree Officer – 12.08.15

- 14 ‘The advice and subsequent discussions had during two site visits with the applicant and the arboriculturalist have, it appears been taken on board and are reflected within this application inclusive of the tree report. As such I now feel comfortable with supporting this proposal.’

County Highways Engineer – 18.08.15

- 15 ‘Noting the information in the Travel Statement I have no objection to the proposals.’

County Biodiversity Officer – 17.08.15

- 16 ‘We have reviewed the ecological information which has been submitted with the planning application and we are satisfied that sufficient information has been submitted to determine the planning application.’
- 17 The proposed development is adjacent to Knole Park SSSI and as such we had some concerns that the proposed works would impact the designated sites.

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However, the site is regularly mown grassland and there is a woodland buffer between the proposed development site and the SSSI. As such we are satisfied with the conclusion that the proposed development has minimal potential to impact the designated sites.

- 18 If planning permission is granted we advise that the lighting is designed to avoid directly shining on the SSSI boundary.

Enhancements

- 19 One of the principles of the National Planning Policy Framework is that “opportunities to incorporate biodiversity in and around developments should be encouraged”.
- 20 The design and access statement and a landscaping plan have confirmed that the ecological enhancements detailed within the ecological survey will be incorporated in to the woodland buffer area.’

Representations

- 21 Twelve letters of support have been received for the application, two of which are duplicates of the same representation, siting the educational needs of younger children, providing a safe environment for the children, community benefits that come with the pre-school, the ease of transition from pre-school to the adjacent main school, convenience to staff of having a dedicated pre-school building, inappropriateness of the current facilities in the rugby club, increase in in-take, limited pressure on parking and the benefits of the proposed woodland setting.
- 22 One letter of representation has been received from Sencio, who run the adjacent sports centre, neither objecting to or supporting the application and raising the issue of the proposed access to the proposed building through the Environmental Park, which would be adjacent to the leisure centre service area and staff car park.

Chief Planning Officer’s Appraisal

- 23 The main issues in the consideration of this application are the potential impact on the openness of the Green Belt, the potential impact on biodiversity, the potential impact of the loss of trees, parking provision, the potential impact on highways safety, the potential impact on residential amenities, the potential impact on the Area of Archaeological Potential and sustainable development.

Impact on the Green Belt –

- 24 Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 25 As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (para. 87 NPPF). When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential

harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (para. 88 NPPF).

- 26 The proposal comprises the erection of a new building in the Green Belt, located in an isolated location away from existing buildings on the school site and adjacent to the site, which does not fall within any of the categories of appropriate development outlined in paragraph 89 of the NPPF.
- 27 It therefore follows that the proposal comprises inappropriate development in the Green Belt that would harm the open character of the area particularly due to the isolated position of the proposed site for the pre-school building.
- 28 The applicant has acknowledged this and has presented a case for very special circumstances. This will be assessed in detail at the end of the report to also take account of any other harm that may result from the development.

Impact on biodiversity –

- 29 The NPPF states that development proposals where the primary objective is to conserve or enhance biodiversity should be permitted (para. 118).
- 30 Policy SP11 of the Core Strategy states that the biodiversity of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity.
- 31 The County Biodiversity Officer has commented on the submission and confirmed that the proposal would not have any adverse effects on the adjacent SSSI. This is subject to lighting being designed to avoid directly shining on the SSSI boundary. This matter can be controlled by way of condition on any approval of planning permission.
- 32 As such the proposal would conserve biodiversity in the area in accordance with the NPPF and policy SP11 of the Core Strategy.

Impact of the loss of trees –

- 33 The NPPF states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland (para. 118).
- 34 The Council's Tree Officer has commented on the scheme offering his support of the application following discussions that have taken place with the applicant and the information that has now come forward.
- 35 The proposal would result in the minimal loss of trees from the existing wooded area that offer little in the way of amenity and are not protected. In addition, the building would be constructed on a pad foundation system that would minimise disruption to the ground and therefore ensure that roots within root protection areas are not harmed.
- 36 It therefore follows that no loss of aged or veteran trees would occur meaning the proposal would comply with the NPPF.

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Parking provision and highways safety –

- 37 Policy T2 of the ADMP states that vehicle parking provision, including cycle parking, in new residential developments should be made in accordance with the current KCC vehicle parking standards in Interim Guidance Note 3 to the Kent Design Guide (or any subsequent replacement).
- 38 Policy EN1 of the ADMP requires that proposed development should ensure the satisfactory means of access for vehicles and pedestrians provides adequate parking and refuse facilities.
- 39 The applicant has provided a detailed travel statement indicating that parents mainly arrive at the existing pre-school on foot. Of those who drive, some park in the rugby club car park and others park in the Buckhurst car park. The conclusion of the statement is that these habits would not alter significantly.
- 40 On this basis the County Highways Engineer has raised no objection to the proposal, which would incorporate an access from the school site into the adjacent Environmental Park.
- 41 As such the proposal would continue to provide sufficient parking and not impact upon highways safety in accordance with policies T2 and EN1 of the ADMP.

Impact on neighbouring amenity –

- 42 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.
- 43 Policy EN2 of the ADMP states 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.
- 44 The proposed building would be sited 130m away from the closest residential dwelling, 26 Knole Way. This property, as is the case with all properties along Knole Way, is closer to the main school building, one of the playgrounds that is adjacent to the school building and the main playing field. The introduction of the pre-school building in this part of the site would therefore not significantly impact upon the residential amenity currently enjoyed by the occupiers of nearby properties.
- 45 The scheme therefore complies with the NPPF and policy EN2 of the ADMP.

Impact on the Area of Archaeological Potential –

- 46 Policy EN4 of the ADMP states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.
- 47 As noted above, the proposed building would be built upon a pad foundation system that would cause little disturbance to the ground and therefore any historic artefact that may be found under the site.

- 48 The scheme would, therefore, conserve the significance of the Area of Archaeological Potential in accordance with policy EN4 of the ADMP.

Very special circumstances –

- 49 The applicant has provided a case for very special circumstances comprising the need for pre-school education, the demand for pre-school education in Sevenoaks, safeguarding against risk to the children who attend the pre-school, sustainability, learning and development of children and the impact on the community.
- 50 The applicant has also carried out a site analysis of newer sites within Sevenoaks town that could provide accommodation for a pre-school. It should be noted that the pre-school currently operated out of the rugby clubhouse which lies within the urban confines of Sevenoaks. The location of the proposed building is the furthest point away from the Lady Boswell School, isolated and completely away from any other build form. As such the building is not well related to the adjacent urban confines of Sevenoaks, but rather results in new building in the Green Belt, which will be harmful to the openness of the Green Belt and not seen against the backdrop of any adjacent buildings. Members will also have to bear in mind that the existing pre-school operates within the existing urban confines, not the Green Belt. As such the proposal results in creating a use and a building in the Green Belt, which currently operates in the urban area.
- 51 As noted above, no other harm would come from the proposed development and so the only harm needed to be weighed against the very special circumstances is the harm to the Green Belt. However, significant weight is given to the fact that harm would be caused to the Green Belt.
- 53 Although I would acknowledge that each of the matters above are important, and that there may possibly be a lack of suitable sites for the pre-school use in the town, I am not convinced that these reasons possess sufficient weight to overcome the significant weight attached to the harm to the Green Belt that the proposal represents. Even if the case for a new build could be justified, this is not the location best suited to minimise any harm to the openness of the Green Belt.

Sustainable development –

- 54 The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking (para. 14). For decision-taking this means approving development proposals that accord with the development plan without delay and where the development plan is absent, silent or relevant policies out of date, granting of permission unless:-
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;
 - specific policies in this framework indicate development should be restricted; or
 - material considerations indicate otherwise.
- 55 In my opinion, the proposed scheme would not wholly accord with the development plan, and I have explained this in detail above. It follows that the

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development is not wholly appropriate and there would be adverse impacts in granting planning permission for the development.

Conclusion

- 56 The proposed pre-school building would cause a loss of openness and would amount to inappropriate development within the Green Belt. There would therefore be conflict with objectives within the Framework and the Council's Development Plan Policies as referred to above. Other considerations raised in support of the proposal do not amount to the very special circumstances needed to outweigh the totality of harm, which is necessary for the development to be acceptable.
- 57 Consequently the proposal is not wholly in accordance with the development plan and therefore the Officer's recommendation is to refuse.

Background Papers

Site and Block plans

Contact Officer(s):

Mr M Holmes Extension: 7406

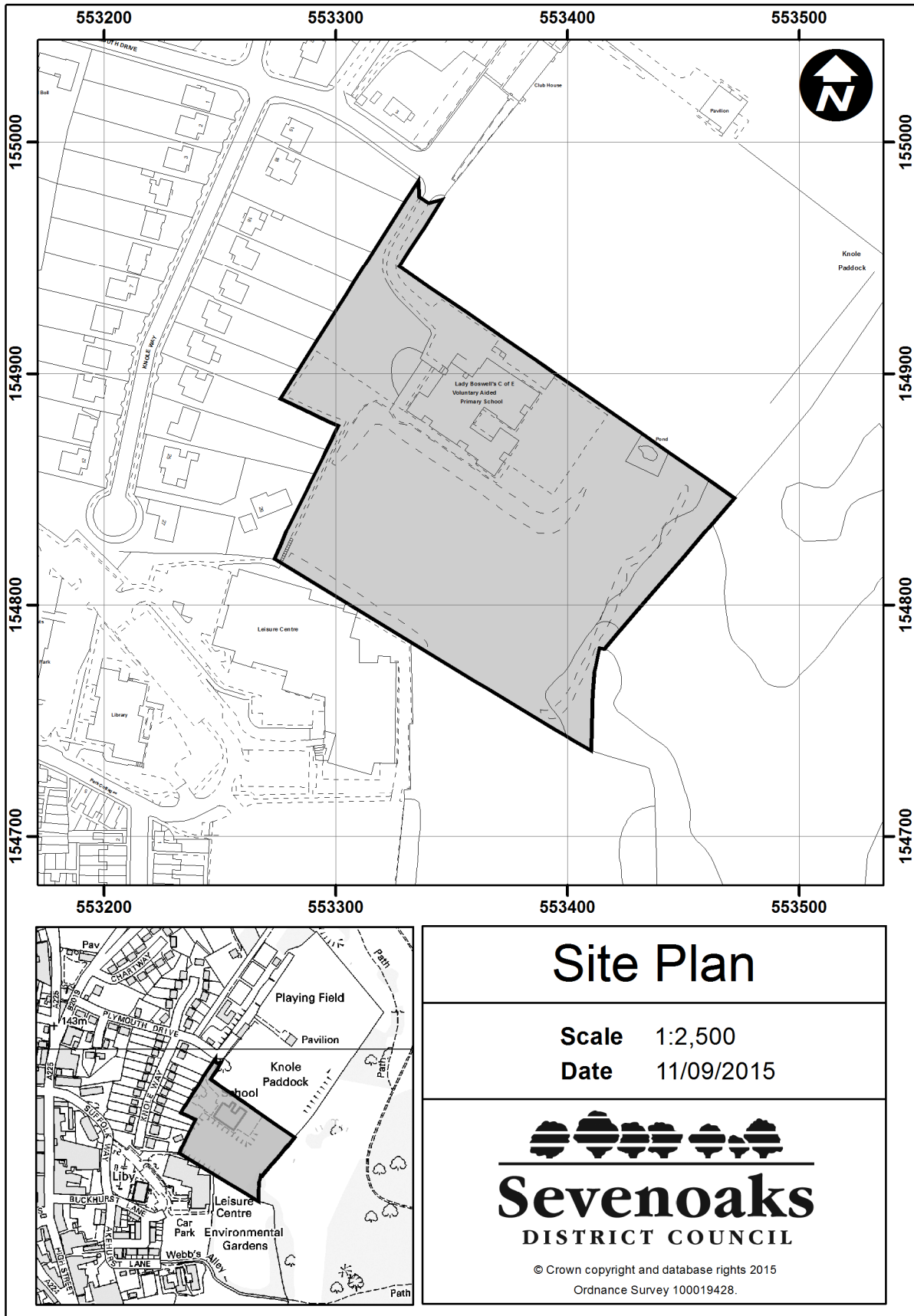
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NR6A59BKK8200>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=constraints&keyVal=NR6A59BKK8200>



Site Plan

Scale 1:2,500

Date 11/09/2015



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Ordnance Survey 100019428.

Block Plan



4.3 – SE/15/00722/FUL Date expired 25 September 2015

PROPOSAL: Use of the building with no restrictions on occupancy and alterations to fenestration on side wall of office.

LOCATION: 49A College Road, Hextable BR8 7LN

WARD(S): Hextable

ITEM FOR DECISION

Councillor Kitchener has called the application to 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-01/B; 02/B.

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 surrounding properties as supported by Policy EN1 and EN2 of the Sevenoaks Allocations

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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 and alterations to fenestration on side wall of office. The application originally included an extension to a store, but that element has now been omitted from the scheme.

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, and 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 27.08.2015.

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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 For clarification purposes this is not a s73 application for removal of a 'personal occupancy' condition, rather a full application that seeks permission for the continued use of the site for Class B1 use without restriction to a named individual or company.
- 21 In response to a query raised by Members a legal opinion has been sought as to whether the "personal occupancy" conditions imposed on the permissions granted in 1984 and 1986 had the effect of limiting the use of the site so that it would have a nil planning use once the site ceased to be occupied by the persons who had been granted those permissions. In summary, it is concluded that neither the 1984 or 1986 planning permissions were personal permissions because the conditions imposed in relation to "ensuring for the benefit of the applicant", would not have had the effect of creating personal planning permissions. This view is supported by a decision in the High Court in the case of *Knott v Secretary of State for Environment and Caradon DC (1997)*.

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- 22 Therefore the conditions did not have the effect of limiting the planning use so that it would cease to be lawful once the land was no longer occupied by the person who had applied for the 1984 and 1986 permissions. In the circumstances, and on the basis that there is no evidence that the use of the land has been abandoned, then it is not considered that the land has a “nil use”. Accordingly, it is considered that because the site has been used as a workshop/office, the site benefits from a Class B1 use.
- 23 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).
- 24 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 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.”*
- 25 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.
- 26 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.

- 27 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:

- 28 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.
- 29 The site plan has been amended to exclude the area of land to the rear of the existing store and as such there are now no proposals to extend or add any additional built form on the site. 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:

- 30 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.
- 31 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.
- 32 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.
- 33 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

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

Highways:

- 34 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.

Conclusion

- 35 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 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

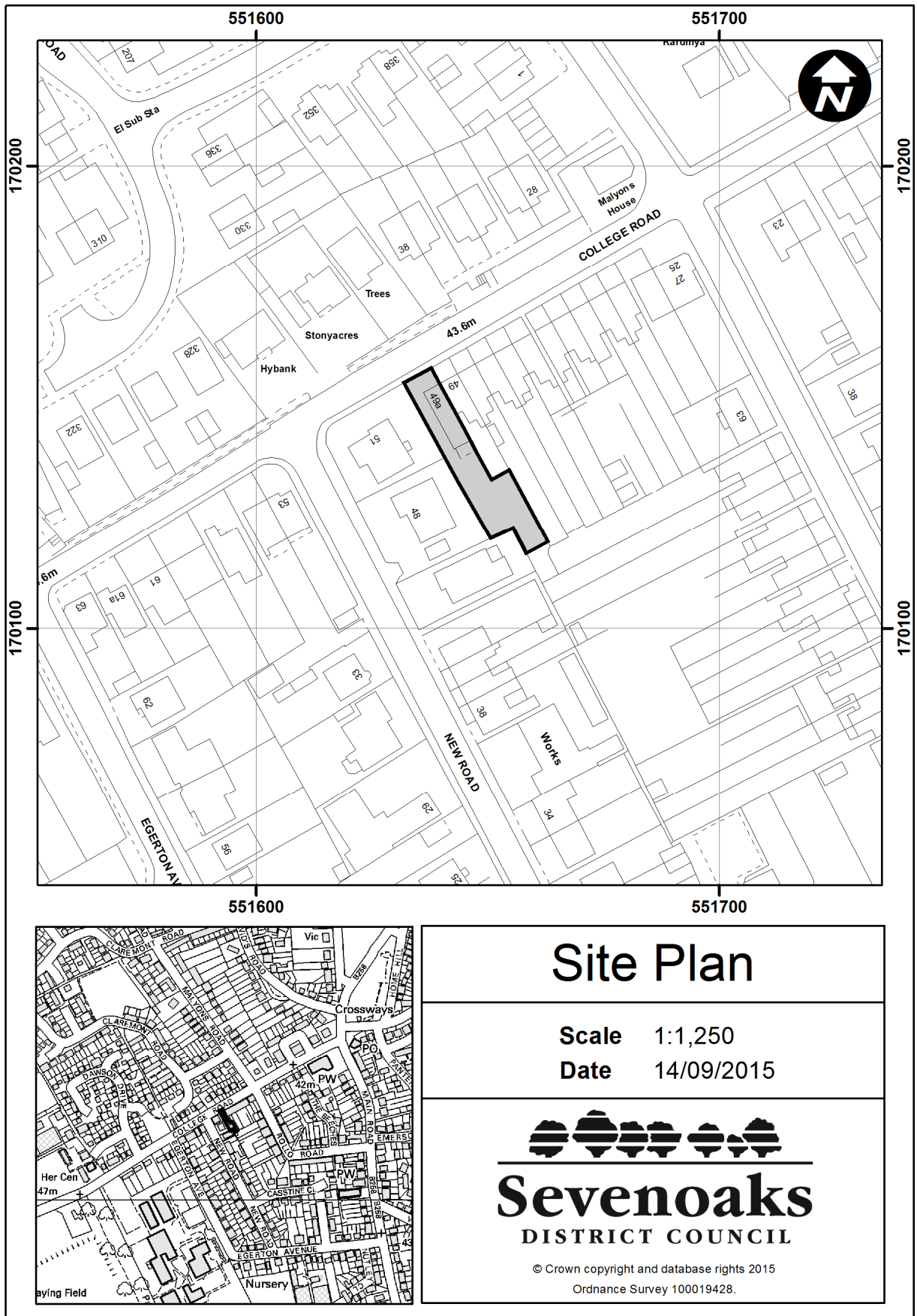
Richard Morris
Chief Planning Officer

Link to application details:

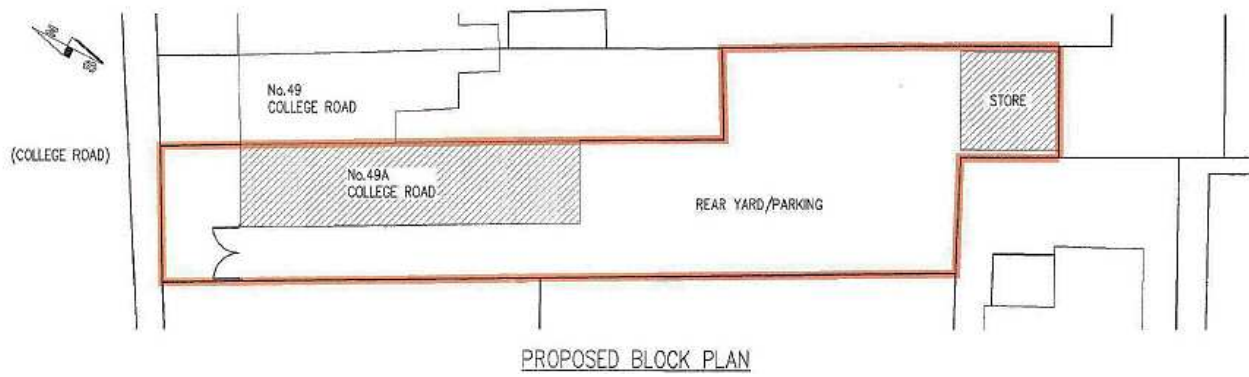
<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NKYFBHBKIY700>

Link to associated documents:

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



Block Plan



4.4 – SE/15/02261/HOUSE Date expired 21 September 2015

PROPOSAL: Removal of existing conservatory and demolition of existing porch and the erection of an infill extension and first and attic floors to the existing bungalow.

LOCATION: 32 Bullfinch Lane, Riverhead TN13 2EB

WARD(S): Dunton Green & Riverhead

ITEM FOR DECISION

This application has been referred to Development Control Committee by Councillor Bayley who considered the application to be suitable in design terms, in conjunction with policy EN1 of the ADMP.

RECOMMENDATION: That planning permission be REFUSED for the following reason(s):

The proposal would harm the appearance and character of the Residential Character Area and streetscene because of uncharacteristic design and height of the roof. This conflicts with policy EN1 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) 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.

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Description of Proposal

- 1 It is proposed that the existing bungalow on the site be significantly extended to create a two storey property. The principle works are:
 - Demolition of an existing side extension between the existing bungalow and site boundary.
 - The creation of a rectangular building footprint, through infill development at the rear elevation and demolition of a porch area at the front elevation.
 - Installation of a first floor of the exact same dimensions at the ground floor.
 - Installation of a new gabled roof.
 - Installation of a new chimney stack at the western elevation.
 - New open porch to front.
 - Large number of works to fenestration including
 - Installation of three windows at ground floor western elevation
 - Installation of one window at eastern elevation and removal of two existing windows at this elevation
 - Installation of two sets of bi-folding doors at rear elevation, essentially filling the entire rear ground floor elevation
 - Two windows at first floor west elevation
 - Two windows at first floor front elevation
 - Window at first floor side elevation
 - Window and Juliet balcony at rear first floor elevation
 - Two windows at rear elevation loft space
 - One window at front elevation loft space.
 - Six rooflights in the roof, providing light to loft element.
 - Materials include;
 - Brick at first floor elevation, rendered white;
 - Hung orange tile at first floor level, and loft level at front and rear elevation,
 - Tiled roof.

Description of Site

- 2 The site is located on a residential lane in the Riverhead area of Sevenoaks urban area. The site is part of a long row of houses along the lane, and forms a part of a clear street lineage. The applicant property itself is one of just a few bungalows on the lane.
- 3 The site stands higher than the road due to local topography, and is set back from the road by a private front garden and driveway. To the rear of the property is a long narrow back garden.
- 4 Either side of the bungalow on this site are two storey houses, as are the properties opposite.

Constraints

- 5 Sevenoaks Residential Character Assessment – B06 Bullfinch Lane.
- 6 Nearby TPO Ref. 01/008/TPO
- 7 Area of Archaeological Potential

Policies

ADMP:

- 8 Policies – EN1, EN2

Sevenoaks Core Strategy:

- 9 Policies – SP1

Other:

- 10 NPPF

Planning History

- 11 13/02346/FUL – Demolition of existing dwelling and the erection of a replacement dwelling.

Consultations

Parish / Town Council

- 12 Parish Council - Support

Other Consultees

- 13 None

Representations

- 14 Neighbour – Concern over reduction of light into neighbouring property; height of building

Chief Planning Officer's Appraisal

Principal Issues

- 15 The proposed development will be assessed in relation to the policies that are relevant, outlined in the Policies section above, an overview of the policies and their contents is given below.
- 16 The NPPF identifies a set of core land-use planning principles that should underpin decision-taking. One of these core principles is to 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings' (Para 17).

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- 17 The NPPF also 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).

Impact on character and appearance of the area

- 18 Policy SP1 – Design of New Development and Conservation 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’ (pp.60).
- 19 Policy EN1 – Design Principles of the ADMP states that the form of the proposed development should respond to the scale, height, materials and site coverage of the area. It continues that the layout of the development should respect the topography and character of the site and surrounding area.
- 20 The Residential Extensions SPD states that development should ‘respect the original dwelling with careful design’ (p.20), and further that ‘the scale, proportion and height of an extension should respect the character of the existing building unless there is a strong justification for an alternative approach and should fit unobtrusively with the building and its settings. The form of extension should be well proportioned and present a satisfactory composition with the house. The extension should normally be roofed to match the existing building in shape (p.12). This statement is supported by policies EN1 which states that ‘the form of the proposed development would respond to the scale, height, materials and site coverage of the area’.
- 21 There is a previous planning consent for this site still valid, which is discussed later in this analysis.
- 22 The proposed building would be positioned in the same location as the existing and the previously approved, although with minor alterations to the footprint to produce a more formal rectangular shape than the existing footprint. The proposed therefore respects existing building lines on Bullfinch Lane.
- 23 The proposal building maintains the existing gaps between the property and the properties either side.
- 24 The proposed building (9.7 metres) would be higher than the existing building (5.9 metres) by some 3.8 metres. The previous permission, which is still to be commenced but the permission remains valid, is 2.5 metres higher at its highest point than that the current building. Thus the proposed extension in this application is a further 1.3 metres higher than previously approved. The proposed roofline will be the same height as the neighbours to the west, where as under the 2013 consent it was half way between the roof heights of the building either side, fitting the building into the streetscene in a more respectable fashion. I am therefore concerned that the proposed plan does not respect the existing street scene, although the eaves height of the proposed building is sensitive to the neighbouring properties, alleviating these concerns slightly. I am also concerned that the proposed building would not reflect the topography of the street by providing an appropriate transition between the two buildings on either side

- 25 One of my concerns is with the design of the roof. The Residential Character Assessment makes mention of the roof designs in the Bullfinch area, with hipped roofs and gabled porches being the prominent design, although a wide variety of individualised roofs exist. The proposed large singular gable roof is not a characteristic of the area, and thus the building would be unique in this sense and overtly stand out. Whilst the applicant has discussed this in their Design and Access Statement, I feel little attempt has been made to integrate this into the design. Overall, I am concerned that as proposed it would present a very tall, prominent and solid face exacerbated by the proposed window configuration which lacks any coherence or alignment, and the character assessment for the area shows a stronger tradition for well articulated buildings incorporating recessed or projecting elements (including hipped roofs) which can help to break down the mass and bulk of a buildings volume
- 26 I am also concerned at the lack of proposed detailing on the fenestration, with the large hanging tiled area to the front and given the rather small windows proposed at the front elevation, producing a rather large uncharacteristic form of development with a distinct lack of detail. The Residential Character Area Assessment is clear that detailing should be retained, and detailing, particularly within tiling works at first floor elevations, are a feature of the area. The Residential Character Area assessment also discusses that rounded windows, chimneys, porches and decorative finishes are a distinctive character of the area, all of which are not included in the proposed development.
- 27 The proposed windows at the front elevation are not particularly attractive and have little surrounding detailing. They do not align with one another horizontally as discussed in the Residential Extensions SPD and I feel that the positioning of two small windows at the front elevation, rather than one larger window produces an uncomfortable appearance that is not characteristic of the area. The lack of detailing within the windows is also inconsistent with that typical for the area and is not an attractive design either within its setting nor within the building proposed. Overall the design of the front elevation is rather incoherent and unattractive.
- 28 I am also concerned that bay windows and/or porches are a characteristic of the front elevation of buildings in this area that has been missed from the proposal. Porches are critical in producing a three-dimensional building frontage in order to compliment the character of the area and the missing out of such detailing identifies a lack of consideration of the wider character of the area and the setting in which the development is being proposed. The porch that is proposed is extremely minimal, of low quality design and has a flat roof, against the guidance within the Residential Extensions SPD.
- 29 In summary of the above, the design of the proposed building is of lower quality than the existing and previously approved and has a simple bland tone to it that would be out of keeping with the surrounding area, as outlined within the Residential Character Assessment which defines the development in the area and which has been maintained well historically.
- 30 To the rear elevation, I consider that the proposed use of bi-folding doors is acceptable at ground level. The proposed use of double doors and Juliet balcony at first floor level is acceptable in design principle, though the neighbouring amenity impact is discussed below.

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- 31 The previously approved scheme for this site, in 2013, was of a good quality design that fit well within the Residential Character Area. The roof and eaves height was perfectly proportioned and half way between the two properties either side, allowing it to fit into the roofline. It had a large bay window at the front elevation, at both ground and first floor. The approval contained detailed brickwork, fenestration design features, a chimney and a hipped roof, matching the neighbouring properties. For this reason I feel the applicant's potential 'fall-back' position is greatly more acceptable in regards to the Residential Character Assessment Area and Residential Extensions SPD.

Impact on neighbouring amenity

- 32 Policy EN2 – Amenity Protection of the ADMP states 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' (pp.19).
- 33 The replacement building would be larger than the existing and thus some additional impact on the amenity of the neighbouring building is inevitable, given the proximity of dwellings to one another in this area.
- 34 The proposed Juliet balcony to the rear of the property increases the risk of overlooking into the neighbouring properties amenity space, although the siting of each of the neighbouring buildings means that the occupants of the proposed building would not be able to see into the neighbouring property, nor the amenity area directly behind the houses. I am not concerned that properties to the rear would be impacted, as there is a significant distance between the applicant property and those behind.
- 35 I am also concerned at the proposed window at the first floor level to the east, which appears to face directly into the neighbouring property. However, this window can be obscured by condition.
- 36 With regards to the 45 degree test outlined in the Residential Extensions SPD, I do not believe that the proposal will cause a significant loss of the light to the neighbouring property to the east (No.34), and the area of lost light to the west will fall upon a garage type building which would not be overly negatively impacted by such loss of light and would not cause the loss of residential amenity.
- 37 With regards to the property to the west (No.30), I am concerned that some loss of light may be suffered to the side extension, however it is not to a 'habitable' room, and as such the loss of light will not be significantly more detrimental to that currently experienced.

Landscape

- 38 Details have been submitted of proposed landscaping works to the property plot. It is proposed that the existing driveway entrance be widened by 1 metres towards the west (towards centre of site) and that a retaining wall be built to replace the existing. It is also proposed that a new area of hardstanding is constructed to the front of the property.

Archaeological Potential

39 The applicant has provided an email from KCC Archaeological Team, who have written that ‘the small scale nature of the proposed development’ means that ‘the chances of finding Palaeolithic remains is quite low’ and that ‘no archaeological work is need for this development’.

40 As a result of the above, I see no need to require further information.

CIL

41 This planning application is considered CIL Liable and no exception has been sought.

Conclusion

42 The proposed redevelopment of the existing bungalow into the new two storey house with occupied roofspace is not considered acceptable with regards to policies EN1 and EN2 of the ADMP.

43 The proposed design of the building is not complimentary to the character of the area, which is inter-war, and is not sensitive to the typical roof design nor elevational features that are common, for example porches and bay windows. The proposed lack of detailing and features, results in an inappropriate form and there will be a large blank area of hung tiling with little design features around windows and doors, which I consider to a modern bland take in an area of significant design quality. These comments reflect the contradiction between the design and policy EN1 of the ADMP, and the Sevenoaks Residential Character Assessment, and the proposal will detract from the visual amenity of the locality.

Background Papers

Site and Block Plan

Contact Officer(s): Matthew Besant Extension: 7136

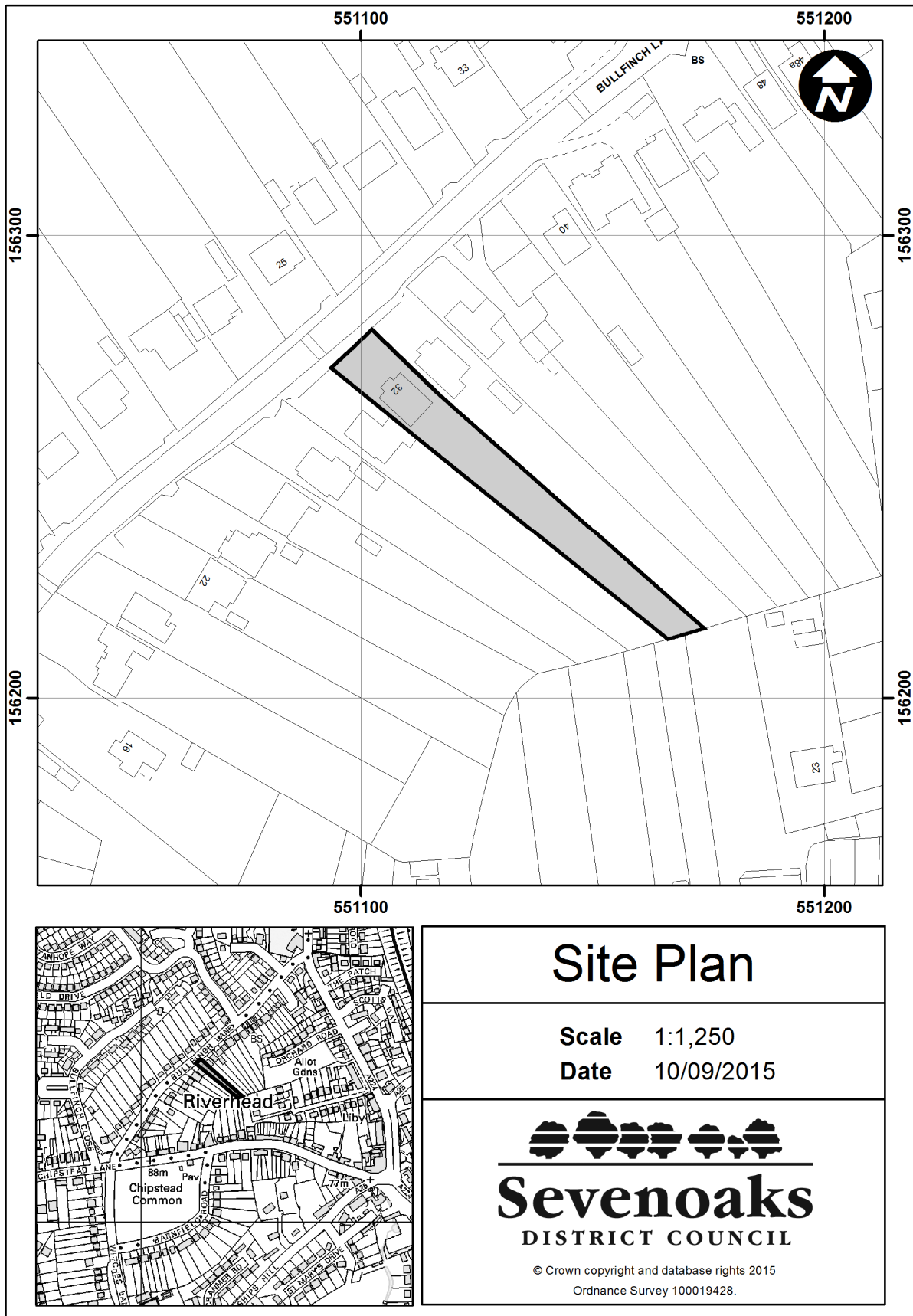
Richard Morris - Chief Planning Officer

Link to application details:

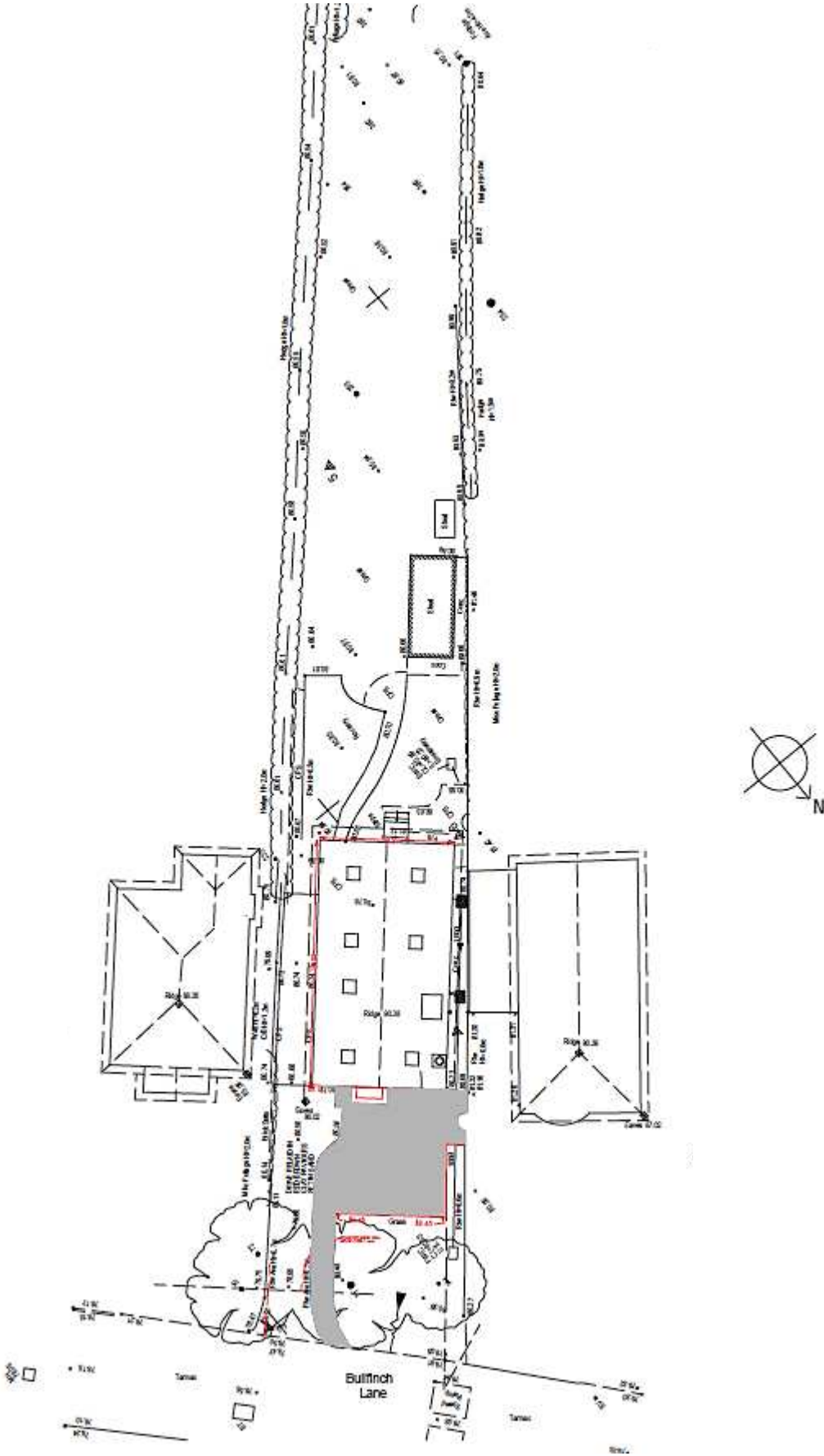
<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NRSN7JBKLP400>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NRSN7JBKLP400>



Block Plan



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4.5 – SE/15/01983/HOUSE Date expired 7 September 2015

PROPOSAL: Erection of a two storey side extension.

LOCATION: 11A Hillydeal Road, Otford TN14 5RT

WARD(S): Otford & Shoreham

ITEM FOR DECISION

This item has been referred to Development Control Committee by the local members who are concerned that the proposals would not preserve the open character of the area.

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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.

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

3) No windows or other openings other than indicated on the drawings hereby approved shall be inserted at first floor level in the east flank or northern (rear) elevations of the extension hereby approved despite the provisions of any development order.

To safeguard the privacy of residents as supported by Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

4) The development hereby permitted shall be carried out in accordance with the following approved plans: 841/01, 04, 05 and 06 received 29 June2015.

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

Informatives

1) The proposed development has been assessed and it is the Council's view that the CIL IS PAYABLE. Full details will be set out in the CIL Liability Notice which will be issued with this decision or as soon as possible after the decision.

Note to Applicant

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

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

In this instance the applicant/agent:

- 1 Did not require any further assistance as the application was acceptable as submitted.

Description of Proposal

- 1 It is proposed to demolish the existing car port/boat store and erection a replacement garage/store with bedroom and bathroom accommodation within the roof above. This addition, which would appear as a 1 ½ storey building, would be attached to the main house by a single storey link incorporating a door to the front elevation with utility room to the rear. Materials are to match existing.
- 2 The car port and bedroom addition would be 5.2m wide, separated from the 2 storey flank of the house by a 1.5m link. It would be set 1m off the eastern boundary of the site. The addition, which would be set slightly behind the front face of the house, would be 13.4m deep at ground floor level with the first floor set slightly further back still. It would be 3m to eaves and just under 6m to ridge. The roof would pitch in from the flanks with a ridge running the full depth of the extension (front to rear), incorporating windows front and rear. Set well back from the frontage is a small cross gable to provide headroom for the bedroom.

Description of Site

- 3 The application site, which is located approximately 150m to the east of the junction with Shoreham Road, accommodates a large, 2 storey detached house set within substantial grounds. Located immediately to the east of the house, between the house and the boundary, is located a low height, timber car port/boat storage area, screened from the road by a timber fence.

Constraints

- 4 Within built confines of Otford,
- 5 Area of Outstanding Natural Beauty,

6 Area of Archaeological Potential.

Policies

Allocations and Development Management Plan (ADMP)

7 Policies - EN1, EN2, EN5

Core Strategy

8 Policy- SP1

Other

9 Residential Extensions Supplementary Planning Document

10 National Planning Policy Framework

11 Otford Village Design Statement

Planning History

12 SE/06/03265/FUL: Erection of 2 storey and single storey rear extensions. Granted 2.2. 2007.

13 SE/10/02761/FUL: Loft Conversion and roof extension. Granted 17.11.10.

Consultations

Otford Parish Council:

14 Otford Parish Council objects to the proposed application.

15 This is not an extension to the house but is a new dwelling tenuously linked to the existing building. As such, it would be out of character with the homes in the road and is contrary to the wishes of the Village Design Statement paragraph 4.6.

Arboricultural Officer:

16 There will be a loss of a minor quality tree with this proposal too which I offer no objection.

Representations

17 None received.

Chief Planning Officer's Appraisal

Design and impact on the character and appearance of the existing building and street scene:

18 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 SDLP states that the form of

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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 The Councils Residential Extensions Supplementary Planning Document states that extensions generally should be of a scale, proportion and height that respects the character of the existing building and should be well proportioned and present a satisfactory composition with the house.
- 20 Though I would note that the Village Design Statement is not adopted as supplementary planning guidance, I would note the paragraph referred to above (4.6) by the Parish Council, which states as follows:

“The building of larger (often two-storey) garages can have a significant impact on the space surrounding homes. New garages should not be considered an automatic excuse to add another spare room to a property. A number of these have been allowed in Otford in recent years and in many cases, the effect has been to ‘over-fill’ the frontage facing the road.
- 21 Residents have indicated that generally, within the village environment, garages should be only of one storey. New garages should *‘fit unobtrusively with the building’*. SDC’s supplementary planning document presents clarity on the matter, in that new garages should *‘not have an unacceptable impact on the space surrounding buildings’* (RESPD 4.49 and 4.53)”
- 22 In summary, paragraphs 4.49 – 4.52 of the Residential Extensions SPD states that garages and other outbuildings should be subservient in scale and position to the original dwelling and should not impact detrimentally on the space surrounding buildings or the street scene. Notwithstanding this, the proposal is for an extension not a freestanding detached garage or outbuilding and as such paragraph 4.6 does not apply.
- 23 The first key issue in my view is whether the extension would be well proportioned. In this regard, I would note that the extension would be set back from the front of the house and would read as a linked extension to the main house. I consider the height of the extension to be modest, with the ridge only marginally above the eaves level of the main house. I consider the pitched roof design would help to minimise the overall bulk and scale of the extension. Whilst the proposals incorporate a cross gabled roof, this would be set very well back into the site I thus I do not consider it would add significantly to the perception of the roof bulk.
- 24 In conclusion, I am satisfied that the extension would read as a clearly subservient and proportionate addition which would integrate sympathetically with the existing house.
- 25 The second key issue is the impact on the space around the building and the impact on the street scene. In this regard, there is no question that the extension would be close to the eastern boundary with the neighbouring property Springfield. However, the plot a whole is very extensive, with significant space to the western boundary and substantial gardens to the rear. The house is also set back from the road frontage and very well screened by dense hedging along the frontage. Whilst I would note that several small trees would be removed as part of

the proposals, these have little impact on the wider street scene. There is no indication that the dense coniferous planting along the boundary in front of the extension is to be removed. This conifer planting provides a substantial screen to the neighbouring property and thus the proposals would not be readily visible within the context of the neighbouring house, notwithstanding Springfield has been considerably extended to the west (just over 1m from the party boundary). Nevertheless, viewed from the street the two properties would remain clearly separated and set comfortably within their own individual plots. The fact that the application site is set at a slightly lower level than Springfield would also help to reduce the visual impact.

- 26 In light of the above factors, I consider the proposals would be set comfortably within its plot and that they would not adversely impact the street scene either by virtue of the size of the extension or by appearing to erode the gap to the neighbouring house, which is one of the features which in part characterises the locality.

Impact on Area of Outstanding Natural Beauty:

- 27 The Countryside and Rights of Way Act 2000 states that the Local Planning Authority should conserve and enhance Areas of Outstanding Natural Beauty. Designating an Area of Outstanding Natural Beauty protects its distinctive character and natural beauty and can include human settlement and development.
- 28 Section **85** of that Act requires decision-makers in public bodies, in performing any function affecting land in an Area of Outstanding Natural Beauty, to have regard to the purpose of conserving and enhancing the natural beauty of that area.
- 29 Policy L08 of the Core Strategy states that the distinctive features which contribute to the special character of the landscape will be protected. Policy **EN5** of the ADMP relates to Landscape. The policy states that the highest level of protection shall be given to the protection of the landscape and scenic beauty in AONBs. Development proposals will be permitted where they conserve the landscape and secure enhancements.
- 30 Whilst the Area of Outstanding Natural Beauty washes over the area, the site is set within an urban context within the built confines of Otford. The proposals would result in further built form on the site, but as explained above, it is my view that notwithstanding the proposed extension the house would remain sited within an extensive landscaped plot which would remain largely open and undeveloped. Thus, I am satisfied that the proposals would preserve the generally semi-rural and open character and appearance of the wider Area of Outstanding Natural Beauty.

Impact on residential amenity:

- 31 Policy EN1 of the SDLP and emerging policy EN2 of the ADMP states that proposed development should not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion.

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- 32 The only neighbouring property which would be directly affected would be Springfield to the east. Whilst the main house is set well away from the boundary, this property has a significantly sized single storey side extension which extends to approximately 1m from the party boundary with the site. This existing extension is approximately the full depth of the proposed extension. It has an eaves level about 3m above the ground level and a high hipped roof above. As a consequence of the size of this extension, it would effectively screen the proposed addition from the house and grounds to Springfield, which are very well foliated. Furthermore there are no windows in the western flank of the extension to Springfield and none in the eastern flank of the extension proposed.
- 33 Thus the impact on residential amenity would be very limited indeed.

Other matters:

- 34 Policy EN4 of the ADMP relates to Heritage Assets. It states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.
- 35 I would note that the site is located within an area of Archaeological Potential (washes over an extensive area including the site). However, due to the history of ground disturbance and the relatively limited nature of the proposed works, I consider the proposals would conserve these heritage assets.

CIL:

- 36 The proposals would result in an extension with an internal floor area of about 116m². This is above the CIL threshold for extensions and therefore the proposals are CIL liable. No exemption has been sought.

Conclusion

- 37 In view of the above, I am satisfied that the proposals would represent a proportionate and sympathetically scaled and designed addition to the existing house. Whilst the extension would be close to the eastern boundary, the house would remain comfortably sited within an extensive and well foliated plot. Viewed from the street, the application house and neighbouring house would remain visually separate and would not give the impression of terracing or a cramped form of development, though views are well contained/screened by foliage along the frontage and between the properties in any case. I consider the proposals would preserve the character of the Area of Outstanding Natural Beauty. The impact on residential amenity would be acceptable. The impact on the wider, extensive area of Archaeological Potential would also be acceptable.

Background Papers

Site and Block Plan

Contact Officer(s):

Mr J Sperryn Extension: 7179

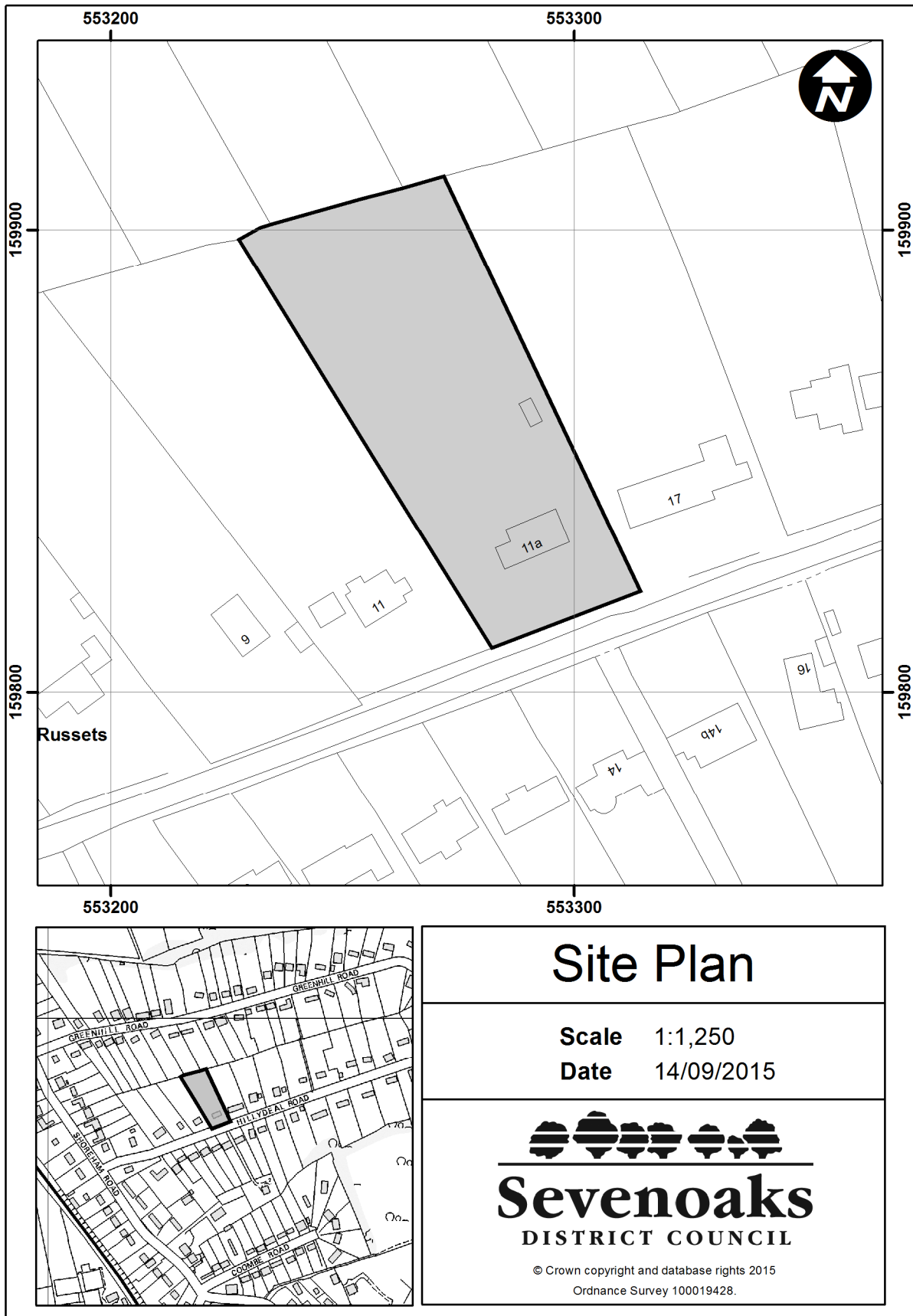
Richard Morris
Chief Planning Officer

Link to application details:

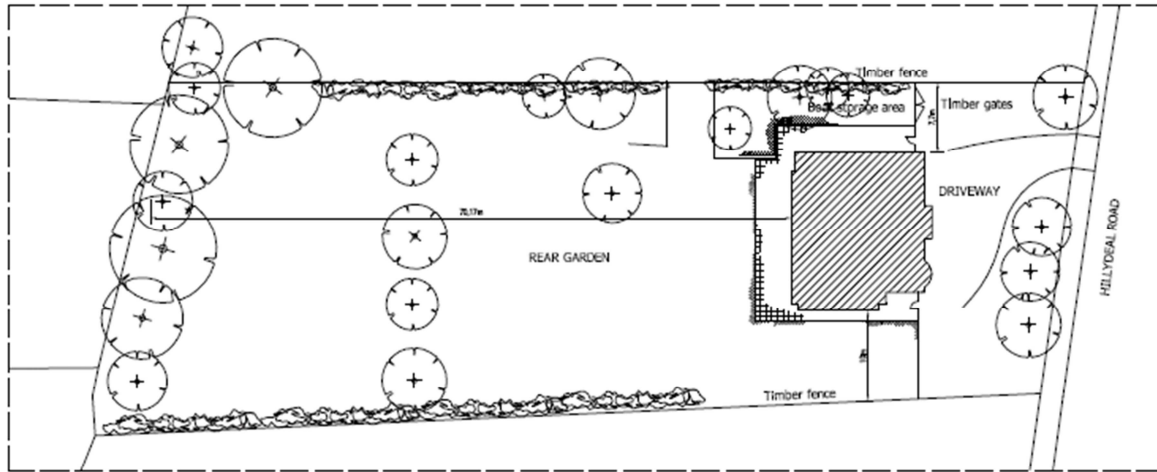
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Link to associated documents:

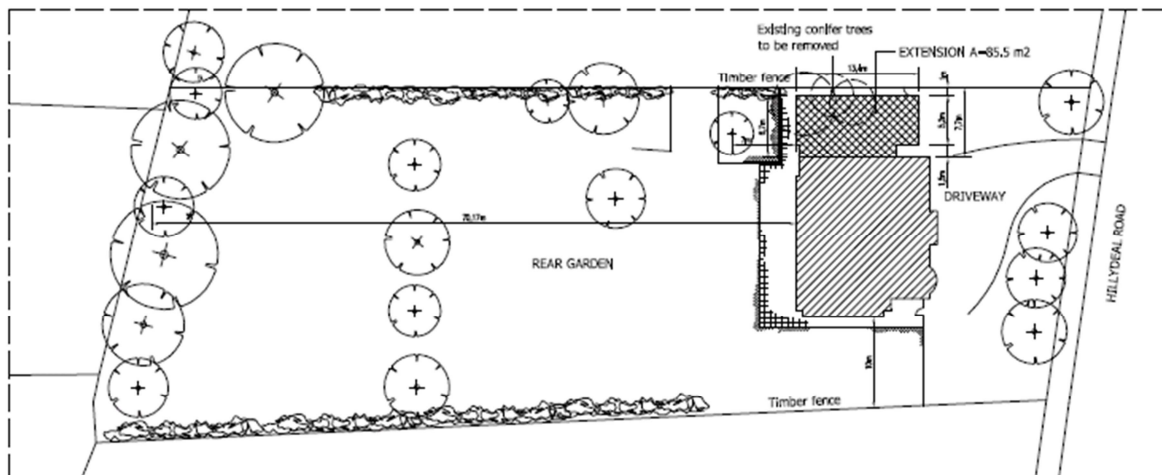
<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NQPSEDBKK4800>



Block Plan



EXISTING SITE PLAN



PROPOSED SITE PLAN

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4.6 – SE/15/01998/HOUSE Date expired 31 August 2015

PROPOSAL: Demolition of existing garage and existing single storey side and rear extension. Erection of a single storey side and rear extension. Installation of rooflights and alterations to fenestration.

LOCATION: Charhurst, Chart Lane, Brasted TN16 1LU

WARD(S): Brasted, Chevening and Sundridge

ITEM FOR DECISION

This application has been referred to Development Control Committee as the applicant is related to an officer in employment with this Council

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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.

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

3) Prior to the commencement of the development hereby approved the detached garage as shown for removal on the approved plan no. 5278-PD-01 Rev. A shall be demolished and all materials arising therefrom shall be removed from the site.

In the interests of visual amenities of the surrounding area and to prevent inappropriate development in the Green Belt in accordance with Policy EN1 and GB3 of the Sevenoaks Allocations and Development Management Plan.

4) Before any equipment, machinery or materials are brought on to the land for the purposes of the development, the approved development shall be carried out in such a manner as to avoid damage to the existing trees, including their root systems, and other planting to be retained by observing the following:

(a) All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012 or otherwise to the satisfaction of the Local Planning Authority. The means of tree protection shall be maintained until all equipment, machinery and surplus materials have been removed from the land;

(b) No fires shall be lit within the spread of branches of the trees and other vegetation;

(c) No materials or equipment shall be stored within the spread of the branches of the trees and other vegetation;

(d) No roots over 50mm diameter shall be cut, and no buildings, roads or other

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engineering operations shall be constructed or carried out within the spread of the branches of the trees and other vegetation;

(e) Ground levels within the spread of the branches of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect 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: 5278-PD-01 Rev. A, 5278-PD-03 Rev. B.

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.

Description of Proposal

- 1 This proposal seeks to demolish the existing single storey garage located adjacent to the front of the existing dwelling and to erect a single storey side and rear extension, together with installation of rooflights and alterations to the fenestration to the side and rear of the dwelling.

Description of Site

- 2 The application relates to a two storey detached residential dwelling located on the western side of Chart Lane. The character is characterised by linear residential development predominately to the western side. The architectural style within this part of the lane is varied and the dwellings are set back from the roadside with most having off street parking areas to their frontages together with mature landscaped frontages that screen the buildings from the road.
- 3 This site is occupied by a two storey detached residential dwelling with a detached double garage to its frontage. The dwelling itself is of a regency architectural style that is symmetrical in its appearance with evenly proportioned sash windows and slate hipped roof. The property has been subjected to a few alterations to the rear of the property. The dwelling is set within a modest sized plot that is enclosed by various boundary treatments ranging from timber panel fencing to mature shrubs.
- 4 The site is within the Metropolitan Green Belt.

Constraints

- 5 Metropolitan Green Belt
- 6 Area of Outstanding Natural Beauty
- 7 Area of Archaeological Potential

Policies

Sevenoaks Core Strategy

- 8 Policies – LO8, SP1

Allocations and Development Management Plan:

- 9 Policies - EN1, EN2, EN5 GB1, T2

Other

- 10 National Planning Policy Framework (NPPF)
- 11 National Planning Practice Guidance (NPPG)
- 12 SDC Development in the Green Belt SPD

Planning History

- 13 SW/5/59/77 – Erection of a Garage - APPROVED
SW/5/73/691 – Construction of a garage and screen wall – APPROVED
79/00914 – Single and two storey extensions to rear and side of dwelling - APPROVED
89/00914 - Two storey rear extension and single storey side extension - APPROVED

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Consultations

Brasted Parish Council

14 Supports the application

SDC Tree Officer

15 Recommend a tree protection condition

Representations:

16 None received

Chief Planning Officer Appraisal

Principal Issues

17 The main considerations of this application are:

- Impact on the Green Belt
- Impact on character and appearance of the area
- Impact upon existing residential amenity
- Highways

Impact upon the Green Belt

Whether the proposal is inappropriate development or not?

- 18 National planning policy guidance relating to the Green Belt is set out in paragraph 80 of the NPPF. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The document states that there is a general presumption against inappropriate development, where the openness of the countryside/landscape would be adversely affected. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 19 The NPPF states that certain other forms of development are not inappropriate development provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. The NPPF does allow for extensions to dwelling providing they are not disproportionate additions to the size of the original building as stated in paragraph 89.
- 20 In addition to the policy advice in the NPPF, the advice and guidance from relevant policies in the ADMP, namely Policy GB1 and current Development in the Green Belt SPD should also be considered in respect of this proposal.
- 21 Policy GB1 of the ADMP will permit limited extensions to residential dwellings within the Green Belt subject to certain criteria.

- 22 Having carried out an extensive search of the planning history, based on the evidence the present building has had various extensions to it. Therefore regards to the size of the ‘original’ dwelling, the following calculations have been derived:-

Original floor space of dwelling – 194.1m²

50% allowance – 97.05m²

Existing outbuilding within 5m – 36m²

Existing extensions – 41.9m²

Present Total floor area – 272.7m²

Present Cumulative % increase of dwelling –40.5%

	Floor Area	Total	Percentage
All extensions + original floor area above ground	76.2m²	270.3m²	39.2% (-1.3)

- 23 From the above calculations taking into account of the demolition of the existing detached garage within 5m of the dwelling, it is apparent that this proposal would be within the 50% allowance, permitted under policy GB1 of the ADMP.
- 24 The development proposed would result in some reduction in openness; however this would be limited and no greater impact than the existing extension. The new single storey extension be read against the form of the host building and would not appear excessive in terms of its scale or bulk.
- 25 Notwithstanding the above, as the proposed extension would be located within the curtilage of the dwelling. It would not encroach no further into the landscape than the existing hedgerows and fencing in and around the boundaries of the site and other domestic paraphernalia associated with the dwelling. Therefore in this instance, the openness, character and appearance of the Green Belt would be maintained. The impact of the proposal would be wholly be confined to the within the application site, and therefore the development would cause limited harm to the openness of the wider green belt. As such the development would be considered as being appropriate development within the Green Belt and accords with Policy GB1 of the ADMP.

Impact on character and appearance of the area and AONB

- 26 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. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard so that the distinctive character of villages is not damaged.

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- 27 In terms of Policy L08 of the Core Strategy requires that development to respect the countryside by having no detrimental impact to the quality of the landscape character.
- 28 The application site is located in a highly sensitive area within the AONB. Paragraph 11 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty. It states that the primary purpose of these designations is to conserve and enhance the natural beauty of the landscape. In addition Policy L08 of the Core Strategy and Policy EN5 requires that development to respect the countryside by having no detrimental impact to the quality of the landscape character.
- 29 As previously mentioned, the character of the area is varied with a mixture of detached and semi detached properties some with a variety of different extensions. This addition relates well with the existing house. Although it covers the part of the width of the house, its depth is modest and the roof is designed to match the existing. It is not considered that the extension would not appear out of scale with its host. The extension is single storey in height and would not appear visually dominant when compared with the surrounding properties and the existing plot. As such the size and overall proportion of this extension is not so significant to detract from the existing character or appearance of the dwelling.
- 30 In terms of the changes to the fenestration to the ground floor north, south, west and first floor west facing elevations, the changes in the fenestration are considered to be appropriate, and in proportion with the existing giving more of a consistent appearance to the dwelling overall.
- 31 The impact on the character and amenity of the surrounding area would be minimal, as the additions will be setback from its frontage and set to the side and rear of the dwelling. Due to the existing front boundary treatment and only a glimpse of the extension would be visible from the street as the present detached garage would be removed which opens up the frontage of the site. By doing so enhances the character and appearance of the street as it would remove this prominent feature, giving a greater sense of openness to the front of the property which would be de-void of a built form. As such, upon considering that the extension is compatible with the existing dwelling and is only visible in part, no objection is raised in terms of its impact upon the character and amenity/setting of the surrounding area.
- 32 In viewing the proposal in the context of AONB, by reason of the modest scale and nature of the proposed development it would be read only in close quarters and in the context of the existing building and surrounding similarly sized buildings, all forming part of this linear pattern of development in this part of Chart Lane. The development proposed would have no harmful impact on this part of the AONB and would to some extent enhance that character and appearance of it, consistent with policy EN5 of the ADMP and policy L08 of the Core Strategy.

Impact upon existing residential amenity

- 33 Paragraph 17 of the NPPF identifies a set of core land-use planning principles that should underpin decision-taking. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Policy EN2 of the ADMP requires that any

proposed development should not have an adverse impact on the amenities of neighbours and also ensures a satisfactory environment for future occupants.

- 34 Taking into consideration the orientation of the dwelling/development, and to the extent of the distance between the site and the nearest residential property and the enlargement of an existing first floor window serving a bedroom in the south side facing elevation would be partial obscured by the new single storey roof, it is considered that, no loss of residential amenity would occur to surrounding occupiers, namely Mulberry House.
- 35 For this reason, it is concluded that this proposal would not have a materially harmful effect on the living conditions of the occupiers of surrounding dwellings, in accordance with policy EN2 of the ADMP. As such no objection can be raised in this instance in amenity terms.
- 36 For the reasons above, it is concluded that this proposal would not have a materially harmful effect on the living conditions of the surrounding occupiers of dwellings and would not conflict with policy EN2 of the ADMP.

Highways

- 37 The proposal seeks to utilise the existing access into the site. The existing garage would be removed. The land that was once occupied by the garage would be restored and returned as forming part of the existing parking/turning to the front of the dwelling. As such the property will have sufficient off-street parking provision for its size and would accord to Policy T2 of the ADMP which expects two off-street parking spaces to be provided.
- 38 On considering the above, no objection can be raised as the development would comply with Policy T2 of the ADMP.

Community Infrastructure Levy

- 39 The proposed development, by reason of proposing a net increase of less than 100m² of internal floor area is not CIL liable.

Other Issues

- 40 It has been identified that the development is within an Area of Archaeological Potential. Notwithstanding that, as the ground has already been disturbed by existing development. It is considered that the development would have a limited impact upon it.
- 41 The Councils tree officer has recommended a tree protection condition in order to protect the existing trees in and around the site. It is important that these trees are protected as they form part of the existing boundary treatment and they do contribute to the character and appearance of the area. As such it is considered that the imposition of a condition of this nature would be reasonable and appropriate, in accordance with National Planning Policy Guidance.

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Conclusion

- 42 In summary, the proposed development would not harm the character or appearance of the surrounding area and would be appropriate development within the Green Belt without compromising the quality of the local environment. The scheme would accord with national and local planning policies.
- 43 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.

Background Papers

Site and Block plans

Contact Officer(s): Sean Mitchell Extension: 7349

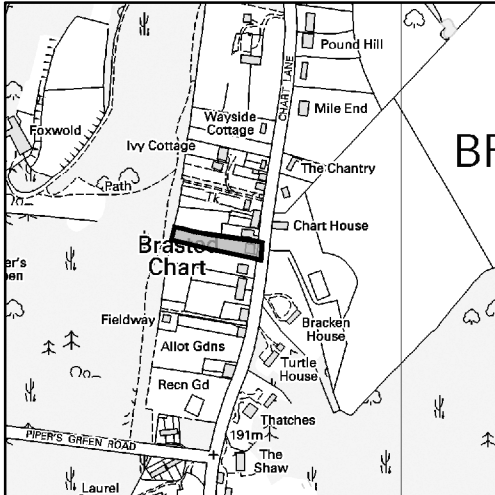
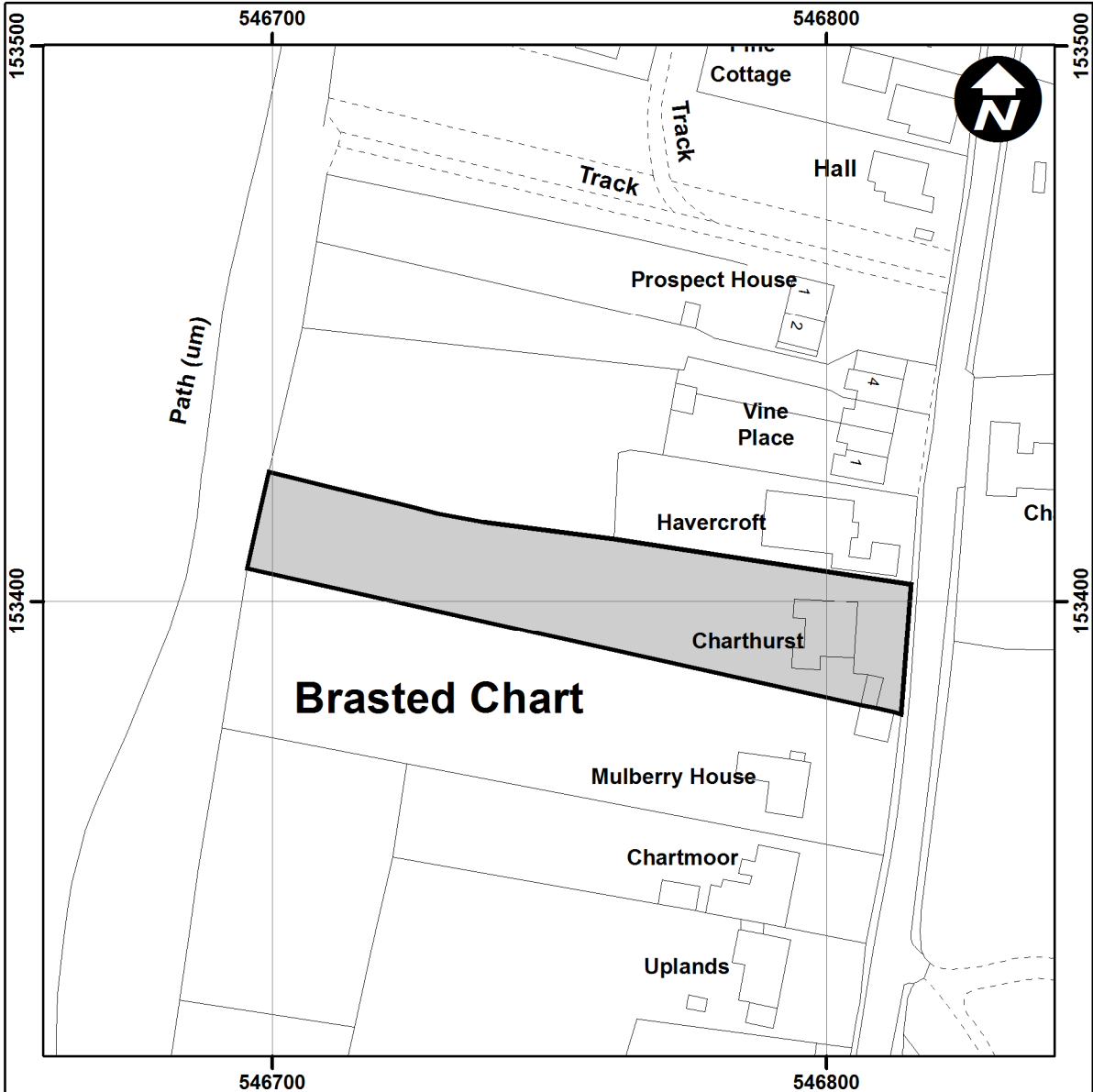
Richard Morris
Chief Planning Officer


Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NQRLWPBKK4U00>

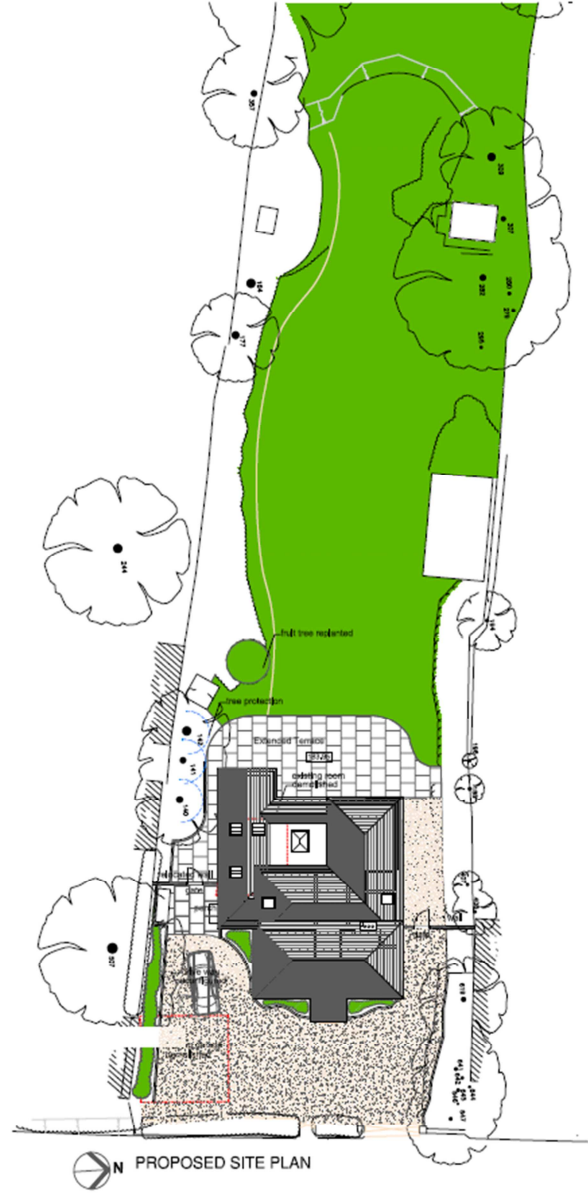
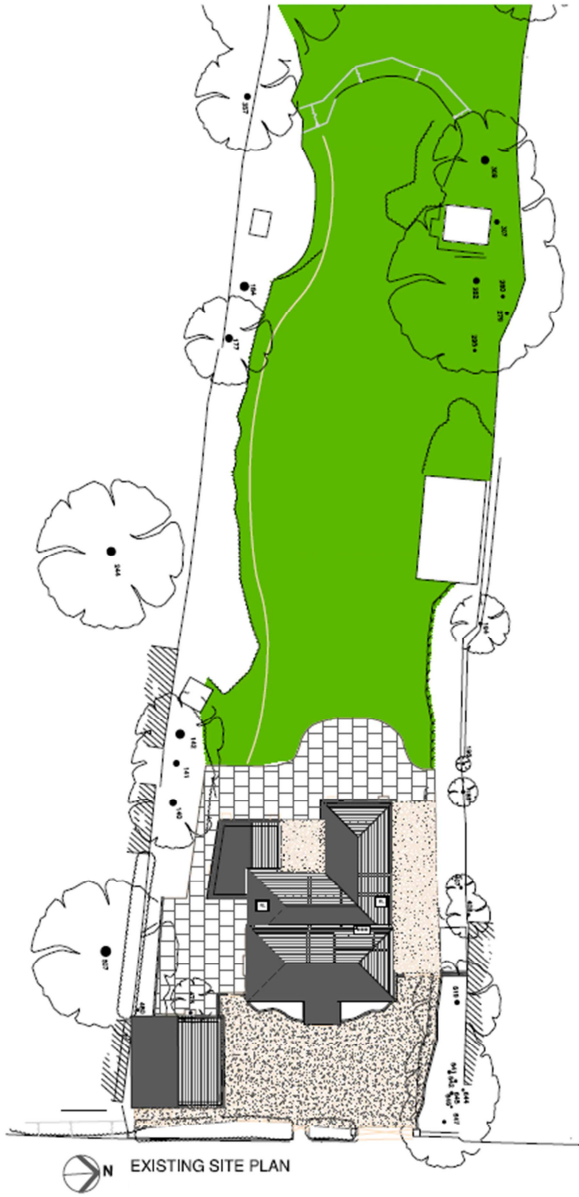
Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NQRLWPBKK4U00>



<h1>Site Plan</h1>	
Scale	1:1,250
Date	09/09/2015
	
<h2>Sevenoaks</h2> <p>DISTRICT COUNCIL</p>	
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Block Plans



**Planning Application Information on Public Access – for applications coming to DC
Committee on Thursday 1st October 2015**

Item 4.1 – SE/15/00118/FUL United House, Goldsel Road, Swanley BR8 8EX

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NIA4T9BKIC300>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NIA4T9BKIC300>

Item 4.2 – SE/15/02085/FUL Lady Boswells C of E Primary School, Plymouth Drive, Sevenoaks TN13 3RP

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NR6A59BKK8200>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=constraints&keyVal=NR6A59BKK8200>

Item 4.3 – 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 4.4 – SE/15/02261/HOUSE 32 Bullfinch Lane, Riverhead TN13 2EB

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NRSN7JBKLP400>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NRSN7JBKLP400>

Item 4.5 – SE/15/01983/HOUSE 11A Hillydeal Road, Otford TN14 5RT

Agenda Item

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NQPSSEDBKK4800>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NQPSSEDBKK4800>

Item 4.6 – SE/15/01998/HOUSE Charhurst, Chart Lane, Brasted TN16 1LU

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NQRLWPBKK4U00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NQRLWPBKK4U00>