

07 January 2016 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks  
Despatched: 29.12.15



# Development Control Committee

## Membership:

Chairman, Cllr. Williamson; Vice-Chairman, Cllr. Thornton  
Cllrs. Ball, Barnes, Bosley, Brown, Clark, Cooke, Edwards-Winsler, Gaywood, Hogg,  
Horwood, Mrs. Hunter, Kitchener, Layland, Parkin, Purves, Raikes and Miss. Stack

## Agenda

	<b>Pages</b>
<b>Apologies for Absence</b>	
1. <b>Minutes</b> To approve the minutes of the meeting of the Committee held on 10 December 2015, as a correct record.	(Pages 1 - 6)
2. <b>Declarations of Interest or Predetermination</b> Including any interests not already registered	
3. <b>Declarations of Lobbying</b>	
4. <b>Planning Applications - Chief Planning Officer's Report</b>	
4.1 <b>SE/15/02653/FUL - New Ash Green Shopping Centre, The Row, New Ash Green, Kent</b> Replace the glass panels above the Link, take down and removal of existing single canopies at street level.	(Pages 7 - 18)
4.2 <b>SE/15/03223/HOUSE - Lower Daltons, Swanley Village Road, Swanley BR8 7NU</b> Erection of a first floor rear extension.	(Pages 19 - 28)

### 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.)

If you wish to obtain further factual information on any of the agenda items listed above, please contact the named officer prior to the day of the meeting.

Should you need this agenda or any of the reports in a different format, or have any other queries concerning this agenda or the meeting please contact Democratic Services on 01732 227247 or [democratic.services@sevenoaks.gov.uk](mailto:democratic.services@sevenoaks.gov.uk).

**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**

Any Member who wishes to request the Chairman to agree a pre-meeting site inspection is asked to email [democratic.services@sevenoaks.gov.uk](mailto:democratic.services@sevenoaks.gov.uk) or speak to a member of the Democratic Services Team on 01732 227247 by 5pm on Monday, 4 January 2016.

The Council's Constitution provides that a site inspection may be determined to be necessary if:

- i. Particular site factors are significant in terms of weight attached to them relative to other factors and it would be difficult to assess those factors without a Site Inspection.
- ii. The characteristics of the site need to be viewed on the ground in order to assess the broader impact of the proposal.
- iii. Objectors to and/or supporters of a proposal raise matters in respect of site characteristics, the importance of which can only reasonably be established by means of a Site Inspection.
- iv. The scale of the proposal is such that a Site Inspection is essential to enable Members to be fully familiar with all site-related matters of fact.
- v. There are very significant policy or precedent issues and where site specific factors need to be carefully assessed.

When requesting a site inspection, the person making such a request must state under which of the above five criteria the inspection is requested and must also provide supporting justification.

**DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held on 10 December 2015 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Thornton (Vice Chairman)

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

Apologies for absence were received from Cllrs. Bosley, Cooke, Horwood and Raikes

Cllrs. Brookbank, Lake, Lowe, Mrs. Morris and Piper were also present.

64. Minutes

Resolved: That the Minutes of the Development Control Committee held on 12 November 2015 be approved and signed by the Chairman as a correct record.

65. Declarations of Interest or Predetermination

Cllr. Ball declared for minute item 68 - SE/14/03793/FUL Birchwood County Primary School, Russett Way, Swanley BR8 7TP that he was a Member of Swanley Town Council who had considered the matter but that he would remain open minded.

Cllr. Hogg declared for minute item 68 - SE/14/03793/FUL Birchwood County Primary School, Russett Way, Swanley BR8 7TP that he was a Member of Swanley Town Council who had considered the matter but that he would remain open minded.

Cllr. Parkin declared for minute item 68 - SE/14/03793/FUL Birchwood County Primary School, Russett Way, Swanley BR8 7TP that as Deputy Portfolio Holder for Housing & Health she would take no part in the debate or the voting thereon.

66. Declarations of Lobbying

Cllrs. Clark, Edwards-Winsor, Hogg, Mrs. Hunter, Layland, Parkin, Purves, Miss. Stack and Thornton declared that they had been lobbied in respect of minute item 68 - SE/14/03793/FUL Birchwood County Primary School, Russett Way, Swanley BR8 7TP.

Reserved Planning Applications

The Committee considered the following planning applications:

67. SE/14/03793/FUL - Birchwood County Primary School, Russett Way, Swanley BR8 7TP

The proposal sought permission for the demolition of the former Birchwood Primary School and the construction of 65 no. dwellings with associated infrastructure provision

## Agenda Item 1

### Development Control Committee - 10 December 2015

as amplified by additional survey results and amended plans received 11 May 2015. The application was referred to the Committee at the discretion of the Chief Planning Officer.

Members' attention was brought to the main agenda papers and the [late observations sheet](#) which proposed an additional condition under recommendation A and an amendment to recommendation B.

The Chairman advised that he had invited the Ward Members for Hextable to speak as the Local Member, even though the development was not in their ward, due to the impact the development could have on their ward. The Committee was addressed by the following speakers:

Against the Application:	Angela George
For the Application:	Ian Mitchell
Parish Representative:	-
Local Member:	Cllr. Mrs. Morris

Members asked questions of clarification from the speakers and officers.

It was moved by the Chairman and duly seconded that the recommendation in the report, as amended by the late observation sheet, to grant planning permission be agreed.

There were concerns that the development would have a detrimental effect on the Green Belt including the strip of open space separating Swanley from Hextable. Members noted that the footprint of the development went beyond the footprint of the existing buildings on site.

Members discussed the limited public transport and that the development was isolated from the centre of Swanley. There was also concern that Leydenhatch Lane was narrow and would be inappropriate for accessing public transport, especially for elderly people or those who used wheelchairs.

The motion was put to the vote and it was lost.

It was moved by the Vice Chairman and duly seconded that the application be refused. The development would be inappropriate development harmful to the Green Belt, eroding its openness and detracting from the settings of Swanley and Hextable. In the absence of a legal agreement to secure affordable housing and open space provision in perpetuity, the very special circumstances failed to overcome the harm to the Green Belt. The development would also not be economically, socially or environmentally sustainable in line with paragraphs 6 to 10 of the NPPF. Two informatives to be added to explain firstly that the development could be considered by the owner on the footprint of the existing school buildings and secondly that the application was debated in the context of the upcoming proposals for a Swanley Masterplan.

The motion was put to the vote and it was

Resolved: That planning permission be refused for the following reasons:

- 1) The proposed development of the site for 65 dwellings with associated infrastructure provision represents inappropriate development which by

definition is harmful to the Green Belt. The proposals are therefore unacceptable in principle. Furthermore, by virtue of the scale, design, degree of development on the site and loss of open space, the proposals would be harmful to the purposes of the Green Belt, would significantly erode the openness of the Green Belt and would detract from the setting of Swanley and Hextable to the extent that they would be seriously harmful to the landscape character and setting of the urban areas in this location and to the character of this part of the Green Belt. Notwithstanding the above, without the ability to secure the proposed affordable housing in perpetuity and provision of open space within the site through completion of a legal agreement, the Very Special Circumstances advanced fail to clearly outweigh the harm identified above. The proposals would therefore be contrary to Government advice in the form of the National Planning Policy Framework, Sevenoaks District Council Core Strategy policies L01, L04, SP1, SP10 and Sevenoaks District Allocations and Development Management.

- 2) The proposed development of the site for 65 houses with associated infrastructure and open space would fail to satisfactorily fulfil an economic, social or environmental role and would thus fail to represent a sustainable form of development. The proposals would thus be contrary to Government advice contained within the National Planning Policy Framework and Sevenoaks District Council Allocations and Development Management Policy SC 1.

#### Informatives

- 1) The Development Control Committee wished the applicant to note that during the debate Members considered there may be scope for less development on the site, related to the footprint of the school
- 2) That the Development Control Committee discussed the application in the context of Swanley redevelopment and the proposed Masterplan.

(Cllrs. Brown and Gaywood were absent from the Chamber for a brief period at the commencement of this item and therefore took no part in the voting thereon.)

(Cllr. Parkin took no part in the debate or the voting thereon.)

68. SE/15/02111/HOUSE - Little Moorden , Cinder Hill Lane, Leigh TN11 8HU

The proposal sought planning permission for the enlargement of an existing front extension at ground floor and first floor. The application was referred to the Committee by Cllr. Lake who considered that the proposal was identical to that approved in 2009 by the Committee with the exception that an ungainly second floor window and roof lights were now omitted.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Christopher Rayner
Parish Representative:	-

Agenda Item 1  
Development Control Committee - 10 December 2015

Local Member: Cllr. Lake

Members asked questions of clarification from the speakers and officers.

It was moved by the Chairman and duly seconded that the recommendation in the report to refuse planning permission be agreed.

Members discussed the impact the proposal would have on the listed building and its form and how the tests for a planning application had changed since the site was previously considered in 2009.

The motion was put to the vote and it was

Resolved: That planning permission be refused for the following reasons:

- 1) The proposed extension would be harmful to the special interest of the designated heritage asset in the form of the grade 2 listed building (LB/G2/50/1540) as it would overwhelm the simple linear form of the original building adding considerable bulk to the principal elevation and would further obscure parts of the original building. . As such the proposed extension enlargement would be contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework and Policy EN4 of the Sevenoaks Allocations and Development Management Plan.
- 2) 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. As such it is contrary to the National Planning Policy Framework, policy GB1 of the Sevenoaks Allocations and Development Management Plan and the Development in the Green Belt Supplementary Planning Document.

69. SE/15/02112/LBCALT - Little Moorden, Cinder Hill Lane, Leigh TN11 8HU

The proposal sought listed building consent for the enlargement of an existing front extension at ground floor and first floor. The application was referred to the Committee by Cllr. Lake who considered that the proposal was identical to that approved in 2009 by the Committee with the exception that an ungainly second floor window and roof lights were now omitted.

Members' attention was brought to the main agenda papers, Officers confirmed that the recommendation within the report should be to refuse listed building consent rather than planning permission.

It was moved by the Chairman and duly seconded that the recommendation in the report, as amended, to refuse listed building consent be agreed.

The motion was put to the vote and it was

Resolved: That listed building consent be refused for the following reason:

Agenda Item 1

**Development Control Committee - 10 December 2015**

- 1) The proposed extension would be harmful to the special interest of the designated heritage asset in the form of the grade 2 listed building (LB/G2/50/1540) as it would overwhelm the simple linear form of the original building adding considerable bulk to the principal elevation and would further obscure parts of the original building. . As such the proposed extension enlargement would be contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework and Policy EN4 of the Sevenoaks Allocations and Development Management Plan.

THE MEETING WAS CONCLUDED AT 9.00 PM

CHAIRMAN





4.1 - SE/15/02653/FUL Revised expiry date 15 January 2016

PROPOSAL: Replace the glass panels above the Link, take down and removal of existing single canopies at street level.

LOCATION: New Ash Green Shopping Centre, The Row, New Ash Green, Kent

WARD(S): Ash And New Ash Green

**ITEM FOR DECISION**

This application has been referred to Development Control Committee at the request of Councillors Clark and Pearsall on the basis that removing the canopies would have a detrimental impact on services and facilities provided in the village centre; does not support the viability and vitality of the shopping centre or encourage good design and; would fail to ensure that the village centre retains its role in meeting local needs contrary to policies LO7 of the core Strategy, TLC4 of the Allocations and Development Management Plan and the National Planning Policy Framework.

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: PAT-DWG-036-0002, PAT-DWG-036-0003 and PAT-DWG-036-0004

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 to replace the glass panels in The Link hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials. 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.

To ensure that the appearance of the development enhances the character and appearance of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

4) No development shall be carried out on the land until a method statement for the removal of the canopies and restoration of the affected shop fronts and paving, including a programme of implementation has been submitted to and approved in writing by the Local Planning Authority. The removal and restoration

## Agenda Item 4.1

shall be carried out in accordance with the approved details.

To ensure that the appearance of the development enhances the character and appearance of the area as supported by 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](http://www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp)),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

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

### **Description of Proposal**

- 1 The application relates to shop units on the South side of The Row, the East and West Side of The Link and the covering over the access into The Link.
- 2 The application seeks permission to replace the glass panels to the covering above the access into The Link and to remove the canopies to the shop units at street level.

### **Description of Site**

- 3 The site in question is New Ash Green Shopping Centre.
- 4 New Ash Green Shopping Centre was purpose built to a unique design in the 1960's. It is located centrally within New Ash Green in an area where there are no site specific constraints.
- 5 The units to which the application relates are brick built. For the most part the ground floor feature shopfronts with tile hanging above ground floor level. The areas outside of the shop units are paved.
- 6 The canopies and covering over The Link comprise metal frames (some painted) with what appear to be a form of plastic sheeting such as polycarbonate. A number of coverings are missing entirely and for the most part those that remain are damaged and in a generally poor state of repair.

### **Constraints**

- 7 The centre is located in an area where there are no site specific constraints restricting development of the nature proposed.

### **Policies**

#### *Core Strategy*

- 8 Policies - SP1, SP8, L07

#### *Allocations and Development Management Plan (ADMP)*

- 9 Policies - EN1, EN2, TLC4

#### *Other*

- 10 National Planning Policy Framework
- 11 Planning Practice Guidance

### **Relevant Planning History**

- 12 The site has a lengthy planning history.
- 13 The original shopping centre was allowed on appeal in the 1960's.
- 14 The features the subject of this application were a later addition to the shopping centre and were granted planning permission under application reference SE/86/00418.
- 16 SE/86/00418 Alterations to sub-divide existing shop units, change of use from toilets and alterations to form new shop units. Provision of covered walkways and canopies within shopping and car-parking areas. Granted 27.06.86.

## Agenda Item 4.1

### Consultations

#### *Parish Council*

- 17 The Parish Council object to this application stating:
- 18 The Parish Council strongly objects to the removal of single canopies at street level as their removal would be against the best interests of shoppers.
- 19 The replacement glass panels above the Link should be to the original safety glass specification.
- 20 The Parish Council would prefer the restoration of the canopies with the original safety glass.

#### Other Consultees

##### *Communities, Business and Property*

- 21 I have no objections to the proposal.

### Representations

- 22 1 letter supporting the application on the following grounds:
- The canopies are dilapidated and a major source of complaint.
  - The canopies are not part of the original design for the shopping centre which was completed by Eric Lyons and Ivor Cunningham.
  - The canopies are stylistically intrusive.
  - The original material to the canopies has been replaced over the years by inappropriate materials which have been poorly maintained.
  - Removal of the canopies would restore the original architectural integrity.
  - There is sufficient shelter around the shopping centre without the canopies.
  - Support the decision to retain and repair the link.
  - The Council should consider appropriate conditions including securing the removal of the canopies and ensuring that the frontages are made good and that the materials used to repair the link are suitable.
- 23 The following is a summary of comments that have been received from Local Ward Member Cllr Clark:
- The application is submitted pursuant to a Section 215 Notice.
  - The Town Team's consensus is that the canopies should be retained and repaired in accordance with the Section 215 Notice.

- The canopies serve a useful function, offering protection from adverse weather for users of the village centre and help the shopkeepers to display their wares in order to attract additional business.
- The application is contrary to policy TLC4 of the ADMP.
- The removal of the canopies would have a negative impact on the village centre and fail to support the viability and vitality of the centre in accordance with paragraphs 23 and 56-57 of the NPPF.
- The canopies should be repaired using appropriate materials.
- If approved conditions should be applied requiring the use of Georgian wired glass to repair the link and a method statement should be submitted to ensure the satisfactory removal of the canopies and repair of the affected shopfronts and paving.

### History

- 24 On the 17 August 2015 the Council served a Section 215 Notice requiring the following steps to be taken to remedy the condition of the land at New Ash Green Shopping Centre:
- a) Replace all the cracked and broken glass panels above The Link.
  - b) Replace the garage door in the corner of the yard.
  - c) Replace the missing polycarbonate roof of the canopy above the Parish Council notice board in The Link.
  - d) Reinstatement of the exterior white cladding to the former restaurant at the Clocktower Gym.
- 25 Parts b and d of the Notice have been complied with.
- 26 This application, if approved and subsequently implemented in full, would address parts a and c above noting that any repairs could be carried out without planning permission.

### Principal Issues

- 27 The principal issues to consider in the determination of this application are:
- Visual impact and the impact on the function of New Ash Green Shopping Centre.

### Chief Planning Officer's Appraisal

- 28 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.' It also states that it is important to plan positively for the achievement of high quality and inclusive design for all development including individual buildings, public and private spaces as well as wider area development schemes (Para 56-57).

## Agenda Item 4.1

- 29 Amongst other things, policy SP1 of the Sevenoaks Core Strategy states that development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated.
- 30 Policy EN1 (Design Principles) of the ADMP requires high quality design and lists a number of criteria against which proposed development will be considered, including requiring the form of development to respond to the scale, height, materials and site coverage of the area.
- 31 Core Strategy policy L07 states that New Ash Green village centre will be regenerated so that it better meets the needs of the local community whilst respecting the distinctive character of the settlement. The preamble to policy SP8 of the Core Strategy indicates that support will be given to the principle of intensification and regeneration of existing sites where necessary to better meet modern business needs. The main policy SP8 supports economic development and does not relate directly to this proposal.
- 32 Officers accept that the canopies provide a function and this is not in dispute. However, the key issues are whether the removal of these would demonstrably harm visual amenity and whether it would adversely impact upon the centres function.

### *Impact on Visual Amenity*

- 33 The canopies and covering over The Link comprise metal frames. The metal frames to the canopies located at ground floor level are painted Green. I am advised that the original coverings set within the frames were constructed using Georgian wired glass but this appears to have been replaced some time ago with a form of plastic sheeting such as polycarbonate. Some of the canopies have no covering at all and for the most part those that do are damaged and generally in a very poor state of repair.
- 34 As stated in the preceding paragraphs, the canopies the subject of this application are later additions to the original shopping centre which was granted planning in the 1960s. Consequently, they did not form part of the original design concept and are not original features. Whilst the canopies provide a function, in officers view their contribution to design and character if they were in a reasonable state is neutral and their loss is not considered to adversely impact upon the distinctive character and appearance of either the units to which they are affixed or the centre as a whole. In fact, in their current form their removal would be of benefit to visual amenity and to the regeneration of the centre as a whole. This would comply with policy L07 and the preamble to SP8 of the Core Strategy. Furthermore, even if the canopies were in a reasonable state of repair which unfortunately is not the case, there is an argument to suggest that their removal would go some way to restoring the integrity of the original 1960s' design.
- 35 In contrast to the above it could also be argued that the retention and repair of the canopies is regenerative, however, for reasons such as the fact that I find no visual harm in their removal and for other reasons which I will

expand upon below, I find no policy justification for insisting that the canopies are retained and repaired.

- 36 The replacement of the glass panels above The Link is welcome and subject to the use of appropriate materials, which can be secured by condition, officers have no objection to this.
- 37 Accordingly, the proposal would comply with policy EN1 of the ADMP and policy L07 and the preamble to policy SP8 of the Core Strategy.

*Impact on Function*

- 38 Although I saw no evidence of it at the time of my site visit, so far as their contribution to the services, facilities, vitality and viability of the shopping centre is concerned, officers do not dispute that the canopies have or do provide a function meeting the needs of both retailers and consumer users by providing covered space to display goods and by providing shelter generally.
- 39 In the case of retailers, most if not all of the units have large shop fronts where goods could continue to be displayed in close proximity to the pedestrian walkways and in good view for consumers. In the case of shelter for consumers, the original design for the centre incorporates numerous overhangs and covered spaces (including in The Link) and so if the canopies were removed users would not be without opportunities to shelter from the elements should they need to do so. As such, I do not consider that the removal of the canopies would compromise the needs of the local community to a degree which causes demonstrable harm through loss of a facility.
- 40 As has been made clear, the canopies were added later and despite their presence, regrettably, in recent years the centre has declined. I have not been presented with any evidence which attributes either the success or decline of the centre to its general state of repair or which substantiates that the existence of the canopies (irrespective of their state of repair) has any direct impact on the previous, existing or continued viability and vitality of the affected retail units and it should be noted that there is no policy requirement to provide such information.
- 41 Policy TLC4 of the ADMP also applies to the village centre and this policy seeks to retain a suitable mix of uses within neighbourhood and village centres such as New Ash Green. The policy sets out specific criteria against which to assess applications for changes of use between shopping and service uses, seeks to allow additional retail or service units where appropriate and seeks to encourage residential, business or community uses in the upper floors of units within neighbourhood and village centres where there will be no adverse impact on the functioning of the ground floor retail or community use. The application before me does not relate to an application for change of use, additional retail or service unit and is not a residential, business or community use relating to the upper floor, consequently, in officers view there is no criteria within policy TLC4 which is directly relevant to the determination of an application of this nature or

## Agenda Item 4.1

which would enable officers to insist upon the retention and repair of the canopies.

### *Planning Balance*

- 42 In light of the above it is my view that policy TLC4 of the ADMP is not directly relevant to the proposal the subject of this application.
- 43 However, policy LO7 and the preamble referred to in policy SP8 is relevant and I find that either the retention and repair of the canopies or their removal could justifiably be policy compliant from a regenerative point of view. However, there is no evidence before me that suggests that the canopies have any direct link to the vitality or viability of the centre and neither is such evidence required. For the reasons set out above it is my view that the centre can continue to meet the need of the local community without the canopies and that their removal would not harm the distinctive character of the area.
- 44 The applicant is seeking to remove the canopies rather than retain and repair them and for the reasons set out above I find no justifiable policy grounds to refuse this request based on either their contribution to design or to the function, viability or vitality of the centre itself.
- 45 Consequently, I find no conflict with the relevant local plan policies or the National Planning Policy Framework.

### *Impact on Amenity*

- 46 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.
- 47 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.
- 48 For clarification, the proposed development would not impact upon the residential amenity of residential properties.

### **Other Matters**

- 49 Conditions have been recommended requiring the canopies to be removed with one month of the date of the decision if approval is granted.
- 50 The works applied for as part of this application are beyond the scope of the Section 215 Notice which requires repair rather than removal of the canopies. Consequently, it would neither be reasonable or appropriate to apply such conditions.
- 51 If granted approval and not implemented then the Council would have the Section 215 Notice in place to fall back on which is sufficient to secure a suitable outcome.



## Conclusion

- 52 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 Plan

Contact Officer(s): Claire Marchant Extension: 7367

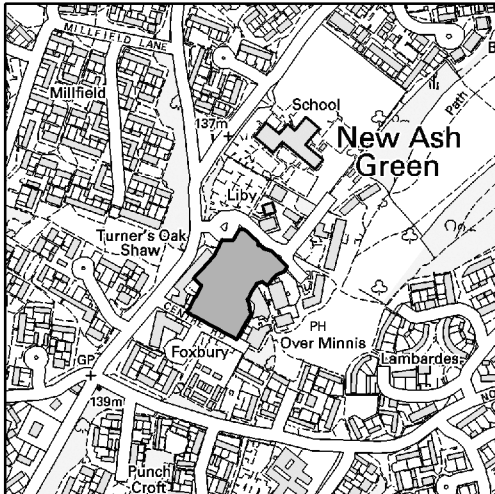
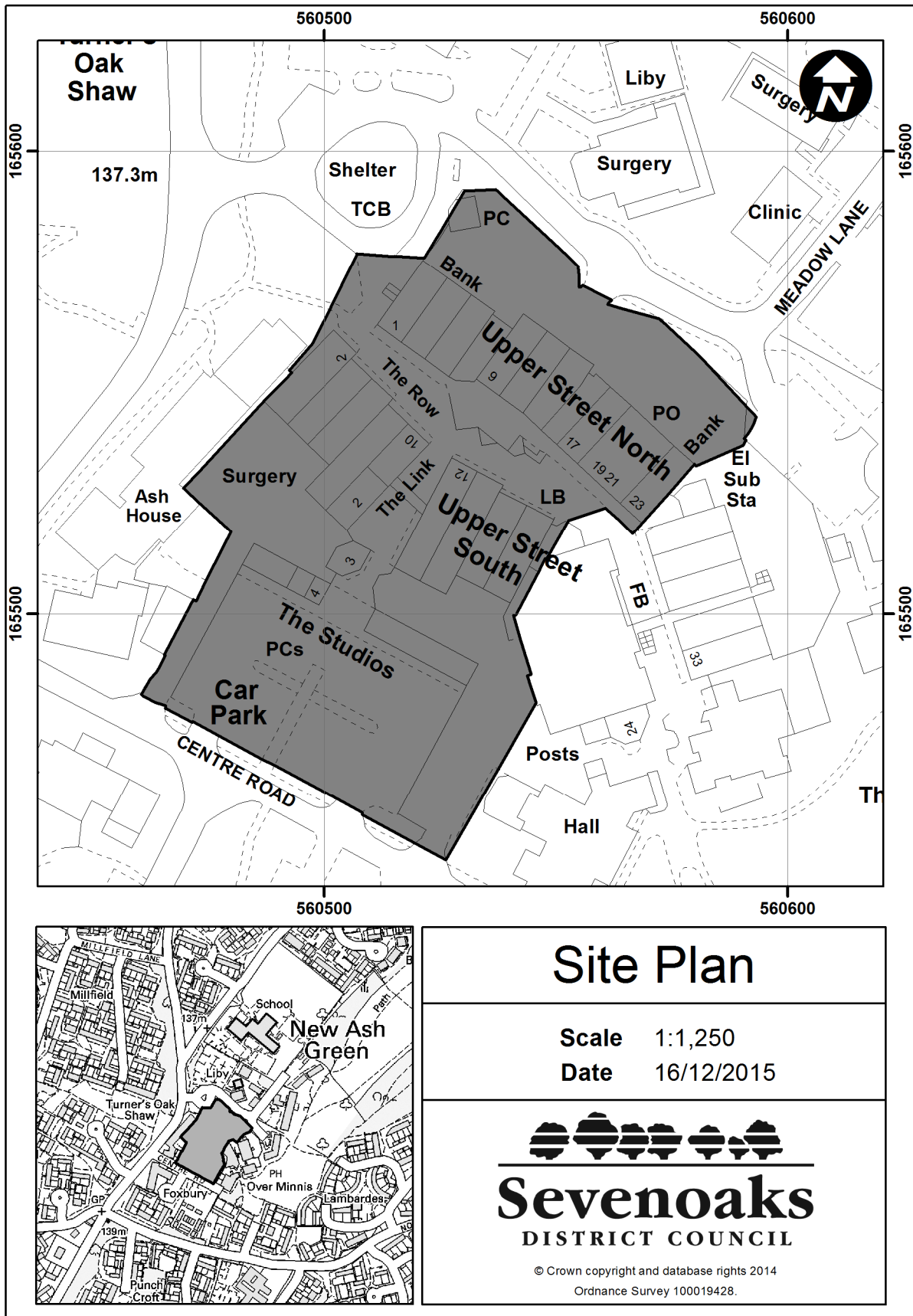
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NTFBXUBK0L000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NTFBXUBK0L000>



# Site Plan

Scale 1:1,250

Date 16/12/2015

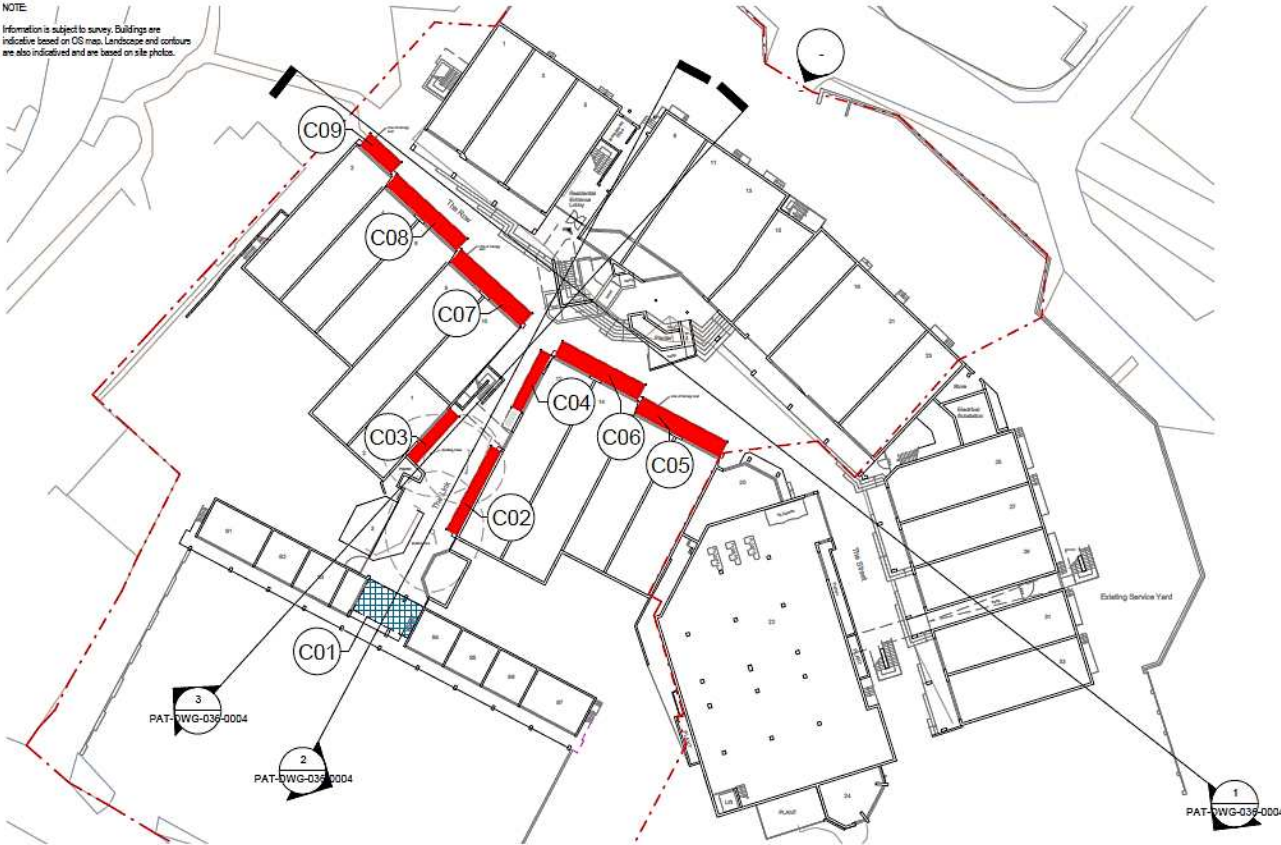


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Ordnance Survey 100019428.

Block/Ground Floor Plan

NOTE

Information is subject to survey. Buildings are indicative based on CO maps. Landscapes and contours are also indicated and are based on site photos.



CANOPIES TO BE REMOVED



PANELS TO BE REPLACED

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## Agenda Item 4.2

4.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.

### Description of Proposal

- 1 This proposal seeks to erect a first floor extension to the southwest facing elevation of the property, which would adjoin onto an existing 1<sup>st</sup> floor projection, matching the dimension of the existing ground floor. It will use the existing scale and proportions of the existing 1<sup>st</sup> floor projection and original dwelling house, with matching eaves and roof pitch. It will be formed using materials that match that of the existing dwelling.

### Description of Site

- 2 The application relates to a residential dwelling located on the southeastern side of Swanley Village Road. The character is characterised by linear residential development that is sporadic. The architectural style within this part of the Road 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 modest sized single storey carport/garage within 5m of the dwelling. The property has been subjected to a few alterations and additions. The property is adjoined to the west by Lower Daltons Nursery and opposite the site is Cold Harbour Farm and to the east, on the opposite side of Button Street is Cold Harbour (dwelling). The property has hedging along the front and east boundaries except for pedestrian access from Swanley Village Road and vehicle access from Button Street.
- 4 The site is within the designated Metropolitan Green Belt and Swanley Village Conservation Area

### Constraints

- 5 Metropolitan Green Belt
- 6 Swanley Village Conservation Area

## **Policies**

### *Sevenoaks Core Strategy*

7 Policies - LO8, SP1

### *Allocations and Development Management Plan:*

8 Policies - EN1, EN2, GB1, T2

### *Other*

9 National Planning Policy Framework (NPPF)

10 National Planning Practice Guidance (NPPG)

11 SDC Development in the Green Belt SPD

12 SDC Swanley Village Conservation Area Appraisal

## **Planning History**

13 06/02098 - Demolition of rear conservatory and front porch. Proposed first floor front/side extension to western elevation and internal alterations. Erection of new roof over existing garage to form living area - GRANTED

14 06/01082 - Demolition of rear conservatory and front porch. Erection of first floor side extension to western elevation. Reconstruction of roof on eastern flank. Internal alteration to cellar access. Erection of new porch to south elevation. Erection of detached garage - REFUSED

15 04/01089 - Renewal of temporary planning permission SE/01/00206 - GRANTED

16 81/00389 - Extension - GRANTED

17 TH/5/59/552 - Addition to form a garage, porch and conservatory - GRANTED

## **Consultations**

### *Swanley Town Council*

18 Supports the application

### Representations:

19 None received

## **Chief Planning Officer's Appraisal**

### **Principal Issues**

20 The main considerations of this application are:

- Impact on the Green Belt;

## Agenda Item 4.2

- Impact on character and appearance of the area/Conservation Area;
- Impact upon existing residential amenity;
- Highways;

### *Impact upon the Green Belt*

*- Whether the proposal is inappropriate development or not?*

- 21 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. Green Belt policy states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved unless the harm in principle from inappropriate development and any other harm is clearly outweighed by any very special circumstances.
- 22 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.
- 23 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.
- 24 Policy GB1 of the ADMP will permit limited extensions to residential dwellings within the Green Belt subject to certain criteria.
- 25 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 - **100.6m<sup>2</sup>**

50% allowance - **50.3m<sup>2</sup>**

Existing outbuilding within 5m - **37m<sup>2</sup>**

Existing extensions - **92.2m<sup>2</sup>**

Present Total floor area - **229.5m<sup>2</sup>**

Present Cumulative % increase of dwelling - **128%**



All extensions + original floor area above ground	Floor Area Proposed	Total Floor area	Percentage  140%
	11.8m <sup>2</sup>	241.3m <sup>2</sup>	

- 26 From the above calculations, it is apparent that the proposed additions to the property clearly exceeds the 50% allowance, permitted under Policy GB1 of the ADMP, as the proposed total floor area being provided would equate to a 140% increase on the original dwellinghouse. As a consequence, the extensions to the dwelling in both their existing and proposed form would significantly exceed 50% of the total gross floor area of the original. Therefore the proposal would result in disproportionate additions to the original dwelling. This proposal is regarded as inappropriate development in the Green Belt contrary to Policy GB1 of the ADMP, Green Belt SPD and the National Planning Policy Framework. As such substantial weight must be given to this.
- 27 The NPPF confirms that the most important aspect of Green Belts is their openness and the fundamental aim of Green Belt Policy is to maintain this. It should be noted that openness is not reliant upon degree of visibility but upon an absence of built development. Openness can be diminished by the cumulative “footprint” of discreetly sited incremental additions to existing individual buildings as much as it can by conspicuous swathes of new development.
- 28 It is considered that some additional harm to the Green Belt is caused by the additional bulk that adds to the overall scale of the development on site. The extension would match the existing building in terms of design and materials; however the development would result in a significant reduction in openness through excessive scale, bulk and visual intrusion, particularly when taking into account the cumulative impact of the extensions - existing and proposed.

*Impact on character and appearance of the Conservation Area and surrounding area*

- 29 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 30 The application site is located within the designated Swanley Village Conservation Area. Government policy in respect of the historic environment is set out in the National Planning Policy Framework. Paragraph 126 of the Framework recognises that historic assets are an irreplaceable resource that local authorities should conserve in a manner appropriate to their significance. Any harm, which is less than substantial, must be weighed against the public benefit of the proposal.

## Agenda Item 4.2

- 31 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.
- 32 The designated heritage asset which would be affected by the proposal is Swanley Village Conservation Area.
- 33 The Swanley Village Conservation Area Appraisal is therefore relevant to this proposal. This was adopted by the Council as Supplementary Planning Guidance in December 2003.
- 34 Policy SP1 of the Council's Core Strategy expects heritage assets and their settings to be protected and enhanced.
- 35 No reference is to this site within the appraisal, however it is understood that the site was incorporated into the Conservation Area boundaries under a 2005 review. It was noted that Lower Daltons, although much altered, is a building of historic interest mentioned in the local history. The Conservation Area Appraisal notes that the site contains a fine Cedar tree, as does Coldharbour on the frontage with Wood Street.
- 36 It is considered that the proposed extension in terms of the degree of development and scale of the proposal would not appear prominent nor intrusive in its spatial context. The proposed first floor infill extension would neither affect views in or out of the Conservation nor would it become a prominent feature within it. As such the overall character and appearance of the Conservation Area would be preserved as the existing balance between the existing built form and spaces within this designated area would not be irreversibly damaged by the development proposed and would comply with the statutory test of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy EN4 of the ADMP and SP1 of the Core Strategy.
- 37 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.
- 38 In terms of Policy LO8 of the Core Strategy requires that development to respect the countryside by having no detrimental impact to the quality of the landscape character.
- 39 The character of the area is varied with a mixture of detached properties some with a variety of different extensions. This addition relates well with the existing house, covering part of its width and a roof that has been designed to match the existing. The extension would not appear visually dominant when compared with the surrounding properties as it retains the existing scale and proportions of the existing dwelling. 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.

- 40 Overall, the design of the extension proposed would preserve the character and appearance of the Conservation Area and street scene, compliant with Policies EN1, EN4 of the ADMP and Policy SP1 of the Core Strategy.

*Impact upon existing residential amenity*

- 41 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.
- 42 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.
- 43 Taking into consideration the orientation of the dwelling and the distance between the site and the nearest residential property (Cold Harbour) of approximately 18m to the east, it is considered that, no loss of residential amenity would occur to surrounding occupiers.
- 44 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*

- 45 The proposal seeks to utilise the existing access into the site. The existing garage, parking/turning area would be retained and would not be eroded by the proposed scheme. The proposal would be creating an additional bedroom and still 3 off-street parking spaces would be provided. As such the property will have sufficient off-street parking provision for its size and would accord to Policy T2 of the ADMP.

**Community Infrastructure Levy**

- 46 The proposed development, by reason of proposing a net increase of less than 100m<sup>2</sup> of internal floor area is not CIL liable.

**Very Special Circumstances case/Balancing exercise**

- 47 Having regard to Inappropriate development in the Green Belt, in accordance with paragraph 87 of the NPPF it is necessary to consider whether very special circumstances exist that clearly outweigh the defined harm by reason of inappropriate development and any other harm identified.
- 48 As noted in previous paragraphs, substantial weight can be given to the harm to the Green Belt by reason of the proposal's inappropriateness. The proposal would result in significant harm to the Green Belt in terms of it harm in principle and the impact upon the openness. The applicant has advanced a very special circumstances case in this instance.

## Agenda Item 4.2

- 49 The case that has been advanced is that the applicant has medical reasons for requiring a further provision of a bedroom and en-suite shower facilities to assist with his needs in dealing with his medical condition, which has been verified by his General Practitioner. The applicant's medical condition does not incapacitate him and is able to move around. The floorplans show that the dwelling already has a bedroom with an en-suite shower facility, and there appears to be scope to improve this existing facility if required without extending the property further. There also appears to be provision for such a facility on the ground floor. In this respect it is questionable as to whether further provision is required.
- 50 The applicant has not demonstrated why his medical needs cannot be provided for in the existing dwelling and why an extension is necessary. Accordingly the circumstance can be given little weight.

### Conclusion

- 51 The proposal is for inappropriate development in the Green Belt which is harmful in principle and to its openness. This is given significant weight. Limited weight is given to the potential very special circumstances case. The circumstances in this case are not sufficient to clearly outweigh the harm in principle and any other harm. As such, the development is contrary to the relevant Development Plan policies and there are no other overriding material considerations to indicate otherwise. Therefore it is recommended that this application should be refused

### Background Papers

Site and Block plans

Contact Officer(s): Sean Mitchell Extension: 7349

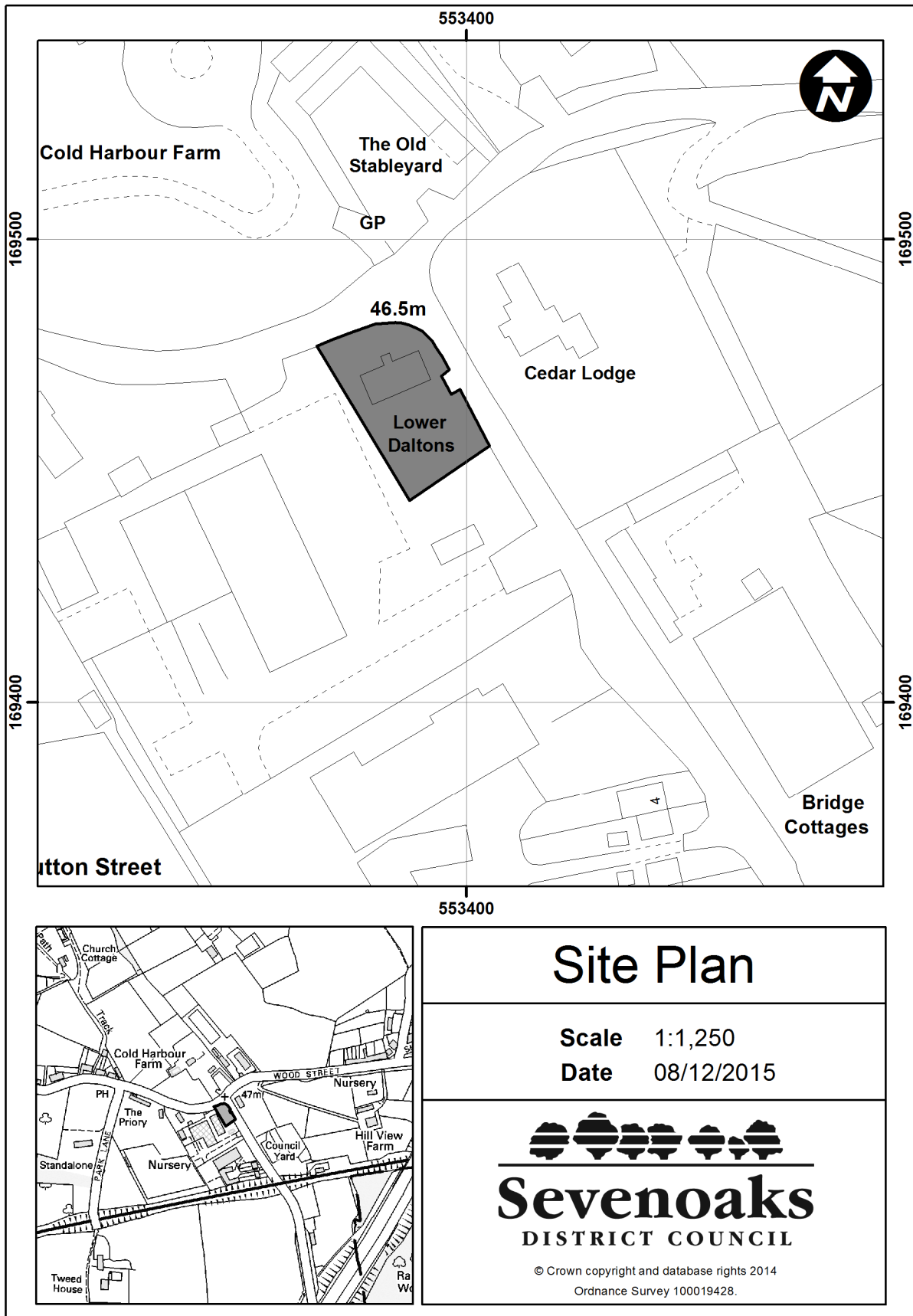
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

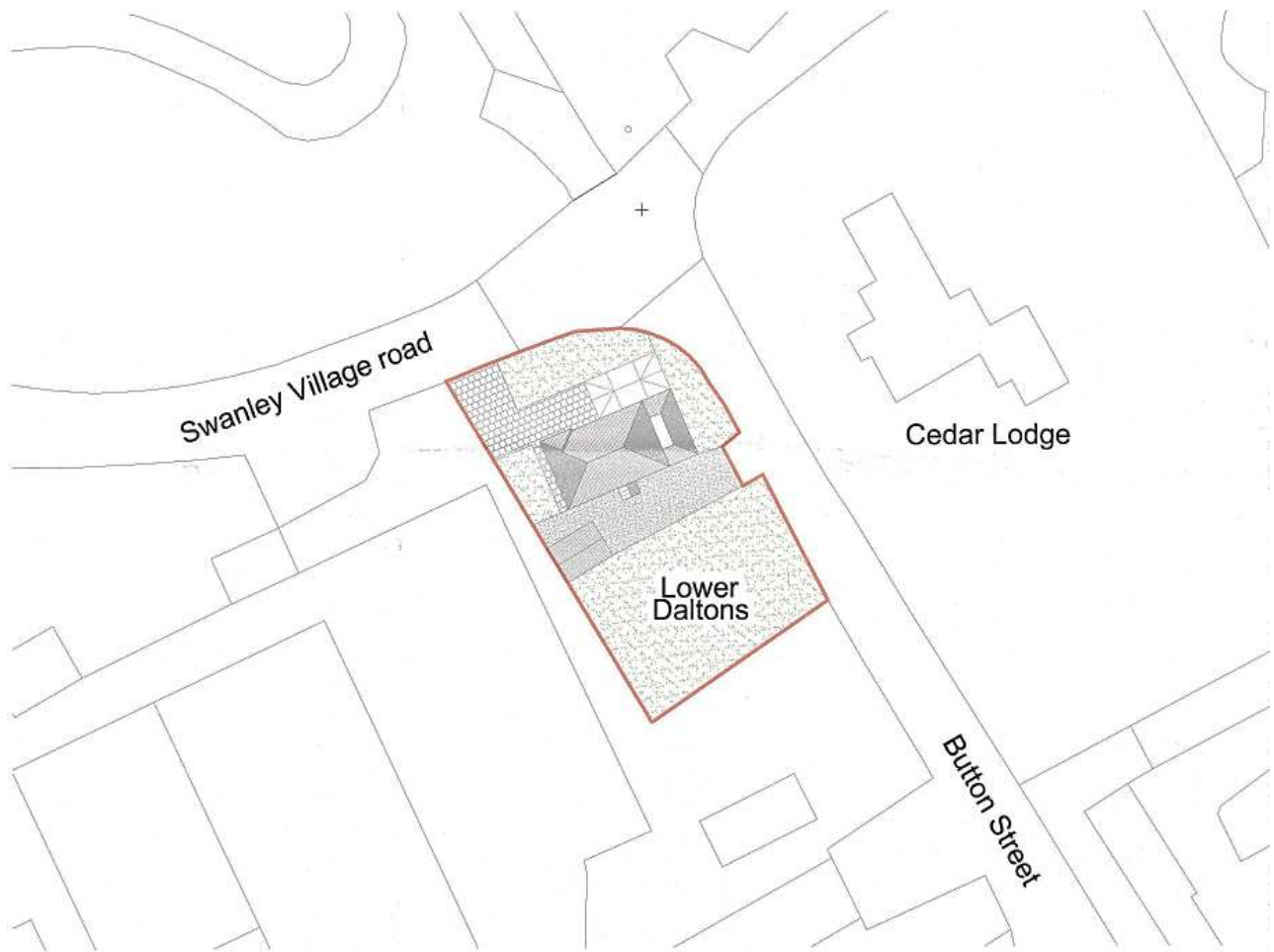
<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NW7J6SBK0L000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NW7J6SBK0L000>



Block Plan



**Planning Application Information on Public Access - for applications coming to  
DC Committee on Thursday 7<sup>TH</sup> January 2016**

**Item 4.1 SE/15/02653/FUL New Ash Green Shopping Centre, The Row, New  
Ash Green, Kent**

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NTFBXUBK0L000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NTFBXUBK0L000>

**Item 4.2 SE/15/03223/HOUSE Lower Daltons, Swanley Village Road, Swanley  
BR8 7NU**

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NW7J6SBK0L000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NW7J6SBK0L000>

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